



OFFICE OF COUNTY COUNSEL

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July 23, 2026

BCC Agenda Item: _____

Board of County Commissioners
Clackamas County

Scott C. Ciecko
Amanda Keller
Shawn Lillegren
Jeffrey D. Munns
Sarah Foreman
Caleb Huegel
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Second Reading of Ordinance 08-2026, An Ordinance Amending Clackamas County Code Chapter 2.05, Personnel Policies and Procedures for Clackamas County Employees, and Declaring an Emergency. 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 June 23, 2026. First reading of 08-2026 and public hearing on July 9, 2026.		
Performance Clackamas	Public Trust in Good Government		
Counsel Review	Yes	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approved the first phase of a multi-year effort to modernize the County's personnel policy framework by removing outdated personnel provisions from Clackamas County Code Chapter 2.05 and replace them with updated Employee Policies and Procedures (EPPs).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

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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 classification and compensation.

On March 10, 2026, the County Administrator approved two new administrative policies, EPP 70 - Classification Administration and EPP 71 - Pay Administration, which update and consolidate language from County Code, outdated EPPs and collective bargaining agreements.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 2.05.040 regarding Special Conditions- Unclassified Service, section 2.05.050 regarding Classification of Positions, section 2.05.060 regarding Compensation Plan, section 2.05.110 regarding Probationary Period, section 2.05.140 regarding Status Changes, section 2.05.200 regarding Layoff and Seniority, and section 2.05.230 regarding Reviews of Classification Allocation Or Salary Grade Recommendations, is necessary to align with current County policies. Significant changes in state and federal employment laws, most notably the Oregon Equal Pay Act, have rendered some provisions of County Code outdated and in conflict with current employment law and best practices.

Transitioning classification and compensation 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 hold a public hearing and second reading by title only of Ordinance 08-2026 to remove the identified sections of Chapter 2.05, including sections 2.05.040, 2.05.050, 2.05.060, 2.05.110, 2.05.140, 2.05.200, 2.05.230, from the County Code, replaced by Employee Policies and Procedures 70 and 71. Further staff recommends approval of Ordinance 08-2026.

Respectfully submitted,



Jeffrey D. Munns
Assistant County Counsel

Attachment A: Personnel Ordinance Crosswalk
Attachment B: Redline Version of Changes to County Code

ORDINANCE NO. 08-2026

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 revise section 2.05.040.4, Special Conditions – Unclassified Service, and remove section 2.05.050, except a portion of 2.05.050.11, of Classification of Positions, and Sections 2.05.060 - 2.05.060.7, Compensation Plan, portions of section 2.05.110.2, Probationary Period, section 2.05.140.1, and portions of 2.05.140.2, section 2.05.140.4-2.05.140.6, portions of 2.05.140.8, Status Changes, portions of section 2.05.200.6, section 2.05.200.7, Layoff and Seniority, Section 2.05.230, Reviews of Classification Allocations and Salary Grade Recommendations, which have been replaced by Employee Policy and Procedures (“EPP”) 70 and EPP 71; 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 to Chapter 2.05 authorized by this ordinance and shown on the attachments shall become effective follow the second reading of this Ordinance on July 23, 2026.

ADOPTED this 23rd day of July, 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. RATERERS 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	(Code § 2.05.050) EPP 70
Compensation Plan	(Code § 2.05.060) 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 16 - Transfer Policy;~~
 - ~~EPP 19 - Classification/Compensation Review Panel;~~
 - 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. ~~Before filling a vacancy in any position in the unclassified service, the appointing authority, in consultation with the Department of Employee Services, and with the approval of the Board of County Commissioners, shall establish the qualifications for the position. Such qualifications shall be filed with, and enforced by, the Department of Employee Services.~~
- C. ~~The Department of Employee Services, with the approval of the Board of County Commissioners, may prescribe regulations governing employment and compensation schedules for unclassified positions.~~
- 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 — Classification Of Positions

2.05.050.1 — Classification Plan

~~The Department of Employee Services shall prepare and maintain a classification plan based on an analysis of organization of departments and the duties and responsibilities of each position in the County service. A classification is a group of positions sufficiently similar in duties, authority, and responsibility to permit grouping under a common title and which would call for similar qualifications and the same schedule of pay. Positions within the same occupational family are grouped together according to organizational structure and the responsibility and difficulty of tasks assigned to the positions.~~

~~The classification title shall be the official title of every position allocated to the classification for the purpose of personnel actions and shall be used on all payrolls, budget estimates and official records and reports relating to the position. Any other working title desired and authorized to be used by the appointing authority may be used as a designation of any position for the purposes of internal administration or in contacts with the public.~~

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

2.05.050.2 — Classification Specifications

~~Classification specifications shall be written and maintained for each classification in the County service. The specifications shall include an appropriate title; identify 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.~~

~~The definitions in classification specifications are descriptive and not restrictive. They are intended to outline the general duties and are not intended to prescribe the specific duties of a given position. Nothing in the classification specification is to be interpreted as limiting the power of an appointing authority to modify or alter the detailed tasks involved in the duties of any position, as long as they remain within the general definition of the classification. The Department of Employee Services may modify qualification requirements or task statements for a given job announcement to include substitute equivalent requirements for selective recruitments, or to more clearly identify necessary qualifications.~~

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

2.05.050.3 — Classification Review

~~The Department of Employee Services shall review positions in the County service to ensure their appropriate classification.~~

~~The Department of Employee Services shall consult with department or major division directors prior to the recommendation of any classification changes.~~

~~Classification reviews may include but are not limited to: reviews of new positions, reviews resulting from organization changes, reviews directed by the Board of County Commissioners or as initiated by the Director of Employee Services, and approved reviews initiated by employee requests.~~

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

2.05.050.4 — Classification Upgrading

~~Classification upgrading occurs when a position is assigned to a different or new classification that carries a higher salary grade. "Higher salary grade" for these purposes means a minimum of 4.0% difference when comparing the maximum hourly rates of pay of the salary grades.~~

~~Whenever a position is upgraded, the recruitment and selection process will be waived and the incumbent moved to the upgraded position's classification if: 1) the upgrading has resulted from an incremental change in duties; 2) the incumbent has been in the position performing the higher level duties and responsibilities for a minimum of six (6) months; and 3) the appointing authority and the Department of Employee Services agree that the incumbent possesses the minimum qualifications of the higher level position.~~

~~If the position held by an employee with regular status is upgraded, and the employee does not possess the minimum qualifications of the higher classification, the employee shall remain in the original classification if a vacant position is available. If no vacant position is available, the employee may be placed on the layoff register, in order of seniority, for referral to the original classification. The salary of an employee who retains regular status in an upgraded position is determined by sections governing compensation for reclassification.~~

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

2.05.050.5 — Classification Downgrading

~~Classification downgrading occurs when a position is assigned to a different or new classification that carries a lower salary grade. "Lower salary grade" for these purposes means a minimum of 4.0% difference when comparing the maximum hourly rates of pay of the salary grades. An employee whose position has been downgraded shall be placed in the position without competing for the position. An employee whose position has been downgraded shall be placed on the layoff register for their former classification or any equivalent classification for a period of two (2) years from the date of downgrading. Placement on the layoff register will allow referral and consideration for other positions within the same or equivalent classifications as the position held prior to classification downgrading. The order in which names will be placed on the layoff register shall be based upon seniority. An "equivalent classification" is defined as one requiring both the same kind of knowledge and the same degree of skills.~~

~~Demonstration of the employee's skills and knowledge in appropriate selection procedures may~~

~~be required by the Department of Employee Services or appointing authority prior to being placed in another position in the former or equivalent classification.~~

~~A downward reclassified employee will have no changes made to salary increase eligibility date or to an existing probationary period. At the request of the Department Director, the County Administrator may authorize continuation of the same salary rate as an employee received prior to a downgrading of the position (a "red circle"). The employee receiving a red circle pay rate shall receive no future salary increases until the salary grade of the position exceeds the "red circle" rate.~~

~~[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 03-2016, 8/11/16]~~

2.05.050.6 — Classification Review Of New Positions

~~When a new, regular position is approved by the County Administrator, a position requisition and position classification questionnaire shall be submitted to the Department of Employee Services. The Department of Employee Services shall review the proposed duties and responsibilities of any new position added to the Classified Service and determine the appropriate classification and compensation. At the request of the County Administrator, the Department of Employee Services shall also review position requisitions with regard to the need for the position. A new position shall not be filled until the Board of County Commissioners approves the position requisition, and budgetary allocation for the new position.~~

~~[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 03-2016, 8/11/16]~~

2.05.050.7 — Classification Review Resulting From A Reorganization Of A Department Or Unit

~~Whenever a department or a unit is reorganized, the Department of Employee Services and the appointing authority shall review the potential impact of the reorganization to the employees' classification and compensation in order to determine if approval is required by the County Administrator. In any reorganization, regular employees shall be placed in classifications with equivalent salary grades, if such positions are available and appropriate. Whenever positions are transferred from one appointing authority to another without significant change in duties, employees with regular status shall retain rights to such positions.~~

~~A position may be upgraded as a result of a department or division reorganization. When this occurs, the Department of Employee Services in consultation with the appointing authority, shall determine whether a reclassification or a selection procedure is appropriate for filling the position. In determining if the recruitment shall be promotional only or open competitive the following shall be considered: analysis of job duties, availability of internal applicants and occupational standards.~~

~~Employees who successfully compete in a recruitment and selection process and are appointed to a higher level classification shall be subject to the policies governing compensation and probationary periods for promotion. Employees who are unsuccessful in completing the required probationary period shall be demoted to the previously held classification if positions are open and available. If no such positions are available, the employees may be removed from the~~

~~upgraded position and placed on the layoff register in order of seniority for referral to their previously held classification. If employees return to the classifications held prior to upgrading, their salary grade and step shall return to those that would have applied had the employees not been upgraded. Rules of layoff shall apply when reorganization results in a surplus of employees.~~

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

~~2.05.050.8 — Other Requests For Classification Review~~

~~An employee may initiate a request for a classification review. Such a request must be made via the appropriate form, typically a position classification questionnaire, provided by the Department of Employee Services. The form shall be submitted through the employee's immediate supervisor and appointing authority, and submitted to the Department of Employee Services. The Director of Employee Services shall consider comments from the employee, the supervisor and the appointing authority and determine if there is a need to conduct a classification review. Within fourteen (14) working days of receipt of a completed document, the Department of Employee Services shall notify the employee and appointing authority whether or not a classification review is to be conducted. If a review will be conducted, the Department of Employee Services shall make a status report to the appointing authority and the employee within sixty (60) calendar days.~~

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

~~2.05.050.9 — Notification Of Classification~~

~~Upon completion of any position review or classification review, the Department of Employee Services shall notify the employee and the appointing authority in writing of the final recommendation. Such final notification shall not be made until the Department of Employee Services has consulted with the appointing authority.~~

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

~~2.05.050.10 — Requests For Review Of Classification Determination~~

~~An employee, appointing authority or recognized bargaining group shall have fourteen (14) calendar days from the date the final recommendation regarding a position review or classification review is mailed to the employee and appointing authority to file any objections of the recommended allocation with the Director of Employee Services as provided in 2.05.230.~~

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

2.05.050.11 Trainee Classifications

The Director of Employee Services may designate a classification in an occupational field as a trainee or apprentice classification. A trainee classification shall have an outline of the training criteria which an employee is expected to meet as well as a class specification.

The training criteria shall include additional experience, education, mandated certification and licensing. Training criteria shall also specify the level of knowledge, skills and abilities that must be demonstrated to be advanced to the higher level classification within a specified time frame. Upon successful work performance evaluation, or successful completion of appropriate

~~selection procedures as outlined in 2.05.070, the incumbent may be promoted to the higher level classification.~~

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]

2.05.050.12—Promotive Classifications

~~The Director of Employee Services may designate a classification, or classification series, as promotive. A classification designated as promotive must have a written training and development program, approved by the Director of Employee Services, which shall establish the training criteria which an employee is expected to meet prior to advancement. The training criteria shall include the knowledge, skills and abilities that an individual is required to demonstrate in order to be eligible for a promotion to the higher level position. An employee who successfully completes the training and development program and is deemed qualified through a promotional appraisal may be placed on the promotional/internal eligibility register for the higher level classification.~~ [Codified by Ord. 05-2000, 7/13/00]

2.05.050.13—Unallocated (Temporary) Employment Classifications

~~Positions classified as unallocated (also known as temporary positions) shall be evaluated against the duties and responsibilities of regular positions. When a temporary position has the same duties and responsibilities of a regular classification, the temporary position shall be paid within the salary grade established for the regular classification. Temporary positions not falling within a current classification may be paid at temporary rates established by the Department of Employee Services and the department and negotiated with the recognized bargaining group, if applicable. Unallocated employees must compete through the competitive selection process in order to be considered for open, regular positions.~~

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

2.05.060—Compensation Plan

2.05.060.1—Maintenance Of Compensation Plan

~~The Department of Employee Services, under direction of the County Administrator, shall maintain a compensation plan. It is the responsibility of the Department of Employee Services to keep the County Administrator informed of the adequacy of the County's compensation plan. The plan shall include for each classification a minimum and a maximum pay rate and such intermediate rates as are considered necessary or equitable. The salary grades shall reflect the relative responsibilities of the classification, availability of labor, prevailing rates of pay and financial conditions of the County. The County Administrator shall assign the compensation of all classified and unclassified positions except for those positions whose salaries are determined under state laws. In determining the amount of compensation thereof, the County Administrator~~

shall give due consideration to the recommendations of the Department of Employee Services and the appointing authority.

