



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

Billy J. Williams
County Counsel

July 17, 2025

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Scott C. Ciecko
Amanda Keller
Shawn Lillegren
Jeffrey D. Munns
Sarah Foreman
Caleb Huegel
Angela Hajihashemi
Joseph Lucas
Ryan Hammond
Assistants

Public Hearing for the removal of County Code Section 2.05.160.4, Extended Sick Leave, and Section 2.05.070.17, Veterans Preference, and Declaring an Emergency.

Previous Board Action/Review	This matter previously came before the Board at a policy session on May 5, 2025. The ordinance was omitted but the Board held two public hearings on June 12, 2025 and June 26, 2025 and voted unanimously to approve both times.		
Performance Clackamas	Build Public trust through good government, and ensuring safe, healthy, and secure communities.		
Counsel Review	JM 7/2/2025	Procurement Review	N/A
Contact Person	Jeffrey Munns	Contact Phone	503-742-5984

EXECUTIVE SUMMARY:

Why are Personnel Policies in the County Code?

- 1961: Clackamas County voters approved the adoption of a civil service system.
- 1990: The BCC established an employee advisory committee to develop a personnel ordinance, replacing the statutory civil service system.
- 1992: The County's Civil Service Act was repealed, and the Personnel Ordinance was adopted.
- 2000: County ordinances were codified into the Clackamas County Code.

Why Remove Personnel Policies from County Code?

Although the County no longer operates under a civil service system, many policies and processes within the code are reminiscent of a civil service structure, creating barriers in hiring and workforce management.

For Filing Use Only

Additionally, changes in federal and state laws require greater flexibility to maintain compliance.

Recent examples include the Oregon Equal Pay Act and the Oregon Paid Family Medical Leave Act. Additional reasons for removal include:

- **Outdated policies:** Code language does not align with modern employment best practices.
- **Rigid hiring processes:** Limits flexibility in recruitment and selection.
- **Lack of clarity:** Broad or unclear language can lead to misinterpretation.
- **Redundant regulations:** New state laws have rendered some county leave provisions unnecessary.

Benefits of Removing Personnel Policies from County Code

- **Faster compliance updates:** Ensures timely policy revisions in response to legal and operational changes.
- **Improved accessibility:** Consolidates all employment policies in one location for easier reference.
- **Enhanced bargaining flexibility:** Streamlines negotiations by resolving duplicative or conflicting CSA language.
- **Consistent oversight:** Maintains the County Administrator's authority over operational and administrative policies.
- **Stronger legal defense:** Reduces litigation risks by ensuring policies are aligned with current law and best practices.

This proactive approach ensures County policies align with current best practices and provides flexibility to adapt to changes in employment law in a timely manner. The recommended phased approach is expected to conclude by December 2027 and ensures transparency and thorough review.

As outlined in the attached crosswalk, the immediate removal of County Code section 2.05.160.4, regarding Extended Sick Leave, is necessary to align with current County policies and practices. Significant changes in state and federal leave laws, including the implementation of Oregon Paid Family and Medical Leave, have rendered this provision of County Code and EPP 11 (Leaves of Absence) outdated and redundant. EPP 11 was archived in June 2024 and removing this language from Code closes this loop.

Similarly, updates to Veterans' Preference (EPP 43) eliminate the need for retaining County Code section 2.05.070.17 as the updated policy now fully addresses the relevant provisions and procedures.

An Emergency Clause has been included so that this change may be effective upon adoption. This Ordinance has been published on June 10, 2025, in the Lake Oswego Review, a newspaper of general circulation in Clackamas County as designated by the Board Order 2025-031 on June 12, 2025. The Ordinance has also been posted starting June 10, 2025, at the Clackamas County Courthouse, the Oak Lodge Library and outside the Board of County Commissioner's Hearings Room. This complies with the notice requirements of ORS 203.045.

RECOMMENDATION: Staff recommends the Board of County Commissioners Approve section 2.05.160.4, regarding Extended Sick Leave and section 2.05.070.17 regarding Veteran's Preference be removed from the County Code, replaced by as Employee Policies and Procedures, and declare an emergency to approve and allow for immediate effectiveness of the code amendments.

Respectfully submitted,



Jeffrey D. Munns
Assistant County Counsel

ORDINANCE NO. ____

**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; and

WHEREAS, The amendment will remove sections 2.05.070.17 Veterans Preference which has been replaced by Employee Policy and Procedure ("EPP") 43, and section 2.05.160.4 Extended Sick Leave which has been replaced by EPP 11. The amendments are shown in Exhibit A; 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 inasmuch as 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 authorized by this ordinance and shown on the attachments shall become effective follow the second reading of this Ordinance on July 17, 2025.

ADOPTED this 17th day of July, 2025.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

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

~~2.05.160.4 — Extended Sick Leave~~

~~Upon application of an employee, sick leave without pay for up to ninety (90) calendar days may be granted by the appointing authority for the remaining period of a disability after earned sick leave has been exhausted. In the event such unpaid sick leave exceeds ninety (90) days, the extension must be approved by the Board of County Commissioners or designee. The appointing authority shall require the employee to furnish a certificate issued by a licensed physician or practitioner or other satisfactory evidence of illness. (See 2.05.150 G, Disability Leave.)~~

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

2.05.170 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

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]

2.05.70.13 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]

2.05.70.14 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]

2.05.70.15 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]

2.05.70.16 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]

~~2.05.70.17 — Veterans Preference~~

~~Qualified veterans shall be granted veterans preference in conformance with Oregon Revised Statutes 408.230.~~

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

2.05.080 Eligible Registers

2.05.080.1 Types Of Eligible Registers