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WASCO COUNTY

PERSONNEL ORDINANCE

Amended: March 4, 1992



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IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF AN AMENDED WASCO) ORDINANCE
COUNTY PERSONNEL ORDINANCE. )

THE COUNTY COURT OF WASCO COUNTY, OREGON, DOES ORDAIN AS FOLLOWS:

CHAPTER 81 - INTRODUCTORY MATTER


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81.010. SHORT TITLE. This Ordinance shall be known as the Wasco County Personnel Ordinance.



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81.020. PURPOSE. This Ordinance is intended to implement and give effect to the Wasco County Civil Service Act, to regulate County personnel administration insofar as the same may not be controlled by the provisions of that Act or the statutes of this State, to set forth those personnel policies adopted by the County Court, and to establish an efficient and economical County service.

81.030. INTERPRETATION. This Ordinance shall be liberally construed to effect the purposes set forth above.

81.040. REPEALER. Any personnel action taken prior to the effective date of this Ordinance shall be governed by the rules in effect at the time of such action and shall not be affected by the adoption of this Ordinance. Except as herein provided, all prior Orders of this Court concerning employment conditions and compensation are hereby repealed. This repeal includes but is not limited to the Orders and Resolutions of this Court upon such subjects dated:

(1) May 2, 1962; April 11, 1964; April 15, 1964; February 10, 1965; September 7, 1966; October 5, 1966; August 22, 1967; December 27, 1967; and September 11, 1968; relating to the Columbia Basin Nursing Home.

(2) May 3, 1963; and August 18, 1968; relating to the Wasco County Road Department;

(3) February 10, 1965; relating to the Wasco County Courthouse Employees;

(4) October 11, 1967; relating to all Wasco County employees.

81.050. SEVERABILITY. The provisions of this Ordinance are severable. If any section, sentence, clause or phrase of this Ordinance is adjudged to be invalid by a Court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Ordinance.



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81.060. EDITORIAL REVISION. The District Attorney may at any time direct such changes regarding currently maintained copies of this Ordinance as the legislative counsel is authorized to perform regarding acts of the legislature, pursuant to ORS 173.160, provided that such editorial revision be directed by written memorandum filed with the Clerk, but subject to disapproval by the County Court at its next regular meeting thereof following such filing.

81.070. DISTRIBUTION. The Clerk shall file and retain the original of this Ordinance, together with all amendments thereto and memoranda of editorial revision. He shall maintain in loose leaf form one or more copies of all provisions in effect at any time, reflecting amendments and editorial revisions, and make the same available for public inspection at his office during the regular office hours thereof. In addition he shall distribute at least one copy, together with all replacement pages necessary to keep the same in current condition, to the following:

(1) the County Court, the District Attorney, the Law Library, and each judicial officer within the County;
(2) each department head not enumerated above;
(3) each person or organization recognized by the County Court as a bargaining agent for persons employed in the County service;
(4) the Civil Service Commission; and
(5) any other person requesting the same, upon payment of such fee therefore as may be set by the County Court from time to time.

81.090. EFFECTIVE DATE. This Ordinance shall become effective on _____, 1992. Amendments thereto, unless otherwise specified, shall take effect when filed with the Clerk. Editorial revisions shall become effective, unless disapproved by the County



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Court, on the first judicial day following the first regular meeting of the County Court after the directing memorandum is filed with the Clerk.

81.100. ORDINANCE REVISIONS. The Wasco County Personnel Ordinance shall be reviewed by a Committee designated by the Wasco County Court at least once every three (3) years.

81.500. DEFINITIONS. The following definitions shall apply whenever the indicated term is used in this Ordinance. Words used in the present tense include the future. Words used in the singular include the plural and words used in the plural include the singular. Masculine words include the feminine. The word "Shall" is mandatory and not directory.

81.510. ANNIVERSARY DATE. Except as otherwise specifically provided in this Ordinance, a person shall be deemed employed in the County service upon the date he first reports for work therein if it is the first day of a monthly pay period, otherwise upon the first day of the next monthly pay period, and such date shall be used for all longevity computations.

81.520. APPOINTING AUTHORITY. That person authorized to appoint an employee to the County service within a department.

81.530. APPOINTMENT. Any means of selecting and employing a person in the County service.

81.540. CIVIL SERVICE COMMISSION. That body designated to administer the Civil Service Act.

81.550. CIVIL SERVICE RULES. The rules duly adopted by the Wasco County Civil Service Commission pursuant to the requirements of the Civil Service Act.



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81.560. CLASS OR CLASSIFICATION. A group of positions in the County classified service sufficiently alike in duties, authority and responsibilities that the same qualifications may reasonably be required for, and the same schedule of pay can be equitably applied to all positions in the group.

81.570. CLASS PLAN. The written description of a class, containing a title, statements of duties, authority and responsibilities and the desired minimum qualifications for the class.

81.580. CLASSIFIED SERVICE. See Section 82.013.

81.590. COUNTY COURT. The County Court of Wasco County, Oregon.

81.600. THE COLUMBIA BASIN NURSING HOME.

81.610. DEPARTMENT. See Sections 82.100-150.

81.620. DISCRIMINATION. See Section 84.310.

81.630. EXCLUDED SERVICE. See Section 82.011.

81.640. FULL-TIME EMPLOYEES. A person employed within a department of County service to work substantially that number of hours determined to constitute full-time employment within that department. For the purpose of determining whether an employee is within the classified service and within the purview of the Civil Service Commission Rules, part-time employees regularly employed to work not less than one-half of the hours determined to constitute full-time employment in the department shall be considered full-time employees.

81.650. HOLIDAYS. See Sections 86.110-130.

81.660. MONTHLY PAY PERIOD. See Section 85.410.

81.670. OVERTIME. See Sections 85.510-515.

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81.680. PART-TIME EMPLOYEES. A person employed within the County service who is not regularly employed to work within a department substantially that number of hours determined to constitute full-time employment within that department.

81.690. PERSONNEL ACTION. Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal or any other action affecting status of employment.

81.700. RECLASSIFICATION. A change in class allocation of an individual position upon the basis of significant changes in the kinds, difficulty or responsibility of the work performed in such position.

81.710. REGULARLY EMPLOYED. A substantially continuous, routinely repeated or usual, course of scheduled employment in the County service.

81.720. SALARY RANGE. A series of increasing salary steps fixed within the compensation plan of the County and applicable to one or more positions within the County service.

81.730. SALARY RANGE ADJUSTMENT. See Section 85.310.

81.740. SEASONAL EMPLOYEE. A person employed within the County service for a fixed term less than six (6) months.

81.750. STEPS. A particular salary level fixed within a salary range provided by the compensation plan of the County.

81.760. TRANSFER. See Section 84.810.

81.770. UNCLASSIFIED SERVICE. See Section 82.012.

81.780. WORKDAY OR WORK WEEK. A calendar day or calendar week. Provided, that such day or week may commence or end at a time other than midnight when departmental shifts designated pursuant to Section 86.030 so specify.



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CHAPTER 82 - GENERAL PROVISIONS

82.010 - Categories of Positions
82.011 - Excluded Service
82.012 - Unclassified Service
82.013 - Classified Service
82.100 - Departments of County Service
82.110 - Administered Departments
82.120 - Supervised Departments
82.130 - Elected Departments
82.140 - Supported Departments
82.145 - Multi-agency Departments
82.150 - Assisted Departments
82.200 - Civil Service Rules
82.300 - Local Budget Laws
82.510 - Part-time Employment Benefits
82.520 - Seasonal Employment Benefits
82.530 - Full-time Employment

82.010. CATEGORIES OF POSITIONS IN COUNTY SERVICE. Positions in the service of the County are divided into the following categories: the exempt service, the unclassified service; and the classified service.

82.011. THE EXCLUDED SERVICE. The Ordinance shall not apply to persons in the excluded service of the County. The excluded service shall include:

(1) any officer chosen by popular election or appointed to fill a vacancy caused by the death, resignation or removal of any such officer;
(2) any person appointed to a position to serve without compensation from the County other than reimbursement for his expense incurred in such position;
(3) any person employed jointly by the County and by another governmental unit or body for their mutual benefit;
(4) any person providing services to the County as an independent contractor;
(5) any official reporter, bailiff or crier, subject to appointment by any Court or Judge or Justice thereof;
(6) any deputy district attorney;
(7) any doctor or intern employed by, in or at the Columbia Basin Nursing Home or any other home maintained by the County for the detention or care of juveniles;



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(8) any person holding a position subject to the jurisdiction of the Civil Service Commission created by ORS 242.706, or any chief examiner appointed under ORS 242.716; and

(9) any temporary employee.

82.012. THE UNCLASSIFIED SERVICE. Except where specifically provided otherwise, this Ordinance shall apply to persons in the unclassified service of the County. The unclassified service shall include:

(1) any person contracted with to perform manual labor, skilled or unskilled, in the construction, maintenance and repair of County property; provided, however, that electrical workers, members of road and bridge crews and laborers permanently employed shall be considered within the classified service unless otherwise provided by the Civil Service Act or the rules of the Civil Service Commission;

(2) any nurse, superintendent or other executive officer, employed by Columbia Basin Nursing Home, or any home maintained by the County for the detention or care of juveniles;

(3) any assistant to the County Court;

(4) any roadmaster of the County; and

(5) any part-time or seasonal employee.