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

2.05.060.2 — Administration Of Compensation Plan

- A. ~~Rates of Pay: Classified employees shall be paid at a rate established within the salary grade for the classification in which they are employed, unless otherwise authorized by the County Administrator.~~
- B. ~~Entrance Salary: An employee will be appointed at the entrance rate for each classification. The entrance rate shall be the first step or minimum pay rate in a salary grade established by a collective bargaining agreement or for nonrepresented employees it shall be any rate from minimum to midpoint in the established salary grade. If an appointment or reinstatement above the entrance rate ("upper-step") is requested, authorization must be by the Department Director. In determining such requests, the Department Director shall give consideration to qualifications of the candidate, availability of applicants and the resulting salary relationship with other positions.~~
- C. ~~Salary Increases: Salary increases are not automatic. Appointing authorities shall recommend to the County Administrator salary increases only for those employees who have demonstrated high standards of work performance. Work performance should be reviewed periodically to determine whether increases have been earned. (Refer to Performance Evaluation 2.05.120.)~~
 - 1. ~~Eligibility for Salary Increases: New employees or promoted employees shall be eligible for advancement to the next step or applicable percentage increase within the salary grade for their classification six (6) months from the first of the month following their first day of work in the position. Thereafter, employees are eligible for a salary increase at the conclusion of twelve (12) months of continuous service since their last in-grade salary adjustment other than an exceptional increase. Eligibility for salary increases shall continue until employees reach the last step in their respective salary grade.~~
 - 2. ~~Exceptional Increases:~~
 - a. ~~An appointing authority may request an exceptional increase for any employee when:~~
 - i. ~~The employee's performance is outstanding in relation to other employees in the same department, and the employee's outstanding performance is documented according to an approved performance evaluation program; or~~
 - ii. ~~Other factors exist, such as compression of pay rates, which justify an exceptional increase; and;~~
 - iii. ~~Funds for such "special" increases are budgeted; and,~~
 - iv. ~~At least six (6) months have passed since the last "salary" or "step" increase, or last promotion.~~
 - b. ~~Exceptional increases must be approved by the Department Director and will be limited to the maximum amount of a regular merit increase or one step. An amount greater than this must be authorized by the County Administrator. Exceptional increases will not affect an employee's established salary increase date.~~

3. ~~Interim Increases: An employee whose salary increase is denied may be eligible for an increase following an additional six-month period during which successful performance is monitored and documented. If such a salary increase is granted, the employee's new date of eligibility for a salary increase shall be one year from the date of the last salary increase.~~

~~[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 05-2014, 9/25/14; Amended by Ord. 03-2016, 8/11/16]~~

2.05.060.3 — Salary Grade Adjustments

- A. ~~General: The compensation plan for County personnel shall provide reasonably competitive grades of pay for each classification. The County Administrator may make adjustments in salary grade(s) as necessary to attract and retain competent personnel and to provide equity between the various classifications. Such salary grade adjustments are to be distinguished from salary increases. Salary grade adjustments are not intended to give recognition to length or quality of service; rather they are based solely on prevailing rates of pay for the various classes of work in the County service.~~
- B. ~~Effect of Salary Grade Adjustments: For Non-Represented employees, when the salary grade for classification is adjusted upward, the pay rate of an incumbent employee is not impacted if their pay rate falls within the new salary grade. If an employee's pay rate falling below the minimum of the new salary grade, it shall be increased to the minimum of the grade. If an employee has been at the top of their salary grade for greater than one year, the employee shall receive the equivalent of one merit increase effective the first of the month following implementation of the new salary grade, and be eligible for merit increases annually thereafter until the top of the grade is reached. When the salary grade for a classification is adjusted downward, the pay rate of an incumbent employee is not impacted if their pay rate falls within the new salary grade. If an employee's pay rate falls above the maximum of the new salary grade, the employee's pay rate shall be red-circled. This method for determining individual employee pay rate changes shall be applied consistently to all employees within the affected classification, unless otherwise negotiated with recognized bargaining groups.~~

~~[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 03-2016, 8/11/16]~~

2.05.060.4 — Request For Review Of Salary Range Recommendations

~~An employee, appointing authority or recognized bargaining group shall have fourteen (14) calendar days from the date the salary grade recommendation is mailed by the Department of Employee Services to request a review as provided in 2.05.230. Any review of a salary grade recommendation shall occur prior to the County Administrator's final determination of a salary grade.~~

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

2.05.060.5 — Salary Increases For part-time Positions

~~Eligibility for salary increases for part-time or job share regular status employees shall be provided under 2.05.060.2 (C) of this section.~~

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

~~2.05.060.6 — Hourly Rates~~

~~Hourly rates of pay shall be used for temporary and part-time regular positions. Rates set by such actions shall be based on the established rates for the classification involved. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]~~

2.05.060.7 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.A. 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 who is promoted and was a regular status employee prior to receiving such promotion shall serve a six (6) month probationary period; provided however that if the promoted employee is required to undertake additional training at the Oregon Department of Public Safety Standards and Training, the promotional probationary period shall be twelve (12) calendar months.~~ 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 Promotion

~~When an employee is promoted to a classification with a greater salary grade, the employee shall receive the rate of pay within the new grade that most closely approximates a five (5) percent~~

~~increase, effective on the date of promotion. When an employee is promoted to position that is nonrepresented, the appointing authority will have greater latitude as to the new pay rate. The appointing authority may grant a pay rate higher than 5% but limited to the midpoint of the salary grade. Upper step appointment rules shall apply if the appointing authority requests a rate above midpoint. Rules governing probationary periods and salary increases shall apply to the new position.~~

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

2.05.140.22.05.140.1 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. ~~An employee demoted for disciplinary reasons will receive the rate of pay in the lower salary grade specified as a part of the disciplinary action. At the time of demotion, no demoted employee shall receive an increase in pay. The employee's anniversary date for salary increases will be the effective date of demotion.~~

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

2.05.140.32.05.140.2 Voluntary Demotion

~~An employee may be demoted within a department upon an employee request and with approval from the appointing authority. 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. Employees may be placed on a transfer list for such lower level positions and be referred in addition to those included on the referral list. Employees may be referred from the transfer list for a period of one year from placement on the list or when they request removal of their name, whichever occurs first. A voluntary demotion shall only be granted to a vacant position and shall not displace any employee currently occupying a position.~~

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.)

~~If employees are demoted for reasons which do not reflect discredit on their employment record, the employee's salary rate may remain the same if it is within the salary grade of the lower classification. If the employee's salary exceeds the grade of the lower classification, the employee's salary will be the rate that causes the least reduction in salary. The demoted employee's appointing authority may request red-circling the employee's salary subject to review by the Director of Employee Services and the approval of the Board of County Commissioners. The employee's anniversary date for salary increases shall be the effective date of demotion.~~

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

2.05.140.4 — Transfer

The transfer of an employee to a different position in the same classification may occur either within the same department (intradepartmental) or to another department under a different appointing authority (interdepartmental).

A. ~~Intradepartmental Transfer: An intradepartmental transfer may be either voluntary or involuntary. An appointing authority may transfer employees within their department without the employees' consent, but must give the employees ten (10) working days notice of this action. The employee may request that the Department of Employee Services investigate the transfer as provided in 2.05.220, if the employee believes the transfer was carried out improperly.~~

B. ~~Interdepartmental Transfer: Interdepartmental transfers require the written approval of the appointing authorities and the Department of Employee Services. Employees wishing to voluntarily transfer either within their department or to another department must request in writing to the Department of Employee Services to be placed on a transfer list. Employees may be placed on a transfer list for a classification in which they are an incumbent, for a lower level position in the same classification series or a lower level classification previously held. A move to a position in a classification that carries a lower salary grade in the same series is a voluntary demotion and is subject to the provisions governing voluntary demotions. Employees will be removed from the transfer list one year after they have requested placement, when they request removal of their name from the list, or after rejecting three (3) job offers, whichever occurs first. The Department of Employee Services will review the qualifications of the employee prior to transfer approval.~~

~~Normally, when an employee is transferred the rate of pay remains the same. The appointing authority has the discretion to pay another step in the salary grade with the approval of the Director of Employee Services.~~

C. ~~A transferred employee retains all benefits and privileges earned as of the date of transfer. Compensatory time may be transferred with the employee, paid by the appointing authority prior to transfer, or used prior to transfer, as agreed upon by the two appointing authorities. The anniversary date for salary increases may be adjusted to six (6) months from the date of transfer for interdepartmental transfer. The transferred employee may be required to serve a new probationary period.~~

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

2.05.140.5 — Reclassification

~~When a position is reclassified to a classification with a higher salary grade under the provisions of classification upgrading, the incumbent shall be advanced to the minimum or first step in the new grade or to the rate of pay that most closely approximates a five (5) percent increase from the employee's regular rate of pay, whichever is higher. The salary adjustment will take place on the effective date of reclassification. The employee's salary increase date will be adjusted to the first of the month following twelve (12) full months from the date of a classification upgrading.~~

~~When a position is reclassified downward, the incumbent's salary may remain the same if it is within the new salary grade. The employee's salary increase date will not be affected as a result~~

~~of reclassification downward. If the position is downgraded to a classification that has a pay grade lower than the employees' current rate of pay, the salary rate may be red-circled.~~
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 03-2016, 8/11/16]

2.05.140.6 — Temporary Out-Of-Class

~~Employees may be temporarily assigned higher or lower compensated duties without a change in pay, where periodic or regular variations in assignments occur because of seasonal needs or because of the nature of the duties or the work schedule. Such variations shall be considered as incidental to the position.~~

~~Unless otherwise specified in the collective bargaining agreement, an employee directed to continuously perform duties of a higher level classification shall be entitled to compensation at the higher level for the time worked in excess of thirty (30) consecutive days, providing such assignment clearly encompasses the full scope of duties and responsibilities normally associated with the higher level classification as confirmed and pre-approved by the appointing authority. Requests for such additional compensation shall be made by the appointing authority to the Department of Employee Services. Temporary out-of-classification pay is awarded as 5% of base pay or to the minimum rate of the higher level classification salary grade, whichever is greater.~~

~~The Director of Employee Services has the authority to approve temporary out-of-classification pay for extenuating circumstances where an appropriate classification at a higher salary grade does not exist. Such circumstances may include when a classification at a higher salary grade is in the development or approval stages, or when an employee is performing additional duties for a specific duration of time such as during a reorganization, etc. Approval of temporary out-of-classification pay shall not be retroactive unless approved 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. 03-2016, 8/11/16]

2.05.140.72.05.140.3 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]

2.05.140.82.05.140.4 Reinstatement Procedures

~~Employees who have attained regular status may request reinstatement to a position in their former classification and department within six (6) months of their effective date of resignation if they resigned with at least two (2) weeks notice, and the request is approved by the appointing authority. A former employee may be considered for vacancies for a period not to exceed six (6) months from date of resignation.~~

~~A former employee granted reinstatement shall be paid at the same step in the salary grade that was being paid at the time of resignation.~~ 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 hearing, 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 from 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 1st)
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 individual who is appointed from a layoff register to a position in the same classification in which the person was previously~~

~~employed will not be required to serve a probationary period.~~ 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 — Rate Of Pay Following Appointment From Layoff Registers~~

~~When an individual is appointed from a layoff register to a position in the same class in which the person was previously employed, the employee shall be paid at the same rate of pay, plus cost of living or other salary grade adjustments, as the employee was being paid at the time of layoff.~~

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

2.05.200.82.05.200.7 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]

~~**2.05.230 Reviews Of Classification Allocations And Salary Grade Recommendations**~~

~~**2.05.230.1 Requests For Review Of A Classification Allocation Or Salary Grade Recommendation**~~

~~All requests for a review of either an employee's recommended classification allocation, or a new or revised salary grade recommendation for an unrepresented position, shall be subject to the requirements of this section.~~

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

~~**2.05.230.2 Filing A Request For Review**~~

A request for review must:

- A. ~~Be made in writing;~~
- B. ~~Name the employee and include the employee's address and phone number;~~
- C. ~~Be signed by the party requesting the review;~~
- D. ~~Be addressed and delivered to the Director of Employee Services;~~
- E. ~~Contain a reference to the action(s) to be reviewed and the dates of the action;~~
- 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]

2.05.230.3 — What Actions May Be Reviewed

- A. ~~An employee who does not agree with a classification allocation determination made by the Department of Employee Services may request a review of the allocation subject to 2.05.050.10. Such a review shall be limited to the determination of the appropriate allocation of the position to a classification within the County's classification system. The review of a classification allocation does not extend to a review of the creation, deletion, or change to a classification; the assignment of duties, or the appropriate salary grade for a classification.~~
- B. ~~A nonrepresented employee who does not agree with a new or revised salary grade recommendation made by the Department of Employee Services may request a review of the recommended salary grade, subject to 2.05.060.4. If provided in the applicable collective bargaining agreement, a represented employee may use the request for review process in place of the negotiation process for new or revised salary grade recommendations, subject to 2.05.060.4. Such a review shall be limited to the determination of the appropriate salary grade to recommend for the classification. The review of a salary grade recommendation does not extend to a review of the creation, deletion or change to a classification, or the assignment of duties.~~

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

2.05.230.4 — Process Of The Classification/Compensation Review Panel

~~An employee has ten (10) calendar days from the date the written response to the request for review was mailed, to submit a written request to the Director of Employee Services to have the matter forwarded to the Classification/Compensation Review Panel. The employee and the employee's representative, the employee's appointing authority and/or the appointing authority's representative, and Personnel staff may present information to the panel in support of their respective positions. The Classification/Compensation Review Panel shall review the reasons for the classification allocation and/or the salary grade recommendation and may ask questions of the parties presenting information. Following the collection of information, the panel shall discuss their opinions with the Director of Employee Services.~~

- A. ~~Final Determination of Classification Allocation: The Director of Employee Services shall consider opinions of the panel when determining the final classification allocation of a position. The Director of Employee Services shall prepare a written report of the final recommendation, issues raised during the request for review and the opinions of the panel. Copies of the report shall be delivered to the affected parties. The Director of Employee Services shall have the final authority for all classification allocation~~

determinations.

