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Щоб попросити переклад або спеціальні послуги для осіб з особливими потребами, зверніться до нас, скориставшись такими контактними даними: **bcc@clackamas.us** | **503-655-8581**.

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Để yêu cầu dịch vụ dịch thuật hoặc điều chỉnh liên quan đến tình trạng khuyết tật, vui lòng liên hệ với chúng tôi qua **bcc@clackamas.us** | **503-655-8581.**

Clackamas County

www.clackamas.us

CLACKAMAS COUNTY

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December 3, 2026

BCC Agenda Item: _____

Board of County Commissioners
Clackamas County

Second Reading and Approval of an Ordinance for the Removal of Personnel Portions of County Code for Replacement with Employee Policies and Procedures. No fiscal impact. No County General Funds are involved.

Previous Board Action/Review: May 6, 2025, Policy Session regarding the removal of personnel policy language from County Code. This matter previously came before the Board at Issues on October 27, 2026, the Board of County Commissioners approved scheduling this matter for the first reading and public hearing on November 5, 2026. The Board read the Ordinance by title only and directed that it be scheduled for a second reading on December 3, 2026.

Performance Clackamas: Public Trust in Good Government
Counsel Review: Yes, 11/25/2026 **Procurement Review:** N.A
Contact Person: Jeffrey Munns **Contact Phone:** 503-742-5984

EXECUTIVE SUMMARY:
On May 6, 2025, the Clackamas County Board of County Commissioners approved the first phase of a multi-year effort to modernize the County's personnel policy framework by removing outdated personnel provisions from Clackamas County Code Chapter 2.05 and replace them with updated Employee Policies and Procedures (EPPs). Many of the personnel provisions codified in County Code originated from the County's former civil service system and no longer reflect current human resources practices or current state and federal employment laws.

On July 17, 2025, the board approved the removal of certain personnel provisions from County Code and replaced them with updated policies in the County's Employee Policies and Procedures. That action initiated a phased approach to transition personnel administration from a code-based framework to a policy-based framework. This phased modernization effort is intended to continue through 2027 and will allow the County to systematically review additional sections of Chapter 2.05 for removal and replacement with EPPs. Consistent with that direction, staff are now recommending the removal of County Code provisions related to recruitment and selection.

For Filing Use Only

On September 29, 2026, the County Administrator approved three new administrative policies, EPP 61 Candidate Selection, EPP 62 Eligibility Registers, and EPP 64 Recruitment Policy, which update and consolidate language from County Code, outdated EPPs and collective bargaining agreements.

As outlined in the attached crosswalk, the immediate removal of portions of County Code sections 2.05.070 regarding Selection, section 2.05.080 regarding Eligible Registers, and section 2.05.090 regarding Referral Of Eligibles, is necessary to align with current County policies.

Transitioning recruitment and selection provisions to EPPs allows the County to maintain clear standards and transparency while providing the administrative flexibility needed to respond to legal and operational changes. This approach also consolidates personnel policies in a single location that is easier for employees, managers, and the public to access and understand.

RECOMMENDATION: Staff recommends the Board of County Commissioners read proposed Ordinance by title only to remove the identified sections of Chapter 2.05, including sections 2.05.070, 2.05.080, and 2.05.090, from the County Code, replaced by Employee Policies and Procedures 61, 62, and 64. Further, staff recommends that a second public hearing be held and read by title only and approve Ordinance 10-2026.

Respectfully submitted,

Jeffrey D. Munns
County Counsel

Attachment A: Personnel Ordinance Crosswalk
Attachment B: Redline Version of Changes to County Code
Attachment C: EPP 61 Candidate Selection
Attachment D: EPP 62 Eligibility Registers
Attachment E: EPP 64 Recruitment Policy

ORDINANCE NO. 10-2026

An Ordinance Amending Clackamas County Code Chapter 2.05, Personnel Policies and Procedures for Clackamas County Employees, and Declaring an Emergency

WHEREAS, the Board finds it necessary to amend Chapter 2.05, Personnel Policies and Procedures for Clackamas County Employees, to remove outdated language that conflicts with newly adopted policies and State and Federal law; The amendments are shown in Exhibit A; and,

WHEREAS, The amendment will remove section 2.05.070-2.05.070.16, Selection, and all subsections, remove section 2.05.080-2.05.080.7, Eligible Registers, and all subsections, and will remove section 2.05.090-2.05.090.5, Referral of Eligibles, and all subsections, which have been replaced by Employee Policy and Procedures ("EPP") 61, 62 and EPP 64; and,

Now, therefore, the Board of Commissioners of Clackamas County ordains as follows:

Section 1: Chapter 2.05, Personnel Policies and Procedures for Clackamas County Employees, of the Clackamas County Code is hereby amended as shown on Exhibit "A", attached hereto and incorporated herein by this reference.

Section 2: The Board of Commissioners hereby finds and declares that an emergency exists because the immediate effect of this ordinance is necessary to eliminate outdated and conflicting code provisions with current policy and State and Federal law.

Section 3: Effective date. The changes to Chapter 2.05 authorized by this ordinance and shown on the attachments shall become effective following the second reading of this Ordinance on December 3, 2026.

ADOPTED this 3rd day of December 2026.

BOARD OF COUNTY COMMISSIONERS

_____
Chair

_____
Recording Secretary

Chapter 2.05

2.05 PERSONNEL POLICIES AND PROCEDURES FOR CLACKAMAS COUNTY EMPLOYEES

2.05.010 Responsibilities

A. The Board of County Commissioners reserves the right to make changes in the Personnel Chapter 2.05 at any time. These changes will become effective only when made in writing.

B. The Department of Employee Services shall provide supervisory staff with a copy of the Personnel Chapter 2.05 and any subsequent updates.

C. It is the responsibility of each elected official and Division/Department Director to be familiar with and administer these policies in a consistent and impartial manner.

D. It is the responsibility of each Department to maintain an updated Personnel Chapter 2.05 in a location easily accessible to all employees. Chapter 2.05 will be available to all employees on the County internet and intranet.

E. It is the responsibility of all employees to familiarize themselves with and follow the policies in this chapter.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]

2.05.020 Intent Of Document

The Clackamas County Personnel Chapter does not establish a property right or contractual right of employment to any Clackamas County employee.

[Codified by Ord. 05-2000, 7/13/00]

2.05.030 Definitions

A. ADVERSE IMPACT means a substantially different rate of selection in any phase of the employment process which works to the disadvantage of members of a protected class.

B. AFFIRMATIVE ACTION means identifying existing or potentially discriminatory conditions and making specific goal oriented corrective actions to eliminate and prevent unlawful discrimination.

C. ALLOCATED POSITION means a position which is specifically identified in the budget.

D. APPEAL means a request for a hearing before the Hearings Officer as provided by this chapter.

E. APPOINTING AUTHORITY means any person vested with the authority to appoint individuals to County positions. Such authority will be vested in elected officials and department directors, and may be delegated to supervisory employees within a department or division.

F. APPOINTMENT means the offer and acceptance of a job made in accordance with these rules.

G. BONA FIDE OCCUPATIONAL QUALIFICATIONS means attributes that are job related and necessary for the safe and efficient operation of a business.

H. CAUSE is defined in section 2.05.190.3.

I. CLASSIFICATION means a group of positions sufficiently similar in duties, authority and responsibility to permit grouping under a common title and which call for similar qualifications and the same schedule of pay.

J. CLASSIFICATION PLAN means a document which embodies all classifications that have been established, and the specifications or descriptions of these classes.

K. CLASSIFICATION SPECIFICATION means a written description of a classification containing a title, the general characteristics of the kind and level of work, description of typical duties, responsibilities, skills and knowledge required; other qualifications which may include requirements of training and experience; EEO category designation; and other pertinent information.

L. CLASSIFIED EMPLOYEE means a person who has been appointed to a position in the classified service.

M. CLASSIFIED SERVICE means those County positions which are not specifically exempt under 2.05.040.3 (B).

N. DEMOTION means changing an employee's position to a classification that has a lower salary grade than the employee's present classification.

O. DEPARTMENT means a County organizational unit under the direction of a single appointing authority.

P. DIRECTOR OF EMPLOYEE SERVICES means a person appointed as the Director of the Department of Employee Services or a staff person, which the Director has designated as a representative.

Q. DISCIPLINARY ACTION means any action taken by an appointing authority which reprimands the employee, or reduces temporarily or permanently, an employee's pay status, benefits, or other incidents of employment.

R. DISCRIMINATION means illegal discrimination on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, age, disability, or other protected status as those terms are understood under Oregon and federal law.

S. DOMESTIC PARTNER means persons who are eligible for County employee benefits domestic partner coverage.

T. DOWNGRADING means a reclassification of a position where the newly assigned classification has a lower salary grade.

U. EEO OCCUPATIONAL CATEGORY means a group of occupations deemed to be similar in duties, authority or responsibility as determined by the Equal Employment Opportunity Commission.

V. ELIGIBLE REGISTER means a list of applicants for County employment or advancement in County employment who have successfully completed the selection process. In a banded recruitment, the eligible register consists of bands A, B and C, (if applicable) but not band D.

W. EQUIVALENT CLASSIFICATION means a classification that requires both the same kind of knowledge and the same degree of skills.

X. FRAUD means conduct which meets all of the following elements of fraud as defined in the common law of the State of Oregon: (1) a representation is made; (2) the representation is false; (3) the representation is material; (4) the representation is made by the speaker with knowledge of its falsity or ignorance of its truth; (5) the speaker intends that the hearer should act upon the representation and do so in the manner reasonably

contemplated; (6) the hearer is ignorant of the falsity of the representation; (7) the hearer relies on the truth of the representation; (8) the hearer has a right to rely on the truth of the representation; and (9) the hearer is injured as a consequent and proximate cause of reliance on the representation.

Y. GRIEVANCE means a complaint filed pursuant to a collective bargaining agreement.

Z. HEARING means a hearing that is established as a result of an appeal to the Hearings Officer to resolve employment disputes.

AA. HEARINGS OFFICER means a person who is not an officer or employee of the County and is designated by the Board of County Commissioners to preside at hearings regarding employee appeals.

BB. HIGHER SALARY GRADE means a minimum of 4.0% difference when comparing the maximum hourly rates of pay of the salary grades.

CC. JOB SHARE means a situation in which two people share duties and responsibilities of one full-time position.

DD. LAYOFF means a separation from the County service due to a shortage of funds or materials, elimination of position, material change in duties, changes in an organizational unit, inability to perform assigned duties due to a medical condition, or for any other reasons not reflecting discredit on an employee and outside of the employee's control.

FF. LOWER SALARY GRADE means a minimum of 4.0% difference when comparing the maximum hourly rates of pay of the salary grades.

GG. NONREPRESENTED EMPLOYEE means an employee whose position is not included in one of the recognized County collective bargaining units.

HH. OPEN REGISTER means an eligibility register consisting of all persons who have successfully completed an open competitive selection process. An open register may be a ranked open register, an unranked open register, or a banded open register.

II. PERSONNEL ACTION means any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal or any other action affecting an employee's status.

JJ. PERSONNEL FILE means the official record of each employee in the County service as established and maintained by the Department of Employee Services.

KK. POSITION ALLOCATION means the number of positions budgeted in a classification within each department.

LL. POSITION CONTROL means the process for obtaining budgetary approval for the allocation and filling of a position.

MM. POSITION REQUISITION means a Department of Employee Services form used to request the budgeting or filling of a position.

NN. PROBATION means a working test period during which a classified employee is required to demonstrate fitness by actual performance of the duties of the position to which the employee is appointed.

OO. PROMOTION means the appointment of an employee to a position in a classification that has a higher salary grade.

PP. PROMOTIONAL/INTERNAL REGISTER means an eligible register consisting only of County employees who have regular status with the County or who have completed six (6) months of continuous service in a classified position and who have successfully completed an internal selection process.

QQ. PROTECTED CLASS means members of groups of persons afforded protection under

State and/or Federal law.

RR. PROVISIONAL means an appointment of a person not on an eligible register to a classified position, for a limited duration of time not to exceed three (3) months.

SS. RATERS means representatives of departments, the public, interested organizations or other public jurisdictions who have been designated to administer and score selection procedures.

TT. RECLASSIFICATION means a change in allocation of an individual position by raising it to a higher classification, reducing it to a lower classification or moving it to another classification at the same level on the basis of significant changes in the kind, difficulty or responsibility of the work performed in such a position.

UU. RED CIRCLE means a process authorized by the Board of County Commissioners and used to continue the same salary rate as an employee received prior to a downgrading of the position or prior to the reduction of the salary grade for the classification.

VV. REFERRAL OF ELIGIBLES means the process by which eligible applicants are referred by the Department of Employee Services to the appointing authority for selection.

WW. REGULAR EMPLOYEE means a classified employee who has been appointed to an allocated position and who has successfully completed a probationary period for the position.

XX. REGULAR STATUS means the status a classified employee acquires after successful completion of a probationary period for the particular allocated position to which the employee was appointed.

YY. RULES OF PRIVILEGE means the definition found in ORS 40.225 - 40.295.

ZZ. SALARY GRADE means the number assigned by the County to a particular employee group and pay range in the County compensation plan. A salary grade will have a maximum and minimum pay rate, and may or may not have specific pay steps between the maximum and minimum pay rates, depending on the employee group to which the salary grade pertains.

AAA. SELECTION PROCEDURE means a reasonable and impartial method of systematically and fairly evaluating an applicant's fitness for performing the requirements of a position.

BBB. SENIORITY means the definition found in the applicable collective bargaining contract will apply. If no such definition exists, then seniority will be defined as length of continuous years of service with the County.

CCC. TEMPORARY POSITION means an unallocated position. Temporary positions are subject to an annual limit on hours worked as provided in Section 2.05.040.5.

DDD. TRANSFER means the movement of an employee to a different position in the same classification.

EEE. UNALLOCATED POSITION means a position which is not specifically identified in the budget. Unallocated positions are funded by a budget entry for "temporary workers" or similar entry. Unallocated positions are subject to an annual limit on hours worked as provided in Section 2.05.040.5.

FFF. UNCLASSIFIED SERVICE means those County positions which are exempt under 2.05.040 3B.

GGG. UNRANKED OPEN REGISTER means a register that is created when there are ten (10) or fewer applicants qualified for an open register for a single recruitment, and there are no names on the layoff or promotional/internal register for the position.

HHH. UPGRADING means a reclassification of a position in which the newly assigned

classification has a higher salary grade.

III. VOLUNTARY DEMOTION means a demotion approved by the County and requested by an employee in order to retain employment when layoff is imminent or for other reasons where the action is still entirely voluntary on the part of the employee.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 10-2004, 11/18/04; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 05-2007, 6/7/07; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 01-2011, 4/28/11; Amended by Ord. 05-2014, 9/25/14; Amended by Ord. 02-2020, 2/20/20]

2.05.040 Purpose And Application Of This Chapter

2.05.040.1 Purpose Of The Personnel Chapter

It is the purpose of this chapter to establish a system of uniform and appropriate personnel policies and procedures which will provide County government with a productive, efficient, stable and representative work force by incorporating the following principles:

A. Recruiting, selecting and advancing employees on the basis of their relative ability, education, training, knowledge and skills relevant to the work to be performed and providing progressive employment programs which encourage and support employee development.

B. Establishing and maintaining a uniform plan of classification and compensation based upon the relative duties and responsibilities of positions in the County service.

C. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected.

D. Assuring fair treatment of applicants and employees in all aspects of personnel administration without discrimination based on race, color, sex, age, religion, national origin, political affiliation, marital status, family relationships or disability and with proper regard for their privacy and constitutional rights.

E. Establishing ethical standards of conduct required of employees which will promote the proper operation of County government and the faith and confidence in their government.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 03-2022, 7/21/22]

2.05.040.2 Scope Of The Personnel Chapter

This chapter shall govern and affect personnel administration for all employees of Clackamas County, unless otherwise specified. This Personnel Chapter is not intended to supersede provisions of collective bargaining agreements to which Clackamas County is a party. The Personnel Chapter shall also not supersede any local, state, or Federal statutes, rules and regulations, which take precedence in the government of employment at the County.

It is the intent of this chapter that it be interpreted broadly as a fair and reasonable approach to specific problems and situations; that it be considered as a total rather than each phrase being interpreted in isolation and out of context; and that the general principles stated herein will serve as a basis for the personnel policy for Clackamas County.

[Codified by Ord. 05-2000, 7/13/00]

2.05.040.3 Application Of Personnel Chapter

All positions within the County government shall be divided into the classified or unclassified service.

A. Classified Services: The classified service shall include all positions that are not included in the unclassified service. Positions in the classified service are subject to all of the provisions in this Personnel Chapter.

B. Unclassified Service: The unclassified service shall include the following offices and positions:

1. Any officer, chosen by popular election or appointed to fill a vacancy caused by death, resignation or removal of any officer chosen by election.
2. Any special Deputy Sheriff or peace officer appointed to act without compensation from the County.
3. Any Deputy District Attorney, the District Attorney Office Manager, the District Attorney Victim Assistance Manager, and the District Attorney Senior Administrative Services Manager.
4. Any member of a board or commission whose principle vocation is other than as a County employee.
5. Persons employed as on-site property managers residing in County-owned or County-provided facilities.
6. Persons employed in unallocated positions (also known as temporary positions).
7. Any part-time employee working less than half time.
8. Persons employed under a limited term appointment status.
9. The County Administrator, under employment contract with the Board of County Commissioners.
10. Department directors under employment contract with the County Administrator.
11. Persons holding positions designated by the County Administrator as appropriate for unclassified status, who hold positions under employment contract with the County Administrator.
12. Persons employed in the Sheriff's Office as a Captain or Undersheriff.
13. The County Counsel, under employment contract with the Board of County Commissioners.
14. Employees of the Office of County Counsel, under employment contracts with the County Counsel.
15. Persons appointed by the Governor or chosen by popular election as Justice of the Peace.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 13-2003, 7/13/03; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 04-2007, 4/26/07; Amended by Ord. 01-2009, 2/5/09; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 02-2012, 1/5/12; Amended by Ord. 05-2014, 9/25/14; Amended by Ord. 03-2016, 8/11/16]

2.05.040.4 Special Conditions - Unclassified Service

A. Employment in the unclassified service is not subject to the terms of this Chapter, except for the following:

1. Unclassified employees designated in 2.05.040.3 B3, B5, B6, B7, B8, B9, B10, B11, B12, B13, and B14 are subject to :
   Ethical Standards (Code § 2.05.170),
   Employee Responsibilities (Code § 2.05.180),

Equal Employment Opportunity (Code § 2.05.240),
Harassment (Code § 2.05.250),
Employment Related Physical Assessments (Code §2.05.100.4)
Personnel Records (Code §2.05.260)

2. Unclassified employees designated in 2.05.040.3 B3, B8, B9, B10, B11, B12, B13, and B14 are subject to:
   Classification EPP 70
   Compensation Plan EPP 71
   Status Changes (Code § 2.05.140)
   Leave of Absence (Code § 2.05.150)
   Holidays, Vacation, and Sick Leave (Code § 2.05.160)
3. Unclassified employees are not subject to the following Employment Policies and Practices (EPP's) established by the Department of Employee Services:
   EPP 36 - Disciplinary Procedures;
   EPP 37 - Layoff Procedures.
   Other EPP's may or may not apply to an Unclassified employee depending on type of position and the terms of the EPP. Application will be governed by the terms of the EPP.

B.

C.

D. Persons qualified to be employed in a sworn law enforcement position may be employed by the Sheriff as a Captain or Undersheriff. Employment as a Captain or Undersheriff is held at the will and pleasure of the Sheriff. A person who was employed in a classified position in the Sheriff's Office immediately prior to employment as a Captain or Undersheriff, and who is removed by the Sheriff from a position as a Captain or Undersheriff for reasons unrelated to misconduct, may resume employment in the classified position held prior to employment as a Captain or Undersheriff. A person who resumes a classified position as provided in this paragraph shall receive benefits and pay corresponding to the classified position, at the maximum pay rate within the range for classification.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 04-2007, 4/26/07; Amended by Ord. 01-2009, 2/5/09; Amended by Ord. 05-2009, 10/29/09]

2.05.040.5 Annual Hours-Worked Limit for Unallocated Positions

Employees working in unallocated positions (also known as temporary positions) are limited to working 1560 hours annually (in divisions using 40 hours/week schedules), or 1462.5 hours annually (in divisions using 37 ½ hours/week schedules). The annual work-hour limit is applied for the 12 month period starting from the employee's first day of work. When the employee has reached the annual hour limit, they will be dismissed from employment. Unallocated employees who have been dismissed because they have reached the annual hours limit cannot be rehired for an unallocated position until the employee's next 12 month cycle begins. Unallocated employees dismissed and then rehired will continue to retain their 12 month cycle based on the original date of their first day of work. Work hours include regular hours and overtime hours worked.