82.013. THE CLASSIFIED SERVICE. This Ordinance shall apply to all persons within the classified service, except where such application is specifically prohibited by the terms of the Civil Service Act. The classified service shall include all offices and positions in the County service which are not covered by Sections 82.011 or 82.012 of this Ordinance.

82.100. DEPARTMENTS OF COUNTY SERVICE. Persons within the County service may within one or more of the following departments and divisions of County government, described in Sections 82.110 - 82.140, and persons employed therein shall act subject to the direction of the indicated department head.

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82.110. ADMINISTERED DEPARTMENTS. Employees serving within the following departments administered directly by the County Court are responsible to the County Judge who shall be considered the department head and appointing authority of:

(1) the Parks and Cemeteries Department;
(2) the Planning and Development Department;
(3) the Veterans' Service Department;
(4) the County Buildings Maintenance Department;
(5) the Emergency Management Services Department;
(6) the Community Corrections Department.

82.120. SUPERVISED DEPARTMENTS. Employees serving within the Columbia Basin Nursing Home and County Road Department, administered indirectly by the County Court, are responsible to a supervisor who shall be considered the department head and appointing authority. But, the County Court shall be considered the appointing authority of the Columbia Basin Nursing Home Administrator and the County Roadmaster.

82.130. ELECTED DEPARTMENTS. Employees serving within the following departments are responsible to an elected official who shall be considered the department head and appointing authority of:

(1) the Assessor's Department (Assessor);
(2) the Clerk's Department (Clerk);
(3) the Sheriff's Department (Sheriff);
(4) the Surveyor's Department (Surveyor);
(5) the Treasurer's Department (Treasurer); and
(6) the County Court's Department (County Judge).

82.140. SUPPORTED DEPARTMENTS. Employees serving with the following departments are responsible to an official of the State of Oregon who shall be considered the department head and appointing authority:

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(1) the Juvenile's Department (Circuit Court Judge);
(2) the District Attorney's Department (District Attorney);
(3) the Watermaster's Department (Watermaster); and
(4) the Extension Service's Department (Agents).

82.145. MULTI-AGENCY DEPARTMENTS. Employees serving within the following departments administered indirectly by joint agreement with the County Court and other affected agencies are responsible to a supervisor who shall be considered the Department Head and appointing authority, but the County Judge and other responsible officials from the affected agencies shall be considered the appointing authority of:

(1) Wasco-Sherman Public Health Department (Public Health Administrator);
(2) Museum Department (Commission Chairman); and
(3) Mid-Columbia Center for Living (Center for Living Administrator).

82.150. ASSISTED DEPARTMENTS. Employees may be assigned to assist one or more agencies, authorities, boards, bureaus, commissions, committees, divisions, or departments upon a loaned basis and in so serving shall act under the direction thereof but remain responsible to their regular department head. If such employee has no other appointing authority the County Judge shall be deemed the appointing authority.

82.200. CIVIL SERVICE RULES. All personnel actions relating to employees within the classified service of the County shall conform to the rules of the Civil Service Commission insofar as the same may be made binding by the Civil Service Act.

82.300. LOCAL BUDGET LAW. The County shall provide sufficient funds for the operation of the compensation plan herein provided in salary range adequate to attract competent employees to the County



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service but at all times in compliance with the provisions of the Local Budget Law. In preparation of departmental budgets, each department head shall include sufficient funds to provide for reasonably foreseeable salary increases and expenditures resulting from appointments and promotions. NO SALARY INCREASE SHALL OCCUR UNLESS THE APPOINTING AUTHORITY CERTIFIES THAT SUFFICIENT FUNDS ARE AVAILABLE TO COVER THE COST OF THE INCREASE AND THAT NO DEFICIENCY WILL THEREBY BE CREATED. The County Court shall provide funds required to cover the costs of adjusting salary ranges in a manner consistent with sound budgetary administration. All increases are subject to the availability of budgeted funds.

82.510. PART-TIME EMPLOYMENT BENEFITS. At the conclusion of six (6) months of employment within the County Service, a part-time employee shall receive the sick leave benefit prorated on the basis of that employee's average monthly hours expressed as a percentage of the regular full-time hours per month of that department (162.5 hours for Courthouse and Annex Departments, 173.33 hours for Sheriff's, Road and Nursing Home Departments). The average monthly hours shall be calculated over the preceding six (6) month period and recalculated each six (6) month period thereafter.

At the conclusion of one (1) year of employment with the County Service, a part-time employee shall receive the vacation benefit prorated on the basis of that employee's average monthly hours expressed as a percentage of the regular full-time hours per month of that department (162.5 hours for Courthouse and Annex Departments, 173.33 hours for Sheriff's, Road and Nursing Home Departments). The



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average monthly hours shall be calculated over the prior one (1) year period. Accrual of vacation benefits for part-time employees shall be at the rate of each monthly percentage of full-time employment after one (1) calendar year times 1/12 of the annual rate as defined in Article 86.211.

EXAMPLE:

60 hours divided into 162.5 (Full-time hours per month) = .37
.37 times allowed sick leave or vacation for any full-time employee per approved charts or contracts.

The same formula shall work for employees on 8 hour shifts (173.33 hours per month and 2080 hours per year).

HEALTH, DENTAL AND LIFE INSURANCE. The County shall allocate and apply an amount equal to the amount allocated for full-time employee coverage for any part-time employee working a minimum of one-half the hours (81.25 for Courthouse/Annex and 86.67 for Sheriff's Department, Nursing Home and Road Department) regarded as full-time employment (162.5 for Courthouse/Annex and 173.33 for Sheriff's Department, Nursing Home and Road Department). Employees working less than the minimum required hours will not be eligible to receive Health, Dental and Life Insurance benefits. All the same rules apply regarding enrollments and changes.

82.520. SEASONAL EMPLOYMENT BENEFITS. Each seasonal employee whose term exceeds six (6) months shall become entitled to receive proportionate vacation and sick leave benefits computed in the same manner as though he were a full-time employee. No seasonal employee shall become entitled to vacation or sick leave by reason of seasonal employment in the County service unless he has been so employed for



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two separate terms totalling at least six (6) months within a period of two (2) calendar years.

82.530. FULL-TIME EMPLOYMENT. Each department head shall file with the Clerk a statement of the number of hours worked per month constituting regular full-time employment within his department, which in no event shall be less than 162.5 hours per month. From time to time he may amend such statement as conditions require.

CHAPTER 83 - EMPLOYEE RESPONSIBILITIES

83.010 - Assignment of Duties
83.020 - Confidentiality
83.030 - Acceptance of Gratuities
83.040 - Inconsistent Employment
83.050 - Appearance
83.060 - Political Activities
83.070 - Physical Examination
83.080 - Conduct
83.090 - Reporting Injury or Accident
83.100 - Attendance

83.010. ASSIGNMENT OF DUTIES. Each department head shall be responsible for the assignment of tasks to employees within his department. He may delegate authority and divide responsibility at his discretion. Each employee shall perform the tasks assigned to him and shall do so in an attentive, competent and efficient manner. Provided, however, that the department head in delegating authority and assigning responsibility for tasks to persons within the classified service shall comply with the rules of the Civil Service Commission applicable thereto.

83.020. CONFIDENTIALITY. Each department head may fix reasonable conditions for the release of information contained in the records of his department. No person in the County service shall reveal any



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information acquired in his capacity as a County employee otherwise than in accordance with the directions of his department head or as otherwise provided by law.

83.030. ACCEPTANCE OF GRATUITIES. No person in the County service shall solicit or accept any gift or gratuity from any person or group which is, has been, or foreseeably may be, the subject of such County employee's official duty. Provided that this section shall not be construed to prohibit accepting unsolicited donations to a department or departmental fund when the gift is of a value less than $50.00.

83.040. INCONSISTENT EMPLOYMENT. No person in the County service shall accept employment or compensation outside the County service without first disclosing the same to his department head or appointing authority. No person shall accept or agree to accept employment or compensation outside the County service when the department head or appointing authority has reasonably determined that such action is inconsistent with the good of such service or may appear to bring the department into disrepute.

83.050. APPEARANCE. Each person within the County service shall endeavor to present a neat and clean appearance while on the job. Persons serving within the following departments may be required to procure, wear and maintain uniforms prescribed by the department head:

(1) the Sheriff's Department; and
(2) the Columbia Basin Nursing Home's Department.

83.060. POLITICAL ACTIVITY. No person in the County service may be coerced, commanded or required to influence or give money, service or other valuable thing to aid or promote any political committee or to



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aid or promote the nomination or election of any person to public office. No person in the County service shall solicit money, influence, service or other valuable thing to aid or promote any political committee or the nomination or election of any person to public office while on the job during working hours.

83.070. PHYSICAL EXAMINATION. As a condition of obtaining or continuing employment in the County service, any person may be required by the department head or appointing authority to obtain and undergo a physical and/or psychological examination from a licensed physician of the person's choice and to make the results thereof available to said department head or appointing authority. Provided, however, that no such person shall be required to do so at his own expense after he has been inducted into the classified service, except as a condition connected with absence from employment.

83.080. CONDUCT. No person employed in the County service shall engage in any willful failure of good conduct tending to injure the County service, including but not limited to:

(1) incompetency;
(2) inefficiency;
(3) inattention to or dereliction of duty;
(4) dishonesty;
(5) intemperance;
(6) immoral conduct;
(7) insubordination; or
(8) discourteous treatment of the public or of fellow employees.