~~B. Final Recommendation of Salary Grades: The Director of Employee Services shall consider the opinions of the Classification/Compensation Review Panel when recommending the final salary grade recommendation to the County Administrator. The Director of Employee Services shall include in this recommendation a summary of issues raised during the request for review process and the opinions of the panel. The County Administrator shall have the final authority for all salary grade determinations.~~

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

2.05.230.5 — Composition Of The Panel

~~The Classification/Compensation Review Panel shall be chaired by the Director of Employee Services. The panel shall be comprised of three management employees and three bargaining unit members as selected by the Director of Employee Services. Those presenting information are not allowed to be acting members of the panel for that meeting.~~

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

2.05.230.6 — Scheduling Of The Classification/Compensation Review Panel

~~The review panel will meet at the call of the Director of Employee Services to hear and process requests for 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 70 & 71 Crosswalk

Personnel Ordinance Language Requesting Removal	Relevant EPP	Notes
2.05.040.4 Special Conditions - Unclassified Service 3. Unclassified employees are not subject to the following Employment Policies and Practices (EPP's) established by the Department of Employee Services: • EPP 16 - Transfer Policy; • EPP 19 - Classification/Compensation Review Panel; B. Before filling a vacancy in any position in the unclassified service, the appointing authority, in consultation with the Department of Employee Services, and with the approval of the Board of County Commissioners, shall establish the qualifications for the position. Such qualifications shall be filed with, and enforced by, the Department of Employee Services. C. The Department of Employee Services, with the approval of the Board of County Commissioners, may prescribe regulations governing employment and compensation schedules for unclassified positions. [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]	EPP 70 Classification Administration EPP 71 Pay Administration	
2.05.050 Classification Of Positions	EPP 70 Classification Administration EPP 71 Pay Administration	
2.05.050.1 Classification Plan The Department of Employee Services shall prepare and maintain a classification plan based on an analysis of organization of departments and the duties and responsibilities of each position in the County service. A classification is a group of positions sufficiently similar in duties, authority, and responsibility to permit grouping under a common title and which would call for similar qualifications and the same schedule of pay. Positions within the same occupational family are grouped together according to organizational structure and the responsibility and difficulty of tasks assigned to the positions. The classification title shall be the official title of every position allocated to the classification for the purpose of personnel actions and shall be used on all payrolls, budget estimates and official records and reports relating to the position. Any other working title desired and authorized to be used by the appointing authority may be used as a designation of any position for the purposes of internal administration or in contacts with the public. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]	EPP 70 Classification Administration Sections III and V(A)	No significant policy or authority changes.
2.05.050.2 Classification Specifications Classification specifications shall be written and maintained for each classification in the County service. The specifications shall include an appropriate title; identify 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.	EPP 70 Classification Administration Section V(A)	No significant policy or authority changes.

The definitions in classification specifications are descriptive and not restrictive. They are intended to outline the general duties and are not intended to prescribe the specific duties of a given position. Nothing in the classification specification is to be interpreted as limiting the power of an appointing authority to modify or alter the detailed tasks involved in the duties of any position, as long as they remain within the general definition of the classification. The Department of Employee Services may modify qualification requirements or task statements for a given job announcement to include substitute equivalent requirements for selective recruitments, or to more clearly identify necessary qualifications. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 05-2009, 10/29/09]		
2.05.050.3 Classification Review The Department of Employee Services shall review positions in the County service to ensure their appropriate classification. The Department of Employee Services shall consult with department or major division directors prior to the recommendation of any classification changes. Classification reviews may include but are not limited to: reviews of new positions, reviews resulting from organization changes, reviews directed by the Board of County Commissioners or as initiated by the Director of Employee Services, and approved reviews initiated by employee requests. [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 70 Classification Administration Section VI(B)	No significant policy or authority changes.
2.05.050.4 Classification Upgrading Classification upgrading occurs when a position is assigned to a different or new classification that carries a higher salary grade. “Higher salary grade” for these purposes means a minimum of 4.0% difference when comparing the maximum hourly rates of pay of the salary grades. Whenever a position is upgraded, the recruitment and selection process will be waived and the incumbent moved to the upgraded position’s classification if: 1) the upgrading has resulted from an incremental change in duties; 2) the incumbent has been in the position performing the higher level duties and responsibilities for a minimum of six (6) months; and 3) the appointing authority and the Department of Employee Services agree that the incumbent possesses the minimum qualifications of the higher level position. If the position held by an employee with regular status is upgraded, and the employee does not possess the minimum qualifications of the higher classification, the employee shall remain in the original classification if a vacant position is available. If no vacant position is available, the employee may be placed on the layoff register, in order of seniority, for referral to the original classification. The salary of an employee who retains regular status in an upgraded position is determined by sections governing compensation for reclassification. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]	EPP 70 Classification Administration Section VI(A); (B) EPP 71 Pay Administration Section V - Upward Action Determination Sections VI (1) – Placement Event Reclassification	No significant policy changes.
2.05.050.5 Classification Downgrading Classification downgrading occurs when a position is assigned to a different or new classification that carries a lower salary grade. “Lower salary grade” for these purposes means a minimum of 4.0% difference when comparing the maximum hourly rates of pay of the salary grades. An employee whose position has been downgraded shall be placed in the position without competing for the position. An employee whose position has been downgraded shall be placed on the layoff register for their former classification or any equivalent classification for a period of two (2) years from the date of downgrading. Placement on the layoff register will allow referral and consideration for other	EPP 70 Classification Administration Section VI(A); (B); (C)	

positions within the same or equivalent classifications as the position held prior to classification downgrading. The order in which names will be placed on the layoff register shall be based upon seniority. An “equivalent classification” is defined as one requiring both the same kind of knowledge and the same degree of skills. Demonstration of the employee's skills and knowledge in appropriate selection procedures may be required by the Department of Employee Services or appointing authority prior to being placed in another position in the former or equivalent classification. A downward reclassified employee will have no changes made to salary increase eligibility date or to an existing probationary period. At the request of the Department Director, the County Administrator may authorize continuation of the same salary rate as an employee received prior to a downgrading of the position (a "red circle"). The employee receiving a red circle pay rate shall receive no future salary increases until the salary grade of the position exceeds the "red circle" rate. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 03-2016, 8/11/16]	EPP 71 Pay Administration Section V - Red Circle or EPA Related Base Pay Rate Freeze Sections VI (2) – Placement Event Reclassification	
2.05.050.6 Classification Review Of New Positions When a new, regular position is approved by the County Administrator, a position requisition and position classification questionnaire shall be submitted to the Department of Employee Services. The Department of Employee Services shall review the proposed duties and responsibilities of any new position added to the Classified Service and determine the appropriate classification and compensation. At the request of the County Administrator, the Department of Employee Services shall also review position requisitions with regard to the need for the position. A new position shall not be filled until the Board of County Commissioners approves the position requisition, and budgetary allocation for the new position. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 03-2016, 8/11/16]	EPP 70 Classification Administration	No significant policy changes.
2.05.050.7 Classification Review Resulting From A Reorganization Of A Department Or Unit Whenever a department or a unit is reorganized, the Department of Employee Services and the appointing authority shall review the potential impact of the reorganization to the employees’ classification and compensation in order to determine if approval is required by the County Administrator. In any reorganization, regular employees shall be placed in classifications with equivalent salary grades, if such positions are available and appropriate. Whenever positions are transferred from one appointing authority to another without significant change in duties, employees with regular status shall retain rights to such positions. A position may be upgraded as a result of a department or division reorganization. When this occurs, the Department of Employee Services in consultation with the appointing authority, shall determine whether a reclassification or a selection procedure is appropriate for filling the position. In determining if the recruitment shall be promotional only or open-competitive the following shall be considered: analysis of job duties, availability of internal applicants and occupational standards. Employees who successfully compete in a recruitment and selection process and are appointed to a higher level classification shall be subject to the policies governing compensation and probationary periods for promotion. Employees who are unsuccessful in completing the required probationary period shall be demoted to the previously held classification if positions are open and available. If no such positions are available, the employees may be removed from the upgraded position and placed on the layoff register in order of seniority for referral to their previously held classification. If employees return to the classifications held prior to upgrading, their salary grade	EPP 70 Classification Administration Section VI(D)	

and step shall return to those that would have applied had the employees not been upgraded. Rules of layoff shall apply when reorganization results in a surplus of employees. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]		
2.05.050.8 Other Requests For Classification Review An employee may initiate a request for a classification review. Such a request must be made via the appropriate form, typically a position classification questionnaire, provided by the Department of Employee Services. The form shall be submitted through the employee's immediate supervisor and appointing authority, and submitted to the Department of Employee Services. The Director of Employee Services shall consider comments from the employee, the supervisor and the appointing authority and determine if there is a need to conduct a classification review. Within fourteen (14) working days of receipt of a completed document, the Department of Employee Services shall notify the employee and appointing authority whether or not a classification review is to be conducted. If a review will be conducted, the Department of Employee Services shall make a status report to the appointing authority and the employee within sixty (60) calendar days. [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 70 Classification Administration	No significant policy changes.
2.05.050.9 Notification Of Classification Upon completion of any position review or classification review, the Department of Employee Services shall notify the employee and the appointing authority in writing of the final recommendation. Such final notification shall not be made until the Department of Employee Services has consulted with the appointing authority. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 10/29/09]	EPP 70 Classification Administration	No significant policy changes.
2.05.050.10 Requests For Review Of Classification Determination An employee, appointing authority or recognized bargaining group shall have fourteen (14) calendar days from the date the final recommendation regarding a position review or classification review is mailed to the employee and appointing authority to file any objections of the recommended allocation with the Director of Employee Services as provided in 2.05.230. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05]	EPP 70 Classification Administration Section VI(A)(E) – Request for Review	No significant policy changes.
2.05.050.11 Training Classifications The Director of Employee Services may designate a classification in an occupational field as a trainee or apprentice classification. A trainee classification shall have an outline of the training criteria which an employee is expected to meet as well as a class specification. The training criteria shall include additional experience, education, mandated certification and licensing. Training criteria shall also specify the level of knowledge, skills and abilities that must be demonstrated to be advanced to the higher level classification within a specified time frame. Upon successful work performance evaluation, or successful completion of appropriate selection procedures as outlined in 2.05.070, the incumbent may be promoted to the higher level classification. [Codified by Ord. 05-2000, 7/13/00]	EPP 70 Classification Administration EPP 71 Pay Administration	
2.05.050.12 Promotive Classifications The Director of Employee Services may designate a classification, or classification series, as promotive. A classification designated as promotive must have a written training and development program, approved by the Director of Employee Services, which shall establish the training criteria which an employee is expected to meet prior	EPP 71 Pay Administration Section VI Placement	No significant policy changes.

to advancement. The training criteria shall include the knowledge, skills and abilities that an individual is required to demonstrate in order to be eligible for a promotion to the higher level position. An employee who successfully completes the training and development program and is deemed qualified through a promotional appraisal may be placed on the promotional/internal eligibility register for the higher level classification. [Codified by Ord. 05-2000, 7/13/00]	Event: Promotion - Promotion via Career Advancement Plan	
2.05.050.13 Unallocated (Temporary) Employment Classifications Positions classified as unallocated (also known as temporary positions) shall be evaluated against the duties and responsibilities of regular positions. When a temporary position has the same duties and responsibilities of a regular classification, the temporary position shall be paid within the salary grade established for the regular classification. Temporary positions not falling within a current classification may be paid at temporary rates established by the Department of Employee Services and the department and negotiated with the recognized bargaining group, if applicable. Unallocated employees must compete through the competitive selection process in order to be considered for open, regular positions. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]	EPP 70 Classification Administration Section V(B) – Policy Guidelines: Classification Assignment of Positions EPP 71 Pay Administration Section V: Compensation Plan	Changes made because of Oregon Equal Pay Act which covers temporary and regular employees the same.
2.05.060 Compensation Plan	EPP 71 Pay Administration	
2.05.060.1 Maintenance Of Compensation Plan The Department of Employee Services, under direction of the County Administrator, shall maintain a compensation plan. It is the responsibility of the Department of Employee Services to keep the County Administrator informed of the adequacy of the County's compensation plan. The plan shall include for each classification a minimum and a maximum pay rate and such intermediate rates as are considered necessary or equitable. The salary grades shall reflect the relative responsibilities of the classification, availability of labor, prevailing rates of pay and financial conditions of the County. The County Administrator shall assign the compensation of all classified and unclassified positions except for those positions whose salaries are determined under state laws. In determining the amount of compensation thereof, the County Administrator shall give due consideration to the recommendations of the Department of Employee Services and the appointing authority. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]	EPP71 Pay Administration Section V – Compensation Plan	No significant policy or authority changes.
2.05.60.2 Administration Of Compensation Plan A. Rates of Pay: Classified employees shall be paid at a rate established within the salary grade for the classification in which they are employed, unless otherwise authorized by the County Administrator. B. Entrance Salary: An employee will be appointed at the entrance rate for each classification. The entrance rate shall be the first step or minimum pay rate in a salary grade established by a collective bargaining agreement or for nonrepresented employees it shall be any rate from minimum to midpoint in the	EPP 71 Pay Administration Section VI for Placement Events	Language conflicts with Oregon Equal Pay Act and the County's ability to pay employees based on bona fide factors allowed by law to