[Adopted by Ord. 05-2009, 10/29/09]

2.05.050.11 Trainee Classifications

Individuals who are unsuccessful in completing a trainee program and who were regular status employees prior to participating in a trainee program shall be returned to their previous positions if the positions are available. If the positions are no longer available, the employees shall be placed on the layoff register for their previously held classifications. Employees who are unsuccessful in completing a trainee program and were not regular status employees immediately prior to participation in the trainee program shall be dismissed.
[Codified by Ord. 05-2000, 7/13/00]

2.05.060.1 Overtime

A. Overtime Policy: It is the policy of the County to reduce to a minimum the necessity for overtime work. All overtime shall be pre-approved by the employee's supervisor and reported to Payroll.

Nonrepresented full time employees who are exempt from coverage by the federal Fair Labor Standards Act (FLSA) are not paid for overtime and do not accrue compensatory time for work in excess of their regularly scheduled workday or workweek. Employees who work such uncompensated overtime may take time off from work with prior approval from their supervisor, not to exceed one-half day, without deducting such leave from their leave accrual balances. The County Administrator may approve exceptions allowing overtime compensation for certain non-represented employees. Overtime pay may also be authorized by the President of the United States which may qualify for cost reimbursement through the Federal Emergency Management Agency. Part-time regular employees are not covered by this uncompensated overtime policy, and are paid for actual hours worked.

B. Definition of Overtime: For all employees who are members of a bargaining unit, the conditions governing overtime compensation in the respective collective bargaining agreement shall apply.

Nonrepresented employees who are not exempt from coverage by the FLSA shall be allowed overtime pay or compensatory time for employment in excess of forty (40) hours in any one week.

Nonrepresented employees who are allowed overtime compensation by an exception approved by the County Administrator shall be allowed overtime according to the terms of that exception.

C. Compensation: For those nonrepresented employees who are not exempt from coverage by the Fair Labor Standards Act, the rate of compensation for overtime worked shall be paid at one and one-half times the employee's regular rate of pay. A covered employee may receive cash compensation or compensatory time or a combination of both with prior mutual agreement in writing by the employee and appointing authority.

The payment of cash compensation for overtime or the use of compensatory time is at the

discretion of the appointing authority based upon budgetary considerations. It shall be the responsibility of the appointing authority to establish appropriate policy to be implemented throughout the department, which provides equitable treatment of all employees.

D. Compensatory Time: Unless otherwise specified in the collective bargaining agreements, compensatory time shall be allowed to accumulate to a maximum of 240 hours and must be reduced to no more than eighty (80) hours at the end of each fiscal year. Such reduction may be accomplished through time off or authorized payment by the appointing authority.

E. Effect of Overtime on Benefits: Time worked as overtime shall not be used to serve out probation, salary increase periods or earn employee benefits, except as required by law. Compensatory time off may be used as part of the established workweek to earn employee benefits and to serve out probation and salary increase periods.

F. Policy of Compliance with "Salary Basis" Requirements: An exemption from overtime wage provisions of the FLSA is provided for employees employed as bona fide executive, administrative, professional, or computer employees. To qualify for exemption, employees must meet certain tests regarding their job duties and be paid on a fee basis or "salary basis". Deductions from pay may be made for certain reasons without losing the "salary basis" exemption, including (1) for absences from work for one or more full days for personal reasons, (2) for absences from work for one or more full days for sickness or disability, (3) for penalties imposed for violation of safety rules of major significance, (4) for unpaid disciplinary suspensions of one or more full days for violation of workplace conduct rules, (5) for leave under the Family and Medical Leave Act, or (6) for absences of less than one work-day according to a practice established pursuant to principles of public accountability.

It is the County's policy to comply with the "salary basis" requirements of the FLSA. Therefore, the County prohibits any improper deductions from the salaries of exempt employees. If an employee believes that an improper deduction has been made to the employee's salary, they should immediately report that information to the Director of Employee Services. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction from an exempt employee has occurred, the employee will be promptly reimbursed for any improper deductions made.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 13-2003, 7/3/03; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 03-2022, 7/21/22]

~~**2.05.070 Selection**~~

~~**2.05.070.1 Purpose Of Selection Process**~~

~~The purposes and goals of the selection process are:~~

~~A. To provide a competitive system of filling positions in the County classified service with the best-qualified persons possible, based on job related factors;~~

~~B. To provide qualified persons for County employment and promotions ensuring equal~~

employment opportunity;

C. To ensure that all selection procedures are valid, impartial and free from personal and political considerations; and

D. To comply with the Federal Uniform Guidelines on Employee Selection Procedures.

[Codified by Ord. 05-2000, 7/13/00]

2.05.070.2 Job Announcements

When establishing eligibility registers, the Department of Employee Services shall post job announcements in the office of the Department of Employee Services, County departments and other public places. The notice may include special requirements of the position and shall include:

A. The title of the position;

B. A brief statement of the duties;

C. The salary grade or rate of pay;

D. Minimum qualifications or requirements;

E. Nature of the selection process; and

F. Closing date for applications.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 05-2009, 10/29/09]

2.05.070.3 Selection Procedures

The Department of Employee Services shall determine appropriate selection procedures in consultation with the department representative. In determining selection procedures, the Department of Employee Services shall consider:

A. Analysis of job duties;

B. Availability of applicants;

C. Special problems of protected classes related to effective competition;

D. Occupational standards;

E. Professional selection procedures; and

F. Supportable job related experience.

Selection methods shall be confined to the measurement of knowledge, skills and abilities necessary to perform the defined duties of the position. Any pertinent factor or trait which affects job performance may be included.

The Department of Employee Services shall appoint, as needed, special raters to assist in selection procedures. Raters may be representatives of departments, the public, interested organizations, or other public jurisdictions who have been designated to administer and score selection procedures.

All selection procedures shall be subject to continuous analysis for fairness and job relatedness in accordance with appropriate Federal and State regulations and professional standards. An appointing authority may request of the Director of Employee Services that a selection procedure be reviewed for fairness, job relatedness, or other defect. The Director of Employee Services may cancel or modify any part of the selection procedure or materials which he/she determines is not job related, is unfair, is confusing or otherwise is materially defective. The Director of Employee

~~Services may at any stage of the selection procedure set the minimum passing score at a level designed to provide a sufficient number of candidates for further consideration.~~
~~[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]~~

~~2.05.070.4 Types of Recruitments and Selection Procedures~~

~~The use of an open and/or promotional/internal recruitment shall be determined by the Director of Employee Services in accordance with the provisions of these rules:~~

~~A. Open: A recruitment in which any interested person may submit an application for employment.~~

~~B. Open Continuous Recruitment: These recruitments will remain open and are not of a limited duration. An individual's name shall be removed from the eligibility register after a designated period of time, normally not less than six (6) months or more than one (1) year. Open continuous recruitments may be used when practical, as determined by the Director of Employee Services based on an assessment of the anticipated number of positions to be filled from the register and/or consideration of current labor market conditions.~~

~~C. Promotional/Internal: Only employees of the County in the classified service may submit an application. A promotional/internal recruitment may be limited to a particular agency, or department, or part thereof. Such limitations shall be used only when justified by the presence of a number of qualified competitive candidates or by the specialized unique nature of work performed. Such limitations require approval by the Director of Employee Services. Promotive classifications established in conformance with 2.05.050.12, may require completion of the training and development criteria and time periods before becoming eligible to submit an application.~~

~~[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05]~~

~~2.05.070.5 Need For Recruitment~~

~~All vacancies in the Classified Service shall be filled by persons who have been qualified through the recruitment and selection process, except as otherwise provided by these rules. Departments have the responsibility to notify the Department of Employee Services as soon as a vacancy is anticipated and to provide them with a complete description of the duties of the position. Recruitments may be held when deemed appropriate by the Director of Employee Services. A recruitment need not reflect an immediately available vacant position.~~
~~[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]~~

~~2.05.070.6 Publicity And Recruitment~~

~~The Department of Employee Services shall administer a program of recruitment which will attract qualified persons to County employment including members of protected classes. Recruitment efforts will include contacts with community groups, agencies, councils and individuals for purposes of soliciting applications from all segments of the population.~~
~~[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]~~

~~2.05.070.7 Minimum Requirements~~

~~Minimum requirements established for a position shall be determined in accordance with legal requirements, classification specifications, duties of the position, occupational standards, the labor market and relevant past work experience. Such requirements shall be based upon an~~

~~evaluation of the knowledge, skills and standards required for the position. Applicants may be required to submit additional information about their backgrounds, completion of courses of study or training or evidence of their possession of licenses or certificates. Applicants may be required to qualify in an employment related physical assessment tailored to job requirements.~~
~~[Codified by Ord. 05-2000, 7/13/00]~~

~~2.05.070.8 Disqualification Of Applicants~~

~~All applications shall be reviewed by the Department of Employee Services for eligibility and admission to the selection process. A person shall be disqualified from consideration:~~

~~A. Who is not eligible under the provisions of these rules;~~

~~B. Whose application was received after the closing date and time for accepting applications as specified in the job announcement, unless waived by the Director of Employee Services;~~

~~C. Who does not meet the minimum qualifications as prescribed in the job announcement;~~

~~D. Who does not meet the legal requirements as set forth in Federal, State or County law; or,~~

~~E. Who has knowingly made a false statement in any material fact or has practiced or attempted to practice any deception or fraud in the application or selection process.~~

~~Who did not complete the required elements of the employment application or supplemental application materials.~~

~~[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 05-2009, 10/29/09]~~

~~2.05.070.9 Modification Or Suspension Of Selection Procedures~~

~~A. If there are five (5) or fewer eligible competitors in any part of the selection process, subsequent parts may be modified or suspended. In such a case, referral may be made, provided that there is no existing eligible register and all eligible applicants are to be referred and interviewed by the appointing authority.~~

~~B. If there are ten (10) or fewer applicants qualified for an open register following review by the Department of Employee Services, and there are no names on the layoff or promotional/internal register, an unranked open register may be developed. Except as provided below in this section, all applicants on the unranked open register will be referred and interviewed by the appointing authority.~~

~~C. An unranked open register will not be used if it conflicts with the terms of applicable collective bargaining agreements.~~

~~D. An unranked open register will not be used if, prior to the job announcement open date, a department director specifically requests a ranked open register for that recruitment.~~

~~[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 10-2004, 11/18/04; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 01-2011, 4/28/11; Amended by Ord. 05-2014, 9/25/2014]~~

~~2.05.070.10 Consideration Of Qualifications~~

~~The selection procedure(s) may be composed of one or several selection processes, which may be considered independently or jointly. Candidates may be required to be competitive at a prescribed level in the initial screening to advance in the selection process.~~
~~[Codified by Ord. 05-2000, 7/13/00]~~

2.05.070.11 Reapplication and Retesting

Applicants may not reapply or retest for the same position more than once within a six, (6) month period. The Director of Employee Services may waive this restriction when warranted.
[Codified by Ord. 05-2000, 7/13/00; amended by Ord. 05-2009, 10/29/09]

2.05.070.12 Written Exams

Applicants may register objections to any question or answer which they believe unfair or incorrect within three (3) working days of the applicant completing the written test. Such objections shall be made to the Director of Employee Services. Items may be deleted on the basis of item analysis, administrative or clerical errors, and incorrect keying and valid objections of applicants prior to computing scores. Any such deletions shall be recorded together with the reasons for such deletion. The Director of Employee Services may remove such questions or make such alterations in the answer key. Any alterations made to the answer key shall be applied to the scoring of all applicable tests.
[Codified by Ord. 05-2000, 7/13/00]

2.05.070.13 Review Of Selection Results

Applicants may review their results within fourteen (14) calendar days from the date on which the notice of results was mailed. The selection materials of applicants are not open to inspection by the public or by other applicants except as provided by law.
[Codified by Ord. 05-2000, 7/13/00]

2.05.070.14 Requests For Review Of Selection Procedures

Requests for review may be made by any applicant to the Director of Employee Services on any part or process of the selection procedure as identified in 2.05.070.13 above. An applicant has fourteen (14) calendar days from the date selection results were mailed to file a Request for Review. The Director of Employee Services shall investigate the circumstances surrounding the request and take appropriate administrative action to resolve any complaints within the time frames set forth in 2.05.220.5.
[Codified by Ord. 05-2000, 7/13/00]

2.05.070.15 Appeals Of Selection Procedures In The Selection Process

Written appeals of the Director of Employee Services' decision resulting from a claim of fraud or illegal discrimination in the selection process may be made to the Hearings Officer. Appeals to the Hearings Officer must be made in writing within thirty (30) calendar days from the date the Director of Employee Services mails the determination of the matter to the applicant. (See 2.05.210 for Appeals Procedures.)
[Codified by Ord. 05-2000, 7/13/00]

2.05.070.16 Waiver Of Selection Process

The selection process may be suspended and appointment made if transition to probationary/regular employment from a specially funded program is involved and the Director of Employee Services finds that competition is impractical. Such exception shall be requested in writing from the appointing authority stating the reasons for the suspension of the selection procedures.
[Codified by Ord. 05-2000, 7/13/00]

~~2.05.080 Eligible Registers~~

~~2.05.080.1 Types Of Eligible Registers~~

~~Eligible registers are maintained in accordance with the County's classification of jobs. The types of eligible registers are:~~

~~A. Open: A register which shall consist of persons who have successfully completed an open competitive selection process. The period of eligibility will normally be not less than three (3) months (unless the registers are exhausted) nor more than one (1) year. An open register may be a ranked open register, an unranked open register, or a banded open register~~

~~1. Ranked Register: A ranked register consists of applicants who have successfully completed an open competitive selection process and are listed in order of eligibility for hiring, with the highest scoring applicant at the top of the list, and other applicants ranked below in order of decreasing scores.~~

~~2. Unranked Register: An unranked register consists of 10 or fewer qualified applicants as described in section 2.05.070.9.~~

~~3. Banded Register: A banded register consists of applicants who have completed an open competitive selection process and are listed in up to four groups: band A, band B, band C, and band D. Applicants eligible for hiring consideration are listed in bands A, B or C. Applicants not eligible for hiring consideration are listed in band D.~~

~~a. "Band A" applicants are the top applicants for first referral to the appointing authority for hiring consideration, based on the job-related criteria and preferences established at the time of the solicitation. Band A applicants meet the minimum qualifications and also possess the job-related preferences expressed in the solicitation, such as additional relevant education, training, skills, professional certifications, or experience (especially experience with the particular type of job duties expected for the position, and recent experience).~~

~~b. "Band B" applicants are the next group of applicants for secondary referral to the appointing authority for hiring consideration, based on the job-related criteria and preferences established at the time of the solicitation. Band B applicants meet the minimum qualifications and have some of the job-related preferences expressed in the solicitation, such as additional relevant education, training, skills, professional certifications, or experience (especially experience with the particular type of job duties expected for the position, and recent experience).~~

~~c. "Band C" applicants are the last group of applicants for referral to the appointing authority for hiring consideration, based on the job-related criteria and preferences established at the time of the solicitation. Band C applicants meet the minimum qualifications and have a lesser level of the job-related preferences expressed in the solicitation, such as additional relevant education, training, skills, professional certifications, or experience (especially experience with the particular type of job duties expected for the position, and recent experience.~~

d. "Band D" applicants are those who are not competitive at the level required to advance in the selection process. This group will not be eligible for hiring consideration, based on the job-related criteria and preferences announced at the time of the solicitation.

e. Banded registers will be used only upon request of the appointing authority and approval by the Director of Employee Services. Such approval will be granted only where sufficient job-related hiring criteria and job-related preferences have been developed to assure the job-related validity of the selection process. The hiring criteria and preferences must be established at the time the solicitation is made.

f. When a banded register is developed, the Department of Employee Services will refer eligible candidates to the appointing authority only by referring all names within a band (whether band A, band B or band C). A single band or multiple bands may be referred at one time. An appointing authority must apply the same selection process in the consideration of all applicants within the band (whether band A, band B or band C) when considering applicants from a banded register for hiring.

g. Veterans' preference as provided in section 2.05.070.17 will be applied to a banded register by moving an eligible veteran in band C or band B up one band, or by moving an eligible disabled veteran in band C up two bands. As provided in ORS 408.230, veterans' preference is not a requirement that a veteran be appointed, but if the selection process applied by an appointing authority to members of a band after the preference has been applied results in an equal evaluation for a veteran and non-veteran, then the veteran shall be appointed.

h. Affirmative action as provided in 2.05.090.2(B) will be applied to a banded register, where there is a hiring goal contained in the current County Affirmative Action Plan for the category in which the job vacancy exists, by moving up by one band all applicants who are from that group for which hiring goals exist and who are in band C or band B; provided however that no applicants will be moved up into a band if there are already at least 5 applicants from that group present in that band.

B. Promotional/Internal: A register which shall consist of employees who have successfully completed a promotional/internal selection process. Promotional/internal registers shall remain in effect for not less than eighteen (18) months or more than twenty-four (24) months. Promotional/internal registers for non-represented positions shall remain in effect a minimum of six (6) months and may be extended for up to twenty four (24) months upon approval of the Director of Employee Services.

C. Layoff: A register which shall consist of previous employees who had attained regular status with the County and were displaced from their position due to layoff or reduction in force, current employees who exercised voluntary demotion in lieu of layoff, or employees who failed to pass the probationary period for a higher level position as a result of reclassification or trainee program. The period of eligibility will be two (2) years from the effective date of the action which placed the individual on the layoff register.

[Codified by Ord. 05-2000, 7/13/00; Subsection A amended by Ord. 10-2004, 11/18/04;

~~Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 01-2011, 4/28/11]~~

~~2.05.080.2 Placement Of Names On Eligible Register~~

~~The name of any person who has qualified for County employment or advancement must be placed on an appropriate eligible register, unless otherwise stated by these rules.~~

~~Persons who have completed six (6) months of continuous service in a classified position and are on an open register for a higher classification may be transferred, on request of the applicant, to an existing promotional/internal register for the higher level classification. The period of eligibility shall not be extended by such transfer.~~
~~[Codified by Ord. 05-2000, 7/13/00]~~

~~2.05.080.3 Removal Of Names From Open Eligible Register~~

~~Names shall be removed from any eligible register after appointment, or at the end of the eligibility period. The acceptance of temporary work by persons on eligible registers shall not affect their referral for regular positions. The Director of Employee Services may remove from an open eligible register the names of persons:~~

~~A. Who have declined three (3) appointments from any one eligible register;~~
~~B. Who are considered, but not appointed after one(1) referral, provided however that the person shall only be removed from the particular eligibility register sent to the requesting appointing authority and shall remain on the master eligibility list for that job classification (if applicable) with respect to other appointing authorities;~~
~~C. Who fail to respond to the referral notice within seven (7) calendar days from date notifications were mailed;~~
~~D. Who fail to appear for a job interview;~~
~~E. Who have failed to answer an availability inquiry within seven (7) calendar days;~~
~~F. Who have failed to keep the Department of Employee Services informed of their address;~~
~~G. Whose reasons for waiving referral or appointment are not satisfactory as determined by the Director of Employee Services;~~
~~H. Who are determined to be unqualified by the Director of Employee Services based on their previous employment record;~~
~~I. Who fail to meet minimum requirements, employment related physical standards, background/criminal history check or for any valid cause relating to their character and ability to perform satisfactorily on the job; or,~~
~~J. Who have failed to comply with conditions of employment as a County employee.~~

~~All persons whose names are removed from an open eligible register for cause shall be so notified in writing and shall have the right of review by the Director of Employee Services.~~
~~[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07.2005, 11/3/05; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 01-2011, 4/28, 2011]~~

~~2.05.080.4 Removal And Replacement Of Names From Promotional/Internal Eligible Register~~

~~A. Names shall be removed from the promotional/internal eligible register upon resignation or termination of the employee from County employment. The Director of Employee Services may also remove names of persons:~~
~~1. Who have declined three (3) appointments from any one promotional/internal~~

register;

2. Who are considered, but not appointed after three (3) referrals;
3. Who fail to respond to the referral notice within seven (7) calendar days from date of notification;
4. Who fail to appear for a job interview;
5. Who have failed to answer an availability inquiry within seven (7) calendar days; or,
6. Who have failed to keep the Department of Employee Services informed of their address.