83.090. REPORTING INJURY OR ACCIDENT. Each employee shall report to his department head any incident resulting in injury or accident to himself or another when such incident is duty-connected or occurs during duty hours. The department head should immediately file the



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claim with the Payroll Clerk. Whenever there is a question on a claim the Department head shall notify the District Attorney and the employee shall cooperate with the District Attorney in such investigation as he shall undertake or cause to be made.

83.100. ATTENDANCE. Each person within the classified and unclassified service shall report for work promptly at the time, and remain working during the period, designated by his department head or appointing authority. In the case of absence due to illness or injury, the employee shall make all reasonable effort to notify the department in advance of his absence. Except in case of absence due to illness or injury, the department head may require the giving of advance notice and obtaining of approval. Where the absence is claimed to be due to illness or injury, the department head may require the absent employee to furnish satisfactory supporting evidence of cause.

CHAPTER 84 - SELECTION

84.010 - Appointment to Classified Service
84.020 - Interviews and Inspection of Examination Papers
84.030 - Additional Tests
84.110 - Filling Vacancies in Unclassified Service
84.210 - Applications to Law Enforcement Agencies
84.310 - Discrimination Prohibited
84.320 - Nepotism Prohibited
84.510 - Classification Plan
84.520 - Classified Service Classifications
84.525 - Unclassified Service Procedure
84.530 - Use of Class Titles
84.610 - Creation of New Positions
84.615 - New Positions in Classified Service
84.650 - Unfilled Positions
84.660 - Underfilled Positions
84.710 - Probationary Period
84.720 - Dismissal or Demotion During Probation
84.810 - Transfers
84.820 - Transfers Within Departments
84.830 - Transfers Between Departments
84.840 - Transfers in the Classified Service



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84.910 - Promotions
84.950 - Demotions
84.955 - Voluntary Demotions
84.960 - Demotions During Probation

84.010. APPOINTMENT TO CLASSIFIED SERVICE. All applications for, appointments to, and promotions or transfers within the classified service shall be made in accordance with the rules of the Civil Service Commission as the same may be made binding by the Civil Service Act.

84.020. INTERVIEWS AND INSPECTION OF EXAMINATION PAPERS. Prior to making any appointment or promotion within the classified service, the appointing authority may require candidates to come before him and may inspect their examination papers.

84.030. ADDITIONAL TESTS. In his discretion, the appointing authority may prepare, administer and consider such additional tests as he deems necessary to supplement information received from the Civil Service Commission in making appointments or promotions within the classified service.

84.110. FILLING VACANCIES IN THE UNCLASSIFIED SERVICE. Prior to making any appointment to, or promotion or transfer within, the unclassified service, the appointing authority may administer such tests, require the applicant to provide such information, conduct such investigation, and conduct such interviews as the appointing authority in his discretion may deem advisable.

84.210. APPLICATIONS TO LAW ENFORCEMENT AGENCIES. Any person applying for appointment within the Sheriff's Department, the District Attorney's Department, or the Community Correction's Department shall be deemed to give continuing consent to the department head to investigate



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police records concerning the applicant and members of his immediate family and such applicant may be required to submit to fingerprinting and photographing as a condition of such employment.

84.310. DISCRIMINATION PROHIBITED. The County is an equal opportunity employer as the same is defined by Federal Law and will permit no employment discrimination based upon race, creed, color, sex, national origin, mental or physical handicap.

(1) No question in any form of application or in any test shall be so framed as to elicit any information concerning the political or religious opinions or affiliations of any applicant for employment in the County service, nor shall any inquiry be made concerning such opinions or affiliations and all disclosures thereof shall be discounted.

(2) No discrimination shall be exercised, threatened or promised by any person in the County service against or in favor of any applicant, candidate, or employee because of his/her race or religious or political opinions or affiliations.

(3) No person applying for employment in the County service shall be rejected solely because of age. The provisions of this subsection shall not apply to those whose duties are classified as the regular duties of police officers or fire fighters.

(4) No person applying for employment in the County service shall be rejected solely because of the applicant's sex.

84.320. NEPOTISM PROHIBITED. No person shall be appointed to, promoted to, or transferred to a position in the County service in which his duties would be subject to or responsible for the supervision or review of a person related as closely as first cousin, whether the relationship is by blood or through marriage, and shall include the cases of sisters-in-law or brothers-in-law. This subsection shall not apply to occasional or part-time employees.

84.510. CLASSIFICATION PLANS. The Civil Service Commission shall classify all positions within the classified service and the County Court shall adopt a classification plan grouping all such positions



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into classes based upon the determinations of the Commission. In addition, the County Court may adopt and utilize such groupings within the unclassified service for similar positions and may adopt a classification plan for such service or parts thereof utilizing the classifications of the Civil Service Commission or other qualified persons for that purpose.

84.520. CLASSIFIED SERVICE CLASSIFICATIONS. Requests for amendment of the classification plan, for allocation of new positions, for reclassification of existing positions, for specifications and for minimum qualifications statements, shall be made and processed in accordance with Civil Service Rules as to all positions within the classified service. Such requests may be initiated by any appointing authority or by the County Court.

84.525. UNCLASSIFIED SERVICE PROCEDURE. As to any position in the unclassified service, requests listed in Section 84.520 shall be directed to the County Court. The County Court may adopt such procedure for the processing of such requests as appears most expedient in the particular case.

84.530. USE OF CLASS TITLES. The class title adopted by the Civil Service Commission shall be the official title of every position within the classified service for the purpose of personnel actions and shall be used on all payrolls, budget documents 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 purposes of internal administration or in contact with the public.



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84.610. CREATION OF NEW POSITIONS. No new position in the County service shall be created without the specific approval of the County Court. When an appointing authority desires to establish a new position, he shall direct such request to the County Court accompanied by:

(1) the appointing authority's certification that no expenditure of additional departmental funds will result; or
(2) the appointing authority's certification that sufficient funds are available within the departmental budget to cover the cost of the increase without creating a deficiency, specifying the source of such funds; or
(3) the appointing authority's statement of facts justifying such action and the consequent transfer of contingency funds.

84.615 NEW POSITIONS IN THE CLASSIFIED SERVICE. Whenever an appointing authority wishes to establish a new position in the Classified Service, he/she shall request to do so, in writing, to the County Court. The Personnel Department shall draw up a new job description from information supplied by the requesting department, submit it to the Wage and Classification Committee and to Civil Service and return it to County Court for final approval.

84.650. UNFILLED POSITIONS. No appointing authority shall be required to expend budgeted funds nor to fill any vacant position when, in his judgment, such action is unnecessary to the performance of County business.

84.660. UNDERFILLED POSITIONS. An appointing authority may temporarily appoint to any vacant position in the County service a person not then qualified for such position classification whenever:

(1) there are no available qualified candidates; or
(2) the position's duties can be temporarily adjusted to the persons qualifications; and if



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(3) in the case of positions within the classified service, the Civil Service Commission has been previously consulted and authorizes such action; and

(4) the person temporarily appointed receives only that pay rate for which the person is qualified.

84.710. PROBATIONARY PERIOD. Each person appointed or promoted to a position in the County service shall serve a probationary period of six (6) months, except that person appointed to a position in the criminal division of the Sheriff's Department shall serve a probationary period of one (1) year. Completion of a probationary period does not mean an automatic pay increase.

84.720. DISMISSAL OR DEMOTION DURING PROBATION. At any time during the probationary period the appointing authority may remove or demote an employee whose work does not meet required standards. No prior approval is required for such action but if the employee is serving within the classified service the appointing authority shall provide to the employee and to the Civil Service Commission a written report of the action and the reasons therefore, in accordance with Civil Service Rules. In the case of an employee serving in a position in the classified upon promotion from another such position who is demoted to the former position, the action is subject to review by the Commission; in all other cases, the appointing authority's decision is nonreviewable except for absence of good faith or violation of Section 84.310.

84.810. TRANSFERS. An employee may be transferred from one position to another in the same service having the same salary range within or without the department, whenever the transfer is for the

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good of the County service. Such transfers are to be distinguished from:

(1) transfer to a position in a class having a higher salary range - this constitutes promotion;
(2) transfer to a position in a class having a lower salary range - this constitutes demotion;
(3) transfer from a position in one service to a position within a different service - this constitutes a new appointment.

84.820. TRANSFERS WITHIN DEPARTMENT. The appointing authority, at any time, for the good of the service, may reassign an employee to another position within the same department.

84.830. TRANSFERS BETWEEN DEPARTMENTS. Transfers may occur between departments only with the consent of the employee and both appointing authorities.

84.840. TRANSFERS IN THE CLASSIFIED SERVICE. An employee within the classified service shall be the subject of transfer, as provided in Sections 84.820 and 84.830, only in accordance with the rules of the Civil Service Commission and shall be entitled to ten days notice of involuntary transfers.

84.910. PROMOTIONS. Promotions shall occur within the classified service only in accordance with the rules of the Civil Service Commission. Promotions shall occur within the unclassified service in the same manner in which new appointments are made within that service.

84.950. DEMOTIONS. An appointing power may involuntarily demote an employee who has fulfilled his probationary requirements only for a cause listed in Section 89.250 and after providing the employee with a written statement of particulars alleged to constitute the grounds for disciplinary action. If the demoted employee holds a position



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in the classified service, the appointing authority must comply with applicable Civil Service Rules and his action is subject to review in accordance with the Civil Service Act.