established salary grade. If an appointment or reinstatement above the entrance rate (“upper-step”) is requested, authorization must be by the Department Director. In determining such requests, the Department Director shall give consideration to qualifications of the candidate, availability of applicants and the resulting salary relationship with other positions. C. Salary Increases: Salary increases are not automatic. Appointing authorities shall recommend to the County Administrator salary increases only for those employees who have demonstrated high standards of work performance. Work performance should be reviewed periodically to determine whether increases have been earned. (Refer to Performance Evaluation 2.05.120.) 1. Eligibility for Salary Increases: New employees or promoted employees shall be eligible for advancement to the next step or applicable percentage increase within the salary grade for their classification six (6) months from the first of the month following their first day of work in the position. Thereafter, employees are eligible for a salary increase at the conclusion of twelve (12) months of continuous service since their last in-grade salary adjustment other than an exceptional increase. Eligibility for salary increases shall continue until employees reach the last step in their respective salary grade. 2. Exceptional Increases: a. An appointing authority may request an exceptional increase for any employee when: i. The employee’s performance is outstanding in relation to other employees in the same department, and the employee’s outstanding performance is documented according to an approved performance evaluation program; or ii. Other factors exist, such as compression of pay rates, which justify an exceptional increase; and; iii. Funds for such “special” increases are budgeted; and, iv. At least six (6) months have passed since the last “salary” or “step” increase, or last promotion. b. Exceptional increases must be approved by the Department Director and will be limited to the maximum amount of a regular merit increase or one step. An amount greater than this must be authorized by the County Administrator. Exceptional increases will not affect an employee’s established salary increase date. 3. Interim Increases: An employee whose salary increase is denied may be eligible for an increase following an additional six-month period during which successful performance is monitored and documented. If such a salary increase is granted, the employee’s new date of eligibility for a salary increase shall be one year from the date of the last salary increase. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 05-2014, 9/25/14; Amended by Ord. 03-2016, 8/11/16]	EPP 71 Pay Administration Section VI Post Placement Event: Salary Increase	determine pay (seniority and experience).
2.05.060.3 Salary Grade Adjustments A. General: The compensation plan for County personnel shall provide reasonably competitive grades of pay for each classification. The County Administrator may make adjustments in salary grade(s) as necessary to attract and retain competent personnel and to provide equity between the various classifications. Such	EPP 71 - Pay Administration Section V	No significant policy or authority changes for making salary

salary grade adjustments are to be distinguished from salary increases. Salary grade adjustments are not intended to give recognition to length or quality of service; rather they are based solely on prevailing rates of pay for the various classes of work in the County service. B. Effect of Salary Grade Adjustments: For Non-Represented employees, when the salary grade for classification is adjusted upward, the pay rate of an incumbent employee is not impacted if their pay rate falls within the new salary grade. If an employee's pay rate falling below the minimum of the new salary grade, it shall be increased to the minimum of the grade. If an employee has been at the top of their salary grade for greater than one year, the employee shall receive the equivalent of one merit increase effective the first of the month following implementation of the new salary grade and be eligible for merit increases annually thereafter until the top of the grade is reached. When the salary grade for a classification is adjusted downward, the pay rate of an incumbent employee is not impacted if their pay rate falls within the new salary grade. If an employee's pay rate falls above the maximum of the new salary grade, the employee's pay rate shall be red-circled. This method for determining individual employee pay rate changes shall be applied consistently to all employees within the affected classification, unless otherwise negotiated with recognized bargaining groups.[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 03-2016, 8/11/16]	Compensation Plan EPP 71 - Pay Administration Section VI Placement Event: Salary Grade Adjustment	grade changes within compensation plan. Language conflicts with Oregon Equal Pay Act and the County's ability to pay employees based on bona fide factors allowed by law to determine pay (seniority and experience).
2.05.060.4 Request For Review Of Salary Range Recommendations An employee, appointing authority or recognized bargaining group shall have fourteen (14) calendar days from the date the salary grade recommendation is mailed by the Department of Employee Services to request a review as provided in 2.05.230. Any review of a salary grade recommendation shall occur prior to the County Administrator's final determination of a salary grade. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]	EPP 70 Classification Administration Section VI (E)	No significant policy or authority changes.
2.05.060.5 Salary Increases For part-time Positions Eligibility for salary increases for part-time or job share regular status employees shall be provided under 2.05.060.2 (C) of this section. [Codified by Ord. 05-2000, 7/13/00]	EPP 71 Pay Administration Section VI Post Placement Event: Salary Increase	Language conflicts with Oregon Equal Pay Act and the County's ability to pay employees based on bona fide factors allowed by law to determine pay (seniority and experience).
2.05.060.6 Hourly Rates Hourly rates of pay shall be used for temporary and part-time regular positions. Rates set by such actions shall be based on the established rates for the classification involved. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]	EPP 71 Pay Administration Section VI for Placement Events	No significant policy changes.
2.05.110.2 Duration Of Probationary Period An employee who is promoted and was a regular status employee prior to receiving such promotion shall serve a six (6) month probationary period, provided however that if the promoted employee is required to undertake	EPP 71 Pay Administration	

additional training at the Oregon Department of Public Safety Standards and Training, the promotional probationary period shall be twelve (12) calendar months. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09]	Section VI Placement Event: Promotion	
2.05.140.1 Promotion When an employee is promoted to a classification with a greater salary grade, the employee shall receive the rate of pay within the new grade that most closely approximates a five (5) percent increase, effective on the date of promotion. When an employee is promoted to position that is nonrepresented, the appointing authority will have greater latitude as to the new pay rate. The appointing authority may grant a pay rate higher than 5% but limited to the midpoint of the salary grade. Upper step appointment rules shall apply if the appointing authority requests a rate above midpoint. Rules governing probationary periods and salary increases shall apply to the new position. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05]	EPP 71 Pay Administration Section VI Placement Event: Promotion	Language conflicts with Oregon Equal Pay Act and the County's ability to pay employees based on bona fide factors allowed by law to determine pay (seniority and experience).
2.05.140.2 Demotion An employee demoted for disciplinary reasons will receive the rate of pay in the lower salary grade specified as a part of the disciplinary action. At the time of demotion, no demoted employee shall receive an increase in pay. The employee's anniversary date for salary increases will be the effective date of demotion.[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05]	EPP 71 Pay Administration, Section VI Placement Event: Entrance Into Classification with Lower Salary Range	No significant policy changes.
2.05.140.3 Voluntary Demotion An employee may be demoted within a department upon an employee request and with approval from the appointing authority. Employees may be placed on a transfer list for such lower level positions and be referred in addition to those included on the referral list. Employees may be referred from the transfer list for a period of one year from placement on the list or when they request removal of their name, whichever occurs first. A voluntary demotion shall only be granted to a vacant position and shall not displace any employee currently occupying a position. If employees are demoted for reasons which do not reflect discredit on their employment record, the employee's salary rate may remain the same if it is within the salary grade of the lower classification. If the employee's salary exceeds the grade of the lower classification, the employee's salary will be the rate that causes the least reduction in salary. The demoted employee's appointing authority may request red circling the employee's salary subject to review by the Director of Employee Services and the approval of the Board of County Commissioners. The employee's anniversary date for salary increases shall be the effective date of demotion. [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 70 Classification Administration Section VI (H)	No significant policy changes. Language conflicts with Oregon Equal Pay Act and the County's ability to pay employees based on bona fide factors allowed by law to determine pay (seniority and experience).
2.05.140.4 Transfer		No significant policy or authority changes.

The transfer of an employee to a different position in the same classification may occur either within the same department (intradepartmental) or to another department under a different appointing authority (interdepartmental). A. Intradepartmental Transfer: An intradepartmental transfer may be either voluntary or involuntary. An appointing authority may transfer employees within their department without the employees' consent, but must give the employees ten (10) working days notice of this action. The employee may request that the Department of Employee Services investigate the transfer as provided in 2.05.220, if the employee believes the transfer was carried out improperly. B. Interdepartmental Transfer: Interdepartmental transfers require the written approval of the appointing authorities and the Department of Employee Services. Employees wishing to voluntarily transfer either within their department or to another department must request in writing to the Department of Employee Services to be placed on a transfer list. Employees may be placed on a transfer list for a classification in which they are an incumbent, for a lower level position in the same classification series or a lower level classification previously held. A move to a position in a classification that carries a lower salary grade in the same series is a voluntary demotion and is subject to the provisions governing voluntary demotions. Employees will be removed from the transfer list one year after they have requested placement, when they request removal of their name from the list, or after rejecting three (3) job offers, whichever occurs first. The Department of Employee Services will review the qualifications of the employee prior to transfer approval. Normally, when an employee is transferred the rate of pay remains the same. The appointing authority has the discretion to pay another step in the salary grade with the approval of the Director of Employee Services. C. A transferred employee retains all benefits and privileges earned as of the date of transfer. Compensatory time may be transferred with the employee, paid by the appointing authority prior to transfer, or used prior to transfer, as agreed upon by the two appointing authorities. The anniversary date for salary increases may be adjusted to six (6) months from the date of transfer for interdepartmental transfer. The transferred employee may be required to serve a new probationary period.[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 70 Classification Administration Section VI (G) EPP 71 Pay Administration Section VI Placement Event: Transfer With Different Salary Range	
2.05.140.5 Reclassification When a position is reclassified to a classification with a higher salary grade under the provisions of classification upgrading, the incumbent shall be advanced to the minimum or first step in the new grade or to the rate of pay that most closely approximates a five (5) percent increase from the employee's regular rate of pay, whichever is higher. The salary adjustment will take place on the effective date of reclassification. The employee's salary increase date will be adjusted to the first of the month following twelve (12) full months from the date of a classification upgrading. When a position is reclassified downward, the incumbent's salary may remain the same if it is within the new salary grade. The employee's salary increase date will not be affected as a result of reclassification downward. If the position is downgraded to a classification that has a pay grade lower than the employees' current rate of pay, the salary rate may be red circled. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 03-2016, 8/11/16]	EPP 71 Pay Administration Section VI Placement Event: Reclassification	Language conflicts with Oregon Equal Pay Act and the County's ability to pay employees based on bona fide factors allowed by law to determine pay (seniority and experience).

2.05.140.6 Temporary Out-Of-Class Employees may be temporarily assigned higher or lower compensated duties without a change in pay, where periodic or regular variations in assignments occur because of seasonal needs or because of the nature of the duties or the work schedule. Such variations shall be considered as incidental to the position. Unless otherwise specified in the collective bargaining agreement, an employee directed to continuously perform duties of a higher level classification shall be entitled to compensation at the higher level for the time worked in excess of thirty (30) consecutive days, providing such assignment clearly encompasses the full scope of duties and responsibilities normally associated with the higher level classification as confirmed and pre-approved by the appointing authority. Requests for such additional compensation shall be made by the appointing authority to the Department of Employee Services. Temporary out-of-classification pay is awarded as 5% of base pay or to the minimum rate of the higher level classification salary grade, whichever is greater. The Director of Employee Services has the authority to approve temporary out-of-classification pay for extenuating circumstances where an appropriate classification at a higher salary grade does not exist. Such circumstances may include when a classification at a higher salary grade is in the development or approval stages, or when an employee is performing additional duties for a specific duration of time such as during a reorganization, etc. Approval of temporary out-of-classification pay shall not be retroactive unless approved 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. 03-2016, 8/11/16]	EPP 71 Pay Administration Section VI Placement Event: Work Out-of-Classification	Language conflicts with Oregon Equal Pay Act and the County's ability to pay employees based on bona fide factors allowed by law to determine pay (seniority and experience).
2.05.140.8 Reinstatement Procedures Employees who have attained regular status may request reinstatement to a position in their former classification and department within six (6) months of their effective date of resignation if they resigned with at least two (2) weeks notice, and the request is approved by the appointing authority. A former employee may be considered for vacancies for a period not to exceed six (6) months from date of resignation. A former employee granted reinstatement shall be paid at the same step in the salary grade that was being paid at the time of resignation. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 10-2015, 12/10/15]	EPP 70 Classification Administration Section VI (I) EPP 71 Pay Administration Section VI Placement Event: Rehire Reinstatement into Same Classification	No significant policy or authority changes. Language conflicts with Oregon Equal Pay Act and the County's ability to pay employees based on bona fide factors allowed by law to determine pay (seniority and experience).
2.05.200.5 Layoff Rules C. Employees in a job share position shall be considered as one full-time equivalent.	EPP 70 Classification Administration EPP 71 Pay Administration	Effects of job share on incumbents' total compensation/benefits conflicts with County's ability to comply with Oregon

		Equal Pay Act. Job Share EPP #13 has been inactivated. County supports usage of part-time positions.
2.05.200.6 Layoff Registers And Recall An individual who is appointed from a layoff register to a position in the same classification in which the person was previously employed will not be required to serve a probationary period.	EPP 71 Pay Administration Section VI Placement Event: Appointment from Layoff Register	
2.05.200.7 Rate Of Pay Following Appointment From Layoff Registers When an individual is appointed from a layoff register to a position in the same class in which the person was previously employed, the employee shall be paid at the same rate of pay, plus cost of living or other salary grade adjustments, as the employee was being paid at the time of layoff. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05]	EPP 71 Pay Administration Section VI Placement Event: Appointment from Layoff Register	Language conflicts with Oregon Equal Pay Act and the County's ability to pay employees based on bona fide factors allowed by law to determine pay (seniority and experience).
2.05.230 Reviews Of Classification Allocations And Salary Grade Recommendations	EPP 70 Classification Administration EPP 71 Pay Administration	
2.05.230.1 Requests For Review Of A Classification Allocation Or Salary Grade Recommendation All requests for a review of either an employee's recommended classification allocation, or a new or revised salary grade recommendation for an unrepresented position, shall be subject to the requirements of this section. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05]	EPP 70 Classification Administration Section VI (E)	No significant policy changes.
2.05.230.2 Filing A Request For Review A request for review must: A. Be made in writing; B. Name the employee and include the employee's address and phone number; C. Be signed by the party requesting the review; D. Be addressed and delivered to the Director of Employee Services;	EPP 70 Classification Administration Section VI (E)	No significant policy changes.