B. Persons who have been referred and fall into one of the following categories shall remain on the promotional/internal eligible register for future referrals, but shall have their name replaced on the current referral list:

1. Whose reasons for waiving referral or appointment are not satisfactory as determined by the Director of Employee Services;
2. Who are determined by the Director of Employee Services to be unqualified based on their previous employment record;
3. Who fail to meet minimum requirements, medical standards, or for any valid cause relating to their character and ability to perform satisfactorily on the job; or,
4. Who have failed to comply with conditions of employment as a County employee.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]

2.05.080.5 Restoration To Eligible Register

The Director of Employee Services may restore the name of a person to the eligible register. Any restoration shall not extend the period of eligibility.
[Codified by Ord. 05-2000, 7/13/00]

2.05.080.6 Extension Of Eligibility

The Director of Employee Services may extend, renew or reactivate the eligibility of persons qualified for a period not to exceed two (2) years from the first date of eligibility, provided however that eligibility may be extended for a period not to exceed five (5) years for an applicant who is a member of the U.S. Armed Forces, National Guard or Reserves who is deployed for military service, and is released from service under honorable conditions.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]

2.05.080.7 Inactive Status

Applicants whose names are on the eligible register may request inactive status and their names shall be removed from the active eligible register. Upon notification, such names may be restored to the active eligible register for the remaining period of eligibility. Eligibility shall not be extended by reason of such inactivity.
[Codified by Ord. 05-2000, 7/13/00]

2.05.090 Referral Of Eligibles

2.05.090.1 Referral Process

~~The appointing authority shall request referral by submitting a position requisition which contains information necessary for the proper and prompt filling of positions. Upon receipt of the requisition, the Director of Employee Services shall order referral of persons from the appropriate eligible register in accordance with the provisions of this chapter and position control. The appropriate eligible register shall be determined by the classification of the position and special qualifications required to perform the duties of the position. If Eligibles fail to respond to a contact letter by either phone or mail within seven (7) calendar days of the County's mailing of the notification, they may be considered to have declined the position.~~
~~[Codified by Ord. 05-2000, 7/13/00]~~

~~2.05.090.2 Referral From Eligible Registers~~

~~A. The order in which eligible registers shall be used for referrals is as follows:~~
~~1. Layoffs register;~~
~~2. Promotional/internal register;~~
~~3. Open register.~~

~~The combined number of names referred from all registers shall not exceed the number of vacancies plus four (4), except as provided in subsection B of this section.~~
~~B. Any regular employee who has submitted a written request for transfer or demotion may be referred for all regular openings, in addition to those normally referred.~~

~~When tied scores exist between persons referred and those remaining on the eligible list, all persons with tied scores shall be referred.~~

~~If eligibles fail to respond within seven (7) calendar days from notification, the appointing authority may request additional names to be referred.~~

~~The appointing authority may specify requirements of particular experience, education, skill or ability, when it is deemed that such requirements are necessary for the position. If, after a review of the duties and responsibilities of the position, the Director of Employee Services finds the requirements essential for successful performance, only the names of individuals possessing those qualifications will be referred.~~

~~Up to ten (10) names will be referred when an unranked open register is used pursuant to §2.05.070.9.~~

~~The Director of Employee Services will refer additional qualified applicants to be considered for employment if there is a required hiring goal(s) contained in the current County Affirmative Action Plan for the category in which the job vacancy exists, and there are no names on the layoff register or promotional/internal register for the position. In such cases, the Director of Employee Services shall refer enough names (if available) in addition to those referred according to normal register procedures to result in a referral of a total of five (5) applicants from all the protected groups collectively for which required hiring goals for that category exist. Referral of additional qualified applicants~~

~~will not occur if it would conflict with the terms of applicable collective bargaining agreements.~~

~~If a banded register has been requested by the appointing authority and approved by the Director of Employee Services, names may be referred from the banded eligibility register as provided in section 2.05.080.1(A)(3).~~

~~[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 10-2004, 11/18/04; Amended by Ord. 07.2005, 11/3/05; Amended by Ord. 01-2011, 4/28/11]~~

~~**2.05.090.3 Referral For Trainee Purposes**~~

~~The appointing authority and the Director of Employee Services may consent to use an eligible register for a lower grade classification in order to fill the higher level position with a trainee if the rationale to do so is consistent with the County approved Affirmative Action Plan. Any "trainee appointment" shall be documented by identifying the proposed length of the training period prior to the employee's advancement to the full job level.~~

~~Those individuals appointed as trainees under 2.05.090.3 shall receive a copy of said documentation.~~

~~[Codified by Ord. 05-2000, 7/13/00]~~

~~**2.05.090.4 Insufficient Names**~~

~~When the total number of names on the available eligible register is fewer than five, (5), or a banded register has fewer than five (5) names on the A, B, and C bands, the appointing authority may elect to:~~

~~A. Make a probationary appointment from those referred, or~~

~~B. Accept referral of additional names from the most nearly appropriate eligible register as determined by the Director of Employee Services, or~~

~~C. Request a provisional appointment, pending establishment of a new eligible register, and call for a new recruitment.~~

~~[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 01-2011, 4/28/11; Amended by Ord. 05-2014, 9/25/14]~~

~~**2.05.090.5 Acceptance Of Referral In Lower Classification**~~

~~The Director of Employee Services may refer an eligible candidate to a position in a lower or parallel classification. Such a position must have similar duties and responsibilities. A lower classification referral shall not deprive an eligible candidate of referral rights on the eligible register for the higher classification.~~

~~[Codified by Ord. 05-2000, 7/13/00]~~

2.05.100 Appointments

2.05.100.1 Types Of Appointments

Any offer for employment must be made by the appointing authority or authorized representative to a person eligible under these rules. The types of appointments are:

A. Probationary/Regular: All regular positions in the Classified Service when vacant shall be filled by appointment of an eligible applicant referred from an appropriate eligible

register, except as otherwise provided in these rules. No regular appointment shall be complete until the applicant has successfully passed the probationary period.

B. Unallocated (also known as "Temporary"): Selection procedures for unallocated appointments shall comply with the Federal Uniform Guidelines on Employee Selection Procedures. The appointing authority may make such an appointment with the authorization of the Director of Employee Services and a screening of the applicant's qualifications. However, when it is possible and practical, eligible registers shall be used in the appointment of unallocated employees.

Unallocated employees may be discharged at any time by the hiring manager and shall have no appeal rights within the County except for those involving allegations of illegal discrimination.

Employees working in unallocated positions are limited to working 1560 hours annually (in divisions using 40 hours/week schedules), or 1462.5 hours annually (in divisions using 37 ½ hours/week schedules), as provided in Section 2.05.040.5.

C. Provisional: Unless otherwise provided by these rules, appointment of a person not on an eligible register to a classified position for a limited duration is provisional. A provisional appointment is eliminated after ninety (90) calendar days or when the Department of Employee Services establishes an appropriate eligibility register, refers eligibles, or an appointment is made for the position, whichever occurs first. Provisional appointments may be renewed or extended by the Director of Employee Services prior to the appointment of a probationary status employee. A provisional appointment may be made under either of the following conditions:

1. There is not an existing eligible register for the classification; or
2. The eligible register contains less than five (5) names.

The appointing authority may make such a provisional appointment with the authorization of the Director of Employee Services and a screening of the applicant's qualifications.

D. Unclassified. Employment in the unclassified service is not subject to the terms of Chapter 2.05 except as specifically provided in section 2.05.040.4.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 01-2011, 4/28/11; Amended by Ord. 02-2020, 2/20/20]

2.05.100.2 Nepotism

Appointments and promotions to positions in the classified service shall be based on merit as determined by a comparison of job related qualifications. Discrimination based on nepotism for or against applicants or employees is prohibited except that an appointing authority shall not approve the appointment, promotion, or transfer of an eligible candidate or employee to a position in which such employment shall result in an employee directly supervising a member of their family. For purposes of this rule, family consists of the employee's spouse or domestic partner and the , children, parents, grandparents, grandchildren, brothers, sisters, nephews, nieces and first cousins of the employee, spouse or domestic partner. For purposes of this rule, "domestic partners" mean persons who are eligible for County employee benefits "domestic

partner coverage". If a violation occurs due to marriage, or the creation of a domestic partnership, steps shall be taken as soon as practical to correct the situation through transfer or other means.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05]

2.05.100.3 Medical Standards

Successful completion of employment related physical assessments are valid criteria only for positions in which physical standards are determined to be a bona fide occupational criteria. These physical standards shall be established which do not unlawfully discriminate against job candidates. Federal law mandates that any employment practice that adversely impacts employment opportunities of a protected group is lawful only when the employment practice is a "business necessity", i.e. the practice is necessary for the safe and efficient operation of the business or the employment practice is "job related".

In order to utilize employment-related physicals as an employment criterion, the job related medical standards must first be established for jobs or groups of jobs. The job analysis system must include an on-site observation and measurement of factors critical to the physical performance of the job. Typical ways that this is achieved include direct observation of work performed and structured group interviews soliciting critical performance factors.
[Codified by Ord. 05-2000, 7/13/00]

2.05.100.4 Employment Related Physical Assessments

An employment related physical assessment may be developed which addresses the job related medical standards that have been identified for the position. Employment related physical assessments may include a medical history interview, physical examination and/or a job related standardized performance test. The medical examination shall be conducted by a physician identified by the County for this purpose. The applicant may be required to pay the cost of the medical examination. The department requiring the employment related physical assessment will pay for the process where possible.

When an employment related physical assessment is used as an employment criterion, a job offer may be made on the condition that the applicant successfully passes a medical examination. An offer of employment must be extended which clearly states the offer is contingent on the results of the examination. The appointing authority shall not act on the outcome of the examination until receipt of the written recommendation from the physician. A copy of the physician's recommendation shall be immediately sent to the Department of Employee Services for review.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 05-2009, 10/29/09]

2.05.110 Probationary Period

2.05.110.1 Purpose Of Probationary Period

The probationary period is a working test period during which classified employees are required to demonstrate fitness by actual performance of the duties of the position to which they are appointed. The probationary period is an integral part of the selection process. It provides the hiring manager with the opportunity to observe the employee's work, to train, and to aid the

employee in adjustment to the position, and to reject any employee whose work performance fails to meet required work standards.
[Codified by Ord. 05-2000, 7/13/00]

2.05.110.2 Duration Of Probationary Period

Every person who receives an initial appointment to a position in the classified service shall serve a probationary period of twelve (12) calendar months. The probationary period begins on the first day of work in the position. An employee's probationary period shall not be extended except when an employee has taken an authorized leave or been placed on leave by the County (paid or unpaid) that exceeds thirty (30) days during the probationary period. When the employee has taken or been placed on such leave, the probationary period will be extended by the amount of leave.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]

2.05.110.3 Performance Evaluation During Probationary Period

Progress reports shall be completed by the appointing authority on all employees serving a probationary period. An evaluation of the employee's work performance and ability to satisfactorily perform the duties of the position shall be made by the end of six (6) months' employment and at least thirty (30) days prior to the completion of the probationary period. An evaluation shall also be conducted within the six (6) month period following a promotion or demotion.

If the work or conduct of a probationary employee is found to be unacceptable to the appointing authority, the appointing authority may dismiss, demote or suspend the probationary employee. Every such action shall be accompanied by written documentation stating the reasons for such action. A probationary employee may request a review of such action by the Director of Employee Services. The Director of Employee Services shall conduct a review of such actions and uphold the action of the appointing authority unless the Director of Employee Services finds that the action was taken for arbitrary, capricious, or discriminatory reasons. The decision of the Director of Employee Services is final and not subject to appeal.

Probationary employees serving as a result of appointment from a promotional/internal register, who fail to qualify in the new position for reasons other than misconduct or delinquency, and who were regular employees immediately prior to this promotional appointment, shall be reinstated to their former position, if such position is vacant and available. If their former position is no longer vacant and available then they shall be placed on the layoff register for their former classification for a period of two (2) years.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]

2.05.120 Performance Evaluation

2.05.120.1 Purpose Of Evaluation

It is the policy of the County to periodically review the work of each employee to assure that the employee is meeting the performance standards of that particular position. The review shall include the following: a) an evaluation of the employee's quality and quantity of work, b) a review of exceptional employee accomplishments, c) establishment of a goal for career

development and job enrichment, d) a review of the areas which need improvement, and e) setting of performance goals for the employee for the ensuing year. [Codified by Ord. 05-2000, 7/13/00]

2.05.120.2 Evaluation System

The Director of Employee Services in consultation with the appointing authorities shall establish and make effective a system of performance evaluations designed to give a fair review of the work performed and an outline of ways in which performance may be improved. Such evaluations shall be prepared, discussed, and recorded for all employees at least once a year. [Codified by Ord. 05-2000, 7/13/00]

2.05.120.3 Evaluation Procedure

A. Supervisor Review: At least once each year, supervisors shall meet individually with their employees to review their evaluation of the employee. A copy shall be made available to the employee at the time of the performance review. Preparation of the evaluation shall follow the procedures outlined in the "Supervisor's Guide to Performance Evaluations."

B. Appointing Authority Review: The appointing authority shall review all performance evaluation forms, and when necessary, meet with the employee and/or supervisor to discuss concerns about the evaluation. Any comments made by the appointing authority shall be included on the form and a copy thereof supplied to the supervisor and employee.

Appointing authorities and supervisors shall make every effort to complete the evaluation during the month prior to the calendar month in which the performance evaluation date occurs. If the employee is also eligible for a salary increase, a notice of eligibility for salary increase shall be returned to the Department of Employee Services together with the evaluation form. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]

2.05.120.4 Employee Disagreement With Evaluation

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement to be reviewed by their immediate supervisor and appointing authority. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than thirty (30) days following the date the performance evaluation was received. [Codified by Ord. 05-2000, 7/13/00]

2.05.120.5 Use Of Evaluations

Evaluations of work performance shall be considered for all pertinent personnel actions including promotions, demotions, transfers, layoffs, salary increases, disciplinary actions and satisfactory completion of the probationary period. Performance evaluations shall also be reviewed for training and other personnel management needs. [Codified by Ord. 05-2000, 7/13/00]

2.05.120.6 Records

Performance evaluations, documents of commendation or discipline, and other related items that may have a bearing on employment status, shall be immediately forwarded to the Department of Employee Services for inclusion in the employee's official personnel file.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]

2.05.120.7 Confidentiality

The performance evaluation is a confidential document. As a confidential document it shall be available only to the employee, the department official(s) completing or signing the evaluation, County employees required to handle the document as part of their official duties, or as otherwise required by law.
[Codified by Ord. 05-2000, 7/13/00]

2.05.130 Training

2.05.130.1 Statement Of General Policy

Clackamas County recognizes that it is essential to train employees so that they can render the best possible service as they perform their jobs. To this end, and within priorities and resources, it is the policy of Clackamas County that employees receive the training they need to successfully perform their jobs to standard. Learning is a part of work; therefore, the County shall provide employees with a work environment that encourages and supports learning and growth.

The responsibility for training shall be a shared responsibility between the employees, managers and supervisors, County departments and the Department of Employee Services. Methods for selecting employees for training programs will comply with the County's policy to provide equal employment opportunities. Training required by the County will be paid for by the County.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05]

2.05.130.2 Orientation Of New Employees

The County shall provide an orientation to familiarize new employees with County policies, their obligations and rights, and to inform new employees about the general function of County government.
[Codified by Ord. 05-2000, 7/13/00]

2.05.130.3 Time Of Training Periods

Training programs may be conducted either during and/or after regular working hours. Employer required training sessions conducted after regular working hours shall be included in the employee's hours worked for the week and compensated in compliance with County policy, the law and collective bargaining agreements.
[Codified by Ord. 05-2000, 7/13/00]

2.05.140 Status Changes

2.05.140.1 Demotion

An employee with regular status may be demoted only upon the written order of the appointing authority and the concurrence of the Director of Employee Services.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05]

2.05.140.2 Voluntary Demotion

Employees may request a voluntary demotion to a lower classification in the same classification series or to a classification previously held by submitting a written request to the Department of Employee Services.

When employees elect to voluntarily demote for reasons other than to avoid layoff, and have had successful work performance in the higher classification, their name may be placed at the top of the promotional eligibility register in order of seniority for that higher classification. The employee's name will remain on the register for a period of twelve (12) months from the date of demotion, or until appointment from that register, whichever occurs first. (For voluntary demotions in lieu of layoff see 2.05.200.5.)

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 05-2009, 10/29/09]

2.05.140.3 Resignation

A regular employee wishing to resign is requested to give at least two (2) weeks written notice to the appointing authority. The written resignation shall be immediately forwarded to the Department of Employee Services. With the approval of the appointing authority an employee may rescind the resignation up to the effective date provided in the employee's written notice. At least two (2) weeks written notice of resignation is required for the employee to request reinstatement rights.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]

2.05.140.4 Reinstatement Procedures

Employees who are reinstated within ninety (90) days of the effective date of resignation shall regain all previously accrued seniority, time toward salary increases, longevity, vacation and sick leave accrual. Employees who are reinstated within one hundred eighty (180) days of the effective date of resignation shall regain all previously accrued sick leave accrual. Employees reinstated after ninety (90) or more days shall not regain previous service time toward seniority, salary increases, longevity, vacation and sick leave accrual. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 10-2015, 12/10/15]

2.05.150 Leave Of Absence

2.05.150.1 General Procedure For Leaves Of Absence

Consistent with the needs of the County, leaves of absence with or without pay for a limited period not to exceed ninety (90) days, or that which is stated in the applicable collective bargaining agreement, may be requested for any reasonable purpose. Leaves of absence shall be documented and processed in accordance with County administrative procedures and shall be subject to approval by the appointing authority. Leaves of absence in excess of ninety (90) days must be approved by the Board of County Commissioners.

Unless otherwise specified in the applicable collective bargaining agreement, seniority will continue to accrue during all approved leaves of absences whether with or without pay. Credit toward longevity, salary increases, sick leave, and vacation will accrue only if an employee is in paid status for at least eleven (11) days in any month.

An employee who fails to return to work the first work day after the expiration of a leave of absence, shall be deemed to have resigned, unless the employee, prior to the expiration of the leave of absence, has made application for and has been granted an extension of the leave of absence.
[Codified by Ord. 05-2000, 7/13/00]

2.05.150.2 Types Of Leave

A. Military Leave:

In accordance with State and Federal law, employees are entitled to a cumulative five (5) year length of time in which they may be absent for military duty. Employees taking leave, either voluntarily or involuntarily, shall have a right to be restored to their former position or an equivalent position. The leave of absence shall be without pay and will not count towards monthly vacation, sick leave or longevity payments. However, seniority and employment credit towards vacation, salary increases, and longevity do accrue while on military leave. Employees returning from military leave shall be re-employed at the salary and service accrual level they would have achieved had they not left on military leave. To be eligible for such reinstatement the employee must be discharged under honorable conditions from the military and register an intent to return to County employment within timelines specified by State and Federal law.

Any employee, who has served in the County service for six (6) months preceding notification of duty and is a member of the National Guard, National Guard Reserve or any reserve component of the Armed Forces of the United States or of the United States Public Health Service, is entitled to an annual paid leave of absence for training for a period not exceeding fifteen (15) calendar days in any one training year. In the case of an employee on a five, (5) day workweek, this is equivalent to eleven (11) paid workdays in each training year. An employee on a four, (4) day workweek is entitled to a leave of nine (9) paid workdays per training year. The training year is defined as the Federal fiscal year commencing on October 1st and ending on September 30. Days for annual military reserve duty may be taken either consecutively or intermittently.

An employee taking military leave may be required to show proof of military service to have time credited toward leave of absence for military duty. If the employee does not show proof of military service either in advance or upon return to work, the employee may choose to utilize vacation or leave without pay during time away from work.

