



# WASHINGTON COUNTY

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Revised

**PERSONNEL**

**RULES AND REGULATIONS**

Revised – June 16, 2026

# WASHINGTON COUNTY PERSONNEL RULES AND REGULATIONS

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## **PREFACE**

Pursuant to Washington County Code, 2.32.080, the Board of County Commissioners has adopted these Washington County Personnel Rules and Regulations, the official personnel/human resources policies and procedures for Washington County employees. They are effective as of November 8, 2014, and supersede the most recently revised version effective November 30, 2021 and all prior Rules and Regulations. Where anything contained herein is contrary to any mandatory provision of federal, state or local law, the federal, state or local law governs.

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

**These policies are not to be construed as a contract of employment.** Washington County expressly reserves the right to change, add to, or delete policies at any time. Changes will be effective on dates determined by the County, and employees may not rely on policies that have been superseded. No supervisor or manager has authority to alter these policies, and all such changes must be made in writing.

#### **Applicability:**

1. These Rules and Regulations apply to all classified civil service employees. Those employees represented by a collective bargaining agreement are regulated by the agreement. Should the agreement be silent on an issue, the represented employees shall be governed by these Rules and Regulations.
2. Certain Rules and Regulations apply to exempt, unclassified, and MAPPS (Management, Administrative and Professional Personnel System) employees as indicated in these Rules.

#### **Responsibility:**

1. It is the responsibility of each elected official, department head and manager to be familiar with and administer these Rules and Regulations in a consistent and impartial manner.
2. It is the responsibility of each supervisor to maintain an updated copy of the Revised Personnel Rules and Regulations in a location easily accessible to all employees.
3. It is the responsibility of each supervisor to provide each employee with access to these Rules and Regulations and to enforce compliance.
4. Generally, it is the responsibility of the Department of Human Resources to provide guidance, assistance, support and interpretive aid to each department in the implementation of and compliance with these Rules and Regulations. Further, it is the responsibility of the Department of Human Resources to monitor these Rules and Regulations to promote County-wide consistency and fairness. [See Section 1.3.]
5. It is the responsibility of each employee to familiarize themselves and to comply fully with these Rules and Regulations.

#### **Amendments:**

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

#### **Severability:**

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

## ARTICLE 1.

### GENERAL PROVISIONS

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

**Reference:** Washington County Code, 2.32.080.

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#### Statement of Purpose

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

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

#### 1.1 **Introduction**

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

#### 1.2 **Definitions**

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

1. "Allocation" is the assignment of an individual Position to an appropriate Classification on the basis of the nature of the work, and type and level of knowledge and skill required to perform the work of the Position.
2. "Anniversary Date" is the date a regular or limited duration employee most recently started a new position or job that necessitated a salary analysis or adjustment as required in accordance with sections 3.3 or 3.4 below.
3. "Appointing Authority" is the Department Head (elected or appointed) or designated manager with the authority of Appointment for any County Position within their Department.
4. "Appointment" is the selection and designation of a candidate to fill a Position.
5. "Approved as to Form" means, with regard to personnel actions only, agreement that the legal requirements as to process and the form of a document have been complied with based on information provided to the person giving Approval as to Form.
6. "Base Pay Rate" means the rate or step in the range of the Classification to which an employee's Position is allocated in the County financial system of record.
7. "Benefits Eligible Domestic Partner" means an employee's domestic partner with whom the employee has registered a declaration of domestic partnership with the State

of Oregon or with the State of Washington that is compliant with Oregon law with the exception of the residency requirement.

8. "Candidate for Appointment" is an individual whose name has been placed on a Referral List and sent to a department to consider for Appointment to a current vacancy.
9. "Career Employee" is an employee holding a Classified Position who has completed the Initial Probationary Period.
10. "Career Probationary Period" is the Examination period following Promotion, Demotion, or Classification Transfer of a Career Employee into a classification not previously held by the employee. [See Article 4.6.4.]
11. "Cause" is a fair and honest reason(s), regulated by good faith on the part of the employer, which is not trivial, arbitrary or capricious, unrelated to business needs or goals, or pre-textual. (Examples of "cause" are identified, in part, in Section 5.1.)
12. "Chief Human Resources Officer" is the employee to whom authority is delegated by the County Administrator to administer the Personnel Ordinance for the County; and to establish, administer and ensure integrity in the application of the Personnel Rules and Regulations.
13. "Civil Service Exempt Position" is an at-will Position that has been specifically exempted from the classified service by the Board of Commissioners. [WCC, 2.32.020; Compare: "FLSA Exempt Position", 1.2 (24) below.]
14. "Class or Classification" is a group of Positions sufficiently similar in duties, authority and responsibilities that the same descriptive class title may be used to designate each position allocated to the class, the same qualifications may be required for employees in the class, and the same schedule of pay can be equitably applied to positions in the group.
15. "Class Demotion or Classification Demotion" is the movement of an employee from a Position in one Class to a Position in another Class having a lower maximum salary rate. [Compare: "Salary Demotion," 1.2 (59) below.]
16. "Classification Series" is a set of Classifications within a career line or occupational job family that are closely related in terms of work performed and distinguished primarily by the level of responsibility and scope of duties assumed. (An example of a Class Series is: Accounting Assistant I, Accounting Assistant II, and Sr. Accounting Assistant.)
17. "Classification Specification or Class Specification" is the written description of a Class that defines the title, duties and tasks, authority and responsibilities, distinguishing features, and the entrance qualifications for the Class.
18. "Classification Transfer" is the Appointment of an employee who meets the required qualifications in the Classification to a Position in a different Classification that has the same salary range as the Classification presently held by the employee.
19. "Classified Position" is a Position in the classified service as adopted by the Civil Service Commission. [WCC, 2.32.020.]
20. "Commission" is the Civil Service Commission as established in the Personnel Ordinance. [WCC, 2.32.040.]

21. "Dismissal" means an Appointing Authority took specific action to sever the employment of a Career Employee from Washington County. [Compare: "Termination," 1.2 (67); "Layoff," 1.2 (32).]
22. "Eligible List" is a list of persons who have been found qualified by an examination, or who are appropriately placed on the Eligible List by possessing the status of "Recall" or "Re-employment."
23. "Examination" is all methods designed to measure and assess an applicant's qualifications for Appointment, including but not limited to evaluation of the application materials, written or oral board examinations, interviews, performance tests, and periods of Probationary Status.
24. "Executive" is a member of the County Administrative Office serving in an Assistant County Administrator or Chief Officer role.
25. "FLSA Exempt Position" is a Position that is not eligible for Overtime pay pursuant to the provisions of the Fair Labor Standards Act (FLSA). [29 U.S.C. sec. 201-2191.]
26. "Flexibly Staffed Classifications" means Classifications in a career series in which both the entry and journey level classes are assigned the same duties, the difference being the range of duties, the level of required skill and the amount and degree of supervision received. Entry-level Classifications in such a series are typically designated as "I" or "Assistant." Journey-level Classifications in such a series are typically designated as "II" or "Associate."
27. "FTE" means full-time equivalent. It is calculated by dividing a position's planned hours for a full fiscal year by 2,080.
28. "Full-time" is a regular work schedule of 30 or more hours per week.
29. "Furlough" is a voluntary or involuntary placement of an employee in a temporary non-duty, unpaid status because of lack of work or funds, or other non-disciplinary reasons.
30. "Higher Classification Work" is work an employee is assigned to perform in which the duties are of a Class assigned a higher salary level than the employee's designated Position.
31. Human Resources Information System (HRIS) is the electronic system utilized to collect, manage and store employee data while automating core human resources functions.
32. "Initial Probationary Period" is a working test period during which an employee is at will and is required to demonstrate, by actual performance of duties, fitness for the Position; an extension of the Examination process.
33. "Job Share" is a form of employment where two (2) employees fulfill the responsibilities for a single Position approved and budgeted as full-time.
34. "Layoff" is an employee's involuntary separation from the County service due to the elimination of a position, lack of funds, curtailment of work, a material change in position duties, or other reasons which do not reflect discredit on the service of the

employee. [See also: “Medical Layoff” (1.2 (40) below).]

35. “Leave with Pay” is authorized time off work in paid status. (Examples of leave with pay are vacation leave, sick leave and jury duty.)
36. “Leave without Pay” is authorized or unauthorized time off from work, in a non-paid status. (Examples of leave without pay are sick leave without pay and educational leave.)
37. “Limited Duration Appointments” are appointments to a Limited Duration position. [See Section 4.5.6]
38. “Limited Duration Position” is a position that is limited to a certain period, due to specific business and funding requirements. [See Section 4.5.6 for Appointments]
39. “Management, Administrative and Professional Personnel System” (“MAPPS”) is the plan adopted by the Board of County Commissioners that provides for a separate compensation and fringe benefits system for certain Positions designated by the Board of County Commissioners.
40. “Medical Layoff” is a type of layoff when a serious health condition prevents an employee from performing the essential duties of their position and the employee has exhausted state and federal protected leave benefits; or when a qualified disability prevents the employee from performing assigned duties and reasonable accommodation cannot be made.
41. “Official Personnel File” is the employee file maintained by the Department of Human Resources.
42. “Oregon Equal Pay Act” is the Oregon law making it an unlawful employment practice for any employer to pay an employee less than someone else because of gender, race, age, or other protected characteristics if they are performing comparable work as determined by the employer.
43. “Overtime” is, generally, all hours worked in excess of forty (40) hours per workweek by FLSA non-exempt employees, except as otherwise provided for in these rules and applicable collective bargaining agreements. (For a more complete definition, see Section 3.7.)
44. “Part-time” is a regular work schedule of less than 30 hours per week.
45. “Payroll Period” is a designated bi-weekly period for which an employee receives compensation.
46. “Personnel Action” is any action taken with reference to Appointment, Compensation, Promotion, Transfer, Layoff, Dismissal, or any other action affecting status of employment.
47. “Personnel Ordinance” is the Washington County Code Chapter 2.32.
48. “Position” is a group of related duties and responsibilities assigned by the hiring authority to be done by an employee(s). Positions are budgetary units that may be full-time or part-time.
49. “Position Transfer” is the Appointment of an employee to a different Position but in

the same Classification as the Position presently held by the employee. (An example is an Administrative Specialist II in Support Services transferring to an Administrative Specialist II Position in County Counsel.)

50. “Probationary Status” is that status to which an employee has been appointed from an appropriate Eligible List and is serving either an Initial Probationary Period or a Career Probationary Period.
51. “Promotion” is the movement of an employee from a Position in one Class to a Position in another Class having a higher maximum salary rate.
52. “Reassignment” is a temporary change in an employee’s allocation or distribution of their work within the employee’s department. An employee on reassignment remains in their existing classification
53. “Recall” is the return to work from Layoff status.
54. “Reclassification” is the reassignment or allocation of a position(s) to a different classification as a result of a classification analysis conducted by the Department of Human Resources.
55. “Re-employment” means, generally, the Appointment, within one-year of separation, of a former employee who has served at least twelve (12) months in a “Regular Position” to the same Classification as previously held. [See also Sections 4.4.1(c), 4.5.12 and 7.2.4.]
56. “Referral List” is the list of names referred (or certified) from an Eligible List to an Appointing Authority for consideration in filling a specific Classified Position vacancy.
57. “Regular Position” is a Position which has been specifically allocated in the County Pay Plan.
58. “Reinstatement” is the act of appointing or returning an employee to the Classification previously held pursuant to an order of the Board of County Commissioners, Civil Service Commission, County Administrator, or a court of competent jurisdiction in accordance with federal, state or county law, rule or regulation.
59. “Resignation” is the act of an employee submitting oral or written notice to separate from County employment.
60. “Salary Demotion” is the reduction of the salary of an employee to a lower step in their salary range. [Cf. “Class Demotion”, 1.2 (15) above.]
61. “Salary Matrix” is a standard method of evaluating starting pay for all employees in accordance with the provisions of the Oregon Equal Pay Act of 2017 (HB2005) which reduces pay disparities and expands protections for employees who may have been subject to discriminatory pay practices.
62. “Seasonal Appointments” are appointments to those positions for which the customary annual employment of an employee occupying the position is six (6) months or less and the period of employment commences at approximately the same time each calendar year.
63. “Spousal Equivalent” is an adult partner of an employee (of the same or opposite gender) who has an ongoing and committed spouse-like relationship with the

employee.