E. Contain a reference to the action(s) to be reviewed and the dates of the action; 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]		
2.05.230.3 What Actions May Be Reviewed A. An employee who does not agree with a classification allocation determination made by the Department of Employee Services may request a review of the allocation subject to 2.05.050.10. Such a review shall be limited to the determination of the appropriate allocation of the position to a classification within the County's classification system. The review of a classification allocation does not extend to a review of the creation, deletion, or change to a classification; the assignment of duties, or the appropriate salary grade for a classification. B. A non-represented employee who does not agree with a new or revised salary grade recommendation made by the Department of Employee Services may request a review of the recommended salary grade, subject to 2.05.060.4. If provided in the applicable collective bargaining agreement, a represented employee may use the request for review process in place of the negotiation process for new or revised salary grade recommendations, subject to 2.05.060.4. Such a review shall be limited to the determination of the appropriate salary grade to recommend for the classification. The review of a salary grade recommendation does not extend to a review of the creation, deletion or change to a classification, or the assignment of duties. [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 70 Classification Administration Section VI (E)	
2.05.230.4 Process Of The Classification/Compensation Review Panel An employee has ten (10) calendar days from the date the written response to the request for review was mailed, to submit a written request to the Director of Employee Services to have the matter forwarded to the Classification/Compensation Review Panel. The employee and the employee's representative, the employee's appointing authority and/or the appointing authority's representative, and Personnel staff may present information to the panel in support of their respective positions. The Classification/Compensation Review Panel shall review the reasons for the classification allocation and/or the salary grade recommendation and may ask questions of the parties presenting information. Following the collection of information, the panel shall discuss their opinions with the Director of Employee Services. A. Final Determination of Classification Allocation: The Director of Employee Services shall consider opinions of the panel when determining the final classification allocation of a position. The Director of Employee Services shall prepare a written report of the final recommendation, issues raised during the request for review and the opinions of the panel. Copies of the report shall be delivered to the affected parties. The Director of Employee Services shall have the final authority for all classification allocation determinations. B. Final Recommendation of Salary Grades: The Director of Employee Services shall consider the opinions of the Classification/Compensation Review Panel when recommending the final salary grade	EPP 70 Classification Administration Section VI (E) EPP 70 Classification Administration Section VI (F)	No significant policy or authority changes.

recommendation to the County Administrator. The Director of Employee Services shall include in this recommendation a summary of issues raised during the request for review process and the opinions of the panel. The County Administrator shall have the final authority for all salary grade determinations. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 05-2014, 9/25/14]		
2.05.230.5 Composition Of The Panel The Classification/Compensation Review Panel shall be chaired by the Director of Employee Services. The panel shall be comprised of three management employees and three bargaining unit members as selected by the Director of Employee Services. Those presenting information are not allowed to be acting members of the panel for that meeting. [Codified by Ord. 05-2000, 7/13/00]	EPP 70 Classification Administration Section VI (F)	No significant policy changes.
2.05.230.6 Scheduling Of The Classification/Compensation Review Panel The review panel will meet at the call of the Director of Employee Services to hear and process requests for review. [Codified by Ord. 05-2000, 7/13/00]	EPP 70 Classification Administration Section VI (F)	No significant policy changes.



- ☒ Administrative Policy
☐ Operational Policy

Clackamas County Policy

Name of Policy	Classification Administration	Policy #	EPP 70
Policy Owner Name	Evelyn Minor-Lawrence	Effective Date	3/14/2026
Policy Owner Position	Human Resources Director	Approved Date	3/10/2026
Approved By	Gary Schmidt, County Administrator	Next Review Date	3/14/2029

I. PURPOSE AND SCOPE

To communicate the Classification system to implement organizational changes necessary for the efficient operation of County business and to ensure an adequate structure to differentiate jobs across the County that can be easily maintained, facilitates internal equity, and defines the general scope and complexity of work performed.

This policy applies to all departments, offices, and districts covered by Human Resources personnel administration.

Exemptions from this policy include:

- Elected Officials
- Advisory board or commission members whose principal vocation is other than as a County employee
- On-site property managers residing in County-owned or County-provided facilities
- Any special Deputy Sheriff or peace officer appointed to act without compensation from the County
- Volunteers
- Independent Contractors, providers, and vendors
- Temporary Agency employees

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II. AUTHORITY

This policy is established by the County Administrator's administrative rule-making authority pursuant to County Code 2.09.060.E

Federal and state regulations, primarily federal Fair Labor Standards Act (FLSA) and State of Oregon Revised Statutes, and Oregon Equal Pay Act.

III. GENERAL POLICY

Employees/positions will be assigned to Classifications/jobs based on duties, authority, responsibilities, and the required knowledge, skills, abilities, education, training, experience, and other qualifications.

Classification processes are maintained by the Department of Human Resources. Other departments/offices may not develop more or less restrictive "department classification policies" in place of these authorized processes without prior review and approval from the Department of Human Resources.

IV. DEFINITIONS

- A. Appointing Authority – 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.
- B. Base Pay Rate: The rate or step in the range of the Compensation Plan to which the employee's position/classification is assigned. Base Pay Rate does not include any add-to-pay.
- C. Classification: A group of positions with shared or similar duties, responsibilities and Minimum Qualifications to permit grouping under a common title and description.
- D. Classification Description: General document whose purpose is to clearly describe a type and level of a body of work.
- E. Compensation Plan (Pay Plans): Describes the salary grades, minimum pay rates, and maximum pay rates for each County Position or Classification.
- F. Employee: A person who has been directly hired by Clackamas County to perform work for wages or salary. This does not include independent contractors, temporary agency employees, volunteers, unpaid interns, or participants in work training administered under a state or federal assistance program.
- G. Minimum Qualifications: Minimum Qualifications are the minimum amounts of education or experience and the minimum level of knowledge, skills, abilities, licensures, certifications and other job-related requirements that must be met for a candidate to be considered for a Position.
- H. Position: A group of duties and responsibilities designed to be performed by the employment of one qualified individual. Multiple positions can be assigned to one Classification.
- I. Position Description: Document that describes the body of work assigned to a specific Position.
- J. Position Review: Process used by Human Resources to assign each Position to the correct Classification. The goal is to assure that the same title, salary range, qualification requirements,

training, performance standards, etc. are applied uniformly to all Positions similar in responsibilities, duties and skills.

- K. Promotion: When an existing employee is hired into a different classification with a higher salary range.
- L. Reclassification: A process/action that changes the Classification assignment of a Position (vacant or filled by an employee) based on changes in the scope, duties, and responsibilities of the work assigned.
- M. Transfer: Movement of an eligible employee to a different Position within the same Classification. A Transfer occurs within the employee's current department (Intra) or results in movement to a different department/appointing authority (Inter), and may be voluntary or involuntary.
- N. Work of Comparable Character (WCC): Work that requires substantially similar knowledge skills, effort, responsibility and working conditions in the performance of work regardless of Position Description or job title.

V. POLICY GUIDELINES

A. Classification Plan

The Department of Human Resources is responsible for maintaining a Classification Plan. The Director of Human Resources has the final authority over the Classification Plan.

The Classification Plan will consist of orderly groupings and structured formal standards commonly referred to as Classification Descriptions. These Classification Descriptions represent the number and variety of job categories needed to identify all jobs in the County government. Classification Descriptions are written documents to describe the type and level of a body of work.

The Classification Plan has Classifications ranging from generally descriptive of a type and level of work to job specific. Specific Classification Descriptions directly relate to a particular occupation and level of work and may read more similar to a Position Description though not as detailed.

Position Descriptions are written documents to describe the body of work assigned to a specific Position, clearly stating the tasks, authority and responsibilities that go together to make up a job. A completed Position Classification Questionnaire (PCQ) is an example of a Position Description.

Every Position, whether filled or vacant, must have a Position Description on file with Human Resources. Appointing Authorities and their management are responsible to develop and maintain Position Descriptions for all positions within their department. Managers are also responsible for ensuring that Position Descriptions for each position under their supervision are periodically reviewed to ensure their accuracy, and that copies of accurate Position Descriptions are on file with the Department of Human Resources, Classification and Compensation.

B. Classification Assignment of Positions

No Position may be filled until it has been properly classified. All new positions and vacant positions that have previously been classified but have had a substantial change in duties will be submitted to Classification and Compensation for review and assignment prior to being filled.

The Position Review Process is used to assign each Position to the correct Classification. The goal is to ensure that the same title, salary range, qualification requirements, training, performance standards, etc. are applied uniformly to all positions similar in responsibilities, duties and skills.

Position questionnaires are the principal documents for making Position and Classification assignment decisions, which include Position Classification Questionnaires (PCQ) and Temporary Classification Questionnaires (TCQ).

Assignment of Duties: Managers are responsible for defining work and assigning duties and responsibilities. Duties may be removed or reassigned in order to maintain duties that are consistent with an employee's current Classification/Position. Management also has the right to add, remove or reassign duties in lieu of reclassifying a Position.

Refer to *EPP #21 Position Allocation and Job Requisition Procedures* for additional information regarding reclassifying and refilling an existing Position and establishing a new Position.

C. Classification Review

Classification reviews are intended to ensure Clackamas County classifications remain up-to-date and are reflective of the current business needs. Classification reviews may include but are not limited to: creation of new classifications, changes to job content/organizational structure, County Administrator requested reviews, or as initiated by the Director of Human Resources or their designee.

Human Resources shall consult with department or major division directors prior to the initiation of a classification review.

VI. **PROCESS AND PROCEDURES**

A. Position Review

Employees and/or managers may request a review of a position when it is believed the duties performed are no longer consistent with the assigned Classification. A request to review a position is initiated by completing the appropriate Position Description/position review form which is submitted to Classification and Compensation.

- Employee: An employee may request a review of their position by submitting a completed Position Description/position review form to their supervisor/manager.
- Within fourteen (14) days the supervisor/manager must discuss the information contained within the Position Description/position review form with the employee, and document their agreement or disagreement with this content and the request.
- If the employee wishes to move forward with a Position review after this employee/management conversation, the Position Description/position review form will be forwarded through the department's chain of management for review/signatures and then submitted to Classification and Compensation. Management has 14 days from the date of employee meeting to submit completed form to Classification and Compensation.

New Position/Repurpose Vacant Position: Management is required to submit a completed Position Description/position review form when requesting to repurpose an existing vacant position and when requesting a new position.

Classification and Compensation will determine whether to accept the submitted Position Description/position review form for Position review. Notification will be sent to all relevant stakeholders.

- A submitted Position Description/position review form may be denied for Position review if there had been a recent review and no significant changes to the duties and responsibilities have occurred, or if an action such as a pending reorganization, move to a different work unit, or a change in supervisor would alter the position's duties and responsibilities.

Throughout a Position review process, Classification and Compensation communicates with the employee and management, providing information as to project status and analysis.

Upon completing a Position review, Classification and Compensation makes a recommendation to department management that may be:

- assignment to the same Classification (*no change*),
- assignment to another existing Classification which may include edits or revisions to that Classification (*upward or other Reclassification*),
- recommendation to create a new Classification in order to assign position.

Classification and Compensation discusses with Department management potential impacts and implementation strategies. Department management reserves the right to reassign duties and responsibilities if reclassification does not meet organizational, business, and/or budget needs.

New Classification: If recommendation involves creating a new Classification, Classification and Compensation drafts a new Classification Description. Classification and Compensation also conducts an analysis to determine and recommend a salary grade for the new Classification. This final recommendation is documented in a staff report to the County Administrator.

Upon approval by the County Administrator, Classification and Compensation will implement the recommendations. Bargaining with associated Union(s) would occur for represented position(s). Associated Union(s) have fourteen (14) days to either formally agree to salary grade recommendation or express concerns. Classification and Compensation will clarify and resolve union questions or concerns.

B. Position Reclassification with Incumbent

When Classification and Compensation reclassifies a Position, the employee occupying the Position will be reclassified if the following criteria is met:

1. Minimum Qualifications and Pre-Employment Requirements: The Appointing Authority and the Human Resources Department validate that the employee possesses the Minimum Qualifications and meets any pre-employment requirements of the Position.
2. Performance of assigned duties:
 - A. Upward Reclassifications: The employee has been in the position performing the assigned higher-level duties and responsibilities for a minimum of six months.
 - B. Other Reclassifications: The employee has been assigned the duties of the relevant Classification.

When a Position is reclassified and the employee meets the criteria for an Upward Reclassification, a recruitment process will be waived, and the employee will be reclassified along with the Position. The reclassified employee's Base Pay Rate will be adjusted on the effective date of Reclassification.

Classification and Compensation may formally re-evaluate a reclassified position to ensure duties remain consistent with the assigned Classification.

If an employee does not meet the minimum qualifications of the reclassified position, the employee may be qualified for other vacant position(s) within their original Classification or a vacant position in a different Classification such as through a voluntary demotion or open/internal recruitment. If the employee does not meet the minimum qualifications of the reclassified position and employee is unsuccessful in other options, the employee will be laid off and placed on a layoff register for their

former classification for two years unless specified otherwise in a collective bargaining agreement. Employees in Limited Term status or on employment agreement are not eligible to be placed on a layoff register.

Position Reclassification with Incumbent does not apply, unless otherwise provided, for:

- 1) Temporary status including Seasonal Temporary and On-Call Relief
- 2) County Executives under employment contract with the Board of County Commissioners
- 3) Department Executives and other County Administrator designated county Positions under employment contract with the County Administrator.
- 4) Positions within Office of County Counsel under employment contract with the County Counsel.