B. Family and Medical Leave:

In accordance with Federal and State law, an employee may be entitled to take up to 12 weeks family and medical leave within any 12 month period of time. Family and medical leave shall be for the purpose of caring for serious medical conditions of the employee or an immediate family member of the employee, pregnancy-related disability, or for parental leave following the birth or adoption of a child. Also, Oregon law allows

additional family and medical leave to care for a child with a non-serious health condition, and may allow a woman to take up to 12 weeks each for pregnancy-related disability, parental leave and sick child leave.

For purposes of granting family and medical leave a family member shall be defined as: a spouse, domestic partner, or child or parent of the employee, spouse or domestic partner, or someone with whom the employee has an "In Loco Parentis" relationship. A serious health condition is defined as one which requires either inpatient care or continuing treatment by a health care provider.

In situations where the leave is to care for the employee's own illness including disability related to pregnancy or childbirth, or the illness of a family member, the employee is required to use all accrued sick leave. When all accrued sick leave has been exhausted, an employee may elect to use other paid leave or leave without pay. When an employee chooses to use accrued paid leave, such leave must be used prior to the commencement of unpaid leave.

Requests for family and medical leave must be made in writing at least thirty (30) days prior to the effective date of the leave if the leave is anticipated. In cases of sudden illness or injury, or unexpected birth or placement for adoption, an employee may make an oral request to their supervisor as soon as practicable, but must complete a written request form within fifteen (15) days. When the leave is for a serious health condition, the request for leave must include certification from the attending health care provider that the employee or family member qualifies for leave.

A female employee who has taken Family Medical Leave for disability due to pregnancy and childbirth is eligible to begin her parental leave entitlement on the date her health care provider certifies she is no longer disabled. Parental Leave must be taken in a consecutive period of time, unless the employee's supervisor approves leave to be taken in two or more non-consecutive periods.

Employees who report for work at the expiration of a family and medical leave of absence shall be reinstated to their last held position at the prevailing salary rates, without loss of seniority. If their former position no longer exists, the employee shall be reinstated to an equivalent position. An employee who fails to report for work at the expiration of a family medical leave of absence and does not have any additional leave approved by the appointing authority shall be deemed to have resigned.

C. Bereavement or Funeral Leave:

Two types of bereavement leave are available, paid or unpaid.

Paid bereavement leave may be granted in each case of bereavement due to the death of a member of the immediate family (see Sick Leave, 2.05.160.3, for definition of immediate family). A request to use paid bereavement leave for the death of an individual outside of the immediate family is subject to approval by the appointing authority. The purpose of such leave shall be to allow time to attend a funeral and make necessary funeral and household adjustments. Paid bereavement leave shall not exceed the equivalent of three

(3) days, including all travel time. Paid bereavement leave will not be counted against accumulated sick or vacation leave balances, but will be counted under the Oregon Family Leave Act (OFLA).

Unpaid bereavement leave is established by the Oregon Family Leave Act (OFLA) and is available in the event of death of a family member up to a maximum of 2 weeks in a 12-month period. Unpaid bereavement leave may be used to attend the funeral or memorial service, make arrangements related to the death of the family member, and/or grieve the death of the family member. All bereavement leave (whether paid or unpaid) counts towards the employee's OFLA entitlement and must be completed within 60 days after the date the employee receives notice of the death. If the employee is using bereavement leave, they must first use any paid bereavement leave as contained within the appropriate collective bargaining agreement, unless such agreement allows for the use of bereavement leave in a time period in excess of 60 days, or the County Code prior to using vacation or sick leave or unpaid time. Leave without pay may not begin until all required or requested paid leave is used. Any remaining paid leave may not be used for the duration of the leave once unpaid leave has begun.

D. Workers' Compensation Leave:
If an employee is injured on-the-job and is unable to work, supervisors should immediately contact the Risk and Benefits Division and complete the appropriate Workers' Compensation forms. If the employee's Workers' Compensation claim is accepted, the County will place the employee on Worker's Compensation leave with pay with full benefits (unless prohibited by law or provider contact) for up to six (6) months, or as extended by the Board of County Commissioners or designee. Procedures for Workers' Compensation will conform to ORS regulations and County policy.

E. Disability Leave:
If an employee is disabled as result of non-job-related reasons, the employee shall apply for Family and Medical Leave, utilize sick leave and file a disability insurance claim with the Risk and Benefits Division. When an employee has used the twelve (12) week Family and Medical Leave entitlement and has a continuing need for leave, the employee may use available paid leave or request a leave of absence without pay. Leave without pay is subject to the appointing authority's approval. Employees who return to their former positions following a disability leave will have all unused previously accrued sick, vacation, seniority and longevity credit restored.

F. Compulsory Leave:
If, in the opinion of the appointing authority, an employee is incapacitated for work, a medical examination by a psychologist or physician may be required. If the appointing authority disagrees with the medical report, the appointing authority may require the employee to be examined by a psychologist or physician designated or approved by the Director of Employee Services. If the medical report does not show the employee to be in a fit condition required to perform the duties of the position, the appointing authority shall have the right to compel such employee to take sufficient leave of absence with or without pay until medically qualified to perform the duties of the position.

G. Jury Duty:
When an employee with regular or probationary status is called for jury duty, or

subpoenaed as a witness by proper authority for cases in which the employee is not a party, the employee shall be granted a leave of absence with pay. All jury duty and witness fees other than mileage reimbursement shall be surrendered to Clackamas County. Employees who are excused from jury service or court appearance before the end of their workday shall immediately report their availability for assignment to their supervisor. Employees scheduled to work on shifts other than day shift shall be considered to be on day shift for the duration of jury duty.

H. Administrative Leave:

Employees may be placed on administrative leave, with pay, if the appointing authority feels they should be relieved of their duties or removed from the workplace pending a job-related investigation. Administrative leave, while not considered discipline, is commonly used during a discipline-related investigation prior to discipline being administered. No administrative leave shall extend beyond thirty (30) days unless approved by the Director of Employee Services.

I. Special Leave Without Pay:

A special leave without pay for a period not exceeding one (1) year may be granted to an employee who:

1. Desires to engage in a relevant course of study which will enhance the employee's value to perform the duties of the position; or
2. Is a candidate for a public office and requests a leave of absence for a reasonable period to campaign for the election; or
   Has any reason considered appropriate by the appointing authority and the Director of Employee Services and is approved by the Board of County Commissioners.

J. Criminal Charges/Indictment Leave:

1. Felony Charges. An appointing authority may place an employee on leave without pay, if the employee has been charged with a felony by grand jury indictment or other formal filing. The foregoing applies only to felonies that (1) are related to an employee's position or (2) that may affect an employee's effectiveness in performing the duties of their position, as determined by the appointing authority.
2. Hearing. An employee placed on leave has the right to a prompt hearing with the appointing authority.
   a. The employee must submit a request in writing to the Director of DES within 7 calendar days of the date the leave commences. If a hearing is requested by the employee, the County must set the date of the hearing within 14 calendar days of the request, unless the employee requests a later hearing date (but in no case will the hearing date be longer than 30 calendar days after the employee's request).
   b. The purpose of the hearing is to allow the employee or the employee's representative to show that there are no reasonable grounds to believe that the charges are true, to otherwise refute the charges, or to challenge the appropriateness of the leave decision.
   c. Following such a hearing, the County must issue a decision as to whether the leave without pay will continue. The decision must be issued within 20 calendar days of the haring, unless additional time is required for reasons articulated by the County in writing, and in any event within 40 calendar

days of the hearing. If the determination is made by the appointing authority following the hearing that the leave without pay will not continue, the employee shall be paid any salary and reinstated to any benefits lost during the time after being placed on leave and before the determination by the appointing authority. If the employee is found not guilty or charges against the employee are dismissed, the employee will be paid any salary and/or reinstated to any benefits lost during the leave time, *unless* disciplinary action is taken, as stated in the Reservation of Rights.

3. Duration. Criminal trial leave without pay may continue only during the pendency of criminal charges, during sentencing proceedings, and for 55 days after the entry of judgment (the time allowed for granting a motion for new trial under ORS 136.535).
4. Reservation of Rights. Nothing in this provision prevents an appointing authority form disciplining an employee or exercising management rights under any applicable collective bargaining agreement to discipline an employee in accordance with the applicable agreement.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 05-2014, 9/25/14]

2.05.160 Holidays, Vacation And Sick Leave

2.05.160.1 Holidays

A. Paid Holidays:
The following days shall be recognized and observed as paid holidays for regular and probationary employees with the County service unless the applicable collective bargaining agreement states otherwise.

New Year's Day (January lst)
Martin Luther King Jr. Day (Third Monday in January)
President's Day (Third Monday in February)
Memorial Day (Last Monday in May)
Juneteenth (June 19th)
Independence Day (July 4th)
Labor Day (First Monday in September)
Veteran's Day (November 11th)
Thanksgiving Day (Fourth Thursday in November)
Christmas Day (December 25th)
*One (1) Floating Holiday

*Floating Holiday: Regular full-time employees who have been employed for a minimum of ninety (90) days are entitled to one (1) floating holiday during each calendar year. Such holidays are to be taken during the calendar year in which the holiday is earned and may not be carried forward into the following calendar year. The floating holiday shall be scheduled in the same manner as paid vacation leave.

B. Weekend Holidays:
Whenever a holiday falls on Sunday, the succeeding Monday shall be observed as the

holiday. Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday.

C. Holiday Pay:
Regular full-time employees shall receive one (1) day's pay for each of the holidays listed above on which they perform no work. Regular part-time employees will receive a prorated portion of one day's holiday pay based on the hours worked in the pay period in which the holiday occurs. Job share employees shall share a prorated portion of each holiday pay based on their full-time equivalency of the position which is shared.

Regular employees who are requested to perform work on a scheduled holiday will be compensated at a rate equal to their normal rate of pay for hours worked, in addition to their regular holiday pay, unless otherwise provided in the applicable collective bargaining agreement.

D. Holiday During Leave:
If an employee is on an authorized leave with pay when a holiday occurs, the holiday shall be paid and time shall not be charged against sick or vacation leave accumulation. To receive pay for a holiday, the employee must be in a paid status on the last working day immediately preceding the holiday and the next working day immediately following the holiday. Holidays occurring during a leave without pay shall not be compensated.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 03-2022, 7/21/22]

2.05.160.2 Vacation Leave

A. Vacation Accrual for Non-Represented Employees hired prior to January 1, 2001 who have elected not to participate in the vacation sell-back program shall be as follows:
(Continuous Service)

Less than 5 years	= 12.7 hours/month
5 years, but less than 10 years	= 14.0 hours/month
10 years, but less than 15 years	= 16.0 hours/month
15 years, but less than 20 years	= 18.0 hours/month
After 20 years of service	= 19.3 hours/month

B. Non-represented employees hired on or after January 1, 2001, and employees hired prior to that date who elected to enroll in the vacation sellback program when that program was first made available, accrue vacation leave, and may sell back vacation leave, as follows:

1. Vacation leave shall be accrued at the rate of sixteen (16) hours vacation leave per full month of service, regardless of years of service.
2. Such employees who have used at least forty (40) hours of vacation time in a calendar year may elect to sell back 40 hours vacation during that same calendar year. To receive compensation in lieu of time off, the employee must submit a completed “request to sell vacation” form to the payroll office no later than December 31st of that calendar year.

C. The maximum vacation accrual shall be 280 hours. Vacation accrual may be accumulated beyond 280 hours during the calendar year (January 1 through December 31) but will be reduced to 280 hours as of January 1. Vacation accrual exceeding 280 hours on January 1 will not be compensated.

D. Probationary and regular part-time employees and job share employees shall receive a pro-rated amount of the appropriate vacation accrual schedule based on their FTE percentage. Represented County employees shall accrue vacation according to the terms of the applicable bargaining group contract.

E. Continuous Service:
Continuous service, for the purpose of determining eligibility for accelerated vacation accrual rates and longevity pay, shall be service unbroken by separation from County employment. However, time spent by an employee on military leave, on an authorized leave of absence with pay, or on a leave with pay resulting from a job-incurred injury shall be included as continuous service. Time spent on other types of authorized leave without pay will not count as part of continuous service; however, employees returning from such leave, or employees who were laid off, shall be entitled to credit for service prior to the leave. Employees who resign or are discharged from County service for a period of time exceeding ninety (90) days shall not regain previously accrued service years to count towards accelerated vacation rates and longevity pay.

F. Requesting Vacation Leave:
Employees shall make a request for vacation leave to their 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 usually using seniority in the department as the determining factor. Collective bargaining agreements for vacation scheduling procedures shall take precedence. Vacation hours paid during any work week will always be paid at a straight time rate and those hours will not be considered in computing overtime hours worked in that work week.

If an employee becomes ill while on vacation, the employee will not be allowed to charge that time to accrued sick leave, unless procedures regarding use of sick leave are initiated.

Employees who are separating from service may not use vacation time to extend their period of employment for the purpose of gaining additional leave accruals and /or employee benefits.

G. Transfer of Vacation Leave:
When an employee is transferred to a position in a new department, vacation leave shall be transferred to the new department.

H. Payment of Vacation upon Termination, Layoff or Death:
If the employee is terminated, laid off or dies, the employee or employee's heirs shall receive cash compensation for all granted and accrued vacation leave, at the employee's current rate of pay.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 13-2003, 7/3/03; Amended by Ord. 05-2009, 10/29/09]

2.05.160.3 Sick Leave

A. Use of Sick Leave:
Employees may use their sick leave when unable to perform their work duties by reason of illness, injury, pregnancy, necessity for medical or dental care, exposure to contagious disease of the employee or to attend to the care of the employee's immediate family. Employees may also use their sick leave under the provisions of parental leave, family

medical leave, and under other applicable state law. Immediate family is defined as an eligible employee's grandparents, grandchildren, brothers, sisters, spouse or domestic partner, and domestic partner's parents, children; the employee's biological, adoptive, or foster parent or child; the employee's stepchild, parent-in-law, or person with whom the employee was or is in a relationship of in loco parentis or with whom the employee was or is related by blood or affinity whose close association with the employee is the equivalent of a family relationship. For exceptional circumstances, in relationships other than those stated above, sick leave may be granted by the appointing authority.

B. Sick Leave Accrual:
Full-time employees shall accrue sick leave at the rate of eight (8) hours per month commencing with the first full month of employment. Part-time employees and job share employees shall accrue sick leave at a prorated portion of eight (8) hours per month based on their hours worked in each pay period. Temporary and seasonal employees shall accrue sick leave at the rate of one (1) hour per thirty (30) hours worked. Earned sick leave may be used as it is accrued. Sick leave hours paid during any work week will always be paid at a straight time rate and those hours will not be considered in computing overtime hours worked in that week.

C. Procedures Governing Sick Leave:
The appointing authority or immediate supervisor must be notified of an illness or injury on the first day of absence. Failure to do so may result in the denial to use sick leave with pay. The appointing authority may require the employee to furnish a certificate issued by a licensed physician or practitioner documenting proof of illness or injury. Proven abuse of sick leave shall be cause for disciplinary action. Unused sick leave shall not be payable upon layoff or separation of employment from the County, but will be reported to the PERS retirement system.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 10-2015, 12/10/15]

2.05.170 Ethical Standards Governing Employee Conduct

All employees and public officials shall strive to uphold the County's Code of Ethics, as adopted by the Board of County Commissioners. The Code of Ethics states that employees of Clackamas County shall strive to:

A. Demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all public activities, in order to inspire public confidence and trust in Clackamas County;

B. Serve in such a way that does not realize undue personal or financial gain from the performance of official duties;

C. Avoid any activity which is in conflict with the conduct of official duties;

D. Approach the Clackamas County organization and the duties of their position with a positive attitude and constructively support open communication, teamwork, creativity, dedication, and compassion;

E. Maintain professional excellence, accept the responsibility to keep up-to-date on emerging issues and conduct the public's business with competence, fairness, efficiency, and effectiveness;

F. Support the values of the County organization and help make these values the norms of

the organization. Support and strive to achieve the goals and visions for Clackamas County;

G. Be knowledgeable and support the code of conduct, quality, ethical, and performance standards of their respective professions;

H. Refrain from engaging in political activities during working hours if the employee is a non-elected County employee. Elected and non-elected County employees must not solicit participation of non-elected County employees in political activities during working hours;

I. Be objective in the selection of employees, contractors, goods and services, basing decisions on merit and value to the County;

J. Eliminate all forms of illegal discrimination, fraud, and mismanagement of public funds; support co-workers if they are in difficulty because of responsible efforts to correct such discrimination, fraud, mismanagement or abuse;

K. Serve the public with respect, courtesy, concern, and responsiveness, recognizing that service to the public is beyond service to oneself or any special interest group; and

L. Respect, support, study and when necessary, work to improve regulations, ordinances, laws, and policies which govern work at Clackamas County.

[Codified by Ord. 05-2000, 7/13/00]

2.05.180 Employee Responsibilities

2.05.180.1 Purpose

The orderly and efficient operation of the County government requires that employees accept certain responsibilities. Work rules covering personal standards of conduct and standard operating procedures are necessary to protect the health and safety of all employees, to maintain uninterrupted service, and to protect the County's property. [Codified by Ord. 05-2000, 7/13/00]

2.05.180.2 Work Rules

The following work rules shall apply to all County employees. The environment, context, or particular circumstances will be taken into consideration in applying these work rules. These rules are not intended to be all-inclusive. Additionally, County departments may, consistent with the provisions of applicable collective bargaining agreements, establish other rules to ensure the effective operation of the County government, besides:

A. Employees shall be at their designated work area on time and ready to work; employees shall report to and remain at their work area, at work, until the scheduled quitting time consistent with department policy;

B. Where operations are continuous, employees shall not leave their position until replaced by the next shift employee or until relieved by their supervisor;

C. Employees shall follow all safety regulations including the wearing of safety articles and the use of protective equipment, when appropriate; employees shall immediately report safety hazards, accidents, or injuries to their supervisor;

D. Employees shall be responsible for, and not misuse County property, records or other materials in their care, custody and control;

E. Employees shall deal with the public and other employees in a courteous and professional manner;

F. Employees shall immediately report to their supervisor any inability to work and the

reason therefore;

G. Employees shall notify their supervisor whenever there is a change in their personal data affecting their personnel or payroll records;

H. Employees shall not restrict, interrupt or interfere with the work of other County employees outside their assigned duties or authority;

I. Employees shall report for and remain at work only in a condition which will enable them to perform their regular duties;

J. Employees shall perform all work assigned unless performance of such work will constitute a safety hazard which violates established safety standards or law;

K. Employees shall not engage in conduct that reflects discredit on the County while on duty or while conducting County business;

L. Employees shall not engage in unauthorized political soliciting or political activity while on duty or while conducting County business;

M. Employees shall not use their position, or County property, or County-paid work time, for personal or financial gain, other than official salary and benefits. Employees shall not use their position, or County property, or County-paid work time, as a means to solicit or conduct personal business, including but not limited to sales of products or services;

N. Employees shall not use their position to coerce other employees;

O. Unless required or permitted by an employee's job classification, employees shall not possess or use firearms, weapons, illegal drugs, controlled substances (other than those lawfully prescribed), or intoxicating beverages during an employee's work shift (including breaks in which the employee remains on County premises);

P. Employees shall not falsify any reports or records; all reports, records and claims completed by employees shall be true and accurate, to the best of their knowledge;

Q. Employees shall not remove County property or the property of other employees without express approval of their supervisor or the owner of such property;

R. Employees shall not violate any of the laws, statutes, or ordinances of Federal, State or local government while on duty, while on County premises, or while conducting County business.

S. Employees shall not retaliate against another employee because of (1) the other employee's exercise of rights provided by law, such as but not limited to the right to file a discrimination complaint with the Director of Employee Services under 2.05.240.3, or (2) because the other employee participated in an investigation or personnel matter;

T. Employees shall not use abusive or profane language (including ethnic slurs), directed at other employees or County visitors that is offensive;

U. Employees shall not use county computers or work time to access the internet for personal reasons in violation of the County's "appropriate use" policy (EPP 59);

V. Employees shall not engage in employment-related transactions with any business entity in which the employee has a financial interest;

W. Employees shall inform their department head (or designee) of any outside employment or outside affiliation that could potentially affect their independence of judgment in the performance of work duties, or create a conflict of interest in the performance of work duties;

X. Employees shall not engage in any outside affiliation or outside employment that would affect the employee's independence of judgment in the performance of work duties, or otherwise create a conflict of interest in the performance of work duties.

