

DESCHUTES COUNTY

HR-PERSONNEL RULES

January 2021

Deschutes County - HR-Personnel Rules

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Section 1. INTRODUCTION TO PERSONNEL RULES

1.010. Purpose.

1.020. Employee Acknowledgment.

1.030. Personnel Rules Not a Contract.

1.040. Adoption, Amendment, Administration.

1.050. Equal Employment Opportunity.

1.010. Purpose.

The Deschutes County Personnel Rules ("Personnel Rules") are intended to establish personnel procedures and to provide guidelines for the standards of performance, employee responsibilities, behavior and conduct that are expected of all Deschutes County employees. The Personnel Rules serve as a guideline for personnel administration in the following areas:

- A. Recruiting, selecting, and advancing employees on the basis of ability, experience, knowledge, and skills.
- B. Providing equitable and adequate compensation.
- C. Training employees, as needed, to help achieve high performance and operating efficiency.
- D. Retaining employees on the basis of performance, including regular evaluations of employee performance and corrective or disciplinary actions if necessary or appropriate.
- E. Assuring, in accordance with applicable laws, the fair treatment of all applicants and employees in recruitment, selection, promotion, training, discipline, discharge and all other aspects of personnel administration without regard to race, color, national origin, sex, religion, age, marital status, family relationship, sexual orientation, physical or mental disability (provided reasonable accommodation can be made for any such disability), political affiliation, or any other classification protected by Oregon or federal law, and with proper regard for the privacy and constitutional rights of applicants and employees.
- F. Assuring that employees are protected against political coercion, are prohibited from using their official position for the purpose of interfering with or affecting the result of an election or a nomination for office and, in accordance with Oregon public employee ethics laws, with the exception of official compensation, are prohibited from using their official position for the personal benefit or gain of the employee and/or the employee's relatives.

1.020. Employee Acknowledgment.

Each County employee shall acknowledge, by signature on a form approved by the Personnel Department, that the employee has received, read and understands the Personnel Rules.

1.030. Personnel Rules Not a Contract.

The Personnel Rules are not a contract, either express or implied. Employment with Deschutes County is at-will which means that either Deschutes County or the employee can terminate the employment relationship at any time for any reason. Deschutes County reserves the right, at any time, unilaterally and without notice, to revise, add to, delete, supplement, or rescind all or any part of the Personnel Rules and any and all policies adopted by the County, including any practices or procedures followed or permitted and any benefits provided, which are not otherwise required by law or which are the mandatory subjects of bargaining under an existing collective bargaining agreement or under provisions of State law. Employees will be notified in writing of any changes to the Personnel Rules or to adopted written County policies.

1.040. Adoption, Amendment, Administration.

- A. **Adoption.** Personnel Rules are adopted by County ordinance. The Personnel Rules become effective in the same manner as any other County ordinance and will be made available in the Personnel Department and in all departments. If the County maintains an Internet or Intranet site or sites, the Personnel Rules shall be available for viewing on the County Internet site and the County Intranet site.
- B. **Amendment.** A request for a change in the Personnel Rules may be submitted to the County Administrator in writing at any time by the Board, any department head or any employee. All amendments or changes to the Personnel Rules must be approved by the Board and shall be adopted by County ordinance.
- C. **Administration of Rules:** The County Administrator, through his or her administrative departments and offices, shall be responsible for the administration and management of the County, including the administration of the Personnel Rules and the County personnel system. The County Administrator shall make recommendations to revise these rules, administer the classification and compensation plan and implement such policies and procedures as may be necessary to implement and administer the Personnel Rules.

1.050. Equal Employment Opportunity.

Deschutes County is an equal opportunity employer and does not discriminate against any employee or applicant for employment with respect to any aspect of recruitment, selection, employment, advancement, discipline or discharge on the basis of race; color; national origin; sex; religion; marital status; family relationship; sexual orientation; gender identity; age; physical or mental disability (provided reasonable accommodation can be made for any such disability); political affiliation; being a victim of domestic violence, sexual assault, or stalking; service in a uniformed service; association with a protected class; or any other classification protected by Oregon or federal law.

Section 2. DEFINITIONS

2.010. Definitions.

The following definitions apply whenever the indicated term is used in the Personnel Rules:

“Board” is the Board of County Commissioners of Deschutes County, Oregon.

“Collective Bargaining Agreement” is a written contract with a recognized labor union or association relating to the terms and conditions of employment of the represented group of employees.

“Contract Employee” is an employee providing services under an employment agreement.

“County Administrator” is the individual charged by the Board of Commissioners with control and supervision of County administration, County departments, divisions, offices, districts and agencies, per Chapter 2.05 of the Deschutes County Code.

“Department Head” is an individual appointed by the County Administrator to supervise a County Department, or elected by the voters to supervise a department that is by statute or charter led by an elected official.

“Deputy District Attorney” is an attorney appointed by and working under the direction of the elected District Attorney.

“Deputies” are appointees of Deschutes County elected officials serving during the term of office of the respective elected officials.

“Domestic partners” are:

1. The same sex;
2. 18 years of age or older;
3. Not legally married to anyone;
4. Each other’s sole domestic partner living together in a spousal equivalent relationship;
5. Sharing the same regular permanent residence; have done so continuously for at least six (6) months immediately preceding the date of submitting an affidavit of domestic partnership and intend to continue to do so indefinitely;
6. Financially interdependent and jointly responsible for “basic living expenses”;
7. Not related by blood so close as to bar marriage in the State of Oregon; and
8. Are mentally competent to consent to contract currently and when the domestic partnership began.

“Employment Agreement” is a contract between the County and an employee which defines all or part of the employment relationship. Upon termination or expiration of an employment agreement, the employment relationship terminates.

“Exempt Employee” is an employee who is exempt from the overtime provisions of the Fair Labor Standards Act and State of Oregon overtime laws.

“Good Standing” means having a current performance evaluation of meets or exceeds standards and not being under any current discipline or work improvement plan.

“Grievance” is an oral or written complaint regarding application of the Personnel Rules, discipline imposed on an employee or the discharge of an employee.

“Grievant” is the person or persons initiating a grievance.

“Grieve” means to initiate a grievance.

“Hourly Employee” is an employee who works less than half time on a year-round basis.

“Job-Share Employees” are employees who job-share are part-time employees who share a full-time position normally held by one employee, on an equal basis. It is not two separate half-time positions.

“Lead worker” is an employee delegated limited supervisory duties in writing by the employee’s department head. Limited supervisory duties include distribution of work assignments, oversight of work performed, maintaining a balanced workload among a group of employees, reviewing completed work, and maintenance of records of work production and attendance by employees. Lead workers do not impose discipline or conduct performance evaluations.

“Length of Service” is an employee’s continuous full-time or part-time service with a County department.

“Limited Duration Position” is a position funded by a discrete revenue source with a known expiration date. An employee in a limited duration position may be terminated on the date the funding expires and such termination shall be considered a voluntary termination. Based upon the terms of the funding source, the conditions of compensation and benefits may differ from the compensation and benefits payable to regular County employees performing substantially similar work. The term of employment of an individual in a limited duration position may exceed 18 months without conferring with the individual. The County may, in its sole discretion and based upon additional discrete revenue, extend the term of employment past the initial funding expiration date and such extension shall not change the limited duration status of the employee.

“Longevity” is an employee’s continuous full-time or part-time service as a County employee.

“Merit Step Increase” is an increase in an employee’s pay from one step of the pay grade for the employee’s position to a higher step of the pay grade for the employee’s position.

“Non-Exempt Employee” is an employee subject to the overtime provisions of the Fair Labor Standards Act and/or State of Oregon overtime laws.

“Non-Represented Employees:” All employees who are not represented members of a bargaining unit.

“On-Call Employee” is an employee who does not have regular hours of work or a regularly assigned work schedule and who is available to work on an as-needed bases. There is no guarantee of any hours of work for any on-call employee.

“Part-time Employee” is an employee who works at least one-half (1/2) time.

“Pay grade” is the range of pay assigned to a Position Description on the salary schedule.