C. Placement on Layoff Register Following Reclassification

If a position occupied by an employee is reclassified to a classification with a lower salary range, the employee will be placed on a layoff registers for two (2) years unless specified otherwise in a collective bargaining agreement. Employee will be given preference in referral to vacant positions within the same Classification as held prior to Reclassification. Employee must meet the Minimum Qualifications and any pre-employment requirements of the vacant position. Employees in the initial County probation period, Limited Term status, temporary, seasonal, or on employment agreement are not eligible to be placed on a layoff register.

Placement on Layoff Register Following Reclassification does not apply to:

- 1) Initial County Probationary status
- 2) Limited Term Appointment status
- 3) Temporary status including Seasonal Temporary and On-Call Relief
- 4) Less than Half Time Regular Part-Time Positions
- 5) County Executives under employment contract with the Board of County Commissioners
- 6) Department Executives and other County Administrator designated county Positions under employment contract with the County Administrator.
- 7) Positions within Office of County Counsel under employment contract with the County Counsel.

D. Classification of Positions Impacted by Reorganization/Restructuring

Reorganization/restructuring of a department, division, program, section or work group may become necessary to meet organizational needs, and typically involves one or more of the following

- Immediate assignment of new responsibilities and authority within a work unit
- Change to span of control
- Merger of two or more work units
- Elimination of programs, which may impact positions
- Change to Appointing Authority

Classification & Compensation will work with department management to determine if any classification assignment of positions are impacted by the reorganization/restructure.promtra

E. Request for Review

A request for review process including the Classification and Compensation Review Panel is allowed when an employee disagrees with:

- Classification and Compensation's Position Review recommendation.
- A Salary range recommendation for nonrepresented employees, and for represented employees if specified in the employee's collective bargaining agreement.

Issues not reviewable in a request for review process and Classification and Compensation Review Panel:

- Management's assignment of duties to an employee or to a Classification.
- Creation, deletion or change to a Classification.
 - The Classification and Compensation Review Panel may not create a new Classification to accommodate an employee's position, delete a Classification from the County's classification plan, or change any portion of a Classification Description.
- Salary range recommendations for represented employees.
 - Unless, as noted above, this is authorized in the applicable collective bargaining agreement.

Request for Review Process:

1. An employee who is dissatisfied with a Classification allocation determination or salary range recommendation has fourteen (14) calendar days from the date notification was sent to employee to complete and submit a Request For Review form.
2. Classification and Compensation receives and reviews submitted request for review form and provides information to employee about next steps in the process.
3. Human Resources Director reviews all related materials, and then meets with employee to discuss the request for review. After consideration of issues, Human Resources Director provides a written response to employee stating decision to uphold Classification and Compensation's determination/recommendation or propose an alternative recommendation.
4. If employee remains dissatisfied with Human Resources Director's findings, employee has ten (10) calendar days from the date of notification by the Human Resources Director to submit a written request to have the matter be heard by the Classification and Compensation Review Panel. If employee does not submit a written request by the deadline, the Human Resources Director's findings will be implemented.
 - For Temporary status including Seasonal Temporary and On-Call Relief and Nonrepresented Employment Contract positions, the Classification and Compensation

Review Panel is not applicable and the Human Resources Director's findings will be implemented.

F. Classification and Compensation Review Panel

Classification and Compensation Review Panel (CCRP) Process:

1. *Panel Members* – The five panel members will be selected by the Human Resources Director and will include two (2) management employees, two (2) bargaining unit members, and one (1) mutually appointed County employee. At least one bargaining unit member must be from the same union as the employee bringing forth the review.
 - Each of the County's bargaining groups will nominate one (1) employee from their membership. The two selected bargaining unit members will be from these nominations.
 - Each County department will provide one (1) management employee from their department for consideration. The two selected management employees will be from this group.
 - A mutually agreed upon employee will be selected.
 - If a conflict of interest exists between employee and bargaining unit member serving on the CCRP, the bargaining unit shall choose a substitute member. If a conflict of interest exists with a management member of the CCRP, the Human Resources Director will appoint an alternate from the remainder group of management employees.
 - Any person presenting information or providing representation for the employee is not allowed to be a Panel member for that employee's review.
2. *Notification* – Human Resources will send written notification of date, time and location of CCRP review at least fourteen (14) days in advance. Notification will be made to CCRP members, employee requesting review, and employee's supervisor and appointing authority.
3. *Documents* – All documents in support of the matter to be brought to the CCRP must be submitted to Classification and Compensation no later than ten (10) calendar days prior to the scheduled CCRP meeting. These documents will be distributed at least five (5) calendar days prior to the scheduled meeting of the CCRP to CCRP members, employee, appointing authority and any active participant in the review process as identified by the employee or management.
4. *Presentation to the CCRP* – The Human Resources Director or designee will begin meeting by providing a summary of the issue being brought forth, a review of the employee's initial request for review and the written findings generated in response to the request for review. The employee, employee's representative, employee's appointing authority and/or management from employee's department, and Classification and Compensation staff will have the opportunity to present information in support of their respective positions. It is the responsibility of the employee to demonstrate why the Classification or salary range recommendation is inappropriate, to identify which current Classification(s) or salary range(s) is more appropriate, and to provide adequate information and detail to support the claim. Members of the CCRP may ask any questions of the parties presenting information that will assist them in forming an opinion as to the appropriate Classification for the Position or salary range for the Classification.
5. *Opinion Response by the CCRP* – Following conclusion of the meeting and parties excused, CCRP Panel members will discuss the issue and materials presented to them and formulate

an opinion(s) as to the appropriate Classification allocation or salary range for the Classification. The CCRP Panel members will discuss their opinions with the Human Resources Director and submit one written "Opinion Response" sheet to the Human Resources Director documenting the opinions of the CCRP regardless of whether or not a consensus opinion was formed.

- The CCRP may only recommend an allocation to a current Classification or a salary range for the Classification to which the position is assigned.
 - The CCRP may not recommend a salary range change for a single position that would result in the position having a different salary range than the Classification to which it is assigned.
6. *Final Determination* – The Human Resources Director will consider the opinions of the CCRP when determining the final Classification allocation of a position and/or arriving at a final salary range recommendation to go the County Administrator. The Human Resources Director will prepare a written report of his/her final recommendation and include a brief summary of the issues raised during the request for review process and the opinions of the CCRP. A copy of this report will be sent to the employee and the employee's appointing authority. If the Human Resources Director's recommendation includes a final salary range recommendation, this written report will be included in the information presented to the County Administrator requesting a change to Classification's salary range.
- The Human Resources Director has final authority on the Classification allocation.
 - The County Administrator has final authority on the salary range placement.
7. The CCRP does not apply to temporary nor nonrepresented employment contract employees.

G. Transfer

Intradepartmental Transfer within the same department:

- An intradepartmental transfer may be voluntary or involuntary. If involuntary, the Appointing Authority must give the employee a minimum of ten (10) working days notice.
- A department can move an employee to a different division/work unit by submitting a Personnel Action form to the Human Resources Department for a change in supervisor. This is not a transfer as the employee's position number is not changed.

Transfer Request Form: If an employee wishes to be considered for an Interdepartmental transfer within their Classification to a different department/appointing authority, the employee will complete and submit a Transfer Request Form to the Human Resources Department. The Human Resources Department will review the employee's transfer request and qualifications, including, but not limited to their knowledge, skills, and abilities against those that are required of a particular position.

For Intradepartmental Transfer within a large department, an Appointing Authority may designate the process outlined for Interdepartmental Transfer as appropriate for their department.

Transfer List: If an employee's transfer request is approved, Human Resources Department will place employee's name on the transfer list at their current Classification and notify employee. Placement on a

transfer list is not shared with the employee's supervisor. However, if/when an employee is referred to a department for transfer consideration to an open position, the employee's transfer status becomes known to one or more managers and the employee's supervisor may be contacted as a reference.

Employees will be removed from transfer list for the following, whichever occurs first:

- After one (1) year from when placed on the transfer list.
- Employee requests Human Resources Department to remove their name from the transfer list.
- After employee rejects one (1) job offer.

Should a recruitment become available in which there is an employee(s) on the transfer list, they will be invited to an interview provided they meet the Minimum Qualifications. There is no guarantee of a job offer for an employee on the transfer list as they must competitively compete for the position.

Transfer is not a Lateral Hire (previously referred to as reassignment) as transfer can only occur within the same Classification. A Lateral Hire is the movement of an employee from one Classification/Position to a different Classification/Position where the new Classification carries the same salary grade/range, typically via voluntarily applying and being selected in a recruitment process.

Transfer is not a voluntary demotion or a career change demotion. In these situations, the employee voluntarily requests or seeks a change to a different Classification/Position that carries a lower salary grade.

Transfer Request Information and Form

Transfer does not apply to:

- 1) Initial County Probationary status
- 2) Limited Term Appointment status
- 3) Temporary status including Seasonal Temporary and On-Call Relief
- 4) Less than Half Time Regular Part-Time Positions
- 5) County Executives under employment contract with the Board of County Commissioners
- 6) Department Executives and other County Administrator designated county Positions under employment contract with the County Administrator.
- 7) Positions within Office of County Counsel under employment contract with the County Counsel.

H. Entrance into Classification with Lower Salary Range via:

1. Voluntary Demotion
2. Voluntary Demotion in Lieu of Layoff
3. Involuntary Demotion
4. Career Change Demotion
5. ADA Accommodation

Voluntary Demotion: Action is employee requested and requires management approval. Voluntary demotion may be used as an option to retain employment when layoff is imminent (*Voluntary Demotion in Lieu of Layoff*) or for other reasons where the action is entirely voluntary on the part of the employee.

If an employee wishes to be considered for a voluntary demotion, the employee will complete and submit a Voluntary Request form to the Human Resources Department. The Human Resources Department will review the employee's request and qualifications, including, but not limited to their knowledge, skills, and abilities against those that are required of a particular Position.

If an employee's request is approved, Human Resources Department will place employee's name on the voluntary demotion list for the requested Classification and notify employee. Placement on a voluntary demotion list is not shared with the employee's supervisor. However, if/when an employee is referred to a department hiring authority, the employee's request and status becomes known to one or more managers and the employee's supervisor may be contacted as a reference.

Employees will be removed from voluntary demotion list for the following, whichever occurs first:

- After one (1) year from when placed on the voluntary demotion list.
- Employee requests Human Resources Department to remove their name from the voluntary demotion list.
- After employee rejects one (1) job offer.

Should a recruitment become available in which there is an employee(s) on the voluntary demotion list, they will be invited to an interview provided they meet the Minimum Qualifications. There is no guarantee of a job offer for an employee on the voluntary demotion list as they must competitively compete for the Position.

Career Change Demotion: Employee voluntarily and successfully competed in a recruitment and selection process conducted by the Human Resources Department and was referred and selected by the Hiring Authority.

Involuntary Demotion: This action is not entirely voluntary on the part of the employee. An involuntary demotion may be an outcome of disciplinary action.

For *Voluntary and Involuntary Demotion*, except demotion in lieu of layoff, the employee must have previously held the lower-level County Classification, or the Classification is a lower-level Classification within the employee's same Classification series.

This section does not apply to:

- Initial County Probationary status
- Limited Term Appointment status
- Temporary status including Seasonal Temporary and On-Call Relief
- Less than Half Time Regular Part-Time Positions
- County Executives under employment contract with the Board of County Commissioners
- Department Executives and other County Administrator designated county Positions under employment contract with the County Administrator.
- Positions within Office of County Counsel under employment contract with the County Counsel.

I. Rehire Reinstatement

Appointing Authorities have the option of filling a vacant position by rehiring a former regular status employee who has left County employment within the previous six months.

Any rehire reinstatement must meet eligibility criteria, be approved by Human Resources Department, and be submitted as a reinstatement on a Personnel Action form.

No guarantee of reemployment exists to former employees. Hiring Management may approve or deny a request for reinstatement.

Eligibility Criteria:

1. Prior to resignation from County employment, employee completed initial County probationary period and reached regular status, and submitted at least a two (2) weeks notice of resignation.
2. Reinstatement is to vacant position within same department and classification, and within six (6) months from effective date of employee's resignation.
3. Former employee meets all current pre-employment requirements. All current pre-employment requirements must be cleared even if employee had previously cleared them while originally employed with the County.

If an Appointing Authority, through a County recruitment and selection process, rehires a former employee into the same classification as they previously held and the former employee meets the criteria for rehire reinstatement, the former employee's rehire Placement Event will be conducted as outlined in the Rehire Reinstatement section of the Pay Administration Policy.

J. Supervisory & Confidential Employee Exemptions From Bargaining Unit

The Human Resources Department is responsible for reviewing the duties and authority assigned to the Position and determining the appropriate bargaining unit or management group. The Human Resources Department complies with the Oregon Revised Statutes definitions for supervisory or confidential employee.

VII. ACCESS TO POLICY

Access to this administrative policy will be:

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

VIII. ADDENDA

EPPs Containing Additional Relevant Information

- EPP 21 - Position Allocation and Job Requisition Procedures
- EPP 71 - Pay Administration

For additional information regarding the Reclassification and refill of an existing Position and to establish a new Position, refer to *EPP 21 Position Allocation and Job Requisition Procedures*.

For information regarding the pay impacts to an employee as a result of a Reclassification and/or Salary Grade Adjustment, refer to *EPP 71 Pay Administration*.



☒ Administrative Policy
☐ Operational Policy

Clackamas County Policy

Name of Policy	Pay Administration	Policy #	EPP 71
Policy Owner Name	Evelyn Minor-Lawrence	Effective Date	3/14/2026
Policy Owner Position	Human Resources Director	Approved Date	3/10/2026
Approved By	Gary Schmidt, County Administrator	Next Review Date	3/14/2029

I. PURPOSE AND SCOPE

To communicate the requirements for setting pay on initial appointment and throughout employees' tenure with the County to ensure equitable and consistent administration of pay practices across County departments.