64. "Step Increase" is an increase from one step to the next higher step within the established salary range for the Class or Position when the employee's performance meets overall job requirements as determined by the Appointing Authority.
65. "Temporary Appointment" is an at-will employment assignment with duration not to exceed six (6) months. [See Section 4.5.5]
66. "Temporary Assignment" means performing some of the duties of a higher class or lower class for a limited period of time.
67. "Temporary Salary Reduction" is the reduction of an employee's salary by one or more steps within their current range as a form of disciplinary action. [See Section 5.2.4.]
68. "Termination" is the act of discharging from employment an Unclassified, Civil Service Exempt or Probationary employee. [Cf. "Dismissal" 1.2 (21); "Layoff" 1.2 (33).]
69. "Unclassified Position" is an at-will Position that, by code, is not included in the classified service but has not been specifically exempted by the Board of County Commissioners. [WCC, 2.32.020.]
70. "Variable Hour Employment" are employment assignments used to satisfy an on-going business need to cover work shifts of regular position staff due to vacations, training, leaves of absence and other staffing needs. Work hours are variable and based on business needs of the work unit. Employees hired in Variable Hour Employment assignments are hired at-will. [See Section 4.5.7]
71. "Voluntary Demotion" is a Class Demotion voluntarily requested by an employee.
72. "Workday " is the number of hours an employee is regularly scheduled to work.

### **1.3 Organization of Personnel Administration**

#### **1.3.1 Generally:**

##### **1) Responsibility of the County Administrator:**

- a. The County Administrator has the authority to administer and is responsible for administering the Personnel Ordinance and these Rules and Regulations. This includes the authority to implement programs or procedures designed to reduce or adjust costs related to personnel administration.
- b. The County Administrator, pursuant to his/her appellate or review authority in the Personnel Rules and Regulations, has the authority to impose any and all remedial measures necessary and required under good management practices, including but not limited to reinstatement, reassignment, back pay or other monetary remedy up to \$25,000, or any other just action [WCC 2.04.100].

##### **2) Responsibility of the Chief Human Resources Officer:**

- a. The Chief Human Resources Officer shall be responsible to the County Administrator for

dissemination, notice and compliance with the Personnel Ordinance and these Rules and Regulations to and by all County employees.

- b. The Chief Human Resources Officer shall report to the County Administrator on the day-to-day personnel administration of the County.
- c. The Chief Human Resources Officer shall also be responsible to the County Administrator for interpretation and methods of administration of the Personnel Ordinance and these Rules and Regulations.

**1.3.2 Salary Administration:**

- 1) Each Appointing Authority shall report to the Chief Human Resources Officer such information as is required for the purposes of assuring that all employees are paid in accordance with the Personnel Rules and Regulations.
- 2) Written certification by each Appointing Authority accompanying any payroll shall constitute an official report that services for which payment is to be made have been performed and that funds are available and allocated for that purpose.

**1.3.3 Attendance Records:**

- 1) Each Appointing Authority shall report to the Chief Human Resources Officer such information as is required to assure that all persons have been appointed and are employed in accordance with the Personnel Rules and Regulations.
- 2) The County shall keep and maintain a record of employee attendance on official duty, including all leaves with or without pay. These records shall be available for review to each Appointing Authority.
- 3) Employees are permitted to inspect their own attendance records.

**1.3.4 Roster:**

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

**1.3.5 Other Reports to the Department of Human Resources:**

- 1) Every Appointment, Transfer, Promotion, Demotion, Dismissal, Suspension, Termination, performance assessment, change of salary rate, leave of absence without pay of more than one workday, and other temporary or permanent change of status of County employees shall be reported with the required forms per the designated communication channel within the HRIS system.
- 2) All employees are required to report any change in home address or telephone number via the HRIS.

**1.3.6 Personnel Records:**

- 1) Official Personnel Files
  - (a) Contents: An employee's Official Personnel File will generally contain those documents relevant to their employment history with Washington County such as materials used to

determine the employee's qualification for employment or promotion, compensation, position movement, or notices of disciplinary action, employment termination, and separation.

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

- (b) Exclusions: An employee's Official Personnel File shall not contain (i) medical records; (ii) conviction records, arrest records or records of investigation of criminal conduct; (iii) confidential reports from previous employers; (iv) information related to the employee's citizenship or immigration status, including the I-9 form, or (v) other matters that are excluded by federal or state laws. All medical information shall be kept in a separate file and shall be regulated as prescribed by law.
- (c) Employee Notice: No information reflecting critically on the performance of an employee shall be placed in the employee's personnel file unless the employee is notified.
- (d) Employee Access: An employee may review the material in his/her Official Personnel File and make copies of the materials, subject to reasonable copy charges.
- (e) Employee's Right to Respond: An employee may respond in writing to any material in his/her Official Personnel File and the response shall become a part of the file.

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

## **1.4 Suspension of the Personnel Rules and Regulations**

### **1.4.1 County Administrator Has Authority:**

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

### **1.4.2 Basis for Suspension:**

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

### **1.4.3 Interim Procedure and Rule:**

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

### **1.4.4 Maximum Duration for the Suspension of a Rule:**

The suspension shall terminate at the end of the period covered in the finding of the County

Administrator, but in no case shall the rule be suspended for more than ninety (90) days.

#### **1.4.5 Notice of Suspension**

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

### **1.5 Remedial Authority of the County Administrator**

#### **1.5.1 Authority to Effectuate Orders:**

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

#### **1.5.2 Authority to Take Necessary Remedial Steps:**

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

## ARTICLE 2.

### THE CLASSIFICATION PLAN

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

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

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#### Statement of Purpose

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

#### 2.1 Preparation and Revision of Classification Plan

##### 2.1.1 Chief Human Resources Officer's Duty:

- 1) The Chief Human Resources Officer shall classify all positions and prepare, revise, add, or abolish classifications.
- 2) The classification plan shall be prepared and maintained in consultation with supervisors and, at the discretion of the Chief Human Resources Officer, other persons who are technically familiar with the character of the work.

##### 2.1.2 Plan Contents:

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

#### 2.2 Class Specifications

The following describes the purpose and use of Class Specifications:

##### 2.2.1 Descriptive of Job:

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

##### 2.2.2 Essential Job Duties:

This part of the Class Specification identifies specific duties critical to job performance.

##### 2.2.3 Distinguishing Features:

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

#### **2.2.4 Minimum Qualifications:**

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

#### **2.2.5 Additional Requirements:**

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

#### **2.2.6 Temporary Assignments of Work:**

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

#### **2.2.7 Use of Titles:**

- 1) Official Title: The Class title designated in the Classification Specification shall be the official title of every Position allocated to the Classification for the purpose of Personnel Actions.
- 2) Use of Official Title: The official Class title shall be used on all payrolls, budget estimates, and official records and reports relating to the Position.
- 3) Working Title: Any other title authorized by the Appointing Authority may be used as a designation of any Position for the purposes of internal administration or in contacts with the public.

### **2.3 Allocation of Positions**

#### **2.3.1 Allocation to Classification Plan:**

Each Position shall be allocated by the Chief Human Resources Officer to one of the Classes in the Classification Plan.

#### **2.3.2 Determination of Allocation:**

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

#### **2.3.3 New Positions:**

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

- 2) County Administrator to Approve: The County Administrator shall review the requested position and either deny or forward the request to the Chief Human Resources Officer for review.
- 3) Allocation of New Position: After evaluation by the Chief Human Resources Officer, the Position shall be allocated to the appropriate Class in the Classification plan. If the Chief Human Resources Officer determines that none of the existing Classes are appropriate, a new Class Specification shall be prepared as provided in Sections 2.1, 2.2 and 2.3 of this Article.
- 4) Filling of New Positions: No new Position shall be filled until:
  - a. The Position has been assessed, recommended and allocated by the Classification and Compensation division in Human Resources (for compliance with the Oregon Equal Pay Act);
  - b. Approved by the Budget Manager of the budget division within the Finance Department (for position control); and
  - c. The amendment to the budget has been approved by the the Board of County Commissioners.

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

- 1) When a Position is reclassified, the incumbent employee will be assigned to the Position without examination, provided the incumbent employee possesses the knowledge, skills, and abilities to perform the essential duties of the new classification.
- 2) If the incumbent employee of a reclassified position does not possess the knowledge, skills, and abilities to perform the essential duties of the new classification, the Appointing Authority, with approval from Human Resources, may choose to open recruitment. In such cases, Article 14 Layoff shall apply to the incumbent employee.
- 3) The effective date of a reclassification is the first day of the pay period following the day the position reclassification was approved by Human Resources Employees shall be notified of the Allocation of their Positions.
- 4) Effect on employee pay:
  - a. When assigned to a classification with a higher salary range it will be considered a promotion and the employee's salary shall be adjusted according to section 3.5.2.(1)
  - b. When assigned to a classification with the same salary range, the employee will retain their current salary rate.

When assigned to a classification with a lower salary range, the employee's salary shall be adjusted to the step or rate in the pay range as determined by the salary matrix.

- 5) Effect on probationary status:
  - a. In cases of reclassification resulting from a significant change in duties, the employee shall serve a career probation period.

In situations of reclassification due to classification plan revision without a significant change in the employee's assigned job duties, or where the employee has performed the full scope of duties with satisfactory performance equivalent to 12 months, the employee will be appointed with career status in the new classification provided the employee has achieved career status in the previous classification.

## **2.4 Appeal of Classification Allocation**

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

## **2.5 Flexibly Staffed Classifications**

### **2.5.1 Purpose of Flexibly Staffed Classification:**

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

### **2.5.2 Criteria for Flexible Staffing:**

The Chief Human Resources Officer shall designate classifications appropriate for flexible staffing. Pre-designated classifications must contain a statement on the classification specification that they are part of a flexibly staffed classification series. The following criteria shall be followed for flexible staffing:

- 1) The lower level classification must be entry-level, requiring limited job skills, while the higher-level classification must be the full journey or working level in the series.
- 2) Classifications describing work of an advanced level (e.g. senior level), and classifications that include lead or supervisory duties shall not be flexibly staffed.
- 3) The duties of the classifications should be of the same type permitting the various tasks to be assigned incrementally with employees at the entry level classification initially assigned a limited range of duties, under close supervision.
- 4) When filling positions at the entry level in the class series, the Appointing Authority shall provide employees with training and experience to develop the necessary knowledge and skills to reach the journey level. Typically, employees would be at the entry level from 6-24 months.
- 5) Upon successfully demonstrating competence at the entry level, and meeting the minimum qualification standards for the journey classification, the Appointing Authority shall request the Chief Human Resources Officer to reclassify the employee to the journey classification. Rule 2.3.4 effect of classification change on incumbent employees shall apply.

## ARTICLE 3.

### COMPENSATION AND BENEFITS

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

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

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#### Statement of Philosophy

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

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

#### 3.1 **Preparation and Adoption of the Pay Plan**

##### 3.1.1 **Preparation:**

In consultation with the County Administrator, the Chief Human Resources Officer shall prepare a Pay Plan.

##### 3.1.2 **Adoption:**

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

##### 3.1.3 **Content of Pay Plan:**

- 1) All Salaries: The Pay Plan shall include all salaries established through collective bargaining as well as salaries for non-bargaining unit personnel.
- 2) Salary Range: The Pay Plan shall include for each Classification a minimum and maximum rate and such intermediate rates as are considered necessary and equitable. The salary range assigned to each Classification shall fairly reflect the differences in the duties and responsibilities between it and other Classifications in the County. It shall take into account such factors as rates paid by other employers for comparable work, the County's financial condition and policies, unusual problems of recruitment, turnover and any other relevant factors.
- 3) Flat Rates as Alternative to Pay Range: Flat rates may be used instead of salary ranges where appropriate.

## **3.2 Position and Salary Report**

### **3.2.1 Content of Position and Salary Report:**

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

### **3.2.2 Preparation:**

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

### **3.2.3 Monitoring Compliance:**

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

### **3.2.4 Position Reduction:**

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

## **3.3 Administration of the Salary Schedule**

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

### **3.3.1 Rates of Pay:**

Each employee shall be paid within the range designated for the Classification.

### **3.3.2 Beginning Salary:**

An employee will be appointed within the range established for the classification. Pay will be determined in line with the provisions of the Oregon Equal Pay Law. The Oregon Equal Pay Act of 2017 (HB2005) was introduced to reduce pay disparities and expand protections for employees who are subject to discriminatory pay practices. All hiring decisions must be made in compliance with ORS 652.220, which prohibits discrimination in the payment of wages for work. Compensation for work of comparable character and skill must be equitable and not discriminate against protected classes. In compliance with ORS 652.220, Human Resources must be consulted about all offers of employment. An Appointing Authority may request in writing that the County Administrator review a beginning salary matrix decision. The County Administrator shall review the request and make a decision based upon the availability of the applicant's prior experience and education.