“Pay step” is one of the established levels of pay within a pay grade.

“Personal Services Contract” is a contract between the County and an independent contractor to perform personal services for the County.

“Personnel Department” is the County department designated by the County Administrator to administer the Personnel Rules and all other human resource matters for the County.

“Personnel File” is any file maintained by the County which contains employment records of an employee.

“Personnel Rules” are the rules, policies, and procedures set forth in Deschutes County Code, Title 3.

“Personnel Services Manager” is the person charged by the County Administrator with the responsibility of coordinating and overseeing all personnel management for the County.

“Position” is two or more descriptions grouped by an occupation, discipline, or type of work.

“Position Authorization” is authorization for a specific position as approved in the adopted County budget.

“Position Description” is a written statement of the nature of the work to be performed, indicating duties and responsibilities, representative examples of work and general minimum recruiting qualifications. This is also referred to as a “Job Description.” The Position Description may also be referred to by Position Title.

“Position Title” is the name assigned to a Position Description.

“Probation” or “Probationary Period” is a period of trial service during which an employee’s work performance and standing to become a regular employee is evaluated by the County.

“Regular employee” is a full-time or part-time employee who has successfully completed probation and who works on a year round basis.

“Regular full-time employee” is a regular employee who is scheduled to work the established hours for a full-time position on a regular, year-round basis.

“Regular part-time employee” is a regular employee who is scheduled to work at least one-half of the established full-time work schedule for the particular position on a regular, year-round basis.

“Represented Employees” are employees who are members of a recognized bargaining unit.

“Retiree” is an individual who has retired from County service.

“Seniority” is an employee’s continuous full-time or part-time service in a particular position with the County.

“Supervisor” is defined as an employee who has authority over hiring, salary administration, evaluation, transfer, promotion, demotion, discipline, grievance adjustment, or recommendations on any personnel action, as well as day-to-day supervisory responsibilities.

“Temporary employee” is a person who has been hired by the County to work for a period not to exceed 18 months. Some temporary positions may also be limited duration positions.

“Volunteers” are persons who perform services for the County and do not receive from the County salary, wages or any other form of remuneration for services performed.

Section 3. CRIMINAL CONVICTIONS RECORD CHECKS

- 3.010. Policy.**
- 3.020. Purpose.**
- 3.030. Classification Required to Authorize Criminal Background Checks.**
- 3.040. Retention of Authorization.**
- 3.050. Procedures for Obtaining Criminal Background Checks.**
- 3.060. Retention of Criminal Background Checks.**
- 3.070. Use of Criminal Background Checks.**
- 3.080. Limitation on Hiring or Appointing Volunteers.**

3.010. Policy.

In order for Deschutes County government to operate effectively, persons selected for employment or as a public service volunteer with Deschutes County must have the highest degree of citizen and public trust and confidence.

3.020. Purpose.

All Deschutes County employees and public service volunteers represent the county to its citizens. Many county employees and volunteers have responsibilities to regulate and maintain public health and safety. Some County employee classifications require access to public funds and property, and possess access to privileged and proprietary information submitted to the county in confidence.

3.030. Classification Required to Authorize Criminal Background Checks.

Applicants for employment and appointed volunteers with Deschutes County will be required to authorize the County to conduct a criminal conviction information check through the Oregon State Police LEDS system if their job duties require the following activities:

- Delivering services to minors
- Handling/processing cash and/or checks
- Law enforcement related (deputies, detention, parole/probation)
- Certified and/or licensed Health and Mental Health care workers
- Maintaining confidential medical and/or criminal records
- Building Services

Any other classification of job duties authorized by the Board of County Commissioners

3.040. Retention of Authorization.

The Personnel Department, who will request that the Deschutes County District Attorney or Sheriff's Office conduct the check, will maintain the criminal convictions authorization form signed by the applicant.

3.050. Procedures for Obtaining Criminal Background Checks.

An authorized employee of Deschutes County District Attorney's or Sheriff's Offices, trained and authorized to perform criminal conviction checks through the LEDS system, will conduct the check on the prospective employee or volunteer and orally report to the Personnel Department that the applicant's record indicates "no conviction record" or "conviction record". If the applicant's record is reported as "conviction record", the Personnel Department will, under OAR 257-10-025(C), request a written criminal conviction report from the OSP identification services section and pay the applicable fee for this service. The Personnel

Department will make the written criminal conviction record available to the employment or volunteer selecting official for his or her consideration in making the selection.

3.060. Retention of Criminal Background Checks.

The written criminal conviction record on persons that are not hired or appointed as a volunteer will be retained in accordance with the requirements of OAR 166-40-080 for a period of three years and thereafter will be destroyed by shredding. The criminal conviction record of applicants and volunteers with a criminal conviction that are hired or appointed, will become a part of the confidential personnel files of that employee or volunteer. Access to confidential personnel files is limited to only authorized persons who have an official need to access such files that is sanctioned by law or regulation.)

3.070. Use of Criminal Background Checks.

Applicants for employment or appointment as a volunteer that have a felony criminal conviction, or a history of conviction of a misdemeanor involving moral turpitude or theft, will be closely examined by County Personnel, Legal and Risk Management Departments to determine if the applicant possesses the required degree of citizen and public trust and confidence. The County will not rely exclusively on LEDS records but will request confirmation from the applicant. Each employment or volunteer selection will, however, be made on an individual, case-by- case basis, taking into account the applicant's qualifications, the requirements of the particular job or volunteer post applied for, and the results of the criminal conviction check. Factors such as the age of an offender at the time of the offense, the type of offense and subsequent rehabilitation, and the public sensitivity of the position under consideration, must be taken into account in evaluating a criminal conviction report. The County Administrator and/or Board of County Commissioners will approve the final candidate selected for employment or volunteer duties.

3.080. Limitation on Hiring or Appointing Volunteers.

Hiring or appointing a volunteer with a criminal conviction record will require a positive recommendation by the selecting official and the approval of the appropriate county elected official or governing body, after full disclosure and consideration of the criminal conviction and the applicant.

Section 4 APPLICATION OF PERSONNEL RULES TO COUNTY EMPLOYEES

4.010. Application of Personnel Rules.

4.020. Represented Employees.

4.030. At-Will and Contract Positions.

4.040. Personnel Services Contracts.

4.050. No Guaranteed Employment.

4.060. Amendment or Modification of Personnel Rules.

4.070. Deputy District Attorneys.

4.080. Sheriff's Office.

4.090. Department Policies.

4.010. Application of Personnel Rules.

The Personnel Rules apply to all County employees, including all deputies and employees working under an elected official, except as otherwise provided in this chapter.

4.020. Represented Employees.

Employees subject to a collective bargaining agreement are subject to the Personnel Rules to the extent the Personnel Rules do not conflict with the terms of the applicable collective bargaining agreement. In the event of conflict between the terms of a collective bargaining agreement and the Personnel Rules or personnel policies adopted pursuant to these Rules, the terms of the collective bargaining agreement shall take precedence and shall be controlling.

4.030. At-Will and Contract Positions.

The County may create "at-will" and "contract" positions at its discretion. The County can designate any new employee or position as an at-will or contract employee or position, unless such designation is prohibited by statute or by the terms of an applicable collective bargaining agreement. The County may enter into individual employment agreements that supersede all or any portion of the Personnel Rules. At-will employees have the right to resign their position with County at any time for any reason. The County may terminate the employment of an at-will employee at any time, for any reason, with or without notice, and with or without cause. The employment of an employee providing services to the County under an employment agreement shall be governed by the terms of the employment agreement.

4.040. Personal Services Contracts.

Any person providing services to the County under a personal services contract is an independent contractor and is not an employee for any purpose of the Personnel Rules.

4.050. No Guaranteed Employment.

The Personnel Rules do not provide any guarantee of employment or guarantee of employment for any definite period of time.

4.060. Amendment or Modification of Personnel Rules.

The Personnel Rules may only be amended or modified by the Board. No department head, manager, supervisor or employee has any authority to waive, amend or modify the Personnel Rules. Only the Board or the County Administrator has the authority to enter into an employment agreement or contract of employment with any employee.