This policy applies to Clackamas County departments, offices, and districts covered by Human Resources personnel administration.

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II. AUTHORITY

This policy is established by the County Administrator's administrative rule-making authority pursuant to County Code 2.09.060.E.

Federal and state regulations, primarily federal Fair Labor Standards Act (FLSA) and State of Oregon Revised Statutes, and Oregon Equal Pay Act.

III. GENERAL POLICY

Employees will be compensated at pay rates within or at the minimum and maximum of the salary range set for their Classification/job. The following factors may be used when making pay decisions:

- seniority system,
- merit system,
- education,
- training,
- experience,
- or any combination of these factors as provided in these rules or a collective bargaining agreement.

Compensation decisions for initial salary placement to County employment are based on Bona Fide Factors as described in this policy.

IV. DEFINITIONS

- A. Base Pay Rate: The rate or step in the range of the Compensation Plan to which the employee's position/classification is assigned. Base Pay Rate does not include any add-to-pay.
- B. Bona Fide Factors: Factors that may lawfully be considered in determining the compensation difference between employees who perform Work of Comparable Character (WCC).

- C. Classification: A group of positions with shared or similar duties, responsibilities and Minimum Qualifications to permit grouping under a common title and description.
- D. Classification Advancement Path: A documented plan that establish criteria, including knowledge, licenses/certifications, skills and abilities that an employee is required to demonstrate in order to be eligible for advancement to the higher-level Classification. Some plans require completion within specified timeframes.
- E. Compensation Plan (Pay Plans): Describes the salary grades, minimum pay rates, and maximum pay rates for each County Position or Classification.
- F. Employee: A person who has been directly hired by Clackamas County to perform work for wages or salary. This does not include independent contractors, temporary agency employees, volunteers, unpaid interns, or participants in training administered under a state or federal assistance program.
- G. Equal Pay Analysis (EPA): An Equal Pay Analysis evaluates the County's pay practices to identify and correct pay inequities, if any, between employees who perform Work of Comparable Character.
- H. EPA Experience: The number of years and months of documented experience determined to be at the same level/equivalent to the scope and levels of responsibility and accountability to the position being filled.
- I. EPA Seniority: The number of years and months of Clackamas County employment used in an Equal Pay Analysis.
- J. Minimum Qualifications: Minimum Qualifications are the minimum amounts of education or experience and the minimum level of knowledge, skills, abilities, licensures, certifications and other job-related requirements that must be met for a candidate to be considered for a Position.
- K. Oregon Equal Pay Act (OEPA): An Oregon law that makes it an unlawful employment practice for any employer to discriminate in the payment of wages or other compensation between employees who perform Work of Comparable Character because of their gender, race, age, or other protected characteristic.
- L. Placement Event: A Hire, Re-hire, Reclassification, Transfer, Promotion, Demotion, or Salary Grade Adjustment is a Placement Event, which means, if approved, will result in a compensation review.
- M. Position: A group of duties and responsibilities designed to be performed by the employment of one qualified individual. Multiple positions can be assigned to one Classification.
- N. Position Review: Process used by Human Resources to assign each Position to the correct Classification. The goal is to assure that the same title, salary range, qualification requirements, training, performance standards, etc. are applied uniformly to all Positions similar in responsibilities, duties and skills.
- O. Promotion: When an existing employee is hired into a different classification with a higher salary range.
- P. Reclassification: A process/action that changes the Classification assignment of a Position (vacant or filled by an employee) based on changes in the scope, duties and responsibilities of the work assigned.

- Q. Salary Placement Assessment (SPA): A process to determine an equitable Base Pay Rate upon review of a candidate or employee's Bona Fide Factors and the Minimum Qualifications of their Position.
- R. Transfer: Movement of an eligible employee to a different Position within the same Classification. A Transfer occurs within the employee's current department (Intra) or results in movement to a different department/appointing authority (Inter), and may be voluntary or involuntary.
- S. Work of Comparable Character (WCC): Work that requires substantially similar knowledge, skills, effort, responsibility, and working conditions in the performance of work regardless of Position Description or job title.
- T. Work Out-of-Classification: When an employee is assigned and/or authorized to perform duties of a higher paid Classification for a limited span of time.

V. POLICY GUIDELINES

Compensation Plan

The Department of Human Resources is responsible for maintaining the Compensation Plan and presenting the County Administrator with information as to the adequacy of the County's Compensation Plan. The County Administrator has the final authority over the Compensation Plan.

Salary grades and associated ranges within the Compensation Plan will be established based on Work of Comparable Character, availability of labor, market pay rates, and financial conditions of the County. The County Administrator shall approve compensation of all jobs covered by the Classification Administration and Pay Administration Policies.

Salary Grade Adjustments (Salary Grade Changes)

The County Administrator, based on the Department of Human Resources' recommendations, may approve adjustments in salary grade(s) as necessary to attract and retain competent employees and to ensure internal pay equity between the various Classifications. Such Salary Grade Adjustments are to be distinguished from salary increases based on time in classification or exceptional performance.

Cost of Living Adjustment (COLA)

The County may adjust the Compensation Plan by applying a COLA. The County follows a practice of aligning a COLA percentage to an identified US Consumer Price Index. A COLA may be influenced by Collective Bargaining Agreement (CBA) language.

Minimum Wage

The County complies with the minimum Base Pay Rate as established by the State of Oregon.

Minimum Qualifications of Classifications

Each Classification and position have Minimum Qualifications which are established based on the specialized knowledge and responsibilities of the work performed. Minimum Qualifications include experience, education, training and/or certification, skills and abilities. Every employee and referred candidate must meet the established Minimum Qualifications.

Meeting the Minimum Qualifications for a Classification correlates to an equitable Base Pay Rate at the minimum of the salary range for employees and referred candidates. Exceeding the Minimum Qualifications typically correlates to a Base Pay Rate above the minimum of the salary range.

For the purposes of determining pay for a candidate/employee, Clackamas County uses three Bona Fide Factors: EPA Seniority (seniority system), EPA Experience (experience), and performance (merit system) to the extent these factors are documented and can be verified.

Employees who perform Work of Comparable Character must be paid the same unless the entire difference is based on one or more Bona Fide Factors applied in a consistent manner.

Upward Action Determination

There are a variety of Placement and post-Placement Events that change an employee's current salary grade, and therefore, may impact an employee's Base Pay Rate. Human Resources Department, Classification and Compensation uses a 4.0% comparison to determine if an action is upward in nature. An upward action occurs when the maximum hourly pay rate of the new salary range is at least 4.0% higher than the maximum hourly pay rate of the current salary range.

Probation Associated with Placement Events

There are a variety of Placement Events that require an employee to serve an amount of time in a probationary status. This probation is in addition to and not the same as the initial probation an employee serves as a new hire or rehire to the County. There may be situations where these two distinct probation timeframes are served concurrently or where the overall amount of time an employee serves in a probationary status is lengthened to complete both probation timeframes. The duration of these required probation periods is never shortened.

Red Circle or EPA Related Base Pay Rate Freeze

Under rare circumstances during a Placement Event, Human Resources may recommend continuing the Base Pay Rate of an employee if the employee's Base Pay Rate is above the maximum pay rate of a Placement Event's salary range. This action is referred to as a red circle and requires County Administrator approval. If red circling is approved, the employee's Base Pay Rate will be held constant, which means the employee will not be eligible to receive pay adjustments such as salary increases and Cost-of-Living Adjustments, until the salary range of their position/classification exceeds the red circled Base Pay Rate.

Under certain circumstances, if an employee is found to be above the expected pay rate because of an Equal Pay Analysis, the County may apply an EPA Freeze to hold the base pay rate constant as other employees come into alignment.

VI. PROCESS AND PROCEDURES

Placement Event: Entrance Salary (New Hire / Rehire)

With any Placement Event, Classification and Compensation will conduct a Salary Placement Assessment (SPA) to determine an equitable Base Pay Rate based on the applicant or

employee's Bona Fide Factors. The Base Pay Rate must be a rate within the salary grade/range of the applicant or employee's new Classification.

The following procedures will be used to ensure accuracy and equity for all new hires and rehires:

1. The applicant or employee will be given an opportunity to describe their relevant prior external and internal experience. External experience is experience gained with any other employer, committee, association and organization. Internal experience is experience gained while working in the County's employment. In compliance with Oregon EPA, the County does not seek the salary history of a new hire applicant.
2. Classification and Compensation will compare the applicant or employee's EPA Experience against the Minimum Qualifications for the Position.
 - A. If an applicant or employee's EPA Experience meets, but does not exceed, the Minimum Qualifications for the Position and the employee does not have EPA Seniority, Classification and Compensation will offer the minimum pay rate or first step in the salary range as the Base Pay Rate.
 - B. If an applicant or employee's EPA Experience exceeds the Minimum Qualifications for the Position, Classification and Compensation may offer a Base Pay Rate higher than the minimum pay rate or first step in the salary range. The offered rate will be commensurate with how much EPA Experience the applicant or employee has beyond the Minimum Qualifications for the Position, and/or the County EPA Seniority if applicable. For salary ranges that utilize steps, the offered rate will be the closest step.
 - C. The maximum Base Pay Rate that may be offered to an applicant with no County EPA Seniority within the last three years is 5% below the maximum pay rate within the relevant salary range.
 - D. An employee rehired, including a retiree, is not guaranteed the same Base Pay Rate they had at the time they left the County's employment. The Base Pay Rate at rehire may be higher or lower, depending on the outcome of the Salary Place Assessment as described above.
 - i. Associated with this Placement Event, unless specified otherwise in a collective bargaining agreement:
 - ii. Probation is twelve (12) calendar months from date of hire/rehire. This Probation does not apply to Temporary, Seasonal Temporary, On-Call status, nor Non-represented Employment Agreement positions.
 - iii. Salary Increase Eligibility Date is first of the month following six (6) full calendar months from date of hire/rehire, and then on an annual cycle from that date.

Placement Event: Rehire Reinstatement into Same Classification

Base Pay Rate: The Base Pay Rate for a former employee reinstated to an eligible vacant Position within the Classification held at time of resignation will be determined by considering both methods listed below, applying the method that yields the higher pay rate.

1. Human Resources will complete a Salary Placement Assessment in the same manner as a Placement Event in accordance with the provision of the Oregon Equal Pay Act.
2. A review of the Base Pay Rate at time of resignation from the County. Employee is offered the higher of the two rates, not to exceed the maximum of the salary range.
 - A. Associated with this Placement Event, unless specified otherwise in a collective bargaining agreement:
 - B. Probation is not applied, unless employee was serving a non-initial County probation which would be reinstated.
 - C. Salary Increase Eligibility Date is first of the month following six (6) full calendar months from date of reinstatement, and then on an annual cycle from that date.
3. Placement Event for Rehire Reinstatement into Same Classification does not apply to:
 - A. Initial County Probationary status
 - B. Limited Term Appointment status
 - C. Retiree status
 - D. Temporary, Seasonal Temporary, On-Call status
 - E. Non-represented Employment Agreement Positions

Post Placement Event: Salary Increase

New employees or promoted employees who meet performance expectations are eligible for advancement to the next step or applicable percentage increase within the salary grade for their Classification on the first of the month following six (6) months from their first day of work in the Position.

Thereafter, employees who continue to meet performance expectations are eligible for a salary increase at the conclusion of twelve (12) months of continuous service since their last in-grade salary adjustment other than an approved exceptional increase. Eligibility for salary increases shall continue in this manner until employees reach the last step or maximum rate in their respective salary grade.

Temporary and Less than Half Time Part-Time Employees are eligible for additional merit reviews within their job's salary grade after every two years of employment with no break in service following their last merit review. Based on the number of annual hours worked during the first year within the two year period and no breaks in service, an employee may be eligible for an additional merit. Merit increase shall be three and one-half percent (3.5%).

Denial or Deferral of Salary Increase: An employee whose salary increase is denied may be eligible for an increase following an additional six-month period during which successful performance is monitored and documented. If such a salary increase is granted, the employee's new date of eligibility for a salary increase shall be one year from the date of the last salary increase.

Exceptional Salary Increase: An Appointing Authority may request an exceptional increase for an employee when the employee's performance is outstanding in relation to other employees in the same department, and the employee's outstanding performance is documented according to a written performance evaluation. This request is reviewed by Classification and Compensation with a recommendation presented to the County Administrator for final decision and approval.

This recommendation includes a review of the reasoning cited for the increase, review of Bona Fide Factors used for the Work of Comparable Character group and the internal alignment based on those factors. The amount of an exceptional increase is limited to the maximum amount of a regular salary increase or one step, not to exceed the maximum of the range. Exceptional increases will not affect an employee's established salary increase date.

Placement Event: Salary Grade Adjustment (Salary Grade Change)

A Salary Grade Adjustment that results in an increase or decrease to the minimum and/or maximum pay rates of the range may require a review of the impacted employees' Base Pay Rates.

Classification and Compensation will consider the employee's current pay rate in relation to the new salary grade and based on the Bona Fide Factors considered in the Salary Placement Assessment process, may adjust the employee's Base Pay Rate. An employee's base pay rate within the new salary range will not be reduced as a result a Salary Grade Adjustment unless it exceeds the maximum pay rate of the new salary range. If it exceeds, the employee's Base Pay Rate will be reduced to the maximum of the new salary range.

Associated with this Placement Event:

- a. Probation is not impacted.
- b. Salary Increase Eligibility Date is not impacted.

Placement Event: Promotion

The new Base Pay rate for a promoted employee will be determined by considering both methods listed below, applying the method that yields the higher pay rate.