### **3.3.3 Re-employment:**

Upon Re-employment, an employee's pay will be calculated per Section 3.3.2 Beginning Salary above.

### **3.3.4 Reinstatement:**

- 1) Rate of Pay: Upon Reinstatement, the employee's pay will be calculated per Section 3.3.2 Beginning Salary above.
- 2) Anniversary Date: The employee's Anniversary Date shall remain the same, unless otherwise directed by the terms of the Reinstatement.

### **3.3.5 Rate of Pay upon Recall from Layoff:**

When an individual is recalled from a Layoff to a Position in the same Class in which the person was previously employed, the employee shall be paid at the same salary step at which the employee was being paid at the time of Layoff.

## **3.4 Salary Adjustments**

### **3.4.1 Annual Salary and Step Increases:**

#### Eligibility:

- Regular and limited duration employees who are meeting their overall job requirements with satisfactory performance are eligible for a compensation increase each year until they reach the top of the range for their position.
- Employees who are paid at the top of the range for their position are not eligible for annual salary or step increases.

#### Schedule:

- Annual salary and step increases occur each year following the employee's anniversary date, until they reach the top of the range for their position.

#### Annual Increase Increments:

- Employees in positions that have been assigned a salary range with predefined steps generally progress to the next succeeding step in the range.
- MAPPs Employees: When an employee is designated by the Board of County Commissioners as in the Management, Administrative and Professional Personnel System, the employee may be considered for at least one salary adjustment each year following the employee's anniversary date, until they reach the top of the range for their position.
- Employees on Military Reserve Leave: In compliance with USERRA, regular employees who are members of an armed forces reserve program and who are called up to active duty or annual training will not have their salary/Step Increase eligibility affected by the military leave of absence.

### **3.4.2 Promotions:**

Definition of "Base Pay Rate:" For the purposes of this section and Section 3.4.3, "Base Pay Rate" means the rate or step in the range of the Classification to which the employee's Position is allocated in the financial system of record.

“Base Pay Rate” does not include higher class pay assignments or other premiums or temporary assignments reflecting a higher salary.

An employee who is promoted shall receive an increase to their pay. Such an increase will fall within the range or step of their new classification. However, the final pay will be determined by utilizing both methods listed below, and the promotional pay shall be determined by the method that yields the higher pay rate.

- 1) Human Resources will complete a salary analysis utilizing a Hiring Compensation Decision Matrix and Compensation Request Form, which is in accordance with the provision of the Oregon Equal Pay Law. The Hiring Compensation Decision Matrix and Compensation Request Form compares the employee’s education and experience with the minimum qualifications for the promotional position and assigns an appropriate salary, hourly rate, or step in the new range of the promotional position.
- 2) Human Resources will determine the salary, hourly rate, or step in the new pay range that is closest to a five (5) percent increase but is not less than three (3) percent above the employee’s base pay rate immediately prior to the date of promotion.

Exceptions:

- 1) Represented employees will have their promotional rate determined by the current applicable collective bargaining agreement.
- 2) An Appointing Authority may request in writing that the County Administrator approve a Promotion at a higher rate within the new range. The County Administrator’s decision is final.

**3.4.3 Demotions:**

- 1) Voluntary Classification Demotion and Demotion in Lieu of Layoff: When a voluntary classification demotion or demotion in lieu of layoff occurs the employee’s pay will be determined by a salary analysis in accordance with the provisions of the Oregon Equal Pay Law. The salary shall be within the salary range or step of the lower classification. The new salary may not be greater than the employee’s regularly assigned salary prior to the demotion. Represented employee’s pay will be guided by the applicable collective bargaining agreement.
- 2) Involuntary Demotion and Demotion from Career Probation: Upon an involuntary demotion or a demotion from Career Probation, pay will be determined by salary analysis in accordance with the provisions of the Oregon Equal Pay Law. The salary shall be within the salary range or step of the lower classification. The new salary may not be greater than the employee’s regularly assigned salary prior to the demotion. Represented employee’s pay will be guided by the applicable collective bargaining agreement.
- 3) Demotion from Initial Probation: Upon a classification demotion (voluntary or involuntary) during the Initial Probation of an employee, pay will be determined by salary analysis in accordance with the provisions of the Oregon Equal Pay Law. The salary shall be within the salary range or step of the lower classification. The new salary may not be greater than the employee’s regularly assigned salary prior to the demotion. Represented employee’s pay will be guided by the applicable collective bargaining agreement.

**3.4.4 Transfers:**

Classification Transfer: When an employee transfers to a Position in a different Classification with the same pay range, the employee’s pay will be determined by a salary analysis in accordance with the provisions of the Oregon Equal Pay Law. The salary shall

be within the salary range or step of the new classification. Represented employee's pay will be guided by the applicable collective bargaining agreement.

### **3.5 Range Adjustments**

#### **3.5.1 Classifications in the Non-Represented and MAPPS Pay Plan:**

- 1) New Salary Range: When the pay range of a classification is changed to a new range, the employee's pay shall be adjusted to an equivalent step or percentage in the new pay range.
- 2) General Increase to the Current Salary Range: When a general increase is applied to a pay range of a classification (i.e., COLA), employees shall retain their current step and receive the general increase.

### **3.6 Payment of Salary**

#### **3.6.1 Non-Exempt:**

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

#### **3.6.2 Medicolegal Death Investigators:**

Employees occupying Medicolegal Death Investigators positions shall be paid based on the number of annual on-duty hours, including authorized absences with pay.

### **3.7 Overtime (Section 3.7 is only applicable to FLSA covered employees)**

#### **3.7.1 Definition of Overtime:**

- 1) Generally: Overtime shall be considered as time worked in excess of forty (40) hours per week.
- 2) Calculation of Hours Worked: For purposes of determining Overtime pay, hours worked shall include vacation, holiday, sick leave, or any other paid leave taken during the week for which Overtime pay is being calculated.
- 3) Modification of Work Schedule: With the employee's consent, an employee's schedule may be modified temporarily, for the purpose of avoiding payment of Overtime without notice otherwise required under Section 6.1.2.
- 4) Calculation of Hours Worked for Medicolegal Death Investigators: For the purpose of determining overtime pay for employees occupying Medicolegal Death Investigators positions, overtime calculations shall be based on actual hours worked, excluding authorized absences with pay.
- 5) Calculation of Hours Worked for Law Enforcement Personnel: Overtime for employees engaged in law enforcement activities shall be calculated in accordance with section 207(k) of the Fair Labor Standards Act and in agreement with the regular workweek established by the Appointing Authority.

### **3.7.2 Authorization of Overtime:**

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

### **3.7.3 Overtime Compensation:**

- 1) Eligibility for Overtime Compensation: Only employees who are covered by the overtime provisions of the Fair Labor Standards Act are eligible for Overtime Compensation.
- 2) Overtime Rate: The rate of compensation for Overtime worked shall be one and one-half times the employee's rate of pay. At the discretion of the Appointing Authority, compensation may be in the form of cash payment or Compensatory Time, subject to the limits of Section 3.8.

## **3.8 Accrual of Compensatory Time (Section 3.8 is applicable only to FLSA covered employees)**

### **3.8.1 Compensatory Time in Lieu of Overtime Pay, Holiday Work, or On-call:**

Compensatory Time earned as compensation for overtime in accordance with Section 3.8.2, shall be allowed to accrue to a maximum of 40 hours. The Appointing Authority will decide whether to pay the employee with Compensatory Time in lieu of overtime pay. When the maximum accumulation of Compensatory Time is reached, all subsequent time shall be paid at the applicable rate. Compensatory time earned in lieu of overtime shall be administered pursuant to the requirements of the Fair Labor Standards Act, unless otherwise governed by a collective bargaining agreement.

### **3.8.2 Compensatory Time for Holiday Work or On-call:**

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

### **3.8.3 Compensatory Time for Employees of the Fair Complex:**

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

## **3.9 Annual Compensation Review**

### **3.9.1 Responsibility of the Chief Human Resources Officer:**

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

### **3.9.2 Board of Commissioners Review and Adjustment:**

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

## **3.10 Higher Class Pay**

### **3.10.1 Eligibility:**

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

- 1) Higher Classification Duties: An employee is assigned responsibility for performing the full range of duties of a Classification with a higher salary level than that in which the employee is regularly employed, for a minimum of ten (10) consecutive days or the equivalent number of work hours.
- 2) Additional Supervisory Duties: An employee is assigned the added responsibility for supervision of a work unit beyond what would be included in the regular duties of the employee for a minimum of ten (10) consecutive days or the equivalent number of work hours.

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

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

### **3.10.2 Maximum Duration:**

Higher Class Work assignments exceeding one hundred and eighty (180) days in duration must be approved by the County Administrator.

### **3.10.3 Amount of Pay:**

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

- 1) For performance of duties reflecting the full range of duties of the higher Classification, the employee shall be paid within that higher range. Assignment within the higher salary range. Assignment within the higher salary range will be at the step closest to a five percent (5%) but not less than a three percent (3%) increase above the employee's regularly assigned salary.
- 2) For performance of duties limited to the addition of supervisory responsibilities, the employee shall receive an additional five percent (5%) pay.
- 3) Higher Class pay does not apply when supervision or other newly assigned duties are described in the current Class Specification for the employee's Position.

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

#### **3.10.4 Accrual of Leaves during Higher Class Pay Assignment:**

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

#### **3.10.5 Use of Leaves During Higher Class Pay Assignment:**

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

### **3.11**

#### **Benefits**

##### **3.11.1 Benefit Options:**

The County offers a comprehensive benefit package that includes a variety of health insurance and voluntary benefit options. Specific plan information is available through the Department of Human Resources and on the County's website.

##### **3.11.2 Eligibility and Participation:**

- 1) Eligibility: Employees who are in Regular or Limited Duration employment assignments of 0.75 FTE or greater are eligible for health insurance coverage and other benefit options offered by the County. Employees who are in other employment categories or assignments less than 0.75 FTE may have eligibility for other benefits as provided by state or federal laws, insurance contracts and benefit provider plan documents. Qualifying dependents may be covered by benefit eligible employees who participate in health care coverage offered by the County.
- 2) Beginning of Coverage: Health insurance coverage begins the first of the month following employment and completion of the enrollment process.
- 3) Termination of Coverage: Health insurance coverage will end on the last day of the month in which the Employee ceases to be eligible for health insurance coverage as defined in Section 3.11.7(1). Employees will be offered continuation of coverage at their own expense as provided by state and federal law.
- 4) Coverage during Protected Leaves of Absence: Health insurance coverage and participation in some voluntary benefit options offered by the County will continue to the extent required

by federal and state laws, County policy, and benefit provider plan documents. Employees will continue to be responsible for their premium share amounts.

- 5) Coverage during Leaves of Absence for Military Duty: For military service lasting thirty (30) days or less, health care coverage and participation in voluntary benefit options will continue. For employees performing military duty of a duration greater than (30) days, the County will provide benefits in accordance with applicable Oregon state and federal laws.

## ARTICLE 4.

### RECRUITMENT, EXAMINATION, APPOINTMENT AND PERSONNEL CHANGES

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

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#### **Statement of Philosophy**

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

#### **4.1 Announcements and Application**

##### **4.1.1 Determination to Recruit for a Position:**

The Chief Human Resources Officer, in consultation with the Appointing Authority, shall determine when a position shall be opened for recruitment.

##### **4.1.2 Announcements and Recruiting:**

- 1) When Made: Public announcements of all recruitments shall be made at least fourteen (14) calendar days in advance of the final closing date for the receipt of applications. Such notice shall be made by the Chief Human Resources Officer or designee, who, with the cooperation of the Appointing Authority, will take action to attract a diverse and qualified pool of applicants.
- 2) Posting of County-Only Examinations: Notice of a County-Only Examination shall be made by posting an announcement on the County internal career site.
- 3) Contents of Announcements: Announcements of recruitments shall specify the title and salary range or rate of pay for the classification, a summary of the classification duties, the minimum requirements as listed in the class specification, the final date on which applications will be accepted and the examination process.

##### **4.1.3 Filing Applications:**

The online application materials must be received by the Department of Human Resources by the closing date listed on the recruitment announcement.