4.070. Deputy District Attorneys.

Deputy District Attorneys are at-will employees and, as such, may resign from their position or have their employment terminated at any time, for any reason, with or without notice and with or without cause. Deputy District Attorneys are subject to appointment, promotion, demotion, re-assignment within the office of the elected District Attorney and to discipline or discharge at the sole discretion of the elected District Attorney. Only Steps I and II of the grievance procedure shall be available to Deputy District Attorneys.

4.080. Sheriff's Office.

These Personnel Rules shall be construed so as not to conflict with the statutory authority of the Sheriff to organize the work of the Sheriff's Office or with the statutory authority of the Sheriff to establish hours of work for the Sheriff's Office consistent with applicable law and applicable collective bargaining agreements.

4.090. Department Policies.

- A. Because of the number and diversity of County departments, it is expected that different operating policies and procedures may be necessary for the efficient and effective operation of the different County departments.
- B. Each department head may establish operating policies and procedures for the department head's department for the purpose of addressing operating issues that are unique to that department. However, no department policy regarding personnel matters shall be effective until the policy is reviewed and approved in writing by the County Administrator and County Legal Counsel. Department policies may not conflict with the Personnel Rules and may not be less restrictive than the Personnel Rules or any countywide personnel policies approved by the Board. In the event of any conflict between any department policy and the Personnel Rules or any County policy, the Personnel Rules and/or County policy shall take precedence and shall be controlling.
- C. Departments proposing to establish a department-specific personnel policy must provide the proposed policy in writing to the County Administrator. The County Administrator will consult with County Legal Counsel regarding the proposed policy. If the proposed policy is approved by the County Administrator and County Legal Counsel, it may be implemented by the department.
- D. A copy of each policy implemented by a department shall be provided to the Personnel Department, to County Legal Counsel, and to each department employee and shall be made available for reference within the department and in the Personnel Department.

Section 5. RECRUITMENT AND APPOINTMENT OF EMPLOYEES

5.010. Recruitment of Employees.

5.020. Probationary Period.

5.030. Hiring Former Employees.

5.040. Hiring Relatives, Domestic Partners and Personal Acquaintances of Employees.

5.010. Recruitment of Employees.

It is the policy of Deschutes County to recruit and select the most qualified individuals for employment with Deschutes County. Recruitment and selection shall be conducted to ensure open competition, provide equal employment opportunity, and to prohibit discrimination because of race, color, national origin, sex, religion, age, marital status, family relationship, sexual orientation, physical or mental disability (provided reasonable accommodation can be made for any such disability), political affiliation, or any other classification protected by Oregon or Federal law. The Personnel Department is responsible for overseeing and administering the recruitment and selection of County employees in accordance with the County's Recruitment and Selection Policy.

5.020. Probationary Period.

- A. Represented employees. For employees who are covered by a collective bargaining agreement, the length and conditions of probationary (trial service) periods are provided in and governed by the applicable collective bargaining agreement.
- B. Non-represented employees. All newly hired and newly promoted non-represented employees shall be on probationary (trial service) status until the employee completes at least twelve (12) full months of continuous employment with the County and has received from his or her and department head or supervisor a written one-year performance evaluation for which the employee is given an overall rating of meets or exceeds standards. An employee on probationary status is not eligible to be removed from probation and assigned regular employee status if the employee does not receive an overall rating of meets or exceeds standards on the employee's one-year performance evaluation.
 1. Each probationary employee shall be given a written performance evaluation at approximately two (2) and six (6) months into the employee's probationary period. Each probationary employee shall also receive a performance evaluation at twelve (12) months. The probationary evaluation schedule may not be modified except by mutual agreement between the employee and his or her department head.
 2. An employee on probationary status is an at-will employee and as such, may resign from his or her position at any time, with or without cause and with or without notice, and may have his or her employment terminated by the County at any time, with or without cause and with or without notice. Discipline of or the termination of employment of a probationary employee may not be grieved.
 3. If a department seeks to extend the probationary period for an employee on probationary status, a request for extension of probation shall be made by the department head to the County Administrator and may only be granted by the County Administrator. Extensions of probation will only be granted in unusual circumstances, and shall be in 30-day increments, not to exceed a maximum of 90 days.

4. Employees in limited duration positions whose positions are extended for subsequent limited duration time periods shall not by the virtue of the extension serve another probationary period.

5.030. Hiring Former Employees.

- A. Limited option to reinstate former employees. If an employee resigns his or her position with the County in good standing, upon approval of the department head and the County Administrator, the employee may be reinstated to his or her former position, without loss of longevity or credit for prior County service, for a period of time not to exceed three (3) months from the effective date of the employee's resignation so long as the employee's former position has not been eliminated or filled through appointment or recruitment.
- B. Other former employees. Former employees who are not eligible for reinstatement pursuant to subparagraph A of this section, and who are otherwise eligible for re-hire with the County, must follow the regular application, recruitment and selection procedures when applying for vacant positions with the County.
- C. Re-hiring retirees. Individuals who retire from County service shall not be rehired in a position that would require the County to contribute into a retirement system at the same time that the employee is receiving a pension payment from a County-funded retirement plan. Such employees shall be hired as non-benefited, on-call employees and shall be subject to the restrictions of the Public Employee Retirement System as they relate to retired employees returning to work for a PERS employer.

5.040. Hiring Relatives, Domestic Partners and Personal Acquaintances of Employees.

- A. The County's employment goal is to hire employees who are qualified and competent, using a competitive process that is valid and fair. The County will maintain impartiality in recruitment and hiring. The County will not give hiring preference to relatives, domestic partners or personal acquaintances of current employees.
- B. Pursuant to ORS 659A.309 as it currently exists or as amended, the County shall not refuse to hire or employ an individual, bar or discharge an individual from employment, or discriminate against an individual in compensation or in terms, conditions or privileges of employment solely because a relative or member of an individual's family works or has worked for the County.
- C. No member of an individual's family, as the term "member of an individual's family" is defined in ORS 659A.309(3) (wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent or stepchild of the individual), or domestic partner of the individual, who is a County employee, shall be permitted to serve in a direct supervisory capacity over or under that individual. If the hiring, assignment, transfer or promotion of an individual would place the individual in a position of exercising supervisory, appointment or grievance resolution authority over a member of the individual's family or in a position of being subject to the exercise of such authority by a member of the individual's family, the county may deny such hiring, assignment, transfer or promotion of that individual. These provisions shall also apply to hiring, providing oversight to, and/or supervising of contracted staff (i.e., through a temporary staffing agency or a personal services contract).

Section 6. HOURS OF WORK

6.010. Work Schedules.

6.020. Rest and Meal Breaks.

6.030. Alternative or Flexible Work Schedules.

6.040. Outside Employment.

6.010. Work Schedules.

- A. Reporting time. Employees must be at their designated workspace on time and ready to work. Employees shall remain at work until the end of the employee's work day or work shift, unless permission to leave earlier is granted by the employee's supervisor or department head. If an employee is not able to report for work, the employee must notify his or her supervisor as soon as possible prior to the employee's scheduled shift of his or her inability to report to work, the reason the employee is not able to report to work, and the estimated length of time before the employee will be able to return to work. An employee's failure to report to work without prior notification to the employee's supervisor or department head shall be considered an implied resignation by the employee unless circumstances beyond the control of the employee reasonably prevent the employee from reporting to work or notifying his or her supervisor or department head of the employee's inability to report to work.
- B. Hours of work. Work hours are established by the County Administrator. Department heads shall have personnel available to serve the public at all times during work hours, unless otherwise authorized by the County Administrator. Department heads may establish flexible work schedules, subject to approval by the County Administrator, so long as the flexible work schedule is in compliance with other sections of the Personnel Rules, the terms of any applicable collective bargaining agreement and all applicable wage and hour laws.
- C. Work week and work schedules. The standard work week for Deschutes County employees is Sunday through Saturday. Except as may otherwise be defined in a collective bargaining agreement, work schedules for each department shall be determined by the department head, subject to approval by the County Administrator.