84.955. VOLUNTARY DEMOTIONS. Any employee in the County service may request demotion from a position in one class to a position in a class of lower rank. All such requests shall be in writing, and if the demotion is within the classified service are subject to Civil Service Commission approval. Such requests shall be granted whenever the applicant is qualified and the demotion would not result in the layoff of another employee.

84.960. DEMOTIONS DURING PROBATION. An employee in the classified service who is demoted during a probationary period which he is serving upon promotion from another position in the classified service shall be reinstated in his former position unless misconduct or delinquency is the reason for the failure to qualify in his probationary position.

CHAPTER 85 - COMPENSATION

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85.020 - Rates of Pay
85.030 - Entrance Salary
85.040 - Salary Increases
85.050 - Eligibility for Salary Increases
85.055 - Difference Between Steps
85.070 - Nursing Home Aides
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85.330 - Costs of Salary Range Adjustments
85.410 - Monthly Pay Period
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85.470 - Hourly Rates
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85.520 - Authorization for Overtime
85.550 - Eligibility for Overtime
85.560 - Overtime Compensation
85.570 - Overtime Compensation Rate

85.010. MAINTENANCE OF COMPENSATION PLAN. The County Court shall maintain a plan for the compensation of all persons within the County service whose salaries are not set by statute. The plan shall include, for each class, a minimum and a maximum rate and such intermediate rates as are considered necessary or equitable. The ranges shall reflect: the relative responsibilities of the class, availability of personnel and prevailing rates of pay.

85.020. RATES OF PAY. Each employee shall be paid at one of the rates in the salary range for the class in which he is employed.

85.030. ENTRANCE SALARY. Normally an employee shall be appointed or reinstated at the entrance rate for the class in which he is employed. Exceptions to this policy may be made by the County Court, upon request of the appointing authority, when justified by the qualifications and experience of the employee, the availability of qualified candidates for the position, and the resulting salary relationships with other similar positions.

85.040. SALARY INCREASES. Salary increases are not automatic but shall be based upon satisfactory service (and recommendation of the



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appointing authority). Such increases may be granted by the County Court when the appointing authority has recommended increase based upon high standard of work performance.

85.050. ELIGIBILITY FOR SALARY INCREASE. The employee shall advance to the second step upon completing twelve (12) months of satisfactory service in a class. Thereafter, advancement to the third step of the salary range may occur after one (1) additional year of satisfactory service within the classification. Thereafter, advancement to the fourth step may occur after one (1) additional year of satisfactory service within the classification. Thereafter, advancement to the fifth step may occur after two (2) additional years of satisfactory service within the classification. Thereafter, advancement to the sixth step may occur after two (2) additional years of satisfactory service within the classification.

85.055. DIFFERENCE BETWEEN STEPS. There shall be a difference of approximately five (5) percent between each salary step within the normal six step range.

85.070. NURSING HOME AIDES. Persons employed within the County service as Nursing Home Aides shall be considered to be within a multi-step range regardless of the number of steps provided within that range.

85.075. LIMITED-STEP RANGES. The compensation plan may provide for less than six steps within a particular range. In positions to which such ranges apply, the advancement to higher steps may occur after such periods of satisfactory service within the step as may be fixed for that particular range.



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85.080. EXCEPTIONAL INCREASES. When exceptional circumstances justify such action, and upon request of the appointing authority, the County Court reserves the right to approve exceptions to the general rules of eligibility for salary increases.

85.110. SALARY RATE UPON PROMOTION. When an employee is promoted to or otherwise appointed to a position in a class having a higher salary range, he shall not enter said range at the entrance level rate if such rate would be lower than the salary rate he was receiving before the promotion occurred. Such an employee shall enter at the rate he was receiving in his former position or shall be placed at a rate step in the new range which would provide the rate equivalent to a one-step increase. (The advancement to a higher step may occur after such period of satisfactory service within the step as may be fixed for that particular range.)

85.120. SALARY RATE UPON DEMOTION. If an employee is demoted or reclassified to a position or class with a lower salary range for reasons which do not reflect discredit upon his employment record, his salary rate may remain the same if it is within the salary range of the lower class or position. Demotion occurring during probation shall normally result in a corresponding reduction of salary rate. Demotion for cause shall normally result in a corresponding reduction in salary rate.

85.130. SALARY RATE UPON TRANSFER. When an employee is transferred his rate of pay remains the same.

85.210. COMPUTING ELIGIBILITY FOR SALARY INCREASE. In computing an employee's eligibility for salary increase and subject to Section



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85.450, the period shall be measured from the date of his promotion, reclassification or appointment to his position. Transfers shall not affect such computation.

85.220. PART-TIME EMPLOYEES. Part-time employees who are not regularly employed more than 81.25 hours a month within a department shall receive such compensation for their service as may be individually fixed by the appointing authority with the approval of the County Court. Part-time employees who are regularly employed more than 81.25 hours a month within a department shall be eligible for salary rate increase but the eligibility periods between salary rate steps shall be pro-rated.

85.225. SEASONAL EMPLOYEES. Seasonal employees shall receive such compensation for their services as may be individually fixed by the appointing authority with the approval of the County Court.

85.310. SALARY RANGE ADJUSTMENTS. The compensation plan is intended to provide reasonably competitive ranges of pay for each classification of County service. The County Court may annually review the compensation plan's achievement of this goal. The County Court may make adjustments in a salary range or ranges as it deems necessary to attract and hold competent personnel and to provide equity between the various classifications. Such salary range adjustments are to be distinguished from salary increases for individual employees as they are not intended to give recognition to length or quality of service but are to be based upon prevailing rates of pay for the various classes of work within the County service.

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85.320. EFFECT OF SALARY RANGE ADJUSTMENTS. The salary rate of an employee whose salary range is adjusted shall normally be adjusted the same number of steps that the revised range is adjusted and all employees so affected shall receive the adjustment uniformly. Such adjustments will not change an employee's eligibility for anniversary salary increases as provided in Sections 85.040-075, 85.210-225.

85.330. COSTS OF SALARY RANGE ADJUSTMENTS. Funds necessary to cover the costs of adjusting salary ranges shall be provided by the County Court in a manner consistent with sound budget administration.

85.410. MONTHLY PAY PERIOD. All monthly salaried employees shall be paid upon the basis of a monthly pay period beginning upon the first day of each calendar month and ending upon the last day of that calendar month. All hourly salaried employees shall be paid upon the basis of a monthly pay period beginning on the 26th day of each calendar month and ending upon the 25th day of the following calendar month. It shall be the County's policy to pay each employee on or about the last judicial day of each calendar month that compensation, less authorized and required deductions, which he has earned in the current monthly pay period.

85.430. EMERGENCY DRAW. Upon recommendation of the department head and under circumstances of an emergency nature, the County Court may authorize the County Clerk to pay an employee a sum of money representing an advance upon wages which he has already earned.

85.435. MONTHLY PAY DRAW. Each employee shall be entitled to one pay draw each month. This pay draw may be made on the 15th day of each month or the first business day after the 15th day of the



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month. Each employee may request a draw up to no more than the net amount earned by the employee on the date the draw is requested.

85.450. ANNIVERSARY DATE. For the purpose of computing eligibility for salary rate increases, each person appointed, promoted or reclassified into a position or classification or salary range shall be deemed to have been so on date such action occurred, if it was the next succeeding monthly pay period.

85.460. PAY FOR PARTIAL MONTH. In computing a partial month's pay, the amount paid to salaried personnel for working less than a full month shall be determined on the basis of pro-rating the number of days worked with the number of work days, including holidays, in that month.

85.470. HOURLY RATES. Hourly rates of pay shall be used for those positions within the County service where conditions of employment may warrant.

85.480. DAILY RATES. Daily rates shall be used only where conditions of employment warrant.

85.510. OVERTIME. Overtime shall be considered as periods worked in the employee's regular position in excess of the work week or workday regularly scheduled for that position. Periods of less than one-half hour may be disregarded. Work performed on holidays which fall within the department's regular work schedule shall not be considered as overtime work, except that employees working on such holidays shall be granted time off equal to the time worked unless otherwise provided for by Union Contract.

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85.515. SPLIT SHIFTS. All work performed in one day after 12 hours from the time the employee initially reports for work will be considered overtime.

85.520. AUTHORIZATION FOR OVERTIME. A department head may authorize overtime when in his judgment, work in excess of the standard work week or workday is required. Time worked, beyond the standard work week or workday will not be considered overtime unless it has been specifically authorized by the department head.

85.550. ELIGIBILITY FOR OVERTIME. The eligibility of positions within the classified service for overtime compensation shall be determined by the County Court. Exceptions to the rules regarding eligibility for overtime compensation may be approved by the County Court when, in their judgment, circumstances warrant making such an exception.

85.560. OVERTIME COMPENSATION. Compensation for overtime worked will normally be in the form of compensatory time off. The department head may authorize cash compensation when he deems the use of compensatory time off to be impracticable. Except for overtime earned in the last month of any Fiscal Year, compensatory time off and/or cash compensation must be provided within the Fiscal Year in which it has been earned for overtime worked. When an employee is terminated, he/she shall receive cash compensation for any overtime accrued. Weed and Pest Department employees are exempt from this Section.