#### **4.2 Examinations**

##### **4.2.1 Preparing and Conducting Examinations:**

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

#### **4.2.2 Form of Examinations:**

- 1) Examinations shall be competitive and shall be of such form and type deemed appropriate in the judgment of the Chief Human Resources Officer.
- 2) Examinations shall be job related and based on criteria consistent with the Classification Specification for the Position.
- 3) Examinations may include but are not limited to one or more of the following:
  - a. Written test;
  - b. Evaluation of relevant qualifications of applicants from information submitted on application and/or supplemental application materials;
  - c. Performance test;
  - d. Oral board Examination; or
  - e. Physical ability test.

#### **4.2.3 Grading Examinations:**

- 1) The Chief Human Resources Officer or designee shall oversee the evaluation of each applicant's examination, computed in accordance with the criteria established for each part of the examination.
- 2) Failure in any part of the examination process may disqualify an applicant from further consideration for the position for which the applicant applied.
- 3) All applicants for employment for the same position shall be accorded uniform and equal treatment in all phases of the examination process.

#### **4.2.4 Examination Results:**

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

#### **4.2.5 Inspection and Review of Examination Papers:**

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

#### **4.2.6 Request for Reconsideration of Examination Ratings:**

- 1) Any applicant who has been disqualified from an examination process, or who has taken an examination may make written request to the Chief Human Resources Officer to reconsider the applicant's qualifications or to review any part of an examination to assure that reasonably uniform scoring/rating procedures have been applied equally and fairly.
- 2) Such requests for reconsideration must state the reasons for the request and must be submitted to the Chief Human Resources Officer within five (5) working days of the date of the notification of disqualification or Examination results.

- 3) The decision of the Chief Human Resources Officer with respect to a review or change shall be in writing and shall be final. A rating in any part of an Examination shall not be changed unless the foregoing conditions have been met and unless the Chief Human Resources Officer finds that an error has been made.
- 4) A correction in the rating shall not affect a referral or Appointment already made from the Eligible List.

**4.2.7 Special Examinations:**

- 1) If the Chief Human Resources Officer finds that an applicant has failed to take or complete any part of the examination process because of an error or oversight that is the fault of the County, a special examination may be given.
- 2) The request for such an examination shall be presented in writing to the Chief Human Resources Officer within ten (10) calendar days of the date of the original examination. A special examination shall not affect a referral or Appointment already made from the Eligible List.

**4.2.8 Continuously Open Recruitments:**

Continuously open recruitments may be held for positions in the County where vacancies are frequent or for other appropriate reasons as determined by the Chief Human Resources Officer or designee. At any time after fourteen (14) calendar days following the commencement of a continuously open recruitment, the Chief Human Resources Officer or designee, in consultation with the hiring department, may elect to close a continuously open recruitment. Applicants shall be allowed to test for the same open continuous examination only once every six months.

**4.2.9 County-Only Recruitments:**

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

**4.2.10 Preference for Veterans:**

- 1) Preference Score: Preference will be granted to a veteran, disabled veteran, or current or former state servicemembers of the Oregon National Guard in accordance with Oregon Revised Statutes. [Ref. ORS 408.225 and 408.235.]
- 2) Proof of Eligibility for Preference: Candidates requesting veteran's preference shall complete the employment application indicating veterans' preference, and provide proof of eligibility for preference.

**4.2.11 Examination of Full Time, Part Time and Temporary Employees:**

The Appointing Authority shall grant employees time off with pay to take any of the Washington County examinations that occur during the employee's regularly scheduled workday.

### **4.3 Establishment of Eligible Lists**

#### **4.3.1 Establishment of Eligible Lists:**

After each examination, the Chief Human Resources Officer or designee shall prepare a list of eligible candidates who have successfully passed the examination process.

#### **4.3.2 Order of Names:**

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

#### **4.3.3 Duration of Eligible Lists:**

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

#### **4.3.4 Disqualification of Applicants:**

The Chief Human Resources Officer or designee may refuse an applicant the opportunity to participate in the examination process or remove a candidate from the Eligible List for any of the following reasons:

- 1) The applicant fails to reply within the given timeframe or seven (7) calendar days if no timeframe is given from the date of notification (via telephone call, email, etc.) as provided on the application;
- 2) The applicant is referred three times from an Eligible List and declines to be considered for any reason;
- 3) The applicant notifies Human Resources that they do not want to be considered for any positions within the classification;
- 4) The applicant is found not suitable for all the available positions in the classification in all the agencies; or
- 5) For any other legitimate business reasons as determined by the Chief Human Resources Officer.

#### **4.3.5 Request for Reinstatement after Removal from Eligible List:**

- 1) An individual whose name has been removed from an Eligible List for any of the reasons specified in Section 4.3.4 may make written request that the Chief Human Resources Officer reinstate them to the Eligible List provided the list remains active. [See also Section 4.6.5.]
- 2) Should the Chief Human Resources Officer find that there is sufficient cause to reinstate the individual to the Eligible List, they shall be reinstated to the list in the same relative position as they originally held and with the same expiration date as originally held.

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

#### **4.4 Use of Eligible Lists**

##### **4.4.1 Request to Fill a Vacancy:**

The Appointing Authority may fill the vacancy through a transfer or demotion within the same department. Otherwise, the Appointing Authority may request referrals from either of the available lists defined below. The Appointing Authority or designee will work with the Chief Human Resources Officer or designee to determine the appropriate number of applicants to refer for interviews. Applicants on the recall list will be added to whichever list is utilized, in accordance with Article 14.

- a. County-Only List: Consisting of regular County employees who have successfully passed the examination.
- b. Open List: Consisting of applicants who have successfully passed the examination and are eligible for appointment to a position with the County.

##### **4.4.2 Use of Eligible List for Flexibly Staffed Classifications:**

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

- a. A person who is appointed to the entry classification may be reallocated to the journey level under the process outlined in Article 2.5.2.
- b. No Position for which a Recall List exists shall be flexibly filled until all candidates have been considered under the provisions of Recall. (See Article 14.2.7 Layoff, and Recall)

##### **4.4.3 Appointment Declined:**

- 1) An individual who does not respond to a notification of appointment within seven (7) calendar days from the date of notification shall be considered to have declined the appointment.
- 2) If an individual accepts an Appointment to a position and fails to be present for duty at the time and place specified, without giving reasons satisfactory to the Appointing Authority, the individual shall be deemed to have declined the Appointment.
- 3) Declining or waiving Appointment or failure to receive Appointment or acceptance of an Appointment under this Section shall in no way affect the consideration of an individual for Appointment to a Position in the Classification for which the list was established.

#### **4.5 Appointment**

##### **4.5.1 Applicability:**

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

#### **4.5.2 Interview and Selection:**

- 1) The Appointing Authority to whom candidates are referred may examine their applications and interview all of the candidates referred, or may in conjunction with Human Resources develop an alternative selection process.
- 2) The Appointing Authority shall make a selection from those referred and candidates interviewed based on final score or rating. The Appointing Authority shall notify the Chief Human Resources Officer or designee of the decision to employ the candidate and shall notify the candidate of the selection. The Chief Human Resources Officer or designee shall notify those candidates referred but not selected.
- 3) The Department of Human Resources shall prepare and send an offer letter to the candidate selected for the position that includes the terms of employment.

#### **4.5.3 Reinstatement:**

Employees accept and hold a position subject to reinstatement of a Career Employee in accordance with law or these Rules or by any order of a court of a competent jurisdiction. [See Section 1.2(55)]

#### **4.5.4 Career Appointments:**

Upon successful completion of the Initial Probationary period as provided in Section 4.6, the employee shall be designated as a Career Employee.

#### **4.5.5 Temporary Appointments:**

- 1) Temporary (Short-term) Appointments are at-will employment assignments with duration not to exceed six (6) months. Temporary Appointments exceeding six (6) months must be approved by the County Administrator.
- 2) Employment hours are limited to twenty-four (24) hours per week averaged over a three (3) month period.
- 3) If an Appointing Authority needs to fill a temporary employment assignment, and there is an active eligible list for the classification, the Appointing Authority shall first use the eligible list as a resource pool in filling the assignment. In the absence of an active eligible list, the Appointing Authority shall contact the Department of Human Resources prior to beginning the selection process for the assignment for assistance with the recruitment and selection process.
- 4) In times of immediate staffing needs, the Appointing Authority may, with approval from the Chief Human Resources Officer, select any suitable individual who possesses the needed qualifications. The Department of Human Resources shall review applications for minimum qualifications prior to any job offer being made.

#### **4.5.6 Limited Duration Appointment:**

- 1) Limited Duration Appointments are those appointments for positions that are:
  - a. Funded by a grant or other designated funding source; or
  - b. Assigned to a project or task that is of a specific duration; or
  - c. Limited due to other business needs of the position.

- 2) Duration of such position(s) is limited to the duration of the grant or funding source, or the duration required to complete the project assigned to the position.
- 3) The full-time equivalent for the Limited Duration Position must be approved by the Board of County Commissioners prior to commencing the recruitment and selection process. The position(s) will be designated as at-will and is exempt from the classified service.
- 4) The Appointing Authority shall use the same process to fill Limited Duration Positions as for regular positions.
- 5) The benefits available to employees appointed to Limited Duration Positions are based on their full-time equivalent and corresponding eligibility.

#### **4.5.7 Direct Appointment from Limited Duration to Regular Position**

- 1) An employee in a full-time limited duration position may be directly appointed into a regular position if the following criteria are met:
  - a. The Appointing Authority, Chief Human Resources Officer and County Administrator or their designee request it,
  - b. The incumbent was selected through a competitive recruitment process for the limited duration position,
  - c. The Regular position was approved by the Board of County Commissioners and is vacant,
  - d. The incumbent will perform the same duties, in the same class specification as performed in the limited duration assignment and within the same department,
  - e. The incumbent has worked for at least one year and received successful performance evaluation(s) while serving in the limited duration position,
  - f. The incumbent has not received any corrective or disciplinary actions while serving in the limited duration position.
  - g. Only one incumbent exists. If more than one incumbent exists for the same Regular position, a competitive recruitment process must be conducted.
  - h. The Regular position is classified as a journey level or above. The direct appointment process is not intended to reduce opportunities for entry level employment in the County.
  - i. The Appointing Authority recognizes a benefit to the County in retaining the employee based on knowledge, skills and abilities obtained and/or demonstrated during the limited duration assignment.

#### **4.5.8 Variable Hour Employment:**

- 1) Variable Hour employment assignments are used to satisfy an on-going business need to cover the work shifts of regular staff due to vacations, training, leaves of absence and other staffing needs. Hours of work may vary from week to week and scheduling may be intermittent and irregular.
- 2) Variable Hour employee assignments are designated at-will and exempt from the classified service. Employment hours are limited to twenty (20) hours per week averaged over a three (3) month period.
- 3) Employees in Variable Hour employment assignments are not subject to any limitation in duration of employment.
- 4) Appointments to Variable Hour employment assignments shall be filled according to Section 4.5.5.

#### **4.5.9 Seasonal Appointments:**

- 1) Seasonal Appointments are those for which the customary annual employment of an employee occupying the position is six (6) months or less and the period of employment commences at approximately the same time each calendar year.
- 2) Employees in Seasonal employment assignments are not eligible for benefits and are designated at-will and exempt from the classified service. The work hours of employees in Seasonal employment assignments are based on the business needs of the operating department as determined by the Appointing Authority.
- 3) Appointments to Seasonal assignments shall be filled according to Section 4.5.5.

#### **4.5.10 Appointment to an Employment Assignment from a Regular Position:**

- 1) An employee occupying a Regular position may submit a written request to move into a Temporary, Limited Duration, Variable Hour, or Seasonal employment assignment. The terms and conditions of the employment assignment must be approved by the Appointing Authority and the Chief Human Resources Officer or designee prior to the appointment into the new employment assignment.
- 2) An employee who voluntarily moves into a Temporary, Limited Duration, or Seasonal employment assignment may be terminated at the end of the assignment unless the employee is hired into a regular budgeted position before the temporary assignment ends.