6.020. Rest and Meal Periods.

- A. A. Rest periods. Each employee shall be provided an uninterrupted rest period of fifteen (15) minutes for every four hours in a work period, to be taken as close as possible to the midpoint of each four-hour work period. Rest periods must be provided and taken separately from the employee's meal period and cannot be saved up to lengthen the employee's meal period or to allow an employee to leave work early.
- B. Meal periods.
 1. All employees who work more than six (6) hours in a work day shall be given a meal period during the employee's work shift. Except when, due to the nature and circumstances of an employee's work, an employee is required to remain on duty or to perform work tasks during the employee's meal period, the employee's meal period shall be taken as close as possible to the middle of the employee's work shift. Meal periods shall be at least thirty (30) continuous minutes in length.
 2. Non-duty meal periods are the employee's own personal time. During a non-duty meal period, an employee shall be free to leave his or her work station and shall not be expected to perform any work. In the event of an emergency or other circumstance in

which an employee is required by his or her supervisor or department head to remain on duty or to perform work tasks during the employee's designated meal period, the meal period will be paid time.

3. Meal periods cannot be skipped or shortened to less than thirty (30) continuous minutes in length to allow an employee to leave work early.
- C. Expression of Breast Milk. An employee shall be allowed an unpaid 30-minute rest period to express milk during each four-hour work period, or the major part of a four-hour work period, to be taken by the employee approximately in the middle of the work period unless the County determines an undue hardship under state law (ORS 653.077). The County may require, if feasible, that the employee take the rest periods at the same time as the rest periods or meal periods that are otherwise provided. This shall only apply to employees expressing milk for her child 18 months of age or younger. The County shall make reasonable efforts to provide a location, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk in private.

6.030. Alternative or Flexible Work Schedules.

If an employee is interested in working an alternative or flexible work schedule, the employee must submit a written request to his or her department head. Alternative or flexible scheduling shall only be permitted if approved by the employee's department head, if department operations and public service requirements will not be adversely affected, and if the alternative or flexible schedule does not conflict with these Personnel Rules, any applicable collective bargaining agreement or any applicable wage and hour law.

6.040. Outside Employment.

County employees may, in general, engage in employment or business outside their work for the County. However, employees shall not utilize county time, materials, equipment or resources for such outside employment or business, or allow such employment or business to conflict with, or appear to conflict with, the employee's work for the County or with the interests or business of the County. No employee may perform any service or employment, outside of County employment, or engage in any business for which the employee receives compensation during the employee's County work hours. Employees may be subject to other requirements depending on department needs. Questions or issues regarding any actual, potential or apparent conflict of interest shall be resolved by the County Administrator.

Any outside employment or business obligations must not interfere with or adversely affect the employee's ability to fulfill all of the employee's responsibilities to the County. If, in the judgment of the employee's department head, an employee's outside employment or business interferes with or adversely affects the employee's performance of duties for the County, the department head may require the employee to terminate the outside employment or business. Under such circumstances, the failure or refusal of an employee to terminate outside employment may be grounds for termination of employment with the County.

Section 7. WAGE AND SALARY ADMINISTRATION

7.010. Pay Plan.

7.020. Pay Periods and Pay Days.

7.030. Wage and Salary Adjustments.

7.010. Pay Plan.

The pay plan will include a schedule of rates of pay for all County positions. The objective of the pay plan is to provide a competitive salary structure to recruit and retain qualified employees.

- A. Pay grades will be established based upon the following factors:
 - 1. The relative difficulty and responsibility of work;
 - 2. The recruiting experience of the County;
 - 3. The prevailing rates of pay for comparable public sector employers. Prevailing rates of pay in the private sector may be used depending on the pay grade or position being reviewed.
 - 4. Cost-of-living;
 - 5. The financial policies of the County;
 - 6. Internal equity; and
 - 7. Other relevant economic considerations.
- B. The Personnel Department is responsible for the development and administration of the County pay plan. A County-wide pay plan for all County positions shall be adopted by the Board as a part of the annual budget adoption process. Pay grade adjustments for individual positions may be approved outside the budget process by the County Administrator if no budget amendment is required to fund such adjustment or adjustments.
- C. Pay rates.
 - 1. Generally: Each employee shall be paid at one of the steps in the approved pay grade for the employee's position. No employee can receive base pay in excess of the established maximum step of the pay grade for the employee's position.
 - 2. Longevity pay. For employees covered by a collective bargaining agreement, longevity pay shall be provided in accordance with the terms of the applicable collective bargaining agreement. For employees not covered by a collective bargaining agreement, the following shall apply:
 - a. Longevity is determined by an employee's continuous full-time or part-time service as a County employee. Full-time employees who have worked continuously for the County shall receive additional pay per month for each five years of continuous service.
 - b. For employees working less than full-time but at least half-time, longevity shall be pro-rated by using the ratio of the regularly scheduled work hours for the employee to the regularly scheduled work hours for a full-time position. Employees working less than half-time shall not accrue longevity and shall not receive longevity pay.
 - c. Longevity amounts for non-represented employees shall be equivalent to amounts provided for in the collective bargaining agreement between Deschutes County and AFSCME Local 3997 unless otherwise adjusted by the Deschutes County Budget Committee during the annual budget approval process.

- d. Longevity shall terminate in the event of the following:
 - (1) Voluntary termination for more than three (3) months, except under special circumstances to be determined by the County;
 - (2) Discharge for cause;
 - (3) A lay-off of more than eighteen (18) months;
 - (4) An unexcused failure to report to work at the termination of an extended leave of absence;
 - (5) Acceptance of other employment without the permission of County while on a leave of absence; or
 - (6) Retirement.

7.020. Pay Periods and Pay Days.

- A. Full-time and at least half-time employees. Pay periods for full-time employees and for employees who are regularly scheduled to work at least half-time shall run from the first day of the month through the last day of the same month, with payment for that period to be made on the last work day of the month. If the last day of the month falls on a holiday or a weekend, payday for that pay period will be the last work day preceding the holiday or weekend.
- B. Temporary, hourly and on-call employees. Pay periods for temporary, hourly and on-call employees shall run from the day after payroll cut-off in a month to the date of payroll cut-off in the subsequent month.
- C. New employees. Employees beginning employment on or before the 25th of the month will receive their first paycheck at the end of the month they begin their employment. Employees beginning work after the 25th of the month will receive their first paycheck at the end of the month following their first month of employment.

7.030. Wage and Salary Adjustments.

- A. New employees. New employees shall generally be hired at the first step of the pay grade. When a new employee has extensive prior experience and the department head believes it is justified, an employee may be hired at the second step of the pay grade. Hiring at Step 3 or above requires prior approval by the County Administrator and will only be granted in extraordinary circumstances.
- B. Merit step increases. In addition to cost-of-living pay increases, if funds are available and appropriated, employees are eligible for merit step increases, provided their performance has met or exceeded performance standards established by the department head and/or the employee's supervisor. For an employee to receive a merit step increase, the employee's department head must complete a written performance evaluation of the employee with a recommendation for the increase. The amount of an authorized merit step increase will be determined by the adopted pay plan. Employees who are at the top step in their pay grade are not eligible for merit step increases. Employees shall be eligible for merit step increases on their eligibility date. An employee's eligibility date is based on the employee's date of hire as follows: If hired on or before the fifteenth (15th) of the month, the employee's eligibility date shall be the first day of the month in which the employee was hired; if hired on or after the sixteenth (16th) of the month, the employee's eligibility date shall be the first day of the month following the month in which the employee was hired. Supervisors shall complete a scheduled performance evaluation for on-call and hourly employees after the employee has

been employed for at least 12-months and worked at least 1,000 hours. Subsequent scheduled evaluations shall be when the employee has worked at least another 12-months and at least an additional 1,000 hours. On-call and hourly employees are eligible for a merit step increase when receiving a scheduled performance evaluation. A department head may authorize a performance evaluation for an on-call or hourly employee before the required hours have been worked, if in the department head's discretion such an evaluation is necessary or prudent. In unusual circumstances and with County Administrator approval, a department head may authorize a merit increase along with an unscheduled performance evaluation.