85.570. OVERTIME COMPENSATION RATE. An employee shall be compensated for authorized overtime at the rate of one and one-half for

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each hour worked. In computing cash compensation, the conversion table furnished by the Civil Service Commission may be used to convert monthly, weekly or daily salaries into hourly amounts.

CHAPTER 86 - ATTENDANCE

86.010 - Normal Hours of Work
86.020 - Departmental Designations
86.030 - Designation of Departmental Shifts
86.110 - Holidays
86.120 - Weekend Holidays
86.140 - Holiday Compensation
86.211 - Paid Vacation Leave
86.215 - Vacation Accrual
86.230 - Scheduling Vacation Leave
86.240 - Accumulation of Vacation Credits
86.250 - Transfer Credits and Terminal Vacation Pay
86.310 - Sick Leave
86.320 - Verification of Illness or Injury
86.330 - Family Death
86.340 - Paid Sick Leave
86.350 - Absence Paid by State Accident Insurance Fund
86.360 - Sick Leave Without Pay
86.370 - Sick Leave Compensation
86.410 - Computation of Longevity
86.430 - Transfer from Part-time to Full-time Employment
86.440 - Date of Employment
86.510 - Temporary Interruption of Employment
86.520 - Longevity Following Re-employment or Re-instatement
86.610 - Jury and Witness Leave of Absence
86.620 - Military Leave with Pay
86.630 - Educational Leave
86.640 - Military Leave Without Pay
86.650 - Other Leaves of Absence Without Pay

86.010. NORMAL HOURS OF WORK. The regular hours of work each day shall be consecutive except for interruptions for rest and meal periods, or for instances where a different practice may be in effect. The normal workday shall consist of a seven and one-half (7 1/2) hour day for employees who work in the Courthouse, excepting the Sheriff's Department, and eight (8) hours for all other employees, exclusive of meal periods. However, in the event the County elects to schedule four



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(4) consecutive days of ten (10) hours work per day as the regular work-week in any department or departments, regular hours of work shall be scheduled within such department(s) consistent with such weekly schedules.

86.020. DEPARTMENTAL DESIGNATIONS. Any department head may file with the County Clerk a designation of office hours for his department, unless disapproved by the County Court as applicable to that department.

86.030. DESIGNATION OF DEPARTMENT SHIFTS. Except where continuous operations are involved, and insofar as consistent with the normal operations of the department in which they work, all employees shall be scheduled to work on a regular shift and each shift shall have a regular starting and quitting time. Changes in regular work schedules may be made, provided that employees are given notice of such schedule changes, except for emergency situations, and for the duration of the seventy-two (72) hours in advance. (An emergency situation shall be deemed to be one where the County reasonably believes that immediate action on its part is necessary if serious public or private injury or damage is to be limited or avoided.)

86.110. HOLIDAYS. The following days are holidays for persons employed in the County service:

(1) New Years Day - January 1
(2) Lincoln's Birthday - The First Monday in February
(3) Washington's Birthday - The Third Monday in February
(4) Memorial Day - The Last Monday in May
(5) Independence Day - July 4
(6) Labor Day - The First Monday in September
(7) Veteran's Day - November 11
(8) Thanksgiving Day - The Fourth Thursday in November
(9) Christmas Day - December 25



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(10) Floating Holiday - An eligible employee's floating holiday each contract year shall be scheduled by mutual agreement between the employee and his/her supervisor.

86.120. WEEKEND HOLIDAYS. Whenever a holiday shall fall on Sunday, the succeeding Monday shall be observed as the holiday. Whenever a holiday shall fall on Saturday, the preceding Friday shall be observed as the holiday. However, where continuous operations are involved, should a day of holiday observance fall on an employee's regularly scheduled workday, in lieu of observance of the holiday on that date, another day off may be scheduled for the employee as his/her holiday.

86.140. HOLIDAY COMPENSATION. Each regular full-time employee who works his last regularly scheduled day before and his first regularly scheduled day after any of the above holidays shall be eligible for holiday pay. However, an employee's failure to work on such prior or next following scheduled workday shall be excused if due to one of the following:

(1) jury selection;
(2) scheduled vacation;
(3) bona fide injury or illness. The County will not normally require a signed statement from a licensed physician as verification of the injury or illness the first time an employee fails to satisfy the "day before" or "day after" requirements of this section because of an injury or illness. However, unless specifically excused from doing so by the employee's supervisor or department head, such a statement will be required in all subsequent instances where the employee fails to satisfy these requirements because of injury or illness;
(4) any other verified reason excused by the County.

Employees who are on layoff or unpaid leave of absence are not eligible for holiday pay for holidays occurring during the layoff or leave.



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An eligible full-time employee shall receive one day's pay for each of the holidays listed above where no work is performed.

Should an employee be on authorized leave when a holiday occurs, such holiday shall not be charged against such leave.

Subject to the exception provided for continuous operations in Section 86.120, if an employee performs work on a scheduled holiday the employee shall be compensated as follows:

The employee's regular hourly rate times the number of hours for the holiday (7.5 hours for Courthouse and Annex Employees; 8 hours for Sheriff's, Road and Nursing Home Employees), plus one and one-half times the employee's regular hourly rate for only those hours the employee actually works.

86.211. PAID VACATION LEAVE. Regular full-time employees who have at least one (1) year of continuous employment with the County shall be entitled to annual paid vacation in accordance with the following schedule:

| LENGTH OF EMPLOYMENT | AMOUNT OF VACATION | HOURS/MONTH 8 hrs. | 7.5 hrs. |
|---|---|---|---|
| 1 to 4 years | 10 workdays | 6.67 | 6.25 |
| 4 years | 11 workdays | 7.33 | 6.875 |
| 5 years | 12 workdays | 8.00 | 7.5 |
| 6 years | 13 workdays | 8.67 | 8.125 |
| 7 years | 14 workdays | 9.33 | 8.75 |
| 8 years | 15 workdays | 10.00 | 9.375 |
| 9 years | 16 workdays | 10.67 | 10.00 |
| 10 years | 17 workdays | 11.33 | 10.625 |
| 12 years | 18 workdays | 12.00 | 11.25 |
| 14 years | 19 workdays | 12.67 | 11.875 |
| 15 years | 20 workdays | 13.33 | 12.5 |

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For purposes of this Article, a workday shall be defined as seven and one-half (7 1/2) hours for employees assigned to the Courthouse or its Annexes and eight (8) hours for all other employees.

Continuous employment for the purpose of accumulating vacation leave credit shall be service unbroken by separation from employment with the County. Periods of excused absence of less than one (1) month shall be included as continuous employment. Layoffs of one (1) month or more, or leave of absence of one (1) month or more, including absences due to sick leave, will not be counted as part of continuous employment for accrual purposes, but employees returning from any such leave and from layoff status within one (1) year of the layoff shall be entitled to credit for service prior to the leave or layoff.

86.215. VACATION ACCRUAL. After the first anniversary date vacation will be accrued on the basis of 1/12 annual rate per month.

86.230. SCHEDULING VACATION LEAVE. Employees shall be permitted to request a split or single vacation. Whenever possible, consistent with the judgment of the department head as to the needs and requirements for vacation relief, employees may schedule their vacation times. Subject to such requirements, vacation time shall be scheduled as between employees on the basis of seniority, provided, however, each employee will be permitted to exercise seniority only once a year. The County shall have the final determination of vacation times based on operations and the availability of vacation relief.

86.240. ACCUMULATION OF VACATION CREDITS. Sheriff's Department employees, see OPEU Contract. For all other employees, maximum accumulation of vacation leave shall be twenty-five (25) workdays, or



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computed to hours by location, 187.5 hours for Courthouse and Annex employees, 200 hours for all other employees. An employee who is about to lose vacation credit because of accrual limitations and who, because of County insistence, has been unable to schedule and take sufficient amounts of vacation in the current year in order to avoid exceeding such maximum accrual, may, by notifying his supervisor at least thirty (30) days in advance, absent himself to prevent loss of this vacation time. In such instances, such action taken by the employee shall not constitute a basis for disciplinary action or loss of pay.

86.250. TRANSFER CREDITS AND TERMINAL VACATION PAY. Accumulated paid vacation days to which an employee is entitled shall:

(1) be assumed by a new appointing authority whenever an employee is transferred to or appointed to another department;
(2) be paid to an employee in the form of cash compensation upon his expiration from the County service; and
(3) be paid to the heirs of the deceased employee in the same manner that salary due to him is paid.

86.310. SICK LEAVE. Persons regularly employed full-time in the County service shall be excused from attendance at work when unable to perform their duties by reason of:

(1) illness;
(2) injury;
(3) necessary medical or dental care;
(4) quarantine - exposure to contagious disease which will endanger the health of the employee if he continues to work or the health of those who associate with him;
(5) serious illness in the employee's immediate family, which shall be defined to include the employee's mother, father, spouse, sister, brother, children and grandparents, or any relative residing in the employee's immediate household. This does not provide extended household or child care. A maximum of three (3) days' absence shall be allowed for each such serious illness.

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86.320. VERIFICATION OF ILLNESS OR INJURY. Certification by an attending physician or practitioner showing sufficient disability to require the employee's absence from his duties may be required of an employee after three (3) days absence as a precondition to receipt of compensable sick leave. If the certification does not show such disability, sick leave shall not be paid and the employee will be subject to disciplinary action.