Y. Employees shall report to their supervisor any lapse of certification or licensure which is required for the performance of their duties.

Z. Employees shall not solicit, receive or exchange personal favors, compensation, or gifts from clients of their department, where such action could financially impact the employee (or the employee's relative) or where the appearance of such action would decrease the public's confidence in the employee or department; (Any questions or uncertainty regarding employee ethics or conflicts of interest should be directed to DES.)

AA. Employees shall not engage in sexual or exploitive relationships with clients of their department where an employee has the authority to control (improve, increase, decrease, etc.) County services or benefits that the other individual receives;

BB. Employees shall not consume alcoholic beverages on county premises, nor between the time between starting work and quitting work each day (including during breaks and lunch).

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 05-2014, 9/25/14]

2.05.190 Disciplinary Actions

2.05.190.1 Employee Conduct

All employees, regardless of status or duration of employment, are required to meet and maintain County standards for job performance and behavior. The expected standard of conduct for all employees in the service of the County shall be the public interest as opposed to individual interests. High standards of conduct are deemed essential in order to render the best possible service to the general public and to reflect credit on County service. The tenure of every employee shall be conditioned on good conduct and satisfactory performance of duties. 2.05.190 serves only as a guideline in determining the appropriate action needed in a particular situation and shall not be implied as a contract. [Codified by Ord. 05-2000, 7/13/00]

2.05.190.2 Discipline Policy

The Discipline Policy and Procedures included in 2.05.190.2 through 2.05.190.6 shall apply to all regular status employees. Probationary employees are governed by procedures outlined in 2.05.110.

It is the policy of the County that disciplinary measures shall be corrective, progressive, lawful and proportionate to the nature of the offense. Appointing authorities shall take appropriate disciplinary action in dealing with employee misconduct. Disciplinary action shall be for cause as it relates to job performance.

A. Corrective: The supervisor shall attempt to determine why the employee is deficient and attempt to correct those deficiencies and restore the employee to a productive and positive employment status. Excepting dismissal, disciplinary measures shall be for the purpose of correcting employee conduct.

B. Progressive: The discipline will usually begin with passive or persuasive discipline (an oral reprimand or warning, etc.) and will increase in severity with subsequent offenses. When circumstances warrant, discipline may begin with active discipline such as: written reprimand, suspensions from work, demotion or discharge from employment with the County.

C. Lawful: The discipline and the procedure by which it is administered shall not violate the County's contracts with the unions nor violate the employee's civil rights.
D. Proportionate: Violating County standards of conduct will result in disciplinary action appropriate to the nature of the offense as determined by the appointing authority. The severity of disciplinary action will be determined by considering such things as the impact of the offense on County operations, the extent of damage caused, the circumstances of the offense, past disciplinary actions and the employee's work record.

[Codified by Ord. 05-2000, 7/13/00]

2.05.190.3 Cause For Disciplinary Action

Any action which the appointing authority deems to reflect discredit upon the County, or is a hindrance to the effective performance of the County functions, shall be considered cause for disciplinary action. Improper action by an employee in an official County capacity which tends to bring the County into discredit, affects the employee's ability to perform, or is for personal advantage, shall also be judged cause for disciplinary action. In addition, cause includes but is not limited to the following:

A. Conviction of a felony, or a misdemeanor which is related to the position held by the employee;
B. Violation of any of the established work rules set forth in this chapter;
C. Use of alcoholic beverages or controlled substances which affects the performance in the position held by the employee;
D. The use of intoxicating beverages or non-prescribed controlled substances while on duty;
E. Insubordination;
F. Refusal or failure to perform to job standards;
G. Inattention to duty, tardiness, carelessness, damage to or negligence in the care and handling of County property;
H. Improper or unauthorized use of County property or services;
I. Claim of sick leave under false pretense or misuse of sick leave;
J. Absence from duty without authorized leave;
K. Misconduct in the performance of duties as an employee;
L. Violation of the County safety policy or department safety rules;
M. Willful giving of false information, or withholding information with intent to deceive, including when making application for County employment;
N. Violation of the County Affirmative Action Policy or Sexual Harassment Policy; or
O. Violation of any provisions of this chapter or rules adopted by the Board, or any provisions of departmental rules.

Any standard of conduct that is not addressed above may be subject to disciplinary action as deemed appropriate by the appointing authority.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]

2.05.190.4 Kinds Of Disciplinary Action

A. Oral Reprimand: This is a warning procedure rather than a punitive action. The oral reprimand should serve to forestall the employee from being in such a position that a more severe form of action must be used.
B. Written Reprimand: The written reprimand is also a warning procedure. The written reprimand is used to place an employee on official notice that failure of the employee to

take corrective action will result in a more severe form of action. The written reprimand will list the unacceptable behavior, the time it occurred, the rule/procedure violated and an outline of improvement that is needed. The reprimand is to be included in the employee's official personnel file.

C. Suspensions: Suspensions are an ordered absence from duty, other than administrative leave, and may be with or without pay, for an established length of time. The period of suspension shall not exceed thirty (30) consecutive calendar days at any one time. No service accruals may be given to an employee during a period of suspension without pay regardless of the length of suspension. Disciplinary suspensions without pay of nonrepresented employees who are exempt from coverage under the federal Fair Labor Standards Act must be for a period of one full work week or multiples of one work week unless: (1) the reason for the suspension is violation by the employee of a safety rule of major significance, or (2) the suspension is for a violation of workplace conduct rules and is for a period of one or more full days.

D. Demotion: Demotion, both in pay and to a lower classification, may be used as a form of discipline when discharge is not warranted or when the appointing authority believes that the employee has the potential for corrective conduct. Such action shall be subject to 2.05.140.2, and shall not cause the displacement of another employee.

E. Dismissal: An appointing authority may dismiss for cause any regular employee under the appointing authority's jurisdiction. In carrying out such actions, the appointing authority shall consult with County Counsel and the Director of Employee Services.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2014, 9/25/14]

2.05.190.5 Procedures For Taking Disciplinary Action

When an appointing authority believes there is a cause for disciplinary action, the appointing authority shall make a reasonable effort to administer the discipline in a manner that will not unduly embarrass the employee. If anything other than oral reprimand is administered, the original or a copy of the reprimand shall be forwarded to the Department of Employee Services for inclusion in the employee's personnel file. Unless otherwise stated in the collective bargaining agreement, the following procedures shall be followed when discipline is administered:

A. Discipline Without Economic Loss to the Employee: When an appointing authority believes there is cause for disciplinary action without economic loss to the employee, the appointing authority shall confront the employee with the reason for the belief that there is cause for such discipline, the investigation made or to be made, and the disciplinary action considered. The employee shall be given a reasonable opportunity to offer facts in explanation or mitigation.

B. Discipline With Economic Loss to the Employee: When an appointing authority believes there is cause for disciplinary action with economic loss to the employee, the appointing authority shall so notify the employee in writing. The written notification shall state the reasons for that belief, the investigation made or to be made, and the disciplinary action with economic loss being considered. The employee shall be given a reasonable opportunity to offer facts in explanation or mitigation. If, after the employee has responded or been given a reasonable opportunity to respond and the appointing authority has completed the investigation, the appointing authority believes the disciplinary action with economic loss to the employee is appropriate, the appointing authority shall prepare

a letter to the employee outlining the disciplinary action and the reasons for such action. A copy of the disciplinary letter shall be sent to the Department of Employee Services. If the economic loss is suspension without pay, such suspension shall not exceed thirty (30) calendar days.

C. Dismissal: When an appointing authority believes that there is cause for dismissal, the appointing authority shall give the employee written notice of proposed dismissal prior to the effective date of dismissal. The written notification shall state the reasons for the belief that there is cause for dismissal. The employee shall be given a reasonable opportunity to offer facts in explanation or mitigation at a pretermination meeting with the appointing authority. The employee shall be entitled to have a representative of their choice at the pretermination meeting for the purpose of providing counsel and advice to the employee. The employee may be granted additional reasonable time at the appointing authority's discretion to prepare for said meeting. If, after the employee has responded or been given a reasonable opportunity to respond, the appointing authority has completed the investigation and believes that dismissal is appropriate, the appointing authority shall prepare a letter to the employee affirming the dismissal. A copy of that letter shall be sent to the Department of Employee Services. If the appointing authority believes that circumstances require the separation of an employee from their work assignments following completion of an investigation but preceding the effective date of dismissal, an appointing authority may suspend the employee with or without pay during the time between the completion of the investigation and the effective date of dismissal.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]

2.05.190.6 Appeal Of Dismissal, Demotion Or Suspension

An employee with regular status in the classified service who does not have available a grievance procedure pursuant to a collective bargaining agreement may appeal dismissals, or discipline with economic loss to the Hearings Officer appointed under this chapter.
[Codified by Ord. 05-2000, 7/13/00]

2.05.200 Layoff And Seniority

2.05.200.1 Grounds For Layoff

An appointing authority may lay off an employee because of abolition of position, shortage of funds or work, a material change in duties, inability to perform assigned duties, changes in an organizational unit, or for a reason which does not reflect discredit on the service of the employee.
[Codified by Ord. 05-2000, 7/13/00]

2.05.200.2 Layoff Procedures

Whenever the appointing authority anticipates a need to lay off employees in classified positions, the Director of Employee Services shall be immediately notified. The notification shall include the anticipated number and classifications of employees to be laid off and a plan for conducting an orderly layoff.

Layoffs will be identified by classification within the affected department. Employees holding positions within the affected classifications may be subject to demotion, transfer or layoff in inverse order of seniority.

An employee who may be subject to layoff or demotion in lieu of layoff shall be notified in writing at least ten (10) calendar days prior to such action. The bargaining unit representative, if any, shall be sent a copy of such notice at least ten (10) calendar days prior to the action. The notice shall state the reason for the action and shall further state that the action does not reflect discredit on the employee. An employee notified of proposed layoff will be allowed, at their request, an opportunity for a meeting at which they will be allowed to present information that the employee wants to have considered before a final decision is made regarding the proposed layoff of the employee. If such a meeting is held at the employee's request, the employee will be notified after the meeting whether the proposed layoff will proceed. An employee who is subject to layoff and is offered options shall elect an option within three (3) working days of notice of the options. Failure to elect one of the offered options will be deemed a refusal of the options and will result in layoff.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]

2.05.200.3 Layoff Order

Layoff order shall be established within the department on the basis of the retention of employees with the skills or performance abilities that are necessary for the efficient operation of the department. Seniority is a secondary consideration. The judgment of the appointing authority shall be sustained unless the Director of Employee Services finds the judgment to be arbitrary or capricious.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05]

2.05.200.4 Bumping Procedure

When an employee is laid-off due to a reduction in the work force, the employee shall be permitted to exercise bumping rights by displacing a classified employee with less seniority in a different classification with the same salary grade or lower in the department, provided that the bumping employee is qualified to do the work as determined by the appointing authority and the Director of Employee Services. For bumping purposes, seniority will be defined as length of continuous service within the County. This provision does not apply to non-represented employees.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 04-2007, 4/26/07; Amended by Ord. 04-2020, 5/21/20]

2.05.200.5 Layoff Rules

Within a classification and department, temporary, probationary and other employees who do not have regular status, will be laid off before employees with regular status. Employees who have never attained regular status with the County and who are laid off, will not be placed on layoff registers and do not have displacement rights.

A. An employee who has not completed a probationary period following promotion or reclassification as a result of department reorganization, is subject to layoff rules at the previously held position.
B. Regular employees who have been given a temporary or unclassified appointment and are

subject to layoff, shall be entitled to have their seniority considered under these rules.

C. Employees in a job share position shall be considered as one full-time equivalent.

D. Employees cannot bump to a classification with a higher salary grade. This is a promotion and shall be accomplished only by normal appointment procedures.

E. A regular employee who is subject to layoff may voluntarily demote to a lower classification in the same promotional line or to a classification previously held in the same or different department, provided a vacancy exists after all bumping procedures have been exercised by qualified employees.

F. No employee shall have any bumping rights over another employee working under regular appointment in another department.

G. Employees may be denied bumping or demotion rights otherwise available under these rules, only if they lack knowledge, skills or abilities required for the position which are not easily learned on the job within the normal orientation period. Employees may be required to participate in qualifying selection procedures in order to establish their right to a position.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05]

2.05.200.6 Layoff Registers And Recall

Employees who are laid off, demoted in lieu of layoff, or who have exercised bumping themselves to a lower level classification, will be placed on layoff registers according to seniority for the classification(s) held during the displacement and layoff process. Employees placed on a layoff register will be referred in order of seniority. The duration of such placement on the layoff register shall not exceed two (2) years An employee who accepts a transfer or elects to retire, will not be placed on a layoff register for recall.

[Codified by Ord. 05-2000, 7/13/00]

2.05.200.7 Seniority

Where seniority applies as a method of layoff, the definition of seniority is that found in the applicable collective bargaining agreement. If a collective bargaining agreement does not contain a definition of seniority, seniority shall be defined as length of continuous service within the County. If it is found that two (2) or more persons within the same classification have equal seniority, seniority for these individuals shall be determined by the date the employees were appointed by the department. In computing seniority, the following factors will be taken into account:

A. Part-time work and job share in a regular status position will count on a prorated basis of full-time employee status, (i.e.: 0.5 or half-time status for twelve (12) months will count as six (6) months towards seniority);

B. Time spent on all authorized leaves of absences, including leaves without pay, will count;

C. Time spent in unclassified appointment status will not count;

D. Initial time spent in temporary or provisional status in the same classification will not count;

E. Time spent on layoff will not count; however employees recalled from layoff within two (2) years shall regain previously accrued seniority;

F. Time spent in previous government service will count if the employee transferred in accordance with ORS 236.610 through 236.650; and

G. Seniority shall be forfeited by discharge for cause, voluntary termination exceeding 90 (ninety) days, or involuntary termination due to expiration of a layoff register.

[Codified by Ord. 05-2000, 7/13/00]

2.05.210 Appeals And Hearings

2.05.210.1 Appeals

All appeals to a Hearings Officer shall be subject to the requirements of this section. [Codified by Ord. 05-2000, 7/13/00]

2.05.210.2 Filing A Notice Of Appeal

A notice of appeal must:

A. Be made in writing;
B. Name the appellant and include the appellant's address and phone number;
C. Be signed by the appellant or the appellant's authorized representative;
D. Be addressed and delivered to the Director of Employee Services;
E. Contain a reference to the action(s) complained of and date(s) of the alleged action(s);
F. Contain a statement of the provision of this chapter thought to have been violated; and
G. Contain a statement of the remedy desired.

[Codified by Ord. 05-2000, 7/13/00]

2.05.210.3 Matters That Can Be Appealed

A. Regular employees may appeal their dismissal, subject to 2.05.190.6.
Regular employees may appeal their discipline with economic loss subject to 2.05.190.6.
B. Applicants may appeal alleged fraud and discrimination against them in the selection process, subject to 2.05.070.15.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05]

2.05.210.4 Timelines For Filing A Notice Of Appeal

A regular status employee has fourteen (14) calendar days from the date of dismissal or the date discipline with economic loss occurred in which to file a notice of appeal. An applicant has thirty (30) calendar days from the date the Director of Employee Services mails the results of an investigation of selection procedures in which to file a notice of appeal based on alleged fraud or discrimination in the selection process.

[Codified by Ord. 05-2000, 7/13/00]

2.05.210.5 Time For Hearing

The Hearings Officer shall schedule a hearing and mail notice thereof to the appellant and the Director of Employee Services within fourteen (14) calendar days of receipt of the notice of appeal from the Director of Employee Services. The Hearings Officer shall set a date for the hearing, if any, not less than ten (10) calendar days from the date the notice of the hearing was mailed to the appellant and Director of Employee Services. If the Hearings Officer determines that the statements in the appeal, even if true, would not entitle the appellant to relief, then the Hearings Officer shall dismiss the appeal without a hearing and offer the appellant an opportunity to amend the appeal. The Hearings Officer may extend the time if necessary.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]

2.05.210.6 Subpoenas And Records

In the course of a hearing, the Hearings Officer may administer oaths, subpoena witnesses and compel the production of books, papers, documents and accounts pertinent to the hearing. Attendance of witnesses, either with or without books, papers, documents or accounts may not be compelled unless such witnesses are personally served with a subpoena. The Hearings Officer may cause the deposition of witnesses residing within or outside the State to be taken in the manner prescribed by law for like depositions in civil suit and actions. If a person refuses to attend, to give testimony, or to produce books, papers, documents or accounts pursuant to a subpoena issued under this section, the Circuit Court of Clackamas County, upon petition from the Hearings Officer, shall compel obedience to the subpoena. The Circuit Court shall punish refusal to obey or to testify in the same manner as a refusal to obey a subpoena or to testify pursuant to a subpoena issued from the Circuit Court.
[Codified by Ord. 05-2000, 7/13/00]

2.05.210.7 Rights Of Parties

The employee and the appointing authority shall have the right at the hearing to:

A. Appear personally or by representative; if an employee chooses the assistance of an attorney, it shall be at the employee's own expense;
B. Testify under oath;
C. Have witnesses or documents subpoenaed;
D. Question all witnesses;
E. Present pertinent evidence; and
F. Argue their case.

[Codified by Ord. 05-2000, 7/13/00]

2.05.210.8 Attendance

The employee or the employee's representative and the appointing authority or the appointing authority's representative shall attend the hearing. Unless excused by the Hearings Officer for good cause, failure of the employee or the employee's representative to attend personally, at the time and place set forth for the hearing, shall be deemed a withdrawal of the employee's appeal. For hearings regarding discipline or discharge, at the request of either party, the Hearings Officer shall make the hearing closed to the public.
[Codified by Ord. 05-2000, 7/13/00]

2.05.210.9 Waiver Of Oral Hearing

If both parties agree, the hearing may be conducted by submission of affidavits, depositions or other documents, mutually exchanged. The Hearings Officer will receive and take action on requests to waive an oral hearing prior to the scheduled hearing date. [Codified by Ord. 05-2000, 7/13/00]

2.05.210.10 Hearings Procedures

A. Witnesses: At the request of either party, the Hearings Officer may exclude witnesses not under examination. The parties and their representatives shall be permitted to remain in the hearings room at all times, even though they may be called upon to testify as

witnesses.

B. Order of Proceedings: The hearing shall be opened by the recording of the place, time and date of hearing, the presence of parties, counsel and representative, if any. In hearings on discharge and discipline with economic loss, the appointing authority shall proceed first with testimony. In hearings on fraud or discrimination in the selection process the person bringing forth the action shall proceed first with testimony.

C. Report of Hearings: The County shall make an audio recording of all hearings. Such tapes shall be kept for three (3) years. The Department of Employee Services shall be the custodian of the tapes. The expense of transcribing such tapes shall be the responsibility of the party requesting the transcript. Either party may have the hearing reported by a court reporter at their own expense. The cost of any subsequent transcripts shall be the responsibility of the requesting party.

D. Exhibits and Witnesses: Exhibits shall be marked and numbered, and when offered by either party, may be received in evidence. The names and addresses of all witnesses and exhibits shall be made a part of the record as herein provided.

E. Oaths: All witnesses shall testify under oath. The oath shall read:
"Do you solemnly swear (or affirm) that the testimony you are about to give in this matter shall be the truth, the whole truth and nothing but the truth."

F. Evidence: Oral evidence shall be taken only upon oath or affirmation. Each party shall have the following rights: 1) to call and examine witnesses; 2) to introduce exhibits; 3) to cross-examine opposing witnesses on any matter relevant to the issues, even though that matter was not covered on direct examination; 4) to impeach any witness regardless of which party first called the witness to testify; and 5) to rebut the evidence against the appellant. If either or both parties do not testify on their own behalf, then that party may be called and examined as if under cross-examination. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Only relevant evidence shall be admitted. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.

G. Witness and Deposition Fees: Persons served with a subpoena requiring attendance before the Hearings Officer shall be entitled to the same fees and mileage as are allowed by law to witnesses in civil suits and actions. The payment of witnesses' fees and mileage shall be the responsibility of the party calling the witness. The cost of a deposition shall be borne by the party requesting the deposition.

H. Continuances: For a reasonable time, the Hearings Officer may, for good cause, continue the hearing, upon request of a party or upon their own initiative.

I. Confidentiality of Records: All records pertaining to an appeal or hearing are confidential unless otherwise required by law.