#### **4.5.11 Provisional Appointments:**

- 1) If, in the opinion of the Appointing Authority and the Chief Human Resources Officer, there are urgent reasons for filling a vacancy, and there are no individuals on a list established as a result of an examination for the classification, and no other appropriate Eligible List exists, the Chief Human Resources Officer and/or Appointing Authority shall endeavor to locate a person to fill the position pending Examination and establishment of a list.
- 2) If the qualifications of the individual have been determined by the Chief Human Resources Officer as meeting the minimum qualifications, that individual may be provisionally appointed to fill the existing vacancy until an appropriate list is established and Appointment made from the established list. No provisional Appointment shall be made unless the position has been allocated to a classification and minimum qualifications have been established, pursuant to Section 2.4.
- 3) No provisional Appointment shall be continued for more than thirty (30) calendar days after an appropriate list has been established for the classification and in no event for more than six (6) months from the date of Appointment. Successive provisional Appointments of the same person shall not be permitted, and a position shall not be filled by repeated provisional Appointments.
- 4) The period of provisional Appointment shall constitute a part of the Initial Probationary Period.
- 5) Employees hired under this provision but not appointed once an Eligible List is established shall be terminated without Recall or Re-employment rights.

#### **4.5.12 Re-employment:**

Career employees, who have separated from their position in good standing are eligible for re-employment in the same classification they held upon separation if they or the department submit a written request to the Department of Human Resources. Former employees may be re-employed through this process for up to one (1) year following their separation.

#### **4.5.13 Eligibility of Unclassified Employees for Appointment in the Classified Service:**

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

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

#### **4.5.14 Appeal from Candidate for Appointment:**

An employee who believes a recruitment and selection process was not done in accordance with Title 2.32 of the Washington County Code or Article 4 of the Washington County Revised Personnel Rules and Regulations may file a Notice of Appeal to the Civil Service Commission. The appeal must be filed in writing with the Chief Human Resources Officer not later than ten (10) days following the date of the action or the date the candidate knew or should have known of the action. The Notice of Appeal shall include the name, address, email address and telephone number of the employee, specify the decision being appealed and the date of the decision, include the name and title of the decision maker, and the rule, policy or law alleged to have been violated and the reasons why. Candidate for Appointment Appeals shall be filed in conformance with and heard pursuant to the provisions of the Washington County Civil Service Commission Rules of Procedure for Appeals.

### **4.6 Probationary Period**

#### **4.6.1 Nature, Purpose and Duration:**

- 1) Except as specified in an applicable collective bargaining agreement, all original Appointments to regular classified and Limited Duration positions shall include an Initial Probationary Period of twelve (12) months from the date of appointment. The Initial Probationary Period shall be an essential part of the examination process and shall be used to determine the ability of the employee to perform the required duties and fitness for the Position.
- 2) Time served in a Variable Hour, Temporary, or Seasonal position shall not reduce the Initial Probationary Period for Appointment to a regular Position.
- 3) The Initial Probationary Period of twelve (12) months may be extended by the Appointing Authority because of employee absence due to approved leaves including but not limited to extended Medical Leaves, education leave, or other types of approved leave. The Initial Probationary Period extension shall be equal to the number of weeks missed due to approved leave.

#### **4.6.2 Conditions Preliminary to Career Appointments:**

Career Appointment of a probationary employee shall begin once the employee has completed their initial probation period.

#### **4.6.3 Failed Initial Probation:**

A probationary employee may be terminated without cause, and without rights of appeal or hearing any time during the Initial Probationary Period. A Notice of Failed Probation shall be issued to the employee no later than the effective date of termination.

An employee who fails probation may make written request that the Chief Human Resources Officer reinstate them to the Eligible List from which the employee was referred, provided the list has not expired. The Chief Human Resources Officer, after consultation with the Appointing Authority may restore the name of an employee who failed probation, to the list from which the employee was referred until the Eligible List expires.

The decision of the Chief Human Resources Officer to approve or deny the request shall be final. If the employee's name is restored to the Eligible List, the Chief Human Resources Officer shall not, for the remaining duration of the Eligible List, refer the name of such person to the department from which they were terminated. Restoration of any name to an Eligible List shall not affect a referral or an Appointment already made from the list.

#### **4.6.4 Career Probationary Periods:**

- 1) Following a promotion or job change, an employee in a regular or limited duration position who has already completed their initial probation period shall serve an additional twelve (12) months of Career Probation in the new position.
- 2) Employees who accept a promotion within their department and do not successfully complete their Career Probationary period will be reinstated to their former position from which the promotion was made. If there is an incumbent employee in the position into which the employee is to be reinstated, that employee shall be returned to their position or the appropriate eligible list in a likemanner.
- 3) Employees who accept a promotion outside of their department and do not successfully complete their Career Probationary period will be dismissed from County service under the provisions of Section 4.6.3. If a vacancy exists within the department into which the employee promoted, the Appointing Authority may permit an employee to return to their former classification.

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

An employee may transfer or promote to a position in a different classification during their probationary period. An employee who transfers or promotes to a position in a different classification during their Initial Probationary period will serve an additional twelve (12) months of Initial Probation in their new classification.

#### **4.6.6 Demotion/Transfer during Career Probation:**

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

#### **4.7 Voluntary Classification Demotions:**

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

#### **4.8 Transfers**

##### **4.8.1 Notice of Transfer:**

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

##### **4.8.2 Approval of Transfer at the Request of an Employee:**

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

##### **4.8.3 Probationary Status Upon Transfer:**

- 1) An employee who has completed an Initial or Career Probationary Period and transfers to a position in the same classification does not serve a new Probationary Period.
- 2) An employee who has completed an Initial or Career Probationary Period and transfers to a position in a different classification shall serve an additional twelve (12) months of Career Probation in the new classification.

#### **4.9 Resignation**

##### **4.9.1 Notice of Resignation:**

Any employee may resign from their position by presenting a resignation notice in writing to the employee's Appointing Authority. To resign in good standing, an employee must give the Appointing Authority reasonable notice, because of extenuating circumstances, the Appointing Authority agrees to permit a shorter period of notice. The resignation notice shall provide an effective date which shall be the last day worked and for which an employee receives pay from the County. Employees who leave county service prior to the date indicated in their written resignation notice or the date agreed upon by the Appointing Authority may not receive pay for any days in which they do not work or do not use accrued leaves, except as provided in Section 6.4. Paid leave cannot be used to extend employment.

##### **4.9.2 Acceptance of Resignation Notice:**

Once an employee has submitted a resignation, it shall be considered to be accepted by the receiving department and may not be rescinded without the written approval of the

Appointing Authority. Resignations shall be promptly processed through the HRIS. The Appointing Authority and/or the Chief Human Resources Officer may conduct exit interviews or similar techniques to bring closure to a resignation.

**4.9.3 Compensatory Time and Vacation Leave Payoff:**

All accrued compensatory time off and vacation leave earned shall be paid upon resignation in accordance with Oregon state and federal laws. Accrued sick leave, floating holidays and MAPPS are not paid out upon separation from the County.

**4.9.4 Interruption of Employment for Military Service:**

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

[See also Section 7.4.2.]

## ARTICLE 5.

### PROHIBITED CONDUCT, DISCIPLINE AND APPEALS

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

**Reference:** ORS 659.

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#### Statement of Philosophy

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

#### 5.1 Prohibited Conduct and Cause for Disciplinary Action

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

- 1) Conviction of a felony, or conviction of any crime where the conviction would tend to impair effectiveness as an employee, or tend to bring discredit upon Washington County;
- 2) Theft, or attempted theft of property of Washington County, its employees, or the public;
- 3) Violation in any manner of the County's drug-free workplace policy, or partaking of illegal substances, intoxicating beverages, marijuana, or non-prescribed controlled substances while on duty, or being intoxicated while on duty;
- 4) Use of alcoholic beverages, marijuana, prescribed or non-prescribed controlled substances that affects performance in the Position held by the employee;
- 5) Acts of discrimination or harassment based on race, religion, color, gender, national origin, age, marital status, sexual orientation, gender identity, disability, or other protected status;
- 6) Discourteous treatment of the public or other employees, harmful gossip, offensive conduct, or conduct unbecoming of a Washington County employee;
- 7) Workplace bullying, intimidation, or using any aggressive behavior towards any individual;
- 8) Physical violence, including engaging in acts of bodily harm or threatening to inflict bodily harm, physical intimidation, verbal or written threats of violence;

- 9) Acts of retaliation against employees for any reason;
- 10) Insubordination, willful disobedience, or failure to follow a lawful supervisory directive;
- 11) Incompetence, inadequate performance or nonperformance of assigned duties;
- 12) Damage to or negligence in the care and use of County property, or improper or unauthorized use of County vehicles or equipment;
- 13) Claim of leave under false pretenses, or misuse of leave;
- 14) Habitual or excessive absence or tardiness, or abuse of sick leave privileges;
- 15) Absence from duty without authorization or failure to notify one's supervisor when unable to report to work on time;
- 16) Giving of false information or withholding information with intent to deceive, including information provided during the recruitment and selection process;
- 17) Unauthorized use or disclosure of confidential information, including but not limited to the unauthorized disclosure of any private health information or medical records;
- 18) Falsification of timesheets;
- 19) On-duty or off-duty use of social media to post statements that (1) disclose confidential information obtained through county employment; (2) discriminate against, harass, or defame county employees; or (3) otherwise violate Washington County rules, regulations and policies;
- 20) Violation of any provision of Ordinances, Policies or Rules and Regulations adopted by the Board of Commissioners, or any provisions of county or departmental rules, policies and regulations; or
- 21) Violation of Article 13 relating to ethical standards.

## **5.2 Types of Disciplinary Action**

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

### **5.2.1 Oral Warning:**

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

### **5.2.2 Written Reprimand:**

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

### **5.2.3 Suspension without Pay:**

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

- 1) Procedure: The Appointing Authority shall follow the procedures outlined in Section 5.3.
- 2) Approval as to Form: Suspension without pay of any duration requires Approval as to Form by County Counsel prior to imposition.
- 3) Special Rule for FLSA Exempt Employees: Pursuant to the Fair Labor Standards Act, suspensions without pay for workplace conduct violations or violations of safety rules of major significance, excluding attendance or performance issues shall not be imposed for less than one (1) full workday for employees who are exempt from the Fair Labor Standards Act.

### **5.2.4 Involuntary Demotion:**

- 1) Demotion to a lower Classification (Class Demotion), may be used as a form of discipline. The procedures, as outlined in Section 3.5.3, shall govern a demotion as a disciplinary action. Supervisors and Appointing Authorities shall follow the procedures outlined in Section 5.3.
- 2) No demotion Classification as a disciplinary action shall occur without Approval as to Form by County Counsel.
- 3) When an employee is demoted in Class the employee's Anniversary Date shall be changed to the effective date of the demotion.

### **5.2.5 Dismissal:**

Classified Career Employees may be dismissed only for Cause.

- 1) In dismissing a Career Employee, the supervisor and Appointing Authority shall follow the procedure outlined in Section 5.3. No classified Career Employee shall be dismissed without Approval as to Form by County Counsel.
- 2) Ten (10) working days within which to appeal is calculated from the date the Dismissal becomes effective. (See Section 5.4.2)

## **5.3 Procedure for Taking Disciplinary Action**

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

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

**5.3.1 Prepare Written Statement:**

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

**5.3.2 Inform the Employee of Disciplinary Action:**

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

**5.3.3 Further Action Required after Employee Response:**

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

**5.3.4 Notify Employee of Decision:**

The Appointing Authority shall notify the employee of their decision by certified mail or by hand delivering the imposition of discipline letter. A copy shall be provided to the Chief Human Resources Officer within 24 hours of delivery to the employee.

**5.4 Appeal of Disciplinary Action**

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

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

**5.4.2 Disciplinary Appeals for Career Employees**

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

- a) Any appeal shall be in writing and submitted within ten (10) working days of the effective date of such action. All appeals shall, at a minimum, set forth the decision being appealed, the basis of the disagreement with the action, and the relief or remedy the employee is seeking.
- b) The County Administrator may direct the Chief Human Resources Officer to investigate the matter and make a recommendation on the appeal. The County Administrator's decision shall be conveyed to the employee in writing within fifteen (15) working days following the date of receipt of the appeal.
- c) Within ten (10) calendar days of receipt of the County Administrator's written response, an employee shall have the right to appeal the decision of the County Administrator to the Civil Service Commission. The employee shall file a written Notice of Appeal directed to the Chief Human Resources Officer as secretary to the Commission. The Notice of Appeal must include the name, address and telephone number of the employee, specify the decision being appealed and the date of the decision, include the name and title of the decision maker, and set forth reasons why the initial disciplinary action, or the disciplinary action as modified by the County Administrator, was not taken for cause. Appeals to the Civil Service Commission shall be filed in conformance with and heard pursuant to the provisions of the Washington County Civil Service Commission Rules of Procedure for Appeals.