86.330. FAMILY DEATH. Regular full-time employees shall be allowed up to three (3) days leave with pay (22 1/2 hours pay for employees who work in the Courthouse, excepting the Sheriff's Department, and 24 hours pay for other employees) in any year for scheduled work time lost when necessary to arrange for and/or attend a funeral of a member of the employee's immediate family. Funeral leave shall not be cumulative from year to year.

Immediate family for purpose of this Section shall mean the employee's mother, father, spouse, sister, brother, child and grandparents, and any relative residing in the employee's immediate household.

86.340. PAID SICK LEAVE. After an employee has completed six (6) full months of employment, he shall be credited with forty-eight (48) hours of accrued sick leave, unless he works in the Courthouse, in which event he shall be credited with forty-five (45) hours of accrued sick leave. Thereafter, the employee shall continue to accrue sick leave at the rate of eight (8) hours per month (seven and one-half (7 1/2) hours per month if he works in the Courthouse) for each full calendar month of active employment. Sick leave is provided by the



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County to cover "sickness" and is not to be used as a supplement for vacation. Sick leave may be taken only for the purposes specified in Section 86.310 hereof. Except as provided in Section 88.410 below, no compensation for accrued sick leave shall be provided for any employee upon his death or termination of employment, for whatever reason. Sick leave shall not accrue during any period of layoff or leave of absence, except for a leave of absence required by the County for job-related educational or training purposes.

In the event an employee suffers from "sickness" and is unable to perform his duties, he shall notify his supervisor of his expected absence and the nature and expected length thereof prior to the start of his regular work shift.

86.350. ABSENCE PAID BY STATE ACCIDENT INSURANCE FUND. When an injury occurs in the course of employment, the injured employee may utilize accrued sick leave to receive the difference between payments received under Workmen's Compensation and his regular salary. In such instances, prorated charges will be made against the employee's accrued sick leave.

86.360. SICK LEAVE WITHOUT PAY. Upon application by an employee and recommendation of the appointing authority, the County Court may authorize sick leave absence without pay not to exceed one year's duration. Such sick leave without pay shall not be granted until all accrued sick leave with pay has been exhausted. The appointing authority may require an employee to submit a certificate from an attending or examining physician, as a condition to recommending or continuing the leave. In the event of a failure or refusal to supply



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such certificate, or if the certificate does not clearly show sufficient disability to preclude the employee from performance of duties, such sick leave shall be cancelled and the employees service terminated.

86.370. SICK LEAVE COMPENSATION. Accumulated sick leave shall be payable at the employee's regular straight-time rate commencing with his/her first scheduled workday absent because of illness or injury and shall continue for the duration of the illness or injury or until the employee's sick leave bank has been exhausted. However, should an employee have more than three (3) instances in a calendar year when he/she misses work because of a nonhospitalized illness or injury within subparagraphs (1) and/or (2) of Section 86.310, in all subsequent instances of absence because of such nonhospitalized illness or injury within that calendar year, sick leave payments may commence on the second scheduled workday of absence.

86.410. COMPUTATION OF LONGEVITY. In computing periods of continuous County service for the purpose of vacation and sick leave longevity, all periods of excused absence less than a month may be ignored. Leaves of absence of a month or more due to sick leave or other authorized leaves of absence shall be excluded from the computation but shall not break continuity of service. Transfer of employees from one department to another shall transfer accrued vacation and sick leave days. No promotion, demotion or change of classification shall affect the computations and all paid sick or vacation leave shall be paid at the rate current when taken.

86.430. TRANSFER FROM PART-TIME TO FULL-TIME EMPLOYMENT. Any person in the County service who has accrued paid vacation or sick



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leave credits as a part-time employee and subsequently is appointed to a full-time position in the County service shall be credited with such proportionate accrual. A seasonal employee who is subsequently employed in a full-time position shall be similarly credited.

86.440. DATE OF EMPLOYMENT. For purposes of computing accrual of paid vacation and sick leave days, the date of employment for each person in the County service shall be the date of his employment if occurring on the first day of a monthly pay period. Provided that when a part-time or seasonal employee entitled to vacation or sick leave credits is appointed to a full-time position within the County service his date of employment shall be his date of employment in such position and for purposes of computation thereto shall be added any accrued sick or vacation days.

86.510. TEMPORARY INTERRUPTION OF EMPLOYMENT. Any temporary interruption of employment because of adverse weather conditions, shortage of supplies or for other unexpected or unusual reasons, which does not exceed ten (10) days shall not be considered a layoff if, at the termination of such conditions, employees are to be returned to employment. Such interruptions of employment may be charged to accrued vacation leave or may be recorded as leave without pay.

86.520. LONGEVITY FOLLOWING RE-EMPLOYMENT OR REINSTATEMENT. An employee who is re-employed following a Civil Service Hearing, a layoff, or a separation of leave without pay, shall have vacation and sick leave credits accrued during the previous employment restored. An employee who is reinstated within one year of a voluntary separation

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may have all or a portion of his sick leave credits restored by the appointing authority and the County Court.

86.610. JURY AND WITNESS LEAVE OF ABSENCE. A person holding a regular full-time position in the County service shall be credited a leave of absence with pay for attendance:

> (1) in Court for jury service, provided that the salary paid to the employees for the period of absence shall be reduced by the amount of money he receives for jury service;
> (2) before a Court, legislative committee, or a judicial or quasi-judicial body, as a witness in response to a subpoena or other direction by proper authority, provided that the salary paid to the employee for that period of absence shall be reduced by the amount of any witness fees he receives;
> (3) in Court in connection with the employees officially assigned duties, including the time required to go to the Court and to return to his place of work.

86.620. MILITARY LEAVE WITH PAY. A person employed within the County service upon a regular full-time basis who has served in such capacity for six (6) months or more immediately preceding his application for military leave, and who is a member of the National Guard or any reserve components of the armed forces of the United States, is entitled to a leave of absence from his duties for a period not exceeding fifteen (15) calendar days in any calendar year. Such leave shall be granted without loss of time, pay or other leave, and without impairment of merit ratings or other rights or benefits to which he is entitled. Military leave with pay must be granted only when an employee receives bona fide orders to active or training duty for a temporary period, and shall not be paid if the employee does not return to his position immediately following the expiration of the periods for which he was ordered to duty. Leave with pay shall not be granted to

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employees entering the military service for extended and indefinite periods of active duty.

86.630. EDUCATIONAL LEAVE. An appointing authority may require an employee to attend designated educational or training courses. When so required, the attending employee shall be reimbursed for all or part of the costs and expenses thereof. An appointing authority may authorize an employee to attend designated educational or training courses at his own expense. For such educational or training purpose an appointing authority may grant a leave of absence to the employee. The appointing authority may grant no such leave of absence with pay exceeding one (1) month unless he has first obtained the approval of the County Court. The appointing authority shall grant no leave of absence with or without pay for a period longer than one (1) month unless he has first received the approval of the County Court.

86.640. MILITARY LEAVE OF ABSENCE WITHOUT PAY. A person employed within the County service upon a regular full-time basis who has served in such capacity for six (6) months or more immediately preceding his application for military leave shall be entitled to a military leave of absence without pay during a period of service with the armed forces of the United States. He shall, upon honorable discharge from such service, be returned to a position in the same or similar class as his last held position, at the salary rate prevailing for such class, without loss of seniority or employment rights. If it is established that he is not physically qualified to perform the duties of his former position by reason of such service, he shall be reinstated in other work that he is able to perform at the nearest



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appropriate level of the pay of his former class. Such employees shall make application for reinstatement and shall report for duty within ninety (90) days following separation from active duty. Failure to comply may terminate military leave. Where an employee voluntarily re-enlists, or extends his period of military service, his military leave shall be deemed cancelled.

86.650. OTHER LEAVES OF ABSENCE WITHOUT PAY. In instances where the County service will not be seriously handicapped by the temporary absence of an employee, the County Court, upon recommendation of the appointing authority, may authorize a leave of absence without pay of appropriate duration. All requests for such leave must be in writing and must establish reasonable justification for approval of the request. Normally, such leave of absence will not be approved for an employee who has accepted employment outside the County service.

CHAPTER 87 - EMPLOYEE RELATIONS

87.010 - Educational and Training Policy
87.020 - Departmental Training
87.030 - Educational Leave
87.040 - Tuition Aid
87.110 - Employee Representation, Generally
87.120 - Formation of Bargaining Unit
87.130 - Excluded Employees
87.140 - Candidates for Representative
87.150 - Election Procedure
87.160 - Recognition of Representatives
87.170 - Withdrawal of Representative Recognition
87.210 - Negotiations
87.220 - Agreements
87.310 - Grievance Policy
87.320 - Grievance Procedure
87.330 - Departmental Grievances
87.340 - Civil Service Commission

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87.010. EDUCATIONAL AND TRAINING POLICY. It is the policy of the County Court to encourage appointing authorities to familiarize new employees with departmental functions, to familiarize employees with the general functions of County government and it is further the policy of the County Court to provide assistance to selected employees for the purpose of obtaining advanced education or training and to assist in the development of County personnel of superior ability and potential.

87.020. DEPARTMENTAL TRAINING. Appointing authorities are encouraged to develop departmental training programs, conducted either during or after regular working hours, or both. Attendance by employees at training sessions conducted after regular working hours shall be voluntary unless arrangements for such training includes the granting of an equal amount of compensatory time off.