J. Written Findings and Order: The Hearings Officer shall have the authority to conclude the hearing. The Hearings Officer shall provide the Board of County Commissioners and each party with written findings and an order within thirty (30) calendar days following the conclusion of the hearing.

[Codified by Ord. 05-2000, 7/13/00]

2.05.210.11 Reopening Of Hearing

Prior to the issuance of the final order, the Hearings Officer may reopen the hearing. The Hearings Officer may reopen the hearing only for good cause.

[Codified by Ord. 05-2000, 7/13/00]

2.05.210.12 Scope Of Authority Of The Hearings Officer

A. The scope of authority of the Hearings Officer is to ensure that the appointing authority's action was for cause, was not arbitrary, capricious or discriminatory and that proper procedures prescribed by this chapter were followed. Any violation of any provisions of this chapter which does not substantially prejudice the right of a party, shall not invalidate any action taken under chapter.

B. The Hearings Officer should not substitute personal judgment for that of the appointing authority in either matters of policy or in other matters as long as the appointing authority has acted within the allowable scope of discretion in the management of the appointing authority's proper business.

C. The Hearings Officer may reverse the action of the appointing authority in matters of discharge or discipline involving economic loss where the Hearings Officer finds that the appointing authority's decision was not based on cause, was arbitrary, capricious or discriminatory or was in violation of a provision of this chapter which substantially prejudiced the right of the employee.

D. In the event the Hearings Officer reverses the action of the appointing authority in matters of discharge, the Hearings Officer, upon giving due consideration to the merits of the case and the arguments of the parties, may impose discipline involving or not involving economic loss.

E. In the event the Hearings Officer sustains the finding of the appointing authority that discipline involving economic loss is warranted, the Hearings Officer shall sustain the sanction involving economic loss that was imposed by the appointing authority, unless a finding is made that that sanction was clearly unreasonable, in which case the Hearings Officer may impose a lesser sanction.

F. In cases where the action involving discharge or discipline with economic loss is reversed or a lesser economic loss sanction is ordered by the Hearings Officer, the Hearings Officer shall issue an order not inconsistent with the findings. In cases of discharge or discipline with economic loss, the Hearings Officer shall have the authority to order reinstatement of the employee with pay, or compensation or special privileges from the date of dismissal or disciplinary action.

G. In cases of fraud and discrimination in the selection process, the Hearings Officer may reverse or sustain or modify the actions taken.

[Codified by Ord. 05-2000, 7/13/00]

2.05.210.13 Final Order

The written findings and order by the Hearings Officer shall be final.
[Codified by Ord. 05-2000, 7/13/00]

2.05.210.14 Hearings Officer

A Hearings Officer shall be appointed by the Board of County Commissioners of Clackamas County to preside at hearings authorized under this chapter. The Hearings Officer shall be a person who is not an officer or an employee of the County in any respect, other than as a Hearings Officer under this chapter. The Hearings Officer shall be paid such compensation as

may be set by the Board of County Commissioners. The Hearings Officer shall serve at the pleasure of the Board and shall not have any personal rights of appeal under this chapter.

The functions of the Hearings Officer shall be conducted in an impartial manner. The Hearings Officer shall be excused from the hearing of any appeal in which there is a conflict of interest. The Hearings Officer shall notify the Board of County Commissioners of this decision. The appellant may file an affidavit of personal bias of the Hearings Officer any time up to five (5) days before the scheduled hearing. The affidavit shall be filed with the Hearings Officer. Upon receipt, the Hearings Officer shall cancel the hearing and forward the affidavit to the Board of County Commissioners. The Board shall either appoint a substitute Hearings Officer to hear any such case, or determine that no bias exists and order the hearing scheduled.
[Codified by Ord. 05-2000, 7/13/00]

2.05.220 Administrative Reviews By The Director Of Employee Services

2.05.220.1 Requests For Administrative Reviews
All requests for an administrative review by the Director of Employee Services shall be subject to the requirements of this section.
[Codified by Ord. 05-2000, 7/13/00]

2.05.220.2 Filing A Request For Administrative Review
A request for administrative review must:
A. Be made in writing;
B. Name the employee or applicant and include their address and phone number;
C. Be signed by the party requesting the review or the party's authorized representative;
D. Be addressed and delivered to the Director of Employee Services;
E. Contain a reference to the action(s) to be reviewed and date(s) of the action(s);
F. State why the employee feels the action taken or recommended is incorrect; and
G. Contain a statement of the remedy desired.
[Codified by Ord. 05-2000, 7/13/00]

2.05.220.3 Actions That May Be Reviewed
A. A probationary employee may request an administrative review of a suspension, demotion, or dismissal subject to 2.05.110.3.
B. Applicants may request an administrative review of their selection results subject 2.05.070.14.
C. Applicants or employees may request an administrative review following removal of their name from either an open eligibility register or a promotional/internal eligibility register, subject to 2.05.080.3 and 2.05.080.4.
D. An employee may request an administrative review of an intradepartmental transfer subject to 2.05.140.4.
[Codified by Ord. 05-2000, 7/13/00]

2.05.220.4 Timelines For Filing A Request For Review
A. Probationary employee has fourteen (14) calendar days from the effective date of discipline or dismissal to file a request for an administrative review.

B. An applicant has fourteen (14) calendar days from the date selection results were mailed to the applicant to file a request for an administrative review of the selection results.
C. Applicants or employees have fourteen (14) calendar days from the date a notice was mailed that their name was removed from an open or promotional/internal eligibility register to file a request for an administrative review.
D. An employee has fourteen (14) calendar days from the effective date of an intradepartmental transfer to file a request for an administrative review.

[Codified by Ord. 05-2000, 7/13/00]

2.05.220.5 Response To Request For Administrative Review

Upon receipt of the request for administrative review, the Director of Employee Services shall investigate the circumstances surrounding the request. Within fourteen (14) days of receipt of the request for review, the Director of Employee Services shall render a decision and respond in writing to the party filing the request, with a copy to the supervisor and appointing authority. If the Director of Employee Services cannot complete the investigation within that time frame, the parties will be notified of the status of the investigation and be provided a schedule for completion of the review.

[Codified by Ord. 05-2000, 7/13/00]

2.05.220.6 Scope Of Authority Of Director Of Employee Services

The scope of authority of the Director of Employee Services is to ensure the actions taken were job-related and that proper procedures prescribed by this code were followed. Specifically, the scope of authority of the Director of Employee Services shall be as follows:

A. After a review of discipline or dismissal of a probationary employee, the Director of Employee Services may affirm, disaffirm, or amend the action of the appointing authority;
B. In reviews of the circumstances surrounding an applicant's selection results, the Director of Employee Services shall take appropriate administrative action to resolve the complaint or uphold the selection results. Such administrative action may include a correction made to the applicant's test scores and appropriate placement on an eligibility register. If a correction is made as a result of such review, any change in selection results shall not affect a referral or appointment having already been made as a result of such examination;
C. In reviews of applicants whose names were removed from an open or promotional/internal eligibility register, the Director of Employee Services shall affirm the action, or disaffirm the action and offer reinstatement of the applicant or employee to the appropriate eligibility register;
D. In instances where the Director of Employee Services reviews intradepartmental transfers, the Director of Employee Services may affirm the transfers made by the appointing authority, disaffirm the transfers as being improper and order the employees be placed in their former positions, or modify the actions taken.

[Codified by Ord. 05-2000, 7/13/00]

2.05.220.7 Written Findings

The Director of Employee Services shall prepare and issue a written finding at the conclusion of each administrative review. An employee or applicant shall have the right to review materials

used by the Director of Employee Services in rendering a written finding on any administrative review.
[Codified by Ord. 05-2000, 7/13/00]

2.05.240 Equal Employment Opportunities

2.05.240.1 Policy Statement

It is the policy of Clackamas County to adhere to the concept of equal employment opportunity and affirmative action as a basic element of human resources management. Discrimination in a personnel action on a basis unrelated to the job is prohibited. Employment and promotion decisions in County service shall be made in accordance with the principles of equal opportunity by utilizing only job-related requirements. [Codified by Ord. 05-2000, 7/13/00]

2.05.240.2 Affirmative Action Program

The Board of County Commissioners has adopted an affirmative action policy and program which is set forth in a separate document and is available throughout County facilities.
[Codified by Ord. 05-2000, 7/13/00]

2.05.240.3 Complaint And Grievance Resolution Procedure

A. Clackamas County firmly believes that a comprehensive, systematic and equitable process for resolving complaints of discrimination, harassment, unlawful employment practices, or violations of equal employment opportunity, is an essential part of a comprehensive affirmative action plan. The following internal complaint and grievance resolution process will apply to complaints alleging unlawful employment practices violations of equal employment, discrimination, or harassment.

B. Any employee or applicant for employment may file a written complaint alleging discrimination, or an unlawful employment practice(s), or violation of equal employment opportunity, with the Director of Employee Services who will investigate the charge within thirty (30) days. The Director of Employee Services may also initiate an investigation without receiving a written complaint.

At the conclusion of the investigation, the Director of Employee Services shall make recommendations to correct any practices found to be in violation of this chapter. Notice of the recommendation shall be forwarded to the appointing authority. If the finding of the investigation is that there has been a violation of the Personnel Chapter, the Director of Employee Services will attempt to resolve the complaint. Under the law, individuals are protected from retaliation. Every effort will be made to preserve confidentiality consistent with conducting a thorough investigation.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2007, 6/7/07]

2.05.250 Harassment

2.05.250.1 Policy Statement

It is the policy of Clackamas County to maintain a work environment which is free of harassment. Harassment is defined as verbal or physical conduct that is derogatory or shows hostility towards an employee because of race, color, age, religion, sex, sexual orientation, gender identity, disability, national origin or any other protected status in accordance with applicable law, and:

A. Has the purpose or effect of creating an intimidating, hostile or offensive work environment;

B. Has the purpose or effect of unreasonably interfering with an employee's work performance; or

C. Otherwise substantially and adversely affects an employee's employment opportunities.

This policy is not limited in application to harassment between supervisors and subordinates, it also includes harassment between co-workers.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2007, 6/7/07]

2.05.250.2 Sexual Harassment Policy

The Equal Employment Opportunity Commission guidelines define sexual harassment to include unwelcome sexual advances, request for sexual favors and other offensive verbal or physical conduct of a sexual nature, when:

A. Submission to sexual advances is a condition of employment; or
B. Submission or rejection is the basis of an employment decision (tangible job benefits, promotion, retention, performance evaluation, etc.); or
C. When the conduct unreasonably interferes with the affected person's work performance or creates an intimidating, hostile or offensive work environment.

Clackamas County and its managers are responsible for the acts of their agents and supervisory employees with respect to preventing sexual harassment in the work place. Prevention is the best approach in eliminating sexual harassment; all employees shall take reasonable steps necessary to prevent such harassment from occurring. Department managers and supervisors shall develop methods to sensitize employees on this issue.

Department managers and supervisors, male or female, shall not use their authority to solicit sexual favors, when submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting that individual. Department managers and supervisors shall not allow conduct that creates an intimidating, hostile or offensive work environment. Included in forbidden conduct are lewd gestures, sexually offensive language or sexually offensive behavior. Failure to adhere to this policy will result in disciplinary action up to and including termination.
[Codified by Ord. 05-2000, 7/13/00]

2.05.250.3 Initiating An Investigation Regarding Harassment

Employees or applicants for employment who experience behavior in violation of this policy are urged to contact their supervisor, another Clackamas County supervisor, or the Director of Employee Services. The Director of Employee Services will conduct a thorough investigation in

compliance with the complaint and grievance resolution procedure available under 2.05.240, Equal Employment Opportunities. If evidence supports such a complaint, immediate, appropriate and corrective action will be taken. Under the law, individuals are protected from retaliation. Every effort will be made to preserve confidentiality consistent with conducting a thorough investigation.
[Codified by Ord. 05-2000, 7/13/00]

2.05.260 Personnel Records

2.05.260.1 Contents

Individual employee personnel files shall be established and maintained by the Department of Employee Services for all employees. Items shall be submitted to the Department of Employee Services and shall be considered the official record copy. The records will be maintained in accordance with County policies and State of Oregon record retention schedules.
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]

2.05.260.2 Access To Personnel Records

A. The entire contents of an employee's personnel file shall be made available to the employee, except for reference checks from previous employers or where the employee has signed a written waiver of access. Employee personnel files are protected from access by persons other than the following:
    1. employee;
    2. employee's official representative with the employee's signed authorization;
    3. employee's immediate supervisor and higher level supervisors;
    4. Personnel Division or the County's Counsel; or
    5. Persons or agencies authorized by law.

B. Material and information within an employee's personnel file that is considered public includes:
    1. employing agency;
    2. employee classification;
    3. employee's salary rate;
    4. employee's date of hire;
    5. employee's date of separation; and
    6. promotional eligible register (rank only).

[Codified by Ord. 05-2000, 7/13/00]

2.05.260.3 Disclosure Of Information And Dissent

Employees shall be informed of all items being placed in their individual personnel file. Individual employees shall receive copies of these materials and have the right to place dissenting information into their files. Employees may receive additional copies upon request.
[Codified by Ord. 05-2000, 7/13/00]

Personnel Ordinance/ EPP 61, 62, and 64 Crosswalk

Personnel Ordinance Language Requesting Removal	Relevant New EPP	Notes
2.05.070 Selection	**EPP 61 Candidate Selection** **EPP 64 Recruitment Policy**	
2.05.070.1 Purpose Of Selection Process The purposes and goals of the selection process are: A. To provide a competitive system of filling positions in the County classified service with the best-qualified persons possible, based on job related factors; B. To provide qualified persons for County employment and promotions ensuring equal employment opportunity; C. To ensure that all selection procedures are valid, impartial and free from personal and political considerations; and D. To comply with the Federal Uniform Guidelines on Employee Selection Procedures. [Codified by Ord. 05-2000, 7/13/00]	**EPP 61 Candidate Selection**	
2.05.070.2 Job Announcements When establishing eligibility registers, the Department of Employee Services shall post job announcements in the office of the Department of Employee Services, County departments and other public places. The notice may include special requirements of the position and shall include: A. The title of the position; B. A brief statement of the duties; C. The salary grade or rate of pay; D. Minimum qualifications or requirements; E. Nature of the selection process; and F. Closing date for applications. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 05-2009, 10/29/09]	**EPP 64 Recruitment Policy**	
2.05.070.3 Selection Procedures The Department of Employee Services shall determine appropriate selection procedures in consultation with the department representative. In determining selection procedures, the Department of Employee Services shall consider: A. Analysis of job duties; B. Availability of applicants; C. Special problems of protected classes related to effective competition; D. Occupational standards; E. Professional selection procedures; and F. Supportable job related experience.	**EPP 64 Recruitment Policy**	

Personnel Ordinance Language Requesting Removal	Relevant New EPP	Notes
Selection methods shall be confined to the measurement of knowledge, skills and abilities necessary to perform the defined duties of the position. Any pertinent factor or trait which affects job performance may be included. The Department of Employee Services shall appoint, as needed, special raters to assist in selection procedures. Raters may be representatives of departments, the public, interested organizations, or other public jurisdictions who have been designated to administer and score selection procedures. All selection procedures shall be subject to continuous analysis for fairness and job relatedness in accordance with appropriate Federal and State regulations and professional standards. An appointing authority may request of the Director of Employee Services that a selection procedure be reviewed for fairness, job relatedness, or other defect. The Director of Employee Services may cancel or modify any part of the selection procedure or materials which he/she determines is not job related, is unfair, is confusing or otherwise is materially defective. The Director of Employee Services may at any stage of the selection procedure set the minimum passing score at a level designed to provide a sufficient number of candidates for further consideration. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]		
2.05.070.4 Types of Recruitments and Selection Procedures The use of an open and/or promotional/internal recruitment shall be determined by the Director of Employee Services in accordance with the provisions of these rules: A. Open: A recruitment in which any interested person may submit an application for employment. B. Open Continuous Recruitment: These recruitments will remain open and are not of a limited duration. An individual's name shall be removed from the eligibility register after a designated period of time, normally not less than six (6) months or more than one (1) year. Open continuous recruitments may be used when practical, as determined by the Director of Employee Services based on an assessment of the anticipated number of positions to be filled from the register and/or consideration of current labor market conditions. C. Promotional/Internal: Only employees of the County in the classified service may submit an application. A promotional/internal recruitment may be limited to a particular agency, or department, or part thereof. Such limitations shall be used only when justified by the presence of a number of qualified competitive candidates or by the specialized unique nature of work performed. Such limitations require approval by the Director of Employee Services. Promotive classifications established in conformance with 2.05.050.12, may require completion of the training and development criteria and time periods before becoming eligible to submit an application. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05]	**EPP 64 Recruitment Policy**	
2.05.070.5 Need For Recruitment All vacancies in the Classified Service shall be filled by persons who have been qualified through the recruitment and selection process, except as otherwise provided by these rules. Departments have the responsibility to notify the Department of Employee Services as soon as a vacancy is anticipated and to provide them with a complete description of the duties of the position. Recruitments may be held when deemed appropriate by the Director of Employee Services. A recruitment need not reflect an immediately available vacant position. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09] 2.05.070.6 Publicity And Recruitment The Department of Employee Services shall administer a program of recruitment which will attract qualified persons to County employment including members of protected classes. Recruitment efforts will include contacts with	**EPP 64 Recruitment Policy**	

Personnel Ordinance Language Requesting Removal	Relevant New EPP	Notes
community groups, agencies, councils and individuals for purposes of soliciting applications from all segments of the population. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]		
2.05.070.6 The Department of Employee Services shall administer a program of recruitment which will attract qualified persons to County employment including members of protected classes. Recruitment efforts will include contacts with community groups, agencies, councils and individuals for purposes of soliciting applications from all segments of the population. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]	**EPP 64 Recruitment Policy**	
2.05.070.7 Minimum Requirements Minimum requirements established for a position shall be determined in accordance with legal requirements, classification specifications, duties of the position, occupational standards, the labor market and relevant past work experience. Such requirements shall be based upon an evaluation of the knowledge, skills and standards required for the position. Applicants may be required to submit additional information about their backgrounds, completion of courses of study or training or evidence of their possession of licenses or certificates. Applicants may be required to qualify in an employment related physical assessment tailored to job requirements. [Codified by Ord. 05-2000, 7/13/00]	**EPP 64 Recruitment Policy**	
2.05.070.8 Disqualification Of Applicants All applications shall be reviewed by the Department of Employee Services for eligibility and admission to the selection process. A person shall be disqualified from consideration: A. Who is not eligible under the provisions of these rules; B. Whose application was received after the closing date and time for accepting applications as specified in the job announcement, unless waived by the Director of Employee Services; C. Who does not meet the minimum qualifications as prescribed in the job announcement; D. Who does not meet the legal requirements as set forth in Federal, State or County law; or, E. Who has knowingly made a false statement in any material fact or has practiced or attempted to practice any deception or fraud in the application or selection process. Who did not complete the required elements of the employment application or supplemental application materials. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 05-2009, 10/29/09]	**EPP 61 Candidate Selection**	
2.05.070.9 Modification Or Suspension Of Selection Procedures A. If there are five (5) or fewer eligible competitors in any part of the selection process, subsequent parts may be modified or suspended. In such a case, referral may be made, provided that there is no existing eligible register and all eligible applicants are to be referred and interviewed by the appointing authority. B. If there are ten (10) or fewer applicants qualified for an open register following review by the Department of Employee Services, and there are no names on the layoff or promotional/internal register, an unranked open register may be developed. Except as provided below in this section, all applicants on the unranked open register will be referred and interviewed by the appointing authority. C. An unranked open register will not be used if it conflicts with the terms of applicable collective bargaining agreements.	**EPP 62 Eligibility Registers** **EPP 64 Recruitment Policy**	Language conflicts with new policy.