- 1 Human Resources will complete a Salary Placement Assessment in the same manner as a Placement Event in accordance with the provision of the Oregon Equal Pay Act.
- 2 An increase of 3.5% to the employee's Base Pay Rate, not to exceed the maximum of the new Classification's salary range.
- 3 Associated with this Placement Event, unless specified otherwise in a collective bargaining agreement:
 - A. Probation is six (6) full calendar months from date of Promotion.
 - B. Salary Increase Eligibility Date is adjusted to the first of the month following six (6) full calendar months from date of Promotion, and then on an annual cycle from that date.
- 4 Placement Event for Promotion does not apply to:
 - A. Temporary, Seasonal Temporary, On-Call status
 - B. Non-represented Employment Agreement Positions

Promotion via Classification Advancement Plan

The Human Resources Director has authority to approve formal Classification Advancement Plans (Training and Development Plan/Promotional Path). If the Classification is represented, Union approval is also required.

Classification and Compensation and Department management work closely to design formal Classification Advancement Plans where appropriate. Approved plans are maintained by the Human Resources Department. Classification Descriptions will include language designating the Classification as having an approved Classification Advancement Plan.

When an employee successfully completes the Classification Advancement Plan and is therefore deemed qualified, the following applies:

1. *Promotion to a Vacant Position*: When a vacancy occurs, management may request a list of employees on the internal eligibility register, *or*
2. *Promotion Within Same Position*: When the Classification states a required timeframe, the employee must successfully complete the training and development program within the required timeframe and be promoted.
3. Base Pay Rate determination: Human Resources will assign a new Base Pay Rate as outlined in the Classification Advancement Plan or by completing a Salary Placement Assessment as per Placement Event: Promotion.

Placement Event: Reclassification

1. Upward Reclassification:

The new Base Pay Rate following Reclassification will be determined by considering both methods listed below, applying the method which yields the higher rate.

- A. Human Resources will complete a Salary Placement Assessment, in accordance with the provision of the Oregon Equal Pay Act.
- B. A 3.5% (or one step) increase above the employee's Base Pay Rate immediately prior to the date of Reclassification, not to exceed the maximum of the higher Classification's salary range.

2. Other Reclassifications:

Employee's Base Pay Rate will be determined by considering both methods listed below, applying the method that yields the higher pay rate.

- A. Human Resources will complete a Salary Placement Assessment, in accordance with the provision of the Oregon Equal Pay Act.
- B. Employee's Base Pay Rate immediately prior to the date of Reclassification, not to exceed the maximum of the new Classification's salary range.

Effective date of Reclassification: Employees who meet the reclassification criteria will be reclassified effective the date the employee completes and signs a Position Questionnaire. Effective date may be adjusted if the employee does not meet Reclassification criteria at the time the employee signed the Position Questionnaire.

If an employee is reclassified/reassigned into a newly developed classification, the effective date will be the date the new classification was approved by the County Administrator. The employee's merit date shall be changed to the first of the month following six (6) full months from the effective date of the reclassification, and every twelve (12) months thereafter of continuous service until reaching the maximum of the grade.

Associated with this Placement Event, unless specified otherwise in a collective bargaining agreement:

- A. Effective Date: The date the employee completed and signed a Position Classification Questionnaire (PCQ).
 - i. Effective date may be adjusted where the employee did not meet Reclassification criteria at the time the employee signed the PCQ.
- B. Effective Date for Reclassification to a new Classification: The date the new classification was approved by the County Administrator.
 - ii. Effective date may differ if specified in approved staff report.
- C. Probation is six (6) calendar months from date of Upward Reclassification.
 - iii. Other Reclassifications: no Probation.
- D. Salary Increase Eligibility Date for Upward Reclassification is first of the month following six (6) full calendar months from effective date of reclassification, and every twelve (12) months thereafter of continuous service until reaching the maximum of the salary grade.
 - iv. Other Reclassifications: no change to Salary Increase Eligibility Date.
- E. Placement Event for Reclassification does not apply to:
 - v. Temporary, Seasonal Temporary, On-Call status

Personnel Action/Placement Event: Transfer With Different Salary Range

In unique cases where the same classification may carry a different salary range, the transfer is considered a Placement Event and as such, Base Pay Rate will be determined by considering both methods listed below, applying the method that yields the higher pay rate.

1. Human Resources will complete a Salary Placement Assessment in the same manner as a Placement Event in accordance with the provision of the Oregon Equal Pay Act.
2. Employee's Base Pay Rate immediately prior to the date of Transfer.

Associated with this Placement Event, unless specified otherwise in a collective bargaining agreement:

- A. Probation is six (6) full calendar months from date of Transfer.
- B. Salary Increase Eligibility Date is not changed. A performance review will be conducted by new supervisor six (6) months from date of Transfer.

Impact of Transfer to benefits and seniority:

Accrued Sick Leave	Retained, as allowed by new Position's collective bargaining agreement and/or applicable policies including if changing FTE.
Accrued Vacation	
Compensatory Time	Employee does not lose any accrued compensatory time. As agreed upon by the current and new appointing authorities, accrued compensatory time is:

	1) transferred with employee, 2) paid by current appointing authority prior to transfer, or 3) used by employee prior to transfer.
Longevity Dates/Credit	Retained, unless new Position is subject to different non-represented policies or collective bargaining agreement language. Any change to insurance benefits will be effective the first of the month following the date of Transfer.
Seniority	
Insurance Benefits	

Placement Event: Entrance Into Classification with Lower Salary Range via:

- Voluntary Demotion
- Voluntary Demotion in Lieu of Layoff
- Involuntary Demotion
- Career Change Demotion
- Reassignment – ADA/Worker's Compensation

These actions result in the movement of an employee to a Position in a new Classification that carries a lower salary range.

Human Resources will determine the New Base Pay Rate by completing a Salary Placement Assessment in the same manner as a Placement Event in accordance with the provision of the Oregon Equal Pay Act.

Involuntary Demotion: Classification and Compensation will conduct a Salary Placement Assessment similar to voluntary and career change demotions, unless otherwise specified in a disciplinary action.

Associated with this Placement Event, unless specified otherwise in a collective bargaining agreement:

- A. Probation is six (6) full calendar months from date of entrance.
- B. Salary Increase Eligibility Date is first of the month following twelve (12) full calendar months from date of entrance, and then on an annual cycle from that date.
- C. Career Change Demotion: Salary Increase Eligibility Date is first of the month following six (6) full calendar months from date of entrance, and then on an annual cycle from that date.

Placement Event for Entrance into Classification with Lower Salary Range, excluding for Reassignments – ADA/Worker's Compensation, does not apply to:

- A. Temporary, Seasonal Temporary, On-Call status.

Demotion in Lieu of Layoff does not apply to Limited Term Appointment Status.

Placement Event: Appointment from Layoff Register

This Placement Event applies to situations where an appointment is made from a recall/layoff list for a current or former employee to return to a vacant Position within the Classification held at time of layoff from the County/reclassification.

Base Pay Rate: The Base Pay Rate will be determined by considering both methods listed below, applying the method that yields the higher pay rate.

1. Human Resources will complete a Salary Placement Assessment in the same manner as a Placement Event in accordance with the provision of the Oregon Equal Pay Act, unless specified otherwise in a collective bargaining agreement.
2. A review of the Base Pay Rate at time of layoff/reclassification or placement on layoff list plus cost-of-living adjustments and other Salary Grade Adjustments. Employee is offered the higher of the two rates, not to exceed the maximum of the salary range.
3. Associated with this Placement Event, unless specified otherwise in a collective bargaining agreement:
 - A. Probation is six (6) full calendar months from date of recall if different workgroup and/or department.
 - i. No probation if return to same or similar workgroup within the department.
 - B. Salary Increase Eligibility Date is first of the month following six (6) full calendar months from date of recall, and then on an annual cycle from that date.
4. Placement Event for Recall/Layoff List does not apply to:
 - A. Limited Term Appointment status
 - B. Temporary, Seasonal Temporary, On-Call status
 - C. Non-represented Employment Agreement Positions
 - D. Initial County Probationary status

Placement Event: Work Out-of-Classification

To facilitate operations, management may assign employees work to fulfill a role or need that is outside the scope of the employee's current Classification.

Work Out-of-Classification (WOC) is a form of add-to-pay which occurs when an employee is assigned and/or authorized to perform duties of a higher paid Classification for a limited span of time. At the conclusion of a paid WOC assignment, the WOC add-to-pay is removed.

WOC is intended to apply only to work situations where the difference between work levels and duties and responsibilities are clear, where the employee meets the criteria for a WOC assignment, and the intent is temporary in nature.

WOC does not:

- Apply when additional supervisory responsibilities or other newly assigned duties are described in the employee's current classification.
- Provide higher level pay for an employee who gradually or through normal assignment believes they are working at a higher Classification level. This situation is to be addressed through Classification and Compensation's Position Review process.
- Provide higher level pay for an employee in a developmental status where the employee is completing a formal Classification Advancement Plan or other training plan, or is assigned some duties of a higher-level Position. As the employee in a developmental status is not fully performing the work of a higher level classification, and may not meet

the Minimum Qualifications of the higher level classification, no WOC pay would be granted.

- Change existing status accruals such as seniority, eligibility for salary increases, vacation, and other benefits at the higher classification level

Criteria for Work Out-of-Classification:

Work Out-of-Class may be continuous or hourly. In order to perform continuous out of class work (previously TOC) or hourly out of class work (previously SOC), employees must meet the following criteria:

- Meet the higher Classification's Minimum Qualifications to perform approved out of class work.
- Perform approved out of class work for the majority of the employee's time during the assignment, which is understood to be a minimum of 75% of the employee's time during the assignment.
- Work out of class assignment is designated continuous, not hourly, when management's intent for the assignment is a minimum of 30 consecutive days unless specified otherwise in a collective bargaining agreement.

Management is responsible for processing a Personnel Action form and monitoring the duration of assignment and end date.

Continuous Work Out-of-Class (WOC1): The continuous add-to-pay rate will be determined by considering both methods listed below, applying the method that yields the higher pay rate, not to exceed max of designated Classification's salary range.

1. Human Resources will complete a Salary Placement Assessment in the same manner as a Placement Event in accordance with the provision of the Oregon Equal Pay Act.
2. A 3.5% (or one step) increase above the employee's Base Pay Rate, not to exceed the maximum of the higher Classification's salary range.
3. An employee will typically receive WOC1 pay effective the date the assignment began.

Hourly Work Out-of-Class (WOC2): Determination of pay for Hourly Work Out-of-Class pay is 3.5% of base hourly rate or to the minimum of the range, whichever is higher, not to exceed max of designated Classification's salary range.

For rare circumstances where Classification and Compensation has approved a WOC assignment for an employee who has been authorized to perform work outside the scope of their current Classification that is higher level, clearly defined, and the majority of the employee's time but not described by an existing Classification, the WOC add-to-pay rate is 3.5% (or one step) increase above base hourly pay rate.

Work Out-of-Class During Position Reviews: It is not appropriate to place an employee into a WOC1 or WOC2 status during a PCQ Review/Reclassification request. As part of Classification and Compensation's process for PCQ Reviews/Reclassification requests, an employee's time

spent working out of Classification will be identified. At the conclusion of the PCQ review, any identified retroactive work out of Classification time will be calculated by Payroll.

Refer to Collective Bargaining Agreement language for premium pay related to designated trainers/training officers/field training officers.

This Placement Event for Work Out-of-Classification does not apply to:

A. Temporary, Seasonal Temporary, On-Call status

Add-To-Pay: Bilingual Pay

Employees who have passed a bilingual proficiency test and are serving in positions designated by Departments and Human Resources as bilingual are eligible to receive the bilingual add-to-pay. Bilingual Pay is paid as an additional 5% of base hourly rate.

The bilingual requirements must be documented in the appropriate non-represented or represented classification description, written job description, job posting, and on the position description.

Continuous Bilingual: Position requires employee to use second (or more) language, including American Sign Language (ASL), as a condition for holding a particular Position. Requirement is designated on Position Questionnaire and Certification of Bilingual Skills.

Sporadic Bilingual: Position does not require the use of second (or more) language, including American Sign Language (ASL), as a condition for holding a particular Position, but employee is authorized by their supervisor to utilize their bilingual skills in a sporadic nature. and when filling in for a bilingual required Position.

Required Use or Sporadic Use must be documented by an approved certification of bilingual requirement form and required per the classification.

Sporadic Use: Employee is paid for actual time performing bilingual duties, rounded up to the nearest fifteen minutes. Sporadic Bilingual Pay does not apply to non-represented positions.

Special Pay Considerations for Designated Non-represented Positions/Classifications

The County Administrator holds the authority to approve special pay in a manner that is compliant with federal, state, and local laws. In approving special pay and designating a specific non-represented Position(s)/Classification(s) as eligible for special pay, the County Administrator will consider Classification and Compensation's OEPA analysis and recommendation conducted on a request from an Appointing Authority. Approved special pay will document the eligibility criteria, Bona Fide Factors, and terms of the special compensation. Special pay may be discontinued at any time on a prospective basis at the County Administrator's discretion.

The County Administrator also holds the authority to designate specific non-represented Classifications/Positions for employment agreement status. Employment agreements may include language regarding the employee's eligibility for merit system compensation.

EPPs Containing Additional Relevant Information

- EPP 21 – Position Allocation and Job Requisition Procedures
- EPP 70 – Classification Administration

For additional information regarding the Reclassification and refill of an existing Position and to establish a new Position, refer to *EPP 21 Position Allocation and Job Requisition Procedures*.

For information regarding the actions and processes that impact or change an employee's Classification, refer to *EPP 70 Classification Administration*.

VII. ACCESS TO POLICY

Access to this administrative policy will be:

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