- C. Cost-of-living increases. As part of the annual budget adoption process, the Board will determine what cost-of-living increase, if any, will be applied to the County's pay plan. Increases are contingent upon the availability and appropriation of funds. Cost-of-living pay increases are not guaranteed and are subject to the discretion of the Board.
- D. Upon prior approval by the County Administrator, a non-represented employee is eligible to receive a 5% or 10% differential for performing lead work. The lead work must be assigned in writing by the employee's department head. Lead work may include the coordination and assignment of work duties to assigned employees and/or the review of employee work to ensure work quality and compliance with applicable methods, policies, and procedures. Examples of lead work include distribution of work assignments to employees, maintaining a balanced workload among a group of employees, or reviewing the completed work of employees. The lead pay must be approved by the County Administrator in advance of the employee receiving the assigned lead duties. Retroactive lead pay is not allowed.
- E. Upon prior approval by the County Administrator, a non-represented employee is eligible to receive on-call pay at a compensation rate of up to the equivalent of two hours per day at their current hourly rate. An employee receiving on-call pay must be able to be contacted by phone or pager during the on-call period and respond in a timely manner as determined by the department.

Section 8. PERSONAL CONDUCT

8.010. Code of Ethics.

8.020. Conflict of Interest.

8.030. Political Activities.

8.040. Personal Appearance, Dress and Grooming.

8.050. Smoking or Use of Tobacco Products.

8.060. Acceptance of Gifts.

8.010. Code of Ethics.

All County employees have a responsibility to the County and its citizens to engage in duties for the County in a manner that will merit the trust and confidence of the public. As such, all County employees are expected to be fair, honest, ethical and professional in their conduct, to adhere to the spirit and letter of all applicable laws and regulations that apply to the performance of the employee's duties and to refrain from any illegal, dishonest or unethical conduct in the performance of the employee's duties.

All County employees are considered to be public officials. As such, each County employee is subject to, is expected to be familiar with, and is expected to conduct himself or herself in accordance with the State of Oregon Government Standards and Practices Law (ORS Chapter 244) ("Ethics Law") as it currently exists or as amended. The Ethics Law provides, in part: "No public official shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the public official's holding of the official position or office, other than official salary, honoraria ... reimbursement of expenses or an unsolicited award for professional achievement for the public official or the public official's relative, or for any business with which the public official or a relative of the public official is associated." Any violation by a County employee of State of Oregon Ethics Law is a violation of the Deschutes County Personnel Rules.

If an employee is unsure whether his or her conduct violates or might violate the State of Oregon Ethics Law or this code of ethics, the employee shall notify the employee's immediate supervisor or department head to determine an appropriate course of action.

Full compliance with this code of ethics is the responsibility of each County employee. Any violation of this code of ethics will subject the employee to disciplinary action up to and including possible termination of employment. Any employee accused of violating the Ethics Law shall be solely responsible for the costs of his or her defense before the Government Standards and Practices Commission. If the charges are dismissed or determined to be unfounded, the Board, at the Board's discretion, may elect to reimburse the employee for some or all of the costs incurred by the employee.

8.020. Conflict of Interest.

County employees shall refrain from engaging in any employment, business, activity, practice, or act which actually conflicts with, potentially conflicts with, or gives the appearance of conflicting with the employee's work for the County or with the interests of the County. An actual conflict of interest exists when an action is taken that directly affects land, a business, or

any other financial interest of an employee or an employee's relative and is reasonably certain to have a financial impact on the employee or a relative of the employee. A potential conflict of interest exists when an employee takes action that reasonably could be expected to have a financial impact on that employee, a relative of the employee, or on a business with which the employee or the employee's relative is associated. For purposes of this section only, "relative" means the spouse, domestic partner, parent, child, brother and sister of either the employee or the employee's spouse or domestic partner.

The following activities are prohibited:

- A. Employees shall refrain from accepting gifts, favors, services or promises of future employment that could possibly relate to or is intended to influence the performance of their official duties. This section is not intended to conflict with section 3.28.060 below.
- B. Employees shall not use their position to gain special privileges or benefits or to avoid financial detriment that would not otherwise be available or avoidable but for the employee's position with County.
- C. No employee shall further, or attempt to further, the personal gain of any County employee or relative through the use of confidential information gained in the course of performing her/his duties for County.
- D. Employees shall not participate, directly or indirectly, in any business or organization which might inappropriately influence the employee's official decisions and judgments for the County.
- E. Employees shall not hold any position with any business, organization or governmental unit which would conflict with the proper performance of the employee's duties or responsibilities for the County, or which could influence the employee's judgment in the conduct of business between the County and such business, organization or governmental unit.
- F. Employees who conduct private business which requires access to public County records shall have access to that information only during the employee's off-duty time. Employees shall not be given special access or special privileges, such as not imposing a fee for a service that is generally fee-based or being permitted to review confidential information which is not available to members of the general public.
- G. Employees are not to engage, directly or indirectly, either on or off the job, in any conduct which is disruptive to, competitive with, or damaging to the County.
- H. Employees shall not accept any employment which would inappropriately influence the performance of the employee's duties for the County. This prohibition on employment includes serving as an advisor or consultant to any business or organization, unless that activity is conducted as a representative of the County.
- I. Employees must disclose any financial interest the employee or the employee's relatives have in any business or organization which does business with the County. The County may require the employee to divest such interest if the County deems the interest to be in conflict with the best interests of the County.

This list of prohibited activities is intended to illustrate types of actions that create a conflict of interest, a potential conflict of interest, or the appearance of a conflict of interest. These examples are not intended to be exhaustive or to limit the types of actions that are prohibited by State of Oregon Ethics Law or Deschutes County policy.

8.030. Political Activities.

Employee involvement in certain political activities is protected under the First Amendment. However, under Oregon and federal law, there are some restrictions on the political activities of Oregon public employees. County employees are expected to be familiar with and to comply with these laws as they currently exist or as amended.

Oregon law (ORS 260.432(2)) requires that: "No public employee shall solicit any money, influence, service or other thing of value or to promote or oppose any political committee or to promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views."

The Hatch Act (federal law) further requires that employees whose principal job responsibilities are financed in whole or in part from loans or grants made by the federal government may not use their official influence to interfere with or affect the result of an election or a nomination for office. An employee covered by the Act may not, either directly or indirectly, coerce or advise another employee to contribute anything of value in any form whatsoever to any organization or agency for political purposes.

The expression of personal political views while on the job during working hours is permitted only to the extent that such expression does not interfere with the performance of the employee's duties or performance of the duties of other employees. While on the job, during working hours, any comment or suggestion to fellow employees or the public to vote a certain way is prohibited, even if it does not interfere with the performance of duties of the employee or other employees. Politically related activities such as fundraising, soliciting volunteer help on political campaigns or disseminating partisan election material is prohibited while on the job during working hours.

8.040. Personal Appearance, Dress and Grooming.

The County respects each employee's individuality and expects that each employee will use common sense and good judgment in choosing appropriate clothing to wear while performing duties for the County. The County expects its employees to present a clean and professional appearance at work. Employees should dress and groom themselves in accordance with the requirements of their position and accepted social standards, particularly if the employee's job duties involve in-person contact with the public.

Each County department may establish appearance, dress and grooming standards for the department's employees which may include the requirement that department employees wear a uniform, as prescribed by the department, while on duty.

If an employee's immediate supervisor or department head feels that an employee's personal appearance, dress or grooming is inappropriate or offensive, the employee's supervisor or department head may require the employee to leave the workplace until the employee's appearance, dress and grooming is appropriate for work. If an employee is required to leave work because of inappropriate appearance, dress or grooming, the employee will not be compensated for the time away from work. If an employee fails or refuses to comply with a

lawful directive of a supervisor or department head to change appearance, dress or grooming that the supervisor or department head determines is inappropriate or offensive, the employee will be subject to disciplinary action, up to and including possible termination of employment.