## **5.5 Work Related Searches**

There is no general or specific expectation of privacy in concealed locations on County premises or property. The County reserves the right to search any County property based on investigatory or operational needs. County property includes, but is not limited to desks, file cabinets, computer files, e-mail, lockers, work areas, toolboxes and work vehicles.

## **ARTICLE 6. ATTENDANCE**

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

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### **Statement of Philosophy**

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

### **6.1 Hours of Work**

#### **6.1.1 Standard Workweek:**

Regular and predictable attendance is an essential job function of all Positions.

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

- 2) The workweek shall generally provide for five (5) eight-hour days. The Appointing Authority may establish work weeks in accordance with the provisions of section 207(k) of the Fair Labor Standards Act for employees engaged in law enforcement activities.
- 3) FLSA exempt and MAPPs positions shall have regular core working hours established by the Appointing Authority, generally spanning regular county business hours. Such employees are expected to accomplish their assigned work activity in a manner that routinely includes core working hours and additional work hours when needed to complete assigned responsibilities.
- 4) Alternative or reduced workweeks may be authorized provided they are aligned with FLSA guidelines and approved by the County Administrator.

#### **6.1.2 Change of Regular Work Schedule:**

Except in urgent situations, an employee shall be notified at least seven (7) calendar days in advance of a change in their regular work schedule.

### **6.2 Meals and Rest Periods**

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

#### **6.2.1 Meals:**

Generally, all employees shall receive a one (1) hour lunch period on the employee's own time during each work shift. The Appointing Authority may designate a shorter lunch period; however, all employees shall be granted at least a one-half (1/2) hour lunch period during each work shift. Whenever possible, such meal periods shall be scheduled in the middle of a shift. An additional meal period shall be granted for work more than two (2) hours beyond the regular shift. All employees are required to take the above authorized meal period(s) during the workday or any extension thereof. An employee who fails to take any required meal period is required to notify their immediate supervisor not later than the following day.

#### **6.2.2 Rest Periods:**

All employee work schedules shall provide for a fifteen (15) minute rest period during each one-half (1/2) of the regular work shift. An additional rest period shall be granted for each additional two- (2) hour increment an employee is required to work beyond the regular workday unless the period is replaced by a meal period as provided in Section 6.2.1. All employees are required to take all of the above authorized rest periods during the workday or any extension thereof. An employee who fails to take any required rest period is required to notify their immediate supervisor not later than the following day.

### **6.3 Leaves of Absence Without Pay**

#### **6.3.1 Absence Without Authorization:**

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

- 2) An employee absent for three (3) consecutive work days without authorization, except for an unavoidable situation that does not permit the employee to obtain authorization for absence, shall be considered to have voluntarily resigned without notice as of the last day of active employment.
- 3) Except as provided in Sections 6.3.1 (4), 6.3.2, 6.4, 7.1.3, 7.4.2, and 8.3, an employee shall not be authorized a leave of absence without pay until all accumulated compensatory time, vacation accruals, personal/floating holiday and administrative leave, in that order, have been applied toward payment for the absence. After the exhaustion of the above noted accruals, the Appointing Authority may grant a leave of absence without pay for a reasonable time period based on the needs of the work unit. Request for such leave must be in writing and must establish reasonable justification for approval of the request.
- 4) The Appointing Authority, with approval from the County Administrator, may grant an employee a leave of absence without pay for an intermittent period (for example: voluntary furlough) without the employee first exhausting other paid leave accruals.
- 5) Leaves of absence without pay for periods in excess of ninety (90) calendar days must be approved by the County Administrator.
- 6) Except as provided in Article 6.3.2, a leave of absence without pay shall not be approved for an employee who is accepting employment outside the County service.

#### **6.3.2 Leave of Absence Without Pay for Cooperative Work Assignments:**

- 1) The County Administrator may authorize a leave of absence without pay for an employee participating in a cooperative work assignment with another employer or agency. All requests for such leaves must be in writing and state the nature and anticipated duration of the assignment.
- 2) Employees will not be required to use accrued leaves or compensatory time prior to being granted a Leave without Pay for such an assignment. The employee's Step Increases will continue as if the employee were present. [See also Section 8.3 - Education Leave.]

#### **6.4 Administrative Leave with Pay**

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

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

##### **6.5.1 On Call on Occasional Basis:**

When an Appointing Authority requires an hourly paid employee to be available for call back during assigned designated off-duty hours, the employee will be considered on call.

The rate of compensation for on call duty shall be one hour at the employee's rate of pay for each eight (8) continuous hours of on call duty whether they are called out or not. Compensation for on call duty less than eight (8) continuous hours will be pro-rated. At the discretion of the Appointing Authority, compensation may be in the form of cash payment or Compensatory Time, subject to the limits of Section 3.9.

**6.5.2 On Call on Regular Basis:**

A department in which an employee is on call on a regular basis may establish an hourly rate with approval by the County Administrator.

**6.6 Call Back Duty (Applicable only to FLSA covered employees).**

**6.6.1 Call back Duty:**

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

**6.6.2 Rate of Compensation for Call Back Duty:**

The rate of compensation for call back duty shall be one and one-half hours for every hour worked. Employees shall record only the time that they worked in call back duty, and will be compensated for a minimum call back of two (2) hours. Employees in positions requiring continuous (24-hour) operations in the Sheriff's Office will be compensated for a minimum call back of three (3) hours. At the discretion of the Appointing Authority, compensation may be in the form of cash payment or compensatory time, subject to the limits of Section 3.9. Travel time involved in call back duty shall not be considered time worked. Telephone calls to an employee due to business needs during the employee's off-duty hours shall be recorded as time worked, and will be compensated for a minimum of fifteen (15) minutes for the time spent on each phone call. For time-keeping purposes, multiple telephone calls during any 15-minute time period will be treated as one telephone call.

## ARTICLE 7.

### LEAVES

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

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#### Statement of Philosophy

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

#### 7.1 **Holidays**

##### 7.1.1 **Paid Holidays:**

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

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Presidents Day (third Monday in February)
- Memorial Day (last Monday in May)
- Juneteenth Day (June 19)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veterans Day (November 11)
- Thanksgiving Day (fourth Thursday in November)
- Christmas Day (December 25)
- One Floating Holiday (must be taken during the calendar year)

##### 7.1.2 **Weekend Holidays:**

- 1) Except for employees in positions requiring continuous operations, when a holiday falls on Sunday, the following Monday shall be observed as the holiday; when a holiday falls on Saturday, the preceding Friday shall be observed as the holiday.
- 2) When an employee's regularly scheduled days off are other than Saturday and Sunday and the day observed by the County as a holiday falls on the employee's regularly scheduled day off, the employee shall receive a paid holiday in a manner that is similar to employees scheduled to work Monday through Friday. Therefore, if the holiday falls on the first day of the employee's regularly scheduled days off, the employee will receive the preceding workday off, and if the holiday falls on the second day of the employee's regularly scheduled days off then the employee will receive the following workday off.
- 3) Employees in positions designated by the Appointing Authority as requiring continuous operations shall observe holidays on the actual date the holiday occurs

### **7.1.3 Holiday Pay:**

- 1) Full-Time Employees. Eligible regular Full-time employees shall receive eight (8) hours holiday pay for each of the holidays listed in this Article on which they perform no work. Employees whose regular workday is in excess of the standard workday may:
  - a. Use accrued compensatory time, vacation leave or Leave Without Pay to make up the difference between their paid holiday hours and their regular work hours; or
  - b. With the authorization of their supervisor, the employee may flex their work hours to make up the hours within the same workweek.
- 2) Part-Time Employees. Part-time regular employees shall receive holiday pay in an amount proportionate to that paid for Full-time employment. Part-time employees whose regular work hours on the day of the holiday are greater than the proportionate amount of hours they are entitled to for the holiday may:
  - a. Use accrued compensatory time, vacation leave or Leave Without Pay to make up the difference between their paid holiday hours and their regular work hours; or
  - b. With the authorization of their supervisor, the employee may flex their work hours to make up the hours within the same workweek.
- 3) Holidays are not paid out upon separation from the County.

### **7.1.4 Holiday during Leave:**

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

### **7.1.5 Eligibility for Holiday Pay:**

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

### **7.1.6 Work Performed on Holidays:**

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

### **7.1.7 Time Off in Lieu of Holidays:**

For employees in positions designated as requiring continuous operations, the Appointing Authority may request authorization from the County Administrator for employees to accrue time off in lieu of holidays. When approved, Full-time employees will earn an accrual of .05 hours per hour worked in lieu of holiday(s) time.

For Part-time employees, the accrual rate of hours and the number of additional hours will be in proportion to the FTE of the employee's position.

Scheduling of time off in lieu of holidays shall be subject to the same provisions of section 7.2.6.

Any accumulated time off in lieu of holidays in excess of forty (40) hours will be paid to the employee on the first regular pay period in July of each year. The remaining forty (40) hours may be carried over into the next fiscal year.

Employees must take off a minimum of fifty-six (56) in lieu of holiday hours per year to be scheduled by mutual consent of the Appointing Authority and the employee. A minimum of twenty-four (24) hours must be taken between July 1 and December 31 and the remainder of the required fifty-six (56) hours must be taken between January 1 and June 30. This requirement will be waived if an employee can demonstrate that a reasonable attempt was made to take the minimum time off and was unable to do so due to operational needs. Considerations may include presentation of notices that requested leave has been denied, or shift schedules that demonstrate an inability to take time off.

## **7.2 Vacation Leave**

### **7.2.1 Accrual of Vacation:**

All employees in Full-time regular and limited duration positions shall be credited with vacation leave per the following schedule. Employees in Part-time regular and part time limited duration positions shall accrue vacation leave in an amount proportionate to the annual accrual rate for Full-time employment.

#### **Hours of Vacation Leave**

<b>Years of Service</b>	<b>Full-Time Annual Accrual Rate</b>	<b>Per Hour Worked</b>
1 – 4	96	0.0462
5 – 9	120	0.0577
10 – 14	144	0.0693
15 – 19	168	0.0808
20+	192	0.0924

### **7.2.2 Exception to Vacation Accrual Rate:**

- 1) The County Administrator shall have the authority to set the beginning vacation accrual rate for an appointee hired to an executive position at a rate that is commensurate with the appointee's years of service in the profession.

### **7.2.3 Exception to Vacation Beginning Balance:**

- 1) All Directors, Assistant Directors and Division Managers appointed from outside of County employment, may be appointed, at the County Administrator's discretion, with a beginning vacation bank of up to eighty (80) hours.
- 2) Vacation awarded under the provisions of this section shall not be eligible for cash compensation under the provisions of section 7.2.8 if the employee separates from the County before completing one year of service.

**7.2.4 Vacation Accruals on Return by Re-employment:**

When a former employee returns to employment under the provisions of Re-employment (Section 4.5.11), the employee shall begin accruing vacation at the same rate as was being accrued at the time of separation from the County.

**7.2.5 Maximum Accrual:**

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

**7.2.6 Vacation Schedule:**

The employee shall make a request for vacation leave to the employee's immediate supervisor. The request shall be approved unless it is contrary to the needs of the County. Conflicts in scheduling shall be resolved by the Appointing Authority.

**7.2.7 Transfer of Vacation Leave:**

- 1) When an employee is transferred to a Position in a new agency that is under the authority of the Board of Commissioners, all accrued vacation leave shall be transferred to the new agency.
- 2) When an employee is transferred to a Clean Water Services Position, the employee's vacation leave shall be transferred with the agreement of the Agency. If agreement cannot be reached, vacation shall be paid in accordance with Section 7.2.8.

**7.2.8 Payment of Vacation upon Termination, Layoff or Death:**

If the employee resigns, is terminated, laid off, or dies, the employee or their heirs shall receive cash compensation for accrued vacation leave to a maximum of three hundred and sixty (360) hours.

**7.2.9 Vacation Benefits for Employees on Military Reserve Leave:**

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

**7.3 Sick Leave – [Also refer to the Washington County Family Medical Leave Policy as applicable.]**

**7.3.1 Accrual of Sick Leave:**

All Washington County employees shall accrue sick leave at a rate of .0462 hours for each hour worked. For the purposes of this section, hours worked includes any hours an employee is in paid status.

MAPPS employees are presumed to work forty (40) hours in each workweek for purposes of sick leave accrual unless their normal workweek is less than forty (40) hours, in which

case sick time will accrue based on the employee's normal workweek.

The maximum accrual of sick leave for any employee shall be ninety-six (96) hours per calendar year. Any unused sick leave may be carried over and used in the following calendar year. Sick leave may be accrued without limit.