87.030. EDUCATIONAL LEAVE. The appointing authority is authorized to require or permit employees to attend educational or training courses and for that purpose to grant educational leaves of absence as provided in Section 86.630, within the limitations of the department's budget. No appointing authority shall authorize such a leave of absence, paid or unpaid, in excess of thirty (30) days without prior approval by the County Court.

87.040. TUITION AID. Upon approval by the County Court, tuition aid in the amount of a required course fee and necessary travel expenses may be authorized to employees who successfully complete classes when such training will be beneficial to the County. Requests for tuition aid must be in writing and provide sufficient information to permit the



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County Court to review the request and determine whether or not such action would be in the best interest of the County service and the availability of funds therefore. Where grants, scholarships or other outside sources of funds are available, the County Court will make provisions for such grants, but shall not permit the duplication of funds for any purpose nor permit the combination of income sources to exceed the monthly salary of the individual granted educational assistance.

87.110. EMPLOYEE REPRESENTATION, GENERALLY. Employees shall have the right to form, join and participate in organizations of their own choice for the purpose of representation and collective bargaining on matters concerning employment relations; employees shall also have the right to refrain from joining and participating in the activities of employee organizations.

(1) Nothing in this ordinance shall be interpreted to preclude an individual in the County service from representing himself in individual personnel matters.

(2) Employees shall not be interfered with, intimidated, restrained, coerced or discriminated against in the application of these rights.

87.120. FORMATION OF BARGAINING UNIT. A bargaining unit may consist of:

(1) all eligible employees in the County service;

(2) if the Civil Service Commission determines that a bargaining unit of all employees within the County service is inappropriate, then one bargaining unit composed of all employees within the classified service and one bargaining unit composed of all other employees within the County; or

(3) any other proposed bargaining unit which appears to the County Court to be appropriate on the basis of the existence of distinct and homogeneous group of employees.

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87.130. EXCLUDED EMPLOYEES. No bargaining unit shall include persons occupying positions within the County service of an elected, professional, management or supervisory nature.

87.140. CANDIDATES FOR REPRESENTATIVE. A petitioning candidate for employee representative may be a person, club, organization, or council of organizations. Petitions for representative election shall be submitted in writing and must include:

(1) the identity of petitioning candidates;
(2) the identity of bargaining units to be formed;
(3) acceptable evidence that at least thirty (30) percent of the employees within the proposed bargaining unit desire to be represented by the petitioner; and
(4) a statement that the petitioning candidate for representative supports the constitution of the State of Oregon and of the United States and pledges non-discrimination in regard to age, color, creed, political affiliation, race, sex, mental or physical handicap.

87.150. ELECTION PROCEDURE. All requests for representative elections which shall include within the bargaining unit persons within the classified service shall be processed in accordance with applicable Civil Service Commission Rules. When such requests include within the bargaining unit employees both within and without the classified service, the appropriate Civil Service Commission Rules shall be deemed applicable and by this reference are incorporated herein. When the request includes only persons who are not employed within the classified service, the request shall be processed in accordance with Sections 89.310 through 89.370.

87.160. RECOGNITION OF REPRESENTATIVES. When a candidate for employee representation receives a majority of the votes cast, the County Court shall recognize and certify that representative for that



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unit. The representative shall serve without discrimination as to membership, if the representative is for all employees in the bargaining unit.

87.170. WITHDRAWAL OF REPRESENTATIVE RECOGNITION. After the recognized representative has served for at least one (1) year, the representation may be challenged by petition requesting a new election and supplying acceptable evidence that at least thirty (30) percent of the employees in the bargaining unit desire different representation or no representation.

87.210. NEGOTIATIONS. The County Court shall negotiate in good faith with all employee representatives on matters concerning employment relations. Similarly, appointing authorities shall negotiate in good faith upon matters concerning employment relations within their departments.

87.220. AGREEMENTS. Any agreement between the County Court and recognized representatives may be reduced to writing in the form of a memorandum of agreement, exchange of letters, or any other appropriate form.

87.310. GRIEVANCE POLICY. It is the policy of the County Court to assure persons employed within the County service that they may have their complaints considered as fairly and rapidly as possible without fear of reprisal. To that purpose individual employees are encouraged to discuss their complaints informally with their immediate supervisor.

87.320. GRIEVANCE PROCEDURE. If the complaint arises under these rules or arises within administered or supervised departments, and after presenting any grievances to the department head, an



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employee, employees or employee representative may present any grievances or complaint to the County Court for consideration. The complaint or grievance should be in writing within ten (10) days from occurrence, and should be so framed as to include all items necessary to assist the County Court in reaching an equitable decision. The County Court may uphold the original decision, action or failure to act which motivated the complaint or may modify, reverse or cancel such decision or action.

87.330. DEPARTMENTAL GRIEVANCES. Any employee, employees, or recognized representative may present a complaint or grievance to a department head in whose department the matter occurred. If the department head requests, the complaint should be in writing and so framed as to include all items necessary to assist the department head in reaching an equitable decision. The department head may decide whether to uphold the original decision action or failure to act which motivated the complaint or grievance or he may decide to modify, reverse or cancel such decision or action.

87.340. CIVIL SERVICE COMMISSION. As to grievances or complaints against the Civil Service Commission or its rules, and as to matters arising under the Civil Service Act, complaints or grievances may be directed to the commission in accordance with its rules.

CHAPTER 88 - SEPARATION

88.010 - Reduction in Force
88.011 - Reassignment of Duties
88.012 - Order of Layoff
88.110 - Suspension
88.115 - Investigative Suspension
88.120 - Suspension Review
88.210 - Disciplinary Demotion and Salary Reduction



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88.220 - Dismissal
88.230 - Immediately Effective Dismissal
88.240 - Departmental Hearing
88.310 - Method of Resignation
88.320 - Failure to Give Notice
88.410 - Retirement
88.420 - Police Officers
88.430 - Extended Service
88.520 - Vacation Pay on Termination

88.010. REDUCTION IN FORCE. An appointing authority may layoff an employee for any of the following reasons:

(1) abolition of position;
(2) shortage of funds or work;
(3) a material change in duties;
(4) changes in an organization unit or department; and
(5) any other reason which does not reflect discredit on the service of the employee.

88.011. REASSIGNMENT OF DUTIES. The department head may reassign to any other employee, holding a position in an appropriate class, those duties formerly performed by the laid off employee.

88.012. ORDER OF LAYOFF, (LAYOFF AND RECALL). In the event of a layoff of employees in a department, selection of employees retained will be in accordance with the seniority within the affected job classification(s) in that department, so long as the senior employees possess qualifications, aptitude and ability to perform the work equal to those of the employees laid off. Except in unusual circumstances, employees shall normally be given at least two (2) weeks' notice of layoff.

An employee displaced from his job by reason of a layoff shall be entitled to displace an employee in an equal or lower job classification, provided the displacing employee has greater seniority

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and possesses qualifications, aptitude and ability to perform the work equal to the employee he displaces.

88.110. SUSPENSION. An appointing authority may peremptorily suspend any subordinate for cause for a reasonable period not exceeding thirty (30) days with loss of salary or other compensation. Cause, within the meaning of this Section, shall consist of that conduct listed in Section 89.220. No person within the classified service shall be suspended except upon written charges served upon him and filed with the Civil Service Commission.

88.115. INVESTIGATIVE SUSPENSION. Where the appointing authority has reason to believe that cause may exist for disciplinary suspension, demotion, salary reduction, or dismissal, he may suspend a subordinate, with pay, pending investigation of allegations. No such suspension shall exceed the suspension periods permitted in Section 88.110. In the event that the allegations appear to be unfounded, no entry regarding suspension under this Section shall be made or retained in any record of the County, except upon the employee's request.

88.120. SUSPENSION REVIEW. No suspension pursuant to Section 88.110 or Section 88.115 shall be subject to review by the Civil Service Commission or any other tribunal.

88.210. DISCIPLINARY DEMOTION AND SALARY REDUCTION. An appointing authority may demote an employee for cause or may reduce the salary of an employee within the range provided for positions of that class. A written statement of the reasons for such action shall be furnished to the employee and, in the case of classified employees, a copy filed with the Civil Service Commission, at least five (5) days prior to the



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effective date of the action. Disciplinary demotions shall not be made unless the employee is eligible for employment in the lower class nor when such action will cause a person in the classified service to be laid off.

88.220. DISMISSAL. An appointing authority may dismiss any subordinate for one or more of those causes listed in Section 89.220. A written statement of the cause for dismissal shall be served upon the employee and a copy filed with the County Court or, in case of classified employees, with the Civil Service Commission. Such statement should normally be served and filed ten (10) working days prior to the effective date of the dismissal.

88.230. IMMEDIATE EFFECTIVE DISMISSAL. The appointing authority may, when in his judgment the good of the service so requires, suspend an employee without pay during the notice period required by Section 88.220. Such period of suspension may be with or without pay at the discretion of the appointing authority.

88.240. DEPARTMENTAL HEARING. No person who has been continuously employed in the County service for five (5) or more years shall be dismissed by an appointing authority unless the employee has been afforded a hearing by the appointing authority, but this Section shall not prevent suspension pending hearing.