Notwithstanding the foregoing, the County shall make reasonable accommodations for appearance, dress or grooming to a person with a legally protected disability or to accommodate a bona fide religious belief.

8.050. Smoking or Use of Tobacco Products.

Smoking and use of tobacco products is prohibited in all County buildings, vehicles and equipment, and outside areas designated by the County. Employees may only smoke or use tobacco products in designated areas outside County buildings, vehicles or equipment.

Employees may only use designated rest and meal periods for smoking or use of tobacco products. Additional breaks for smoking or use of tobacco products are not permitted.

County facilities located in incorporated cities whose governing bodies adopt ordinances establishing rules and regulations with regard to smoking or use of tobacco products shall be subject to the terms and conditions of said ordinances. If an applicable city ordinance is more restrictive than state law or this code provision, the city ordinance shall apply.

8.060. Acceptance of Gifts.

The provisions of Oregon Ethics Law notwithstanding, County employees, acting in their official capacity, shall not accept any gift from any source with a value in excess of \$100 nor, in the course of a calendar year, smaller gifts from a single source with an aggregate value exceeding \$100. Gifts received by County employees, valued at \$100 or less, shall, to the extent practical, be shared with other County employees. County employees may accept gifts with *de minimis* value, such as caps, coffee mugs, pens and paperweights, and are not expected to share such gifts. Gifts with a value in excess of \$100 shall be refused, returned to the sender, or donated to a charitable organization.

Section 9. PROMOTIONS, DEMOTIONS AND REASSIGNMENTS

9.010. Promotions.

9.020. Demotions and Reassignments.

9.010. Promotions.

- A. Process. If a qualified employee applies for an open position, at the discretion of the County Administrator, the County may opt to promote the employee to the position and not recruit for the position. The County Administrator may, at his or her option, require the employee to take any appropriate tests and go through an interview or interviews and a background check prior to deciding whether to promote the employee to the new position.
- B. Effect of promotions on salary. When an employee is promoted to a classification with a higher pay grade, the employee will receive a pay increase of not less than the percentage difference between steps in the pay grade for the new position, except that the employee's pay may not exceed the maximum pay step of the pay grade for the new position. If the employee's current pay rate is below the minimum pay step of the pay grade for the new position, the employee's pay shall be increased to at least the minimum pay step of the pay grade for the new position.
- C. New probationary period. Employees who are promoted to a new position must serve a new probationary period of twelve (12) months in the new position.

9.020. Demotions and Reassignments.

When an employee is demoted for cause to a position with a lower pay grade, the employee's pay will be reduced to a pay step within the lower pay grade. When an employee is reassigned for administrative purposes through no fault of the employee, if the employee's reassigned position is in a lower pay grade, normally, the employee's pay will be changed to the step in the pay grade for the employee's new position that is closest to the employee's current rate of pay. If the employee's reassigned position is in a higher pay grade, normally, the employee's pay will be changed to the closest step in the pay grade for the employee's new position which is not lower than the employee's current rate of pay. Subject to approval of the County Administrator, the salary of an employee who is reassigned to a position with a lower pay grade may be held at the employee's current rate of pay, without adjustments for cost-of-living increases, until the employee's rate of pay falls within the pay grade for the employee's reassigned position.

Section 10. LEAVE.

10.010. Authorization for Leave.

10.020. Military Leave.

10.030. Leave of Absence Without Pay.

10.040. Family and Medical Leave.

10.050. Special Leave – Closure of County Offices.

10.060. Victims of Domestic Violence, Sexual Assault or Stalking Leave.

10.070. Holidays.

10.080. Criminal Proceedings Leave.

10.010. Authorization for Leave.

Except as otherwise provided in these Personnel Rules, any applicable collective bargaining agreement, or as required by law, all requests for leave must be approved by an employee's supervisor or department head.

An employee granted a leave of absence will be required to use all accrued and unused compensatory time and all accrued and unused paid leave time before the employee may take leave without pay. After an employee's paid time is exhausted, any leave granted or permitted will be without pay.

All leave used (paid or unpaid) shall be recorded on the employee's monthly Payroll Time and Leave Worksheet. Each department head is responsible for ensuring that all leave used by employees in their department is accurately recorded and reported on the monthly Payroll Time and Leave Worksheets.

10.020. Military Leave.

- A. Military leave with pay. An employee who has been employed with the County for at least six (6) months and who is a member of the National Guard or the reserve of any branch of the U.S. military is entitled to military leave with pay for a period not to exceed fifteen (15) work days per federal fiscal year. Such leave will be granted without loss of pay or leave and without impairment of merit ratings or other rights or benefits of employment with the County.

Military leave with pay may be granted only to personnel with certified orders and will not be paid if the employee does not return to his or her position on the employee's first scheduled work day following the end of the approved duty period. Leave with pay will not be granted to those employees entering military service for extended or indefinite periods of time.

- B. Military leave of absence without pay. All County employees who perform "service in the uniformed services," as defined in 38 U.S.C. § 4304, are entitled to military leave without pay pursuant to and in accordance with the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 [38 U.S.C. §§4301, et seq.], as amended. Employees may, but are not required to, use accrued and unused time management, vacation or holiday bank leave or accrued and unused compensatory time off for any period of military service which is unpaid by the County. Except as may otherwise be required by law, employees are not entitled to use accrued sick leave for periods of leave for military service.
- C. Military Leave for Spouses. During a period of military conflict, an employee who is a spouse of a member of the Armed Forces, National Guard, or military reserve forces is entitled to 14 days of leave per deployment including time before the deployment and/or leave from deployment. The employee must provide five days advance notice and use eligible paid leave first. To be eligible, the employee must work an average of 20 hours per week for at least 180 calendar days immediately preceding the date of leave.
- D. Payroll records. Department heads are required to document all military leave taken by an employee on the employee's Payroll Time and Leave Worksheet. Copies of military orders shall be submitted to the Personnel Department and kept in the employee's Personnel File.

10.030. Leave of Absence Without Pay.

An employee's department head may grant a leave of absence without pay not to exceed 30 calendar days. Leaves of absence without pay for periods in excess of 30 days must be approved by the County Administrator and the employee's department head except for leaves of absence which, by law, an employee is entitled to take.

10.040. Family and Medical Leave.

County employees shall be eligible to take family and medical leave as provided under the federal Family and Medical Leave Act of 1993 ("FMLA") and the Oregon Family Leave Act (ORS 659.010, "OFLA"), and pursuant to the Deschutes County Family and Medical Leave Policy.

10.050. Special Leave – Closure of County Offices.

In the event of weather-related or other conditions determined to be an emergency by the Board or the County Administrator, the Board or the County Administrator may decide to close County offices. For purposes of this section, an emergency includes, but is not limited to, conditions due to the following:

- A. Snow/ice
- B. Building problem
- C. Bomb threat
- D. Volcano
- E. Forest Fire
- F. Earthquake
- G. Flood
- H. Terrorist threat
- I. Civil unrest

If County offices are closed due to a declared emergency, employees will be granted leave with pay for the duration of the closure.

If County offices are open for business and an employee does not report to work due to weather-related or other conditions, the time off will be deducted from the employee's accrued paid leave unless it is determined by the County Administrator that the employee could not report to work due to circumstances beyond the reasonable control of the employee.

10.060. Victims of Domestic Violence, Sexual Assault or Stalking Leave.

An employee shall be allowed to take a reasonable amount of leave determined by the County Administrator and Personnel Department to address domestic violence, sexual assault, or stalking of the employee or his or her minor dependents (ORS 659A.272). The employee must have been employed with the County for at least six months and worked an average of more than 25 hours per week for at least 180 days immediately before the requested leave. The leave must not create an undue hardship on the department and it must be for an authorized purpose. An authorized purpose includes seeking legal or law enforcement assistance or remedies – seeking medical treatment or recovering from injuries; obtaining counseling or services from a victim services provider; or relocating or taking steps to secure a safe home for the employee or minor child.

The employee shall provide the Personnel Department and his/her department head with as much advance notice as is practicable. The County may require certification of the need for the leave, such as a police report; protective order; documentation from a law enforcement officer, attorney, or victim services provider.