### **7.3.2 Use of Sick Leave:**

- 1) An employee who is unable to attend their regular or previously assigned work shift and perform their job duties due to personal illness or injury, pregnancy, necessity of medical or dental care, exposure to contagious disease, or illness in the employee's immediate family reasonably requiring the attendance of the employee, or in accordance with the Washington County Family Medical Leave Policy, may utilize accrued sick leave.
- 2) For any foreseeable need for an employee to use sick leave, employees must notify their supervisor as soon as practicable and must make a reasonable effort to schedule planned use of sick leave in a manner that minimally disrupts the business and operations. When the need for sick leave is unforeseeable, employees must contact their supervisor before the start of their scheduled work shift or as soon as practicable.
- 3) If an employee may have a communicable disease, they are expected to use their professional judgement and not report to their work location to ensure the safety of other employees. If a supervisor determines an employee to be ill while at work, and are directed to leave, they will be paid for the remainder of their workday. This provision applies only when an employee is sent home on the first day of a multi-day illness.
- 4) Use of sick leave will run concurrently with leave designated under the Family and Medical Leave Act, the Oregon Family Leave Act and Paid Leave Oregon where allowed by law.
- 5) For the purposes of this Section, "immediate family" shall be defined as spouse, spousal equivalent, parent, stepparent, adoptive parent, parent-in-law, foster parent, biological or adopted child, stepchild, foster child, legal ward, brother, sister, son-in-law, daughter-in-law, grandparents, grandchildren or a person with whom the employee is or was in a relationship of in loco parentis (in place of a parent). "Immediate family" shall also include any other close relative who resides in the employee's household, or in accordance with the Family Medical Leave policy when applicable. Further, for the purposes of this Section, parents of a spousal equivalent shall be treated the same as if they were parents of a spouse.
- 6) If an employee takes more than three consecutively scheduled workdays as sick leave, the Appointing Authority may require the employee to furnish a written medical statement issued by a licensed physician or practitioner, or other satisfactory evidence of illness that confirms the illness of the employee or their immediate family member, provides an estimate of when the employee will be able to return to work, states whether the employee's incapacity will require intermittent treatments, and states the estimated frequency and duration of such treatments.
- 7) The Appointing Authority may require documentation from a health care provider on a more frequent basis if sick time abuse is suspected, including use of unscheduled sick time on or adjacent to weekends, holidays, or vacation leave. Abuse of sick leave privileges may be cause for disciplinary action.
- 8) If the employee's leave qualifies as protected leave under the Family Medical Leave Act, the Oregon Family Leave Act, or Paid Leave Oregon, the Appointing Authority may require a medical certification as provided by state or federal law.
- 9) An employee may use accrued sick leave if the employee, or their minor child or dependent is a victim of domestic violence, harassment, sexual assault, or stalking as defined in

ORS659A.272 and requires leave for any of the purposes in that law. An employee shall provide reasonable advance notice of their intention to take leave, unless giving notice is not feasible. Certification of the need for leave may be requested by the Appointing Authority, in which case, the employee shall provide certification within a reasonable time. (See also policy 304 and procedures 304-A)).

- 10) Use of qualifying sick leave will be considered protected leave up to the amount allowed under the Family Medical Leave Act, the Oregon Family Leave Act, Paid Leave Oregon and other applicable laws and statutes governing the use of sick leave.

### **7.3.3 Sick Leave Accruals upon Separation of Employment:**

When any employee separates from employment with the County for any reason, the employee is not paid for any unused sick leave accruals.

### **7.3.4 Sick Leave Balance and Accruals upon Return to County Employment:**

If a former County employee returns to employment with the County within one hundred and eighty (180) days of separation, their unused sick leave balance will be reinstated at the same level as it was at the time of separation, and they will begin accruing sick leave at the same rate.

### **7.3.5 Sick Leave without Pay:**

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

### **7.3.6 Sick Leave Benefits for Employees on Military Reserve Leave:**

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

## **7.4 Other Leaves**

### **7.4.1 Jury Duty and Witness Leave:**

- 1) An employee shall be granted Leave with Pay when required to report for jury duty or as a witness in cases in which the employee has no interest. The employee shall waive all witness fees or pay for jury duty, except mileage expense, unless the employee receives said compensation while on an authorized leave of absence without pay. County temporary or part-time employees will be granted jury or witness leave only if the jury or witness duty coincides with the employee's regularly scheduled hours.
- 2) An employee required to report for jury duty or as a witness may be excused, with approval from the employee's supervisor, from appearing for the employee's normal shift on that workday if the jury duty or witness responsibility exceeds four (4) hours.
- 3) If jury duty or witness responsibilities continue for four (4) hours or less, employees on the day shift shall report for the remainder of their workday. Employees on other than day shift shall have the number of hours spent on jury or witness duty deducted from their normal

shift on that workday and shall report for the first remaining hours of their work shift.

#### **7.4.2 Military, Alternative Service, and Peace Corps Leave:**

Military, alternative service and Peace Corps leave shall be granted in accordance with Oregon Revised Statutes and Federal Regulations. The County shall pick up the employee portion of OPSRP/PERS for military deployments requiring the employee's absence that exceeds thirty (30) continuous days, for the duration of the deployment. The pick-up of the employee portion of OPSRP/PERS shall apply to deployments commenced on or after January 1, 2003. Refer to sections 7.2.9 and 7.3.6 for use and accumulation of leave.

#### **7.4.3 Workers' Compensation:**

A probationary or Career Employee shall receive from the County salary continuation in place of temporary disability when the employee is off work as a result of a deferred (pending) or accepted compensable worker's compensation claim. Salary continuation will be at the same wage with normal deductions withheld (i.e., taxes, social security, medical premiums, and other voluntary deductions) and the same pay interval as the employee received at the time of injury. Wages are calculated based on the employee's regular working schedule exclusive of overtime.

These wages will commence after the required three (3) day waiting period has been met. If the disability results in incapacity for more than one hundred and eighty (180) calendar days from the date on which payments commence, the employee will begin receiving time loss payments subject to Oregon workers' compensation law. The employee may then use vacation, compensatory time or sick leave to cover the difference between time loss payments and the employee's regular salary.

Salary continuation is not available when the injured employee is no longer employed by Washington County.

#### **7.4.4 Bereavement Leave:**

- 1) An employee shall be allowed up to three (3) workdays time off with pay for death in the employee's immediate family. An additional leave of two (2) workdays shall be allowed for necessary funeral travel time when approved by the Appointing Authority. Workdays are defined as the employee's regular daily workschedule.
- 2) For the purposes of bereavement leave, immediate family shall be defined as an employee's child, spouse or spousal equivalent and their children, parents, step- parents, sisters, brothers, grandparents, grandchildren, father-in-law, mother-in- law, brothers-in-law, sisters-in-law, sons-in-law, and daughters-in-law. Under exceptional circumstances, bereavement leave may be granted by the Appointing Authority upon the death of a person other than the employee's immediate family. Use of accrued sick leave may be authorized in addition to bereavement leave when deemed appropriate by the Appointing Authority.
- 3) At the discretion of the Appointing Authority, and with consideration of department operating needs, bereavement leave may also be granted up to eight (8) hours to attend funeral services for a fellow County employee.
- 4) An employee qualified for leave under the Oregon Family Leave Act (OFLA) will be allowed up to two (2) weeks of unpaid bereavement leave for the death of a family member qualified under OFLA, with a maximum of four (4) weeks per leave year. The two weeks of bereavement leave granted is inclusive of any bereavement leave taken under 7.4.4(1) and must be completed within sixty (60) days from the date the employee was notified of

the death of the family member. Authorized accrued paid leave must be used by an employee prior to commencing any period of unpaid leave. OFLA bereavement leave is to be taken in one continuous block of time. In exceptional circumstances, the Appointing Authority may authorize intermittent bereavement leave when deemed appropriate.

## **ARTICLE 8.**

### **PERFORMANCE MANAGEMENT AND EMPLOYEE DEVELOPMENT**

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

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#### **Statement of Philosophy**

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

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

#### **8.1 Performance Management**

##### **8.1.1 General Provisions:**

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

##### **8.1.2 Performance Assessments:**

The Chief Human Resources Officer shall establish, and make effective, a system designed to give a fair assessment of an employee's performance, and to provide for learning opportunities. A performance assessment shall be prepared and recorded for all employees in regular and limited duration positions annually.

#### **8.2 Employee Education and Training**

##### **8.2.1 Required Training:**

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

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

### **8.2.2 Required Technical and Professional Training:**

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

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

### **8.2.3 Technical and Professional Associations:**

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

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

### **8.2.4 Conferences, Seminars, and Other Training:**

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

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

### **8.2.5 Related Travel Costs and Expenses:**

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

### **8.2.6 College or University Courses:**

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

1. Employee must be in career or career probationary status.
2. The educational program must be determined to be closely related to the current job of the employee or necessary for the continued career growth of the employee within the County.

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

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

### **8.3 Education Leave**

#### **8.3.1 Education Leaves of Absence After One Year of Service:**

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

#### **8.3.2 Length and Limitations of Educational Leave:**

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

#### **8.3.3 Leave of Absence for Other Educational Purposes:**

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

## ARTICLE 9.

### SAFETY

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

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#### Statement of Philosophy

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

#### 9.1 General Policy

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

#### 9.2 General Responsibility

##### 9.2.1 County Responsibility:

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

##### 9.2.2 Employee Responsibility:

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

##### 9.2.3 Supervisory Responsibility:

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

## ARTICLE 10.

### NON-DISCIPLINARY APPEALS PROCEDURE

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

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#### **Statement of Philosophy**

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

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

#### **10.1 Definition of Non-Disciplinary Appeal**

An employee or group of employees in the County may file an appeal in writing due to:

- deviation from an established policy; or
- a failure to uniformly apply a policy or the rules and regulations of the County.

#### **10.2 Non-Disciplinary Appeal Procedures**

##### 1) Departmental Review

- a. Every attempt shall be made to resolve non-disciplinary appeals within the employee's department. The first step for a non-disciplinary appeal shall be filed with the employee's department. Employees shall first present their issue to their immediate supervisor in writing. If the issue cannot be resolved satisfactorily by the supervisor, the employee may appeal the issue to the next level of management within the department. If an employee's issue involves their immediate supervisor, the employee may appeal to the next level of management without first appealing to their immediate supervisor. Each department shall determine the levels of management that an appeal shall proceed through.
- b. The initial appeal within a department shall be submitted in writing within ten (10) working days from the date the action, event or decision took place or within ten (10) working days from the date the employee became aware of the action, event or decision unless extenuating circumstances can be shown as to why this time frame could not have been met.
- c. Supervisors, managers, and department heads shall respond to an employee's written appeal within ten (10) working days of receipt unless management determines, in its sole discretion, that there are extenuating circumstances that preclude meeting this time frame.

The supervisor or manager's response will include both a decision and explanation of the decision or, if an investigation is required, a projected date that the decision will be rendered. In the event that an investigation is required, the department shall proceed with as much expedience as practicable.

- d. An appeal being made in response to an immediate supervisor's or Division Manager's decision regarding an initial appeal shall be submitted in writing within ten (10) working days from the date the employee is provided with written notification of the decision.
- e. Appeals at every level shall be in writing and, at a minimum, set forth the action, event or decision being appealed, the basis of the disagreement, and the relief or remedy the employee is seeking.

2) Consideration of Appeals by the County Administrator

- a. When the appeal of a non-disciplinary issue cannot be resolved after exhausting the departmental procedure, the appeal may be directed to the County Administrator who shall review the issue.
- b. Any appeal to the County Administrator shall be made within ten (10) working days from the date the employee received written notification of the Appointing Authority's final decision. The appeal shall be in writing and at a minimum set forth the action, event or decision being appealed, and the relief or remedy the employee is seeking.
- c. The County Administrator may direct the Chief Human Resources Officer to review and/or investigate the matter and make a recommendation on the appeal. The appealing employee shall be advised accordingly.
- d. The Chief Human Resources Officer shall respond to the County Administrator within ten (10) working days of receipt of the appeal. The County Administrator shall issue a decision on the matter within ten (10) working days of receipt of the recommendation of the Chief Human Resources Officer. The County Administrator's decision on the appeal shall be final.