88.310. METHOD OF RESIGNATION. In order to resign in good standing, an employee shall give at least fourteen (14) calendar days written notice to the appointing authority. The appointing authority may agree to a shorter period of notice. Because of extenuating circumstances with the approval of the appointing authority, an employee



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may withdraw his resignation at any time within ten (10) days after the effective date of such resignation; in such case, time not worked shall be treated as authorized leave of absence without pay.

88.320. FAILURE TO GIVE NOTICE. Willful failure to give that notice required by Section 88.310 shall constitute insubordination and shall be cause for peremptory dismissal from the service.

88.410. RETIREMENT. The County shall be a member and participant in the Public Employees Retirement System. Employees shall be subject to the laws and rules administered by the Public Employees Retirement Board. Upon the service or disability retirement of an employee, the retiring employee's accumulated sick leave shall be reported to the Public Employees Retirement System, and, pursuant to procedures of the PERS, taken into account in determining the employee's retirement benefits.

88.420. POLICE OFFICERS. The mandatory retirement age for persons employed within the criminal department of the Sheriff's Office shall be age 60.

88.430. EXTENDED SERVICE. Upon recommendation of a department head, an employee who applies to the County Court may be granted permission to continue employment past the mandatory retirement age.

88.520. VACATION PAY ON TERMINATION. Each person who has been employed in the County service for one (1) year or more shall receive vacation pay in accordance with Section 86.215 at the rate current when terminated for each month's employment in the County service since the employee's last vacation accrual.

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CHAPTER 89 - PROCEDURE

89.010 - Records and Reports
89.020 - Classified Service Records
89.030 - Reports to County Clerk
89.210 - Disciplinary Action
89.220 - Causes for Disciplinary Action
89.230 - Types of Disciplinary Action
89.240 - Suspension
89.250 - Demotion
89.260 - Salary Reduction
89.270 - Dismissal
89.280 - County Court Hearing
89.290 - Hearings Procedure
89.310 - Representative Election Procedure
89.320 - Notice of Election
89.330 - Additional Candidates
89.340 - Eligible Voters
89.350 - Supervision of Election
89.360 - Report of Election
89.370 - Improper Election Practices
89.610 - Amendments to Ordinance

89.010. RECORDS AND REPORTS. It is deemed necessary for the purposes of this Ordinance to provide the preparation, maintenance and use of certain records and reports. It shall be the duty of each department head to submit to the County Court, the Civil Service Commission, and/or the County Clerk those records and reports herein required. It shall be the duty of each person employed within the County service to furnish to the department head such information as he may deem necessary to the preparation of such reports. All such reports and records are privileged and their inspection is hereby limited to the individuals and officers of the County engaged in the administration and enforcement of this act.

89.020. CLASSIFIED SERVICE RECORDS. Each department head shall furnish to the Civil Service Commission that information regarding

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classified employees which may be necessarily required by Civil Service Commission Rules, upon forms provided by the Commission.

89.030. REPORTS TO COUNTY CLERK. Each department head shall furnish to the County Clerk, upon forms provided by him, information concerning every personnel action occurring within his department. Each department head shall maintain within his department detailed records reflecting the absence of any employee upon vacation leave, sick leave, military leave, educational leave, or other authorized or unauthorized absence. He shall also maintain records reflecting authorized overtime worked; provided, that periods of less than one-half hour may be disregarded. He shall, monthly, submit to the County Clerk, upon forms provided by him, a summary containing the detailed accounting of the foregoing information, as to each employee, together with an accounting of the accumulated vacation leave, sick leave, and overtime which that employee has accumulated. As to overtime, the monthly report shall instruct the Clerk, subject to approval of the County Court, whether the employee is to receive compensatory time off or a money compensation. This Section shall not be construed to prohibit separate accounting within those departments authorized by the County Court.

89.210. DISCIPLINARY ACTION. All disciplinary action shall conform to the following procedure except where Civil Service Commission Rules otherwise specifically provide as to classified employees.

89.220. CAUSES FOR DISCIPLINARY ACTION. Any person within the County service, holding non-elective office, may be subject to disciplinary action for:

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(1) incompetency;
(2) inefficiency;
(3) inattention to or dereliction of duty;
(4) dishonesty;
(5) intemperance;
(6) immoral conduct;
(7) insubordination;
(8) discourteous treatment of the public;
(9) discourteous treatment of fellow employees;
(10) willful violation of the provisions of the Civil Service Act or of Civil Service Commission Rules adopted pursuant thereto;
(11) willful violation of the provisions of this Ordinance, including but not limited to: Sections 83.010-83.100; Sections 84.310-84.320; Section 86.320; Section 87.110(2); Section 88.320; and Section 89.010.

89.230. TYPES OF DISCIPLINARY ACTION. For a cause specified in Section 89.220, a department head may initiate and appointing authority may impose: suspension, with or without pay; demotion; reduction in salary; or dismissal from the County service. In no event shall the investigative suspension provided in Section 88.115 be considered disciplinary action.

89.240. SUSPENSION. No regular full-time employee who has completed his probationary period shall be suspended without furnishing to him a written statement of cause.

89.250. DEMOTION. No regular full-time employee shall be demoted unless he has been furnished with a written statement of cause. A copy of which shall be furnished to the County Court, which copy shall contain the appointing authority's certification that the employee is eligible for employment in the lower class and that the action will not cause a person in the classified service to be laid off.

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89.260. SALARY REDUCTION. No regular full-time employee who has completed his probationary period shall be reduced in salary for disciplinary reasons unless he has been furnished with a written statement of the reasons for such action.

89.270. DISMISSAL. No regular full-time employee who has completed his probationary period shall be dismissed from the County service unless he has been first served with a written statement of cause and a copy thereof has been filed with the County Court, and when applicable the provisions of Section 88.240 have been followed.

89.280. COUNTY COURT HEARING. As to any person not included within the classified service, action pursuant to Sections 89.250, 89.260 and 89.270 may be appealed to the County Court for hearing. Provided, that written request for such hearing is filed with the County Clerk no more than ten (10) days after such action would otherwise become effective. The County Court shall forthwith schedule a hearing to consider such appeal and shall cause notice thereof to be served upon the employee, the appointing authority, and the District Attorney.

89.290. HEARINGS PROCEDURE. All hearings held pursuant to Section 89.280 shall be conducted informally and unless the employee requests otherwise, in private. The requesting employee may appear in person and by counsel or employee representative. The District Attorney shall appear and advise the County Court. The department head shall appear and offer evidence in support of his action. Any such hearing may be postponed from time to time for the convenience of the Court and parties. The County Court may submit the question presented to a fact



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finding referee, mediator, conciliator or arbitrator. The County Court shall, in writing, adopt or reject the report of any fact finding referee, mediator, conciliator or arbitrator; reversing or, with the appointing authority's approval, modifying the action taken; or sustaining the action taken. As to all persons other than those within the classified service, the County Court's decision shall be final.

89.310. REPRESENTATIVE ELECTION PROCEDURE. When the County Court receives a candidate's petition for employee representative, conforming to Section 87.140, including within the Bargaining Unit only persons who are not employed within the classified service, the County Court shall without undue delay conduct a representative election.

89.320. NOTICE OF ELECTION. The County Court shall provide notice of the election to employees within the Bargaining Unit and to the appointing authorities affected at least fifteen (15) calendar days in advance of the election. The notice shall include the date when the election is to be held.

89.330. ADDITIONAL CANDIDATES. The County Court will place the names of additional candidates for representative on the election ballot if:

(1) such request is received in writing at least five (5) calendar days in advance of the election;
(2) the request shows acceptable evidence of at least ten (10) percent representation within the Unit; and
(3) the request otherwise complies with the provisions of Section 87.140.

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89.340. ELIGIBLE VOTERS. Persons within the Bargaining Unit who will be eligible to vote will be those regularly employed within the County service within the Bargaining Unit, and excluding those employees described in Section 87.130 and on a pay status 30 calendar days prior to the date of the election. A roster of such employees will be posted by the County Court and copies thereto shall be furnished to the affected appointing authorities and to the candidates on the ballot five (5) days before the election.

89.350. SUPERVISION OF ELECTION. The County Court shall supervise all elections held hereunder and voting shall be by secret ballot and shall permit an opportunity to vote for any one of the candidates on the ballot, or for no representative. The District Attorney and parties to the election may be present as observers during the election and at the counting of ballots.

89.360. REPORT OF ELECTION. The results of the election shall be reported to the appointing authorities affected and to the candidates listed on the ballot.

89.370. IMPROPER ELECTION PRACTICES. Any charge of improper election practices, in violation of Section 87.110, must be filed with the County Court not later than ten (10) calendar days following the date of the election. The person, persons, candidates or organizations, so charged will be given an opportunity to answer the charges. If the County Court finds that improper election practices were used, it may invalidate the election and it may order a new election.

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89.610. AMENDMENTS TO ORDINANCE. Amendments to this Ordinance may be adopted at any regularly scheduled meeting of the County Court and shall be effective immediately upon adoption or upon such later date as the amendment may specify.

This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect March 4, 1992.

Regularly passed and adopted by unanimous vote of all members of the County Court of the County of Wasco, State of Oregon, present on this day.

DONE AND DATED this 4th day of March, 1992.

WASCO COUNTY COURT

John Mabrey, County Judge

Scott McKay, County Commissioner

C.E. Filbin, County Commissioner

APPROVED AS TO FORM:

Bernard L. Smith
Wasco County District Attorney

ATTEST:

Karen LeBreton
Wasco County Clerk



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