If approved, the employee must use paid leave (excluding sick leave) which includes time management, vacation, compensatory time, or holiday time. If all paid time is exhausted, the employee may request unpaid leave.

Upon request from an employee, the County shall make reasonable work safety accommodations for an employee that is victim of domestic violence, sexual assault, or stalking.

10.070 Holidays

The following shall be recognized as paid holidays for full-time and part-time (on a pro-rated basis) County employees: New Year's Day, President's Day, Martin Luther King's Day, Memorial Day, Independence day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day, and one floating holiday.

10.080 Criminal Proceedings Leave.

An employee who is a felony crime victim shall be allowed to take leave to attend a felony criminal proceeding involving the employee or immediate family – defined as spouse, domestic partner, father, mother, sibling, child, stepchild and grandparent (ORS 659A.192). The employee must provide reasonable advance notice of the leave, provide copies of the notices of the criminal proceedings, have been employed with the County for at least six months, and worked an average of more than 25 hours per week for at least 180 days immediately before the requested leave. The leave must not create an undue hardship on the department. If approved, the employee must use paid leave (excluding sick leave) which includes time management, vacation, compensatory time, or holiday time. The employee shall not use sick leave. If all paid time is exhausted, the employee may request unpaid leave.

Section 11. DISCIPLINE AND DISCHARGE.

11.010. Discipline.

11.020. Discharge.

11.030. Appeals of Disciplinary Actions (Non-represented Employees Only).

11.010. Discipline.

- A. General. Employees may be disciplined for cause as determined by the employee's supervisor, department head, or the County Administrator. As set forth in section 3.40.020, probationary, temporary, hourly, and on-call employees, as at-will employees, may terminate their employment and may be discharged with or without notice and with or without cause.
- B. Forms of Discipline. In general, the County will follow principles of progressive discipline when implementing discipline. However, the form of discipline to be imposed in a particular situation will depend on factors such as the severity of the offense, the number of occurrences of the same or similar offenses, the employee's work history and record of prior discipline with County and any other relevant factors. Disciplinary action generally will consist of one or more of the following:
 - 1. Oral warning
 - 2. Written reprimand
 - 3. Suspension
 - 4. Demotion
 - 5. Discharge

The County reserves the right, depending on the circumstances of the particular situation, not to follow progressive discipline and to implement or impose one or more of these disciplinary actions, to bypass one or more of these disciplinary actions or to take or implement other forms of disciplinary action if determined to be appropriate by the employee's supervisor, department head, or the County Administrator. The County further reserves the right to take or implement non-disciplinary actions that may be appropriate as part of a corrective action plan, including, but not limited to, unscheduled performance evaluations, work plans, last chance agreements, additional supervision or training, referral to counseling or mediation, restructuring of job assignments, or other actions as deemed appropriate.

11.020. Discharge.

- A. Discharge of regular employees: Regular employees may be discharged from County service for cause as determined by the employee's department head or the County Administrator.
- B. Discharge during probationary period: All employees on probation are at-will employees and, as such, may terminate their employment and may be discharged with or without cause and with or without notice as determined by the employee's department head or the County Administrator.
- C. Discharge of temporary, hourly and on-call employees: Temporary and on-call employees are at-will employees and, as such, may terminate their employment and may be discharged with or without cause and with or without notice as determined by the employee's department head or the County Administrator.
- D. Employees who are discharged for cause are not eligible for rehire in any County Department unless rehire is approved by the County Administrator.

11.030. Appeals of Disciplinary Actions (Non-represented Employees Only).

Disciplinary actions imposed on non-represented employees that are otherwise subject to the grievance process may be grieved under the provisions of DCC 3.44. Discipline or discharge of probationary, temporary, hourly and on-call employees is not subject to the grievance process. Appeals of disciplinary actions imposed on non-represented employees of the Sheriff's Office shall be governed by Sheriff's Office policies and procedures and not by DCC 3.46.

Section 12. GRIEVANCES

- 12.010. General.**
- 12.020. Procedure.**
- 12.030. Limitations on Grievances.**
- 12.040. Time Limits.**
- 12.050. Extension of Time Limits.**
- 12.060. Prohibited Practices.**

12.010. General.

The County will promptly consider and respond to employee grievances relating to discipline, discharge, application of the Personnel Rules, or to terms and conditions of employment. The County prefers to informally correct the causes of grievances and encourages supervisors and employees to address and resolve problems as they arise. If the cause of a grievance cannot be resolved informally, for represented employees, the grievance procedures of the applicable collective bargaining agreement shall apply.

12.020. Procedure.

For non-represented employees except non-represented employees of the Sheriff's Office, the following procedure for processing formal grievances shall be followed:

STEP I: The aggrieved employee, or group of employees, shall verbally present the grievance to the immediate supervisor within fifteen (15) calendar days of the occurrence of the issue or action giving rise to the grievance or within fifteen (15) calendar days of the time the employee or group of employees become aware of the issue or action. The supervisor shall give his/her response within fifteen (15) calendar days of the date of the presentation of the grievance, not including the date of presentation.

STEP II: If the grievance is not fully resolved at Step I, the grievance shall, in detail, be reduced to writing, signed and dated by the aggrieved employee or group of employees, and presented to the department head within fifteen (15) calendar days after the supervisor's response is given, not including the date of the response. The department head shall respond in writing to the grievance within fifteen (15) calendar days of the date the written grievance is presented to the department head, not including the date of presentation.

STEP III: If the grievance is not fully resolved at Step II, the written grievance shall be presented by the aggrieved employee or group of employees, along with all pertinent correspondence, records and information, to the County Administrator within fifteen (15) calendar days after the department head's response is given, not including the date of the response. The County Administrator may meet with the aggrieved employee or group of employees, the immediate supervisor, and/or the department head before responding to the grievance. The County Administrator shall respond to the grievance in writing within fifteen (15) calendar days after the date the written grievance is presented to the County Administrator, not including the date of presentation.

STEP IV: If the grievance of a suspension without pay, demotion or discharge is not resolved at Step III, the grievance shall be submitted in writing to the Board of County Commissioners within fifteen (15) calendar days after the County Administrator's response is given, not including the date of the response. If the grievance relates to suspension without pay, demotion or discharge of an employee, the Board will hold a hearing if requested by the employee before

issuing a response. If a hearing is not requested by the employee, the Board, at the Board's discretion, may hold a hearing before issuing a response. The decision of the Board shall be final and binding. The Board, at the Board's option, may request advisory arbitration prior to holding a hearing on the grievance.

12.030. Limitations on Grievances.

- A. Oral warnings are not subject to the grievance process.
- B. Performance evaluations can only be grieved through Step II of the grievance procedure.
- C. Written reprimands can only be grieved through Step III of the grievance procedure.
- D. Discipline or discharge of probationary, temporary, hourly and on-call employees is not subject to the grievance process.

12.040. Time Limits.

If the grievance procedures established by this section are not initiated by an aggrieved employee or group of employees within the time limits set forth in this section, the grievance shall be dismissed and it shall be considered that the grievance did not exist. If the County fails to respond to any grievance within the time prescribed for a response, the grievance will automatically advance to the next step.

12.050. Extension of Time Limits.

The time limits for the initiation and completion of the steps of the grievance procedure may be extended by mutual consent of the parties involved, which should be documented in writing.

12.060. Prohibited Practices.

No employee may be disciplined, retaliated against or discriminated against in any way because of the employee's use of the grievance procedure.