Personnel Ordinance Language Requesting Removal	Relevant New EPP	Notes
D. An unranked open register will not be used if, prior to the job announcement open date, a department director specifically requests a ranked open register for that recruitment. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 10-2004, 11/18/04; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 01-2011, 4/28/11; Amended by Ord. 05-2014, 9/25/2014]		
2.05.070.10 Consideration Of Qualifications The selection procedure(s) may be composed of one or several selection processes, which may be considered independently or jointly. Candidates may be required to be competitive at a prescribed level in the initial screening to advance in the selection process. [Codified by Ord. 05-2000, 7/13/00]	**EPP 61 Candidate Selection**	
2.05.070.11 Reapplication and Retesting Applicants may not reapply or retest for the same position more than once within a six, (6) month period. The Director of Employee Services may waive this restriction when warranted. [Codified by Ord. 05-2000, 7/13/00; amended by Ord. 05-2009, 10/29/09]	**EPP 61 Candidate Selection**	Language conflicts with new policy.
2.05.070.12 Written Exams Applicants may register objections to any question or answer which they believe unfair or incorrect within three (3) working days of the applicant completing the written test. Such objections shall be made to the Director of Employee Services. Items may be deleted on the basis of item analysis, administrative or clerical errors, and incorrect keying and valid objections of applicants prior to computing scores. Any such deletions shall be recorded together with the reasons for such deletion. The Director of Employee Services may remove such questions or make such alterations in the answer key. Any alterations made to the answer key shall be applied to the scoring of all applicable tests. [Codified by Ord. 05-2000, 7/13/00]	**EPP 61 Candidate Selection**	
2.05.070.13 Review Of Selection Results Applicants may review their results within fourteen (14) calendar days from the date on which the notice of results was mailed. The selection materials of applicants are not open to inspection by the public or by other applicants except as provided by law. [Codified by Ord. 05-2000, 7/13/00]	**EPP 61 Candidate Selection**	
2.05.070.14 Requests For Review Of Selection Procedures Requests for review may be made by any applicant to the Director of Employee Services on any part or process of the selection procedure as identified in 2.05.070.13 above. An applicant has fourteen (14) calendar days from the date selection results were mailed to file a Request for Review. The Director of Employee Services shall investigate the circumstances surrounding the request and take appropriate administrative action to resolve any complaints within the time frames set forth in 2.05.220.5 [Codified by Ord. 05-2000, 7/13/00]	**EPP 61 Candidate Selection**	
2.05.070.15 Appeals Of Selection Procedures In The Selection Process Written appeals of the Director of Employee Services' decision resulting from a claim of fraud or illegal discrimination in the selection process may be made to the Hearings Officer. Appeals to the Hearings Officer must be made in writing within thirty (30) calendar days from the date the Director of Employee Services mails the determination of the matter to the applicant. (See 2.05.210 for Appeals Procedures.) [Codified by Ord. 05-2000, 7/13/00]	**EPP 61 Candidate Selection**	

Personnel Ordinance Language Requesting Removal	Relevant New EPP	Notes
2.05.070.16 Waiver Of Selection Process The selection process may be suspended and appointment made if transition to probationary/regular employment from a specially funded program is involved and the Director of Employee Services finds that competition is impractical. Such exception shall be requested in writing from the appointing authority stating the reasons for the suspension of the selection procedures. [Codified by Ord. 05-2000, 7/13/00]	**EPP 61 Candidate Selection**	Language conflicts with new policy.
2.05.080 Eligible Registers	**EPP 62 Eligibility Register**	
2.05.080.1 Types Of Eligible Registers Eligible registers are maintained in accordance with the County's classification of jobs. The types of eligible registers are: A. Open: A register which shall consist of persons who have successfully completed an open competitive selection process. The period of eligibility will normally be not less than three (3) months (unless the registers are exhausted) nor more than one (1) year. An open register may be a ranked open register, an unranked open register, or a banded open register 1. Ranked Register: A ranked register consists of applicants who have successfully completed an open competitive selection process and are listed in order of eligibility for hiring, with the highest scoring applicant at the top of the list, and other applicants ranked below in order of decreasing scores. 2. Unranked Register: An unranked register consists of 10 or fewer qualified applicants as described in section 2.05.070.9. 3. Banded Register: A banded register consists of applicants who have completed an open competitive selection process and are listed in up to four groups: band A, band B, band C, and band D. Applicants eligible for hiring consideration are listed in bands A, B or C. Applicants not eligible for hiring consideration are listed in band D. a. "Band A" applicants are the top applicants for first referral to the appointing authority for hiring consideration, based on the job-related criteria and preferences established at the time of the solicitation. Band A applicants meet the minimum qualifications and also possess the job-related preferences expressed in the solicitation, such as additional relevant education, training, skills, professional certifications, or experience (especially experience with the particular type of job duties expected for the position, and recent experience). b. "Band B" applicants are the next group of applicants for secondary referral to the appointing authority for hiring consideration, based on the job-related criteria and preferences established at the time of the solicitation. Band B applicants meet the minimum qualifications and have some of the job-related preferences expressed in the solicitation, such as additional relevant education, training, skills, professional certifications, or experience (especially experience with the particular type of job duties expected for the position, and recent experience). c. "Band C" applicants are the last group of applicants for referral to the appointing authority for hiring consideration, based on the job-related criteria and preferences established at the time of the solicitation. Band C applicants meet the minimum qualifications and have a lesser level of the job-related preferences expressed in the solicitation, such as additional relevant education, training, skills, professional certifications, or experience (especially experience with the particular type of job duties expected for the position, and recent experience.	**EPP 62 Eligibility Register**	Timeline language conflicts with new policy.

Personnel Ordinance Language Requesting Removal	Relevant New EPP	Notes
d. "Band D" applicants are those who are not competitive at the level required to advance in the selection process. This group will not be eligible for hiring consideration, based on the job-related criteria and preferences announced at the time of the solicitation. e. Banded registers will be used only upon request of the appointing authority and approval by the Director of Employee Services. Such approval will be granted only where sufficient job-related hiring criteria and job-related preferences have been developed to assure the job-related validity of the selection process. The hiring criteria and preferences must be established at the time the solicitation is made. f. When a banded register is developed, the Department of Employee Services will refer eligible candidates to the appointing authority only by referring all names within a band (whether band A, band B or band C). A single band or multiple bands may be referred at one time. An appointing authority must apply the same selection process in the consideration of all applicants within the band (whether band A, band B or band C) when considering applicants from a banded register for hiring. g. Veterans' preference as provided in section 2.05.070.17 will be applied to a banded register by moving an eligible veteran in band C or band B up one band, or by moving an eligible disabled veteran in band C up two bands. As provided in ORS 408.230, veterans' preference is not a requirement that a veteran be appointed, but if the selection process applied by an appointing authority to members of a band after the preference has been applied results in an equal evaluation for a veteran and non-veteran, then the veteran shall be appointed. h. Affirmative action as provided in 2.05.090.2(B) will be applied to a banded register, where there is a hiring goal contained in the current County Affirmative Action Plan for the category in which the job vacancy exists, by moving up by one band all applicants who are from that group for which hiring goals exist and who are in band C or band B; provided however that no applicants will be moved up into a band if there are already at least 5 applicants from that group present in that band. B. Promotional/Internal: A register which shall consist of employees who have successfully completed a promotional/internal selection process. Promotional/internal registers shall remain in effect for not less than eighteen (18) months or more than twenty-four (24) months. Promotional/internal registers for non-represented positions shall remain in effect a minimum of six (6) months and may be extended for up to twenty four (24) months upon approval of the Director of Employee Services. C. Layoff: A register which shall consist of previous employees who had attained regular status with the County and were displaced from their position due to layoff or reduction in force, current employees who exercised voluntary demotion in lieu of layoff, or employees who failed to pass the probationary period for a higher level position as a result of reclassification or trainee program. The period of eligibility will be two (2) years from the effective date of the action which placed the individual on the layoff register. [Codified by Ord. 05-2000, 7/13/00; Subsection A amended by Ord. 10-2004, 11/18/04; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 01-2011, 4/28/11]		
2.05.080.2 Placement Of Names On Eligible Register The name of any person who has qualified for County employment or advancement must be placed on an appropriate eligible register, unless otherwise stated by these rules. Persons who have completed six (6) months of continuous service in a classified position and are on an open register for a higher classification may be transferred, on request of the applicant, to an existing promotional/internal register for the higher level classification. The period of eligibility shall not be extended by such transfer.	**EPP 62 Eligibility Register**	

Personnel Ordinance Language Requesting Removal	Relevant New EPP	Notes
[Codified by Ord. 05-2000, 7/13/00]		
2.05.080.3 Removal Of Names From Open Eligible Register Names shall be removed from any eligible register after appointment, or at the end of the eligibility period. The acceptance of temporary work by persons on eligible registers shall not affect their referral for regular positions. The Director of Employee Services may remove from an open eligible register the names of persons: A. Who have declined three (3) appointments from any one eligible register; B. Who are considered, but not appointed after one(1) referral, provided however that the person shall only be removed from the particular eligibility register sent to the requesting appointing authority and shall remain on the master eligibility list for that job classification (if applicable) with respect to other appointing authorities; C. Who fail to respond to the referral notice within seven (7) calendar days from date notifications were mailed; D. Who fail to appear for a job interview; E. Who have failed to answer an availability inquiry within seven (7) calendar days; F. Who have failed to keep the Department of Employee Services informed of their address; G. Whose reasons for waiving referral or appointment are not satisfactory as determined by the Director of Employee Services; H. Who are determined to be unqualified by the Director of Employee Services based on their previous employment record; I. Who fail to meet minimum requirements, employment related physical standards, background/criminal history check or for any valid cause relating to their character and ability to perform satisfactorily on the job; or, J. Who have failed to comply with conditions of employment as a County employee. All persons whose names are removed from an open eligible register for cause shall be so notified in writing and shall have the right of review by the Director of Employee Services. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07.2005, 11/3/05; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 01-2011, 4/28, 2011]	**EPP 62 Eligibility Register**	Language conflicts with new policy.
2.05.080.4 Removal And Replacement Of Names From Promotional/Internal Eligible Register A. Names shall be removed from the promotional/internal eligible register upon resignation or termination of the employee from County employment. The Director of Employee Services may also remove names of persons: 1. Who have declined three (3) appointments from any one promotional/internal register; 2. Who are considered, but not appointed after three (3) referrals; 3. Who fail to respond to the referral notice within seven (7) calendar days from date of notification; 4. Who fail to appear for a job interview; 5. Who have failed to answer an availability inquiry within seven (7) calendar days; or, 6. Who have failed to keep the Department of Employee Services informed of their address. B. Persons who have been referred and fall into one of the following categories shall remain on the promotional/internal eligible register for future referrals, but shall have their name replaced on the current referral list: 1. Whose reasons for waiving referral or appointment are not satisfactory as determined by the Director of Employee Services;	**EPP 62 Eligibility Register**	Language conflicts with new policy.

Personnel Ordinance Language Requesting Removal	Relevant New EPP	Notes
2. Who are determined by the Director of Employee Services to be unqualified based on their previous employment record; 3. Who fail to meet minimum requirements, medical standards, or for any valid cause relating to their character and ability to perform satisfactorily on the job; or, 4. Who have failed to comply with conditions of employment as a County employee. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]		
2.05.080.5 Restoration To Eligible Register The Director of Employee Services may restore the name of a person to the eligible register. Any restoration shall not extend the period of eligibility. [Codified by Ord. 05-2000, 7/13/00]	**EPP 62 Eligibility Register**	
2.05.080.6 Extension Of Eligibility The Director of Employee Services may extend, renew or reactivate the eligibility of persons qualified for a period not to exceed two (2) years from the first date of eligibility, provided however that eligibility may be extended for a period not to exceed five (5) years for an applicant who is a member of the U.S. Armed Forces, National Guard or Reserves who is deployed for military service, and is released from service under honorable conditions. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]	**EPP 62 Eligibility Register**	
2.05.080.7 Inactive Status Applicants whose names are on the eligible register may request inactive status and their names shall be removed from the active eligible register. Upon notification, such names may be restored to the active eligible register for the remaining period of eligibility. Eligibility shall not be extended by reason of such inactivity. [Codified by Ord. 05-2000, 7/13/00]	**EPP 62 Eligibility Register**	
2.05.090 Referral Of Eligibles	**EPP 62 Eligibility Register**	
2.05.090.1 Referral Process The appointing authority shall request referral by submitting a position requisition which contains information necessary for the proper and prompt filling of positions. Upon receipt of the requisition, the Director of Employee Services shall order referral of persons from the appropriate eligible register in accordance with the provisions of this chapter and position control. The appropriate eligible register shall be determined by the classification of the position and special qualifications required to perform the duties of the position. If Eligibles fail to respond to a contact letter by either phone or mail within seven (7) calendar days of the County's mailing of the notification, they may be considered to have declined the position. [Codified by Ord. 05-2000, 7/13/00] 2.05.090.2 Referral From Eligible Registers A. The order in which eligible registers shall be used for referrals is as follows: 1. Layoffs register; 2. Promotional/internal register; 3. Open register.	**EPP 62 Eligibility Register**	Language conflicts with new policy.

Personnel Ordinance Language Requesting Removal	Relevant New EPP	Notes
The combined number of names referred from all registers shall not exceed the number of vacancies plus four (4), except as provided in subsection B of this section. B. Any regular employee who has submitted a written request for transfer or demotion may be referred for all regular openings, in addition to those normally referred. When tied scores exist between persons referred and those remaining on the eligible list, all persons with tied scores shall be referred. If eligibles fail to respond within seven (7) calendar days from notification, the appointing authority may request additional names to be referred. The appointing authority may specify requirements of particular experience, education, skill or ability, when it is deemed that such requirements are necessary for the position. If, after a review of the duties and responsibilities of the position, the Director of Employee Services finds the requirements essential for successful performance, only the names of individuals possessing those qualifications will be referred. Up to ten (10) names will be referred when an unranked open register is used pursuant to §2.05.070.9. The Director of Employee Services will refer additional qualified applicants to be considered for employment if there is a required hiring goal(s) contained in the current County Affirmative Action Plan for the category in which the job vacancy exists, and there are no names on the layoff register or promotional/internal register for the position. In such cases, the Director of Employee Services shall refer enough names (if available) in addition to those referred according to normal register procedures to result in a referral of a total of five (5) applicants from all the protected groups collectively for which required hiring goals for that category exist. Referral of additional qualified applicants will not occur if it would conflict with the terms of applicable collective bargaining agreements. If a banded register has been requested by the appointing authority and approved by the Director of Employee Services, names may be referred from the banded eligibility register as provided in section 2.05.080.1(A)(3). [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 10-2004, 11/18/04; Amended by Ord. 07.2005, 11/3/05; Amended by Ord. 01-2011, 4/28/11]		
2.05.090.3 Referral For Trainee Purposes The appointing authority and the Director of Employee Services may consent to use an eligible register for a lower grade classification in order to fill the higher level position with a trainee if the rationale to do so is consistent with the County approved Affirmative Action Plan. Any "trainee appointment" shall be documented by identifying the proposed length of the training period prior to the employee's advancement to the full job level. Those individuals appointed as trainees under 2.05.090.3 shall receive a copy of said documentation. [Codified by Ord. 05-2000, 7/13/00]	**EPP 62 Eligibility Register**	
2.05.090.4 Insufficient Names When the total number of names on the available eligible register is fewer than five, (5), or a banded register has fewer than five (5) names on the A, B, and C bands, the appointing authority may elect to: A. Make a probationary appointment from those referred, or B. Accept referral of additional names from the most nearly appropriate eligible register as determined by the Director of Employee Services, or C. Request a provisional appointment, pending establishment of a new eligible register, and call for a new recruitment. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 01-2011, 4/28/11; Amended by Ord. 05-2014, 9/25/14]	**EPP 62 Eligibility Register**	Language conflicts with new policy.

Personnel Ordinance Language Requesting Removal	Relevant New EPP	Notes
2.05.090.5 Acceptance Of Referral In Lower Classification The Director of Employee Services may refer an eligible candidate to a position in a lower or parallel classification. Such a position must have similar duties and responsibilities. A lower classification referral shall not deprive an eligible candidate of referral rights on the eligible register for the higher classification. [Codified by Ord. 05-2000, 7/13/00]	**EPP 62 Eligibility Register**	

☒ Administrative Policy
☐ Operational Policy

Clackamas County Policy

Name of Policy	Candidate Selection	Policy #	EPP 61
Policy Owner Name	Evelyn Minor-Lawrence	Effective Date	9/29/2026
Policy Owner Position	Human Resources Director	Approved Date	9/29/2026
Approved By	Gary Schmidt, County Administrator	Next Review Date	9/27/2029

I. PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on the selection of candidates for open regular status positions within the County's classified service. This policy applies to all departments and offices hiring for positions served by Human Resources unless otherwise specified or in conflict with an applicable bargaining agreement.

II. AUTHORITY

County Code 2.09.060 authorizes the County Administrator to draft administrative rules and implement operational policies.

III. GENERAL POLICY

Clackamas County is committed to a fair candidate selection process to result in the retention of a well-qualified workforce. In accordance with state and federal law, the County is an equal opportunity employer.

The purposes and goals of the selection process are:

- To provide a competitive system for filling vacant positions in the classified service with the best-qualified persons, based on job-related factors,
- To provide equal employment opportunity to all job seekers,
- To ensure that all selection procedures are valid, impartial, and free from personal and political considerations; and
- To comply with applicable federal, state, and local laws, as well as applicable collective bargaining agreements.

IV. DEFINITIONS

Applicant: An individual who has submitted an application for a posted vacant position with the County via the approved application process.
Candidate: An individual who has applied for a vacant position and has been deemed to have met the minimum qualifications of the position for which they have applied.
Eligibility Register: A list of qualified candidates who have successfully completed the selection process for a position.
Applicant Tracking System (ATS): Online computer-based system used to track and manage applicants and candidates moving through the recruitment, selection, and hiring processes. This system is also used for applicants to view and apply for available vacant positions.
Hiring Authority: The individual in a position of management with the authority to make a hiring decision.
Reapplication and Retesting: The minimum amount of time an applicant must wait to reapply or retest for the same position.

V. POLICY GUIDELINES

All vacant regular status positions in the County will be filled by persons who have demonstrated they are qualified through a recruitment and selection process in compliance with County policies, except as otherwise specified in this policy. See EPP 64 Recruitment Policy for more information on the County recruitment and selection process.

A. Selection Methods

Recruitment and Selection will determine appropriate selection methods for a vacant position in consultation with the hiring authority. In determining selection methods, Recruitment and Selection will consider required minimum qualifications and, if applicable, preferred qualifications.

Selection methods will consist of the evaluation of candidates' experience, knowledge, skills, and abilities necessary to perform the defined duties of the position. Any relevant skills or competencies, including technical, interpersonal, communication, and/or behavioral may be included in the evaluation.

All selection methods are subject to review by Human Resources for fairness and job-relatedness, in accordance with appropriate federal and state regulations and professional standards. A hiring authority may request that the Director of Human Resources or their designee review, a selection method for fairness, job relatedness, or another deficiency. The Director of Human Resources or their designee has ultimate authority to determine appropriate selection methods and/or materials and may cancel or modify any part of the selection process or materials which they determine are not job-related, unfair, unclear, or otherwise inappropriate.

Qualified veterans will be granted Veterans' Preference in compliance with Oregon Revised Statutes 408.230. See EPP 43 Veterans' Preference Points for details.

B. Application Screening

Hiring authorities are responsible for reviewing applications for vacant positions through the online Applicant Tracking System (ATS).

All applicants must apply through the ATS during the time period the position is posted to have their application considered for employment with the County.

Applicants who do not demonstrate possession of all required minimum qualifications for the position are not eligible to move further in the selection process. Their application will be inactivated, and their application will not receive further consideration.

Applicants who demonstrate all required minimum qualifications and any additional criteria used in the selection process for the position may be placed on an eligibility register for that position. See EPP 62 Eligibility Register for more information on use of the Eligibility Registers during the recruitment and selection process.

Recruiters will work with the hiring authority to determine which candidates will be selected for interviews and/or further skills testing, based on the posted job-related qualifications and their standing on the eligibility register, if applicable.

C. Interviewing

All candidates referred to the hiring authority for a department interview will be invited to interview. Refer to EPP 23 Candidate Interviewing for additional information.

D. Applicant Assessments

The County may use a variety of knowledge and skill assessments to evaluate applicants' skills relevant to the minimum or preferred qualifications for positions. Assessment methods will assist departments with determining the most qualified candidate for the position. These may include, but are not limited to any of the following:

- Typing skills test.
- Proficiency testing for relevant computer software applications, data entry, proofreading, etc.
- Scenario-based video and written tests.

- Industry standard, position-specific testing, that may include multiple test modules and language proficiency testing (i.e., bilingual).