## ARTICLE 11.

### CIVIL SERVICE COMMISSION

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

**Reference:** Washington County Code 2.32.

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#### 11.1 **Membership**

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

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

#### 11.2 **Term of Office and Compensation**

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

#### 11.3 **Organization of the Civil Service Commission**

##### 11.3.1 **Election of Chair:**

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

##### 11.3.2 **Quorum:**

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

##### 11.3.3 **Frequency of Meetings:**

The Civil Service Commission shall hold such meetings as may be required for the proper discharge of its duties and such additional meetings as are requested by any Commission member. Any person subject to civil service may request in writing a special meeting of the Commission, and the request shall be granted when Good

Cause is shown, unless the Personnel Rules designate the action taken by the County as not being subject to appeal before the Civil Service Commission.

#### **11.3.4 Appointment of Chief Examiner and Secretary:**

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

### **11.4 Responsibility of County Officials to the Civil Service Commission**

#### **11.4.1 Responsibility of the Board of Commissioners:**

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

#### **11.4.2 Responsibility of Officers of the County:**

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

### **11.5 Rules of Procedure**

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

### **11.6 Investigations**

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

## ARTICLE 12.

### EQUAL OPPORTUNITY EMPLOYER

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

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#### **Statement of Philosophy**

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

#### **12.1 Policy Statement**

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

#### **Affirmation of Policy:**

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

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

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

## **12.2 Affirmative Action Plan**

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

## **12.3 Responsibility**

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

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

## **12.4 Responsibility of the Civil Service Commission on Affirmative Action**

### **12.4.1 Affirmative Action Plan:**

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

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

- 1) Evaluate the affirmative action program in terms of effectiveness, and
- 2) Provide active support for the principles of Equal Employment Opportunity and Affirmative Action in the community and with County employees.

## **12.5 Appeal of Alleged Discriminatory Conduct**

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

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

## ARTICLE 13.

### ETHICAL STANDARDS

**Applicability:** This Article applies to all County employees.

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#### 13.1 **Political Activity**

##### 13.1.1 **Political Activity on the Job:**

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

#### 13.2 **Outside Work**

##### 13.2.1 **Approval of Outside Work:**

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

##### 13.2.2 **Basis of Approval:**

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

#### 13.3 **Gifts, Gratuities and Fees**

##### 13.3.1 **Solicitation:**

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

##### 13.3.2 **Acceptance:**

Employee meals and recognition benefits received consistent with County policy are excluded from this section. County employees shall not accept either directly or indirectly any gift, gratuity, loan, fee or any other thing of value in excess of \$50.00 per year from any person or organization with an administrative or legislative interest in any decision or vote made by the employee in their official capacity, or when the acceptance of any such gift might tend to influence directly or indirectly the actions of the employee or any other person regarding any County business activity.

**13.4 Overpayment to County Employees:**

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

**13.5 Family, Business and Personal Relationships:**

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

**13.6 Impropriety or Appearance of Impropriety:**

The County will not permit employment situations in which impropriety or an appearance of impropriety is created based upon an employee's family, personal or business relationships. An impropriety or appearance of impropriety shall be deemed to exist when any employee has the authority or practical power to exert favorable or unfavorable influence over the employment of a relative or other personal relationship in the workplace or with outside agencies doing business with the county. This includes the authority to supervise, appoint, terminate or discipline, review or audit work, or the ability to make effective recommendations regarding any of these actions.

**13.7 Definition of Family or Personal Relationship:**

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

**13.8 Resolution of Impropriety or Appearance of Impropriety:**

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

**13.9 Willful Violation:**

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

## ARTICLE 14.

### WORKFORCE ADJUSTMENT, LAYOFF AND RECALL

**Applicability:** This article applies to all County Employees, except as provided in any applicable collective bargaining agreement or otherwise specified below.

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#### **Statement of Philosophy**

Employees are Washington County's most valuable resource. The County will strive to adjust to environmental, program and funding fluctuations through the use of human resource planning methods. In the event a reduction in force is unavoidable, it is the goal of Washington County to minimize the negative impact on operations and employees.

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

#### **14.1 Alternative to Layoff**

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

- 1) Reduction through attrition
- 2) Voluntary or involuntary furlough periods
- 3) Voluntary separation programs
- 4) Transferring employees to vacancies within their department
- 5) Eliminating or postponing hiring into vacant positions
- 6) Restructuring work processes

Prior to implementation, workforce adjustment plans shall be reviewed by the Chief Human Resources Officer and the County Administrator or designee.

#### **14.2 Layoff**

##### **14.2.1 Reasons for Layoff:**

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

- 1) Abolishment of a position;
- 2) Shortage of funds or work resulting in the Appointing Authority's determination of a need to reduce the workforce;
- 3) A material change in duties resulting in the employee not meeting the qualifications for the position;
- 4) Other reasons which do not reflect discredit on the service of the employee as approved by the Chief Human Resources Officer.

##### **14.2.2 Method of Layoff:**

- 1) Classifications to be Reduced for Purpose of Layoffs: Layoff shall be within a classification and within the department making the reduction.

- 2) Number of Positions: The Appointing Authority shall determine the number of Positions in a specific classification to be reduced in the department. In evaluating the Positions needed to support ongoing service delivery to the community/other County Departments, the Appointing Authority may consider positions at the Department level, Division level, Program level (supports a specific program), or Workgroup level (supports a specific function).
- 3) Human Resource Responsibility: To initiate a Layoff, the Appointing Authority shall submit a request to the Chief Human Resources Officer. The request shall include the reasons for Layoff and be submitted as soon as possible, but not later than forty-five (45) days prior to the effective date of the Layoff.
- 4) Method of Employee Layoff: Except as provided for in any applicable collective bargaining agreement, when determining which employee will be laid off, the Appointing Authority may take into consideration employee's ability, which is defined as any specialized skills, credentials, or other qualifications the employee possesses that supports a particular job assignment as evidenced by a job description, classification specification, job announcement, or other objectively demonstrated manner. Ability may include special knowledge, skills and abilities, such as bilingual proficiency, that allows the County to serve the needs of all community members, including underserved or vulnerable populations.
- 5) Seniority: For the purpose of Layoff, seniority is based upon the number of days since an employee started in their current employment status.

**14.2.3 Breaking Ties:**

When employees' skills, knowledge and ability are relatively equal, then seniority will be the determining factor. In the event that a tie in seniority exists, seniority within the department shall be the tie breaker for Layoff. In the event that a tie in seniority still exists, the Chief Human Resources Officer shall identify an alternative method to break the tie.

**14.2.4 Layoff Notice:**

All affected employees shall be given written notice of Layoff. The Layoff Notice shall include the reasons for layoff and any options available to employees being laid off such as Demotion in Lieu of Layoff, available temporary employment opportunities and resource information. In no circumstances shall the Layoff Notice be given less than fifteen (15) calendar days prior to the effective Layoff date. Human Resources will prepare the written Layoff Notice in accordance with the workforce adjustment plan and provide notices to the Appointing Authority to issue to the employee being laid off.

**14.2.5 Demotion in Lieu of Layoff:**

- 1) Any career or probationary employee who is notified they will be laid off may file a written request with their Appointing Authority for a Demotion in Lieu of Layoff. The Appointing Authority may grant the request in any classification at a lower salary range for which a vacancy exists and where the employee may reasonably be expected to perform satisfactorily. Human Resources shall determine if the employee meets the minimum qualifications for the classification to which the employee is requesting demotion.
- 2) If the Appointing Authority determines that a demotion is not in the best interest of the department, the Appointing Authority shall, upon conferring with the Chief Human

Resources Officer, immediately notify the employee in writing and give the reasons for denying the request. An employee denied a Demotion in Lieu of Layoff may appeal the denial under the provisions of Section 14.4 of these Rules.

- 3) Employees notified of layoff may request Demotion in Lieu of Layoff into a different department. The Appointing Authority receiving the request may consider the request in the same manner as a Voluntary Classification Demotion under Section 4.7.
- 4) Where employees are Demoted in Lieu of Layoff, their names shall be placed on the Recall list for the Classification from which they were demoted. [See Sections 3.5.3 and 4.6.6 for information on Demotions.] Employees serving an Initial Probationary period, who are not selected for Demotion in Lieu of Layoff, will be returned to the appropriate eligible list, if still active.

#### **14.2.6 Medical Layoff:**

A Layoff shall be considered a Medical Layoff in situations where a serious health condition prevents an employee from performing the essential duties of their position and the employee has exhausted state and federal protected leave benefits; or when a qualified disability prevents the employee from performing assigned duties and reasonable accommodation cannot be made. The provisions of Recall (Section 14.2.7), shall be applied in situations where an employee may return due to improvement in their medical condition such that the employee is able to perform the duties of their position with or without accommodation.

#### **14.2.7 Recall:**

- 1) Eligible for Recall: Laid off Civil Service covered employees who are not serving an Initial Probation period are eligible for Recall as specified below. Employees who were laid off and placed on the Recall List shall be recalled under the provisions contained in the County Personnel Rules and Regulations effective at the time of the Layoff.
- 2) Duration of Recall List: Each Recall List shall remain in force for one (1) year from the date of Layoff or Demotion in Lieu of Layoff.
- 3) Recall List: The Recall List consists of all employees who were laid off, reduced in FTE under Section 3.2.4, or Demoted in Lieu of Layoff from a position in the appropriate classification. Recall rights include consideration for any position for which the employee is qualified for within the same job classification or job classifications previously held by the employee in any department in the last five (5) years prior to Layoff or Demotion in Lieu of Layoff.
- 4) Consideration of Recalled Employees: When a position becomes available, qualified employees from the Recall List, regardless of the department from which they were laid off, will be included in the selection process and moved directly to an interview. An eligibility list will be created through the selection process outlined in the Article 4.
- 5) Contacting Names on the Recall List: If the laid off employee fails to reply within ten (10) calendar days from the date of mailing of a written inquiry to the laid off employee's last known mailing or personal email address, the Appointing Authority will proceed with the recruitment and selection process for the vacancy. This will not affect the status of the employee on the Recall List. It is the responsibility of the employee to notify Human Resources of any change in their contact information.

#### **14.2.8 Effect of Layoff/Recall on Salary, Leave Accruals and Seniority:**

- 1) Sick Leave: Employees who have been laid off will retain their accrued sick leave during the time they are on the Recall List. Accrued sick leave will become available for use upon Appointment from the Recall List. Sick leave is lost when the term of eligibility for Recall expires.
- 2) Vacation Leave: Employees who are laid off will be paid for unused vacation leave at their regular rate. Upon Appointment from a Recall List, an employee's rate of accrual for vacation leave will remain the same as it was at the time of Layoff.
- 3) Salary Administration: Upon Appointment, an employee shall receive the same step in the salary range that the employee held when laid off or demoted.

#### **14.3 Reemployment Services**

Employees whose positions are impacted due to Layoff are eligible for reemployment assistance provided through Human Resources to include:

- 1) Assessment of the impacted employee's experience, skills and abilities to recommend suitable positions.
- 2) Assistance with resume writing and interview preparation.
- 3) Information about job search tools, resources within the community, county vacancies and other employment resources.
- 4) Assistance with applying for vacancies within the County.

##### **14.3.1 Chief Human Resources Officer shall have discretion to:**

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

#### **14.4 Layoff Appeals**

- 1) Notice of Appeal: Any employee affected by a decision made under Section 14.2 may appeal that decision. Any appeal shall be in writing and made within ten (10) working days of the date the employee was notified of the decision being appealed. All appeals shall, at a minimum, set forth the decision being appealed, the basis of the disagreement with the decision, and the relief or remedy the employee is seeking.
- 2) Consideration of Appeals by the County Administrator or designee: Any appeal of a decision authorized under Article 14.4(1) shall be submitted to the Chief Human Resources Officer. The Chief Human Resources Officer shall investigate the appeal and submit findings and a recommendation to the County Administrator or designee. The County Administrator or designee shall consider the appeal and, if practicable, provide a written response within ten (10) working days of receipt of the appeal.
- 3) Consideration of Appeals by the Civil Service Commission: Within ten (10) calendar days of receipt of the County Administrator's or designee's written decision, a laid off Civil Service covered employee may file a Notice of Appeal to the Civil Service Commission. The Notice of Appeal must be in writing and be delivered to the Chief Human Resources Officer as clerk of the Civil Service Commission. The Notice of Appeal must include the name, address and telephone

number of the employee, specify the decision being appealed and the date of the decision, include the name and title of the decision maker, and the rule, policy or law alleged to have been violated and the reasons why. All appeals to the Civil Service Commission shall be filed in conformance with and heard pursuant to the provisions of the Washington County Civil Service Commission Rules of Procedure for Appeals.