Section 13. TERMINATION OF EMPLOYMENT

- 13.010. Voluntary Terminations.**
- 13.020. Involuntary Terminations.**
- 13.030. Loss of Longevity and Seniority.**
- 13.040. Recall After Layoff.**
- 13.050. Death.**
- 13.060. Final Paycheck.**
- 13.070. Exit Interviews.**

13.010. Voluntary Terminations.

To resign in good standing, an employee must give the employee's department head or the County Administrator a written notice of resignation at least fourteen (14) calendar days prior to the effective date of the employee's resignation. The employee's department head or the County Administrator, may agree to a shorter period of notice if an employee so requests, in writing, and provides a suitable explanation for the shorter notice period. An employee who fails to provide at least fourteen (14) calendar days notice and fails to obtain permission for a shorter notice period may be ineligible for rehire. Unless otherwise approved in advance by the employee's department head and the County Administrator, or as otherwise required by law, an employee who voluntarily resigns must be present and on the job for one full week immediately prior to the employee's termination date and must work on the termination date. If an employee takes any unauthorized leave during the employee's final week of employment, the employee may be ineligible for rehire with the County, and the County may, at its discretion, alter the employee's termination date.

Upon receipt of a notice of resignation, the County reserves the right, at the County's option, to designate a termination date which is earlier than the termination date designated by the employee. If the County elects to designate an earlier termination date, the County shall pay the employee for all wages and leave that would have accrued and shall maintain all benefits to which the employee would have been entitled if the employee had worked through the termination date designated by the employee.

13.020. Involuntary Terminations.

A. Layoffs/reductions in force.

Restructure of the organization, a reduction in budgeted positions, lack of work, or shortage of funds may result in the layoff of employees. In the event of layoff, the County may transfer affected employees into vacant positions for which the affected employees are qualified, in the judgment of the hiring department head. When a decision is made to lay off employees, the County will base layoff decisions on the following factors:

1. Job skill level
2. Ability
3. Experience
4. Education
5. Training
6. Work record
7. History of discipline and/or corrective actions

8. Knowledge of the program, department, and organization
9. Special skills or certifications
10. Longevity with the County

Seniority may be considered when the qualifications and abilities of employees are relatively equal. The County shall notify affected employees of a layoff at least thirty (30) calendar days in advance of the lay off.

- B. Disciplinary discharge. Discharge for disciplinary reasons shall be governed by DCC Chapter 3.40–Discipline and Discharge.

13.030. Loss of Longevity and Seniority.

- A. An employee loses all longevity and seniority in the event of:
 1. Voluntary termination for greater than three (3) months except under special circumstances as approved by the County Administrator.
 2. Discharge for cause.
 3. A layoff period longer than eighteen (18) months.
 4. Failure to report to work at the termination of a leave of absence.
 5. Acceptance of other employment without permission of County while on a leave of absence.
 6. Retirement.
- B. Time off during a layoff period shall not count toward seniority or longevity accrual.
- C. An employee shall not lose seniority with a department if the employee transfers from one division or position to another division or position within the same department.

13.040. Recall After Layoff.

If approval is given to rehire after a layoff, employees will be rehired in the inverse order of lay off; that is, employees laid off last shall be called back first. Employees shall retain a right to recall for eighteen (18) months from the effective date of a layoff. If employees are recalled from a layoff, the following recall procedures shall be followed:

- A. For layoffs of less than five (5) days, employees may be notified of recall in person or by telephone and shall have until the next work day following the notification to report to work.
- B. For layoffs of five (5) days to one month in duration, employees shall be notified of recall by first class mail and by certified mail, return receipt requested, sent to the employee at the employee's last known address, and the employee shall have seven (7) days from the date the certified notice of recall is mailed to report to work..
- C. For layoffs longer than one month in duration, employees shall be notified of recall by first class mail and by certified mail, return receipt requested, sent to the employee's last known address, and the employee shall have fourteen (14) days from the date the certified notice of recall is mailed to report to work.

Employees are obligated to notify the Deschutes County Personnel Department in writing of any change of address for the employee. Unless a longer period to report to work following a notice of recall is agreed to in writing by the County, employees shall report to work within the applicable time period specified in section A, B or C above. If an employee does not respond to a

notice of recall within the applicable time period designated in this section, the employee shall lose all recall rights.

13.050. Death.

In the event of the death of a County employee, all wages and all eligible leave earned and unpaid to the employee shall be paid to the employee's estate.

13.060. Final Paycheck.

Final paychecks will be delivered to terminated employees in accordance with Oregon law. Employees shall be paid for all eligible accrued and unused leave at the time of termination. Payment for any eligible accrued and unused leave shall be paid with the employee's final paycheck and shall be paid at the employee's rate of pay in effect at the time of termination.

13.070. Exit Interviews.

A. Purpose.

The purpose of the exit interview is:

1. To gain insight into the effectiveness of County personnel and management practices, to determine where personnel policies and procedures may be in need of review or revision, to determine whether supervisory or managerial practices need review, modification or improvement, and to obtain other information which could be of assistance to the County and the employee's department.
2. To provide the employee with information related to the employee's separation from employment with County, including, but not limited to, information related to continuation of health benefits for the employee and eligible dependants of the employee.

B. Conducting the exit interview. Unless waived by the County Administrator or refused by the employee, an exit interview is to be conducted with every employee separating from a benefited County position, regardless of length of service, position, or the circumstances of separation.

C. Responsibility of Personnel Department. Although departments may conduct interviews with terminating employees, the Personnel Department shall conduct all County exit interviews. The Personnel Department will analyze the results of each interview to determine how the information received may relate to current personnel policies and procedures and whether any changes in County employment policies or procedures may be needed or beneficial.

D. Timing of exit interview. The employee's department head is responsible for notifying the Personnel Department as soon as the department head learns an employee is separating from County employment. The Personnel Department will then schedule a time for the exit interview.

E. Forms and records. The results of exit interviews will be recorded on forms prescribed by the Personnel Department. The record of the interview shall be maintained by the Personnel Department.

Personnel Rules legislative history

The following ordinances amended these rules when they were part of Title 3 in the Deschutes County Code:

Ord. 2011-024
Ord. 2011-006
Ord. 2009-027
Ord. 2009-012
Ord. 2007-017
Ord. 2001-032
Ord. 86-011
Ord. 82-030
Ord. 81-053



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Repealing "Title 03 – Personnel" of the Deschutes County Code and Creating "HR- Personnel Rules". * * * ORDINANCE NO. 2020-015

WHEREAS, "Title 03 – Personnel" of the Deschutes County Code contains the Personnel Rules for county employees and said rules currently only can be amended by the Board of County Commissioners ("BOCC") by ordinance; and

WHEREAS, there is no legal mandate to house personnel rules within the Deschutes County Code; and

WHEREAS, revisions and amendments to the Deschutes County Code require a public hearing, two separate readings, codification logistics and upon external hosting of the DCC, added costs; and

WHEREAS, maintaining the personnel rules as a stand-alone document will better allow for timely revisions and attendant implementation and reflects that the personnel rules have limited direct application, to wit, county employees; and

WHEREAS, staff is requesting that said rules be removed from Title 03 DCC without any substantive changes, except to be renamed as HR-Personnel Rules and renumbered as Sections 1-13; and

WHEREAS, on December 2, 2020, the Board of County Commissioners held a duly noticed public hearing to receive testimony and consider whether to repeal Title 03 and create HR – Personnel Rules; now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. REPEALED. DCC Title 03 – Personnel is repealed in its entirety.

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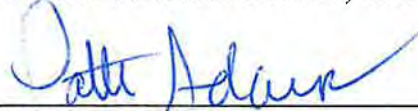
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Section 2. ADOPTION. *HR-Personnel Rules* is hereby adopted to replace Title 03 as described in Exhibit "A" attached hereto and by this reference incorporated herein.

Section 3. EMERGENCY. An emergency is declared and the actions authorized herein take effect as of January 1, 2021.

Dated this 9 of December, 2020


BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON



PATTI ADAIR, Chair



ANTHONY DEBONE, Vice Chair



PHILIP G. HENDERSON, Commissioner

ATTEST:

Recording Secretary

Date of 1st Reading: 9 day of December, 2020.

Date of 2nd Reading: 9 day of December, 2020.

Commissioner	Record of Adoption Vote			
	Yes	No	Abstained	Excused
Patti Adair	<u>X</u>			
Anthony DeBone	<u>X</u>			
Philip G. Henderson	<u>X</u>			

Effective date: 1 day of January, 2021

ATTEST



Recording Secretary

EXHIBIT A

(Ordinance No. 2020-015)