The same assessments and scoring methods must be used for all candidates at the same stage in the selection process. Candidates who fail an assessment will not be permitted to retake the assessment during the same recruitment process, but will be permitted to complete it again if the position is opened in the future for a new selection process.

The Recruiter may assist departments and offices with establishing procedures and practices for assessment. Recruitment and Selection will review, validate and approve all skills assessments to ensure they are relevant to the position. Skills assessments are typically administered by Recruitment and Selection.

A candidate may request previous test results be applied to a new position requiring testing so long as the tests are exactly the same. Testing results are good for up to twelve (12) months. This does not apply to pre-employment checks or bilingual testing.

Pre-employment checks, as applicable, would occur post-offer such as physical capacity test, driving record check, drug testing, and/or criminal background checks.

1. Applicant Objections to Written Tests

Applicants may submit to the Recruitment and Selection Manager an objection to any question or answer which they believe to be unfair or incorrect within three (3) working days of the applicant completing a written test. Such objections shall be made to the Director of Human Resources or their designee. Items may be deleted on the basis of administrative or clerical errors and valid objections of applicants, prior to computing scores on the test for the candidate. Any deletions shall be recorded along with the reason for the deletion. If the Director of Human Resources or their designee decides to remove a question or make an alteration to the answer key, such shall be applied to the scoring of all applicable tests.

E. Waiver of Selection Process

The selection process for a position may be suspended and an appointment made if a transition to probationary/regular employment from a specially funded program (for example, grant funded) is warranted, and the Director of Human Resources or their designee finds that a competitive recruitment is impractical. Such exception will be requested in writing by the hiring authority stating the reasons for the suspension of the selection procedures.

F. Candidate Communication

The hiring authority is responsible for ensuring communication is occurring with candidates throughout the selection process. Upon completion of the recruitment and selection process, all candidates must be notified of their status and that the recruitment process has been closed. Recruiters can assist with external candidate communication upon request.

G. Extending the Conditional Offer of Employment

Upon determining the final candidate for the position, the hiring authority is responsible for communicating that decision to their recruiter. The recruiter will work with the hiring authority to conduct a salary placement assessment in preparation for extending an offer of employment.

The hiring authority or their designee will verbally extend the conditional offer of employment. Recruiters can provide support and scripting resources for the verbal offer.

Upon acceptance of the verbal offer, it will be followed up with a written offer in accordance with EPP 29 Appointment Letter for New Employees.

H. Review of Selection Results or Procedures

Applicants may request to review their results within fourteen (14) calendar days from the date on which the notice of results was sent. The selection materials of applicants are not open to inspection by the public or by other applicants except as provided by law. Results would be limited to that candidate and some information may be redacted to maintain the integrity of the recruitment process.

Requests for review may be made by any applicant to the Director of Human Resources or their designee, on any part or process of the selection procedure. The Director of Human Resources or their designee will review the circumstances surrounding the request and take appropriate administrative action to resolve any complaints.

I. Selection Process Appeals

Written appeals of a decision made by a hiring authority resulting from a claim of fraud or discrimination in a selection process may be made to the Director of Human Resources. Appeals to the Director of Human Resources must be submitted thirty (30) calendar days from the date the candidate was first informed of the determination.

J. Record Keeping

Recruitment and Selection will retain all records related to recruitments conducted through the ATS, as well as all County employment applications that are processed through Recruitment and Selection.

Applicant information will be retained and tracked in the ATS. Recruitment and Selection and hiring authority must accurately record and update the status of all candidates throughout the recruitment process utilizing this system.

K. Reapplication and Retesting

Applicants may be required to wait six (6) months before reapplying or retesting for the same position, or for a position with the same required minimum qualifications. Other restrictions may apply for failing pre-employment requirements and/or department-specific requirements.

VI. PROCESS AND PROCEDURES

A. Applicant Screening

- Upon submission of an online application in the ATS, the hiring authority will review applications for employment passing the initial screening for required minimum qualifications and any additional screening criteria. The designated Recruiter may assist with this process with initial attention focused on screening for minimum qualifications for the position.
- Applicants who do not meet all minimum qualifications for a position will be notified of the status of their application through the ATS by the assigned Recruiter.
- Recruitment and Selection may establish eligibility lists for classified positions and will place applicants on the lists, as appropriate.
- If there is a sufficient pool of applicants that meet all minimum qualifications for the position, the Recruiter and hiring authority will work together to prioritize the candidates based on how well they meet the qualifications. See EPP 62 Eligibility Register for details.
- Veterans' Preference points are applied and tracked by Human Resources.

B. Determining Job Offers

- Upon receiving notification from a hiring authority of a candidate selected for a position, the assigned Recruiter will confirm relevant experience of the candidate for the position.
- The Recruiter will then submit the information on the candidate's experience to the Classification and Compensation Team for use in determining a salary offer, Classification and Compensation will provide an approved salary offer to the Recruiter and the hiring authority for use in extending the conditional job offer.

VII. ACCESS TO POLICY

Access to this administrative policy shall be as follows:

- Filed in the County's policy management system.
- Posted to the County's internet.

VIII. ADDENDA

N/A

Actions on this Policy:
Original Policy effective date: 9/29/2026
Amended Policy effective dates:

☒ Administrative Policy
☐ Operational Policy

Clackamas County Policy

Name of Policy	Eligibility Registers	Policy #	EPP 62
Policy Owner Name	Evelyn Minor-Lawrence	Effective Date	9/29/2026
Policy Owner Position	Human Resources Director	Approved Date	9/29/2026
Approved By	Gary Schmidt, County Administrator	Next Review Date	9/27/2029

I. PURPOSE AND SCOPE

This policy provides guidance on the use of eligibility registers in the recruitment and selection process. This policy applies to all applicants for classified positions with the County.

II. AUTHORITY

County Code 2.09.060 authorizes the County Administrator to draft administrative rules and implement operational policies.

III. GENERAL POLICY

Eligibility registers are established in the selection process for vacant classified positions.

Qualified candidates are placed on the eligibility register when they have successfully completed a selection process.

IV. DEFINITIONS

Open Register: An open register consists of all applicants who have successfully completed an open competitive selection process. An open register may be a ranked register or an unranked register.
Ranked Register: A ranked register consists of applicants who have demonstrated possession of all minimum qualifications and any applicable screening criteria. Rank placement will determine which applicant(s) will be advanced to the interview process.
Unranked Register: An unranked register consists of all applicants who demonstrate possession of all minimum qualifications and will be advanced to the interview process.
Promotional Register: An eligibility register consisting of current employees who have successfully completed a promotional/internal selection process.
Internal Register: An eligibility register consisting of current employees who have successfully completed an approved internal selection process.
Layoff/ Recall Register: A register consisting of previous employees who had attained regular status with the County and were displaced from their positions due to layoff or reduction in force or current employees who exercised voluntary demotion in lieu of layoff.

V. POLICY GUIDELINES

A. Eligibility Periods

Open and Internal Registers: The period of eligibility will be three (3) months (unless the registers are exhausted) but no more than one (1) year.

Promotional Registers: The period of eligibility will be three (3) months. Promotional registers may be extended for up to two (2) years for hard-to-fill positions or established promotional path classifications, upon approval of the Recruitment Manager.

Layoff/ Recall Registers: Provided by EPP 37, the period of eligibility will be two (2) years from the effective date of the action that placed the individual on the layoff register unless otherwise stated within a Collective Bargaining Agreement.

B. Placement Of Names On Eligibility Register

The name of any person who successfully completed a selection process for County employment or promotion must be placed on an appropriate eligibility register unless otherwise stated in this policy.

Persons who have completed six (6) months of continuous service in a classified position and are on an open register for a higher classification may be added, on request of the applicant, to an existing promotional/internal register for that specific higher-level classification. The added applicant's period of eligibility on the promotional/internal register will not be extended beyond the original expiration date.

C. Referral From Eligibility Registers

The order in which eligibility registers will be used for referrals is as follows:

1. Layoff register
2. Promotional or internal register
3. Open register

The following applies to ranked registers:

1. The combined number of names referred from all registers shall not exceed the number of vacancies plus four (4).
2. Any regular employee who has submitted a written request for transfer or demotion may be referred for all regular openings, in addition to those normally referred.
3. When tied scores exist between persons referred and those remaining on the eligible list, all persons with tied scores shall be referred.

D. Acceptance of Referral in Lower Classification

The Director of Human Resources or their designee may refer an eligible candidate to a position in a lower or parallel classification. Such a position must have similar duties and responsibilities. A lower classification referral shall not deprive an eligible candidate of referral rights on the eligible register for the higher classification.

E. Candidate Preference

- Recruitment and Selection will provide the hiring authority with tools and methodologies to appropriately screen and rank candidates to be placed on an eligibility register. Certain candidates may be given preference over other candidates as identified in the Collective Bargaining Agreements or further in this policy.
- Veterans' Preference in accordance with any applicable ORS and provided by EPP 43 Veterans' Preference.
- Internal candidates represented by certain Collective Bargaining Agreements must be afforded an interview if they are on an eligibility register for a position in accordance with applicable Collective Bargaining Agreement.

F. Removal or Replacement of Names from an Open, Promotional, or Internal Eligibility Register

a) A candidate's name will be removed from an eligibility register once they are appointed to a position or at the end of their eligibility period. The acceptance of temporary work by a person on an eligibility register will not affect their referral for regular status positions. A candidate's name will be removed from the promotional or internal eligibility register upon resignation or termination of the employee from County employment or at the end of the promotional or internal eligibility period.

The Director of Human Resources or their designee may also remove names of persons:

1. Who have declined a job offer from any one (1) open, promotional, or internal register.
2. Who are considered, but not appointed after one (1) referral to an open eligibility register.

3. Who are considered, but not appointed after three (3) referrals for a promotional opportunity.
4. Who fail to respond to a referral notice within three (3) business days from the date of notification.
5. Who fail to appear for a job interview.
6. Who fail to answer an availability inquiry within three (3) business days.

b) Removal from eligibility register may also be made for persons:
1. Whose reasons for waiving referral or appointment are not satisfactory as determined by the Director of Human Resources or their designee.
2. Who are determined by the Director of Human Resources or their designee to be unqualified based on their previous employment record.
3. Who fail to demonstrate that they meet the minimum requirements, or for any valid cause relating to their character and ability to perform satisfactorily on the job.
4. Who fail to comply with conditions of employment as a County employee.
5. Who request to be removed from an eligibility register.

All persons whose names are removed from an open eligibility register for cause will be notified in writing and will have the right of review by the Director of Human Resources or their designee if requested within fourteen (14) calendar days of the effective date of removal.

G. Reinstatement To Eligibility Register

The Director of Human Resources or their designee has the authority to reinstate a person to an eligibility register for which they had been placed. Any reinstatement will not extend the period of eligibility.

H. Use of Active Eligibility Registers

Hiring authorities have the option to hire directly from an active eligibility register so long as:

- The classification for which the eligibility register is established, and the vacant classification and position's minimum qualifications are similar.
- The classification for which the eligibility register is established is part of a series, and the hiring authority would like to fill a lower classification/position within that same series.
- The position status (ex. full-time/part-time, regular, limited-term, etc.) is the same.

Should a hiring authority not wish to use an active eligibility register, they may proceed with a new recruitment and those on the active eligibility register may apply for the newly opened recruitment.

VI. PROCESS AND PROCEDURES

Referral Process

Any hiring authority wanting to use an active eligibility register for the same classification in which they have a vacancy and have the same qualifications required to perform the duties of the position should request the referral by submitting a Job Opening Request. Upon receipt of the request and prior to a recruitment going live, Recruitment and Selection will refer persons from the appropriate eligibility register in accordance with this policy.

VII. ACCESS TO POLICY

Access to this administrative policy shall be as follows:

- Filed in the County's policy management system.
- Posted to the County's internet.

VIII. ADDENDA

N/A

Actions on this Policy:
Original Policy effective date: 9/29/2026
Amended Policy effective dates:

☒ Administrative Policy
☐ Operational Policy

Clackamas County Policy

Name of Policy	Recruitment Policy	Policy #	EPP 64
Policy Owner Name	Evelyn Minor-Lawrence	Effective Date	9/29/2026
Policy Owner Position	Human Resources Director	Approved Date	9/29/2026
Approved By	Gary Schmidt, County Administrator	Next Review Date	9/27/2029

I. PURPOSE AND SCOPE

This policy provides direction for recruiting candidates for open positions within the County. This policy applies to all departments and positions unless otherwise specified and where not in conflict with an applicable Collective Bargaining Agreement or the County's Personnel Ordinance.

II. AUTHORITY

County Code 2.09.060 authorizes the County Administrator to draft administrative rules and implement operational policies.

III. GENERAL POLICY

As an Equal Opportunity Employer, Clackamas County has an open and competitive recruitment process to fill employment vacancies. All recruitments shall be open and competitive unless:

- A strong business case can be made by a department director for an internal-only recruitment.
- The position is part of a classification series with an approved classification advancement path and has specific parameters on who can apply.

IV. DEFINITIONS

Applicant Tracking System (ATS): The software system used to advertise open positions, collect applications, and process applicants for hire and promotional opportunities.
Classification Advancement Path: A written training and development program that establishes the training criteria which an employee is expected to meet prior to advancement within a classification series.
Equal Employment Opportunity (EEO): Consistent with state and federal law, employment opportunities must be afforded equally to all individuals regardless of any protected characteristics. This principle applies to all aspects of employment including recruiting, hiring, promotion, termination, or compensation for all positions.
Internal Recruitment: A recruitment in which only current employees of the County may apply. An internal recruitment may be limited to a particular department, division, or work group. Such limitations will be used only when justified by the presence of sufficiently qualified candidates. Such limitations require approval by the Director of Human Resources or their designee. Unless prohibited by a Collective Bargaining Agreement, limited term, temporary, and seasonal employees are eligible to compete in internal recruitments if they were originally hired through a competitive process administered by Human Resources.
Job Opening (JO) Request: A request to fill an existing vacant or new position that is used to initiate a recruitment process.
Open Competitive Recruitment: A recruitment in which any interested person may apply for employment consideration.
Open Until Filled Recruitment: A recruitment that does not have a set closing date but utilizes application review date(s) and remains open until the position is filled.

V. POLICY GUIDELINES

Vacant positions in the Classified Service will be announced through a defined recruitment process, so that eligible applicants have the opportunity to apply, except as otherwise limited by this policy.

Hiring authorities have the responsibility to notify the Recruitment and Selection Division of Human Resources as soon as a vacancy is anticipated, and they are ready to have it filled. Hiring authorities are responsible for ensuring an up-to-date Position Classification Questionnaire (PCQ) is on file with Human Resources.

Recruitments will be conducted when deemed appropriate by the Director of Human Resources or their designee. A recruitment may be initiated in advance of a position becoming vacant so long as the current incumbent has provided a notice in writing of their intent to retire or resign from the position.

A. Job Opening (JO) Request

All JO requests must go through the proper approval processes and must include all required information before being submitted to Recruitment and Selection to begin the recruitment.

B. Required Minimum Qualifications

Required minimum qualifications will be established for a position in accordance with legal requirements, the appropriate classification specification, the duties of the position, and occupational standards. Such qualifications will be based upon an evaluation of the knowledge, skills, and standards required for the position. Applicants may be required to submit additional information about their backgrounds, evidence of completion of courses of study or training, or evidence of licenses or certificates. Applicants are required to meet employment-related requirements.

C. Waiver of Recruitment for Direct Appointment

Under unique and limited circumstances, exceptions to waive an open competitive recruitment process for regular status positions not currently covered under a Collective Bargaining Agreement to allow hiring an employee directly may be requested and will be reviewed on an individual basis to meet the business needs and goals of the department and the County. A recruitment may not be waived for direct appointment for positions that are represented.

The Director of Human Resources may approve a recruitment process waiver request when one or more of the criteria below applies and is accompanied by a strong business case, the position is a non-represented position, and being filled by a non-represented candidate:

- The candidate meets all required minimum qualifications and has highly specialized and unique skills and/or experience required for a critical position which otherwise would be challenging/difficult to acquire from a competitive recruitment.
- The candidate was previously employed by the County in the job which is now open and is eligible to be rehired. A candidate has been deemed eligible through a competitive selection process but was not appointed and the same role or similar role becomes vacant in the following twelve (12) months. This would fall outside of reinstatement.
- There is a high demand for and a short supply of qualified individuals in the relevant recruitment area and having the position vacant poses a risk to the organization.
- A recent recruitment was done, and no viable candidates were selected to fill the vacancy.
- A direct appointment is needed as a result of a department reorganization.

VI. PROCESS AND PROCEDURES

A. Job Opening (JO) Request

1. Approval to fill a new or existing position is the first step to get the recruitment process started. JO requests must be submitted to the Recruitment and Selection Division of Human Resources and must include all necessary information. JO requests must be signed/approved by the budget authority or designee prior to submitting the request. JO requests should only be submitted to Recruitment and Selection when a department is ready to initiate a recruitment.
2. Hiring authorities should review the Position Classification Questionnaire (PCQ) prior to the start of any recruitment to ensure it is current and valid. PCQs are retained in HR in a digital format. A copy of the most recent PCQ for a position can be requested through Classification and Compensation.

3. The hiring authority will work with the assigned Recruitment and Selection Business Partner to develop the job announcement once the approved JO request is processed.

B. Posting a Job for Recruitment

- The Recruitment and Selection Division of Human Resources is responsible for County-wide recruitment announcements.
- The job announcement will accurately reflect the scope, responsibilities, required minimum qualifications, and preferred qualifications of the position. Each job announcement will include the following:
    - The position title,
    - A summary of the position (job introduction),
    - A description of duties,
    - A pay range,
    - Summary of benefits,
    - Required minimum qualifications and, if applicable, preferred qualifications,
    - Closing date or application review date (open until filled recruitment).
- Job announcements are typically posted on the Clackamas County Career Page and will be posted in accordance with Collective Bargaining Agreements, if applicable. Each job announcement will be posted for a minimum of seven (7) calendar days. Upon posting the announcement, the position is considered open for applications.
- The hiring authority may decide to cancel a recruitment or not to fill a position at any time per business need. When a hiring authority decides to cancel an open recruitment, they will notify their Recruitment and Selection Business Partner and will ensure all candidates are notified of such cancellation.

C. Process to Request an Internal Recruitment

1. A request for internal recruitment should be sent via email from the Department Director or their designee to the Recruitment Manager or their designee.
2. The request must include:
    a. The department's business case providing the reason(s) to justify limiting or restricting the recruitment to internal applicants only.
    b. The type of internal recruitment being requested (County-wide, department-only, division-only). The more limited/restrictive the request, the stronger the business case must be.
3. The Recruitment Manager or their designee will review the request for internal recruitment.
4. The Recruitment Manager or their designee will forward the request to the Director of Human Resources, who will review and have the final authority to approve or deny the request.

D. Process to Request a Waiver of Recruitment for Direct Appointment

1. Requests for waivers of the recruitment process must be submitted and approved through the position approval request process.
2. Waiver requests must provide a written, detailed rationale for the request based on the criteria set forth in this policy. The request must also be signed/approved by the Department Director and submitted to the Recruitment Manager.
3. A resume of the candidate must be submitted for review with the request along with an organizational chart.
4. The Recruitment Manager will review each request and recommend approval or denial to the Director of Human Resources.
5. The Director of Human Resources has the final authority to approve or deny the request.

E. Sourcing & Recruitment Costs

The Recruitment and Selection Division of Clackamas County's Human Resources Department promotes job opportunities to attract a diverse and qualified workforce. This includes advertising on job boards, collaborating with agencies, and position-specific outreach strategies. Hiring authorities should consult with their Recruitment and Selection Business Partner to determine appropriate advertising

sources for each vacancy. Standard recruitment advertising costs are covered by Recruitment and Selection, while expenses beyond standard methods must be funded by the hiring department.

F. Record Keeping

Recruitment and Selection will retain all recruitment-related records for each position recruited for through the Applicant Tracking System and in accordance with EPP 42 and the Recruitment and Selection records retention schedule.

VII. ACCESS TO POLICY

Access to this administrative policy shall be as follows:

- Filed in the County's policy management system.
- Posted to the County's internet.

VIII. ADDENDA

N/A

Actions on this Policy:
Original Policy effective date: 9/29/2026
Amended Policy effective dates: