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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 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.

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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. Department Heads, whenever in their judgment deem it necessary, may require employees to work overtime on any day, at any hour, and for so long a period of time as they specify. A full time employee who is not exempt from the overtime pay requirements of Oregon or federal law shall be compensated at the rate of time and one-half (1-1/2) for periods worked in excess of forty (40) hours in the workweek regularly scheduled for that position, but in no event shall such compensation be paid twice for the same hours. Where the regular schedule for a non-exempt employee is less than 40 hours, the time worked beyond the regularly scheduled hours up to 40 hours per week is paid at the straight time hourly rate. All overtime must be pre-approved by the department head or an authorized management person.

85.520. ELIGIBILITY FOR OVERTIME. The eligibility of positions within the classified service for overtime compensation shall be determined by applicable state and federal laws. If, in its judgment, the County Court determines the circumstances warrant making an

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1 exception, a position which is otherwise exempt from the statutory
2 overtime requirements may be approved for overtime compensation.

3 85.530. OVERTIME COMPENSATION. Unless the employee's department
4 head wishes to compensate overtime worked in the form of compensatory
5 time off, compensation for overtime worked will be in the form of paid
6 compensation at the rate of time and one-half (1-1/2). Except for
7 overtime earned in the last month of any Fiscal Year, compensatory time
8 off and/or cash compensation must be provided within the Fiscal Year in
9 which it has been earned for overtime worked. When an employee is
10 terminated, he/she shall receive cash compensation for any unused
11 overtime he/she has accrued.

12 **CHAPTER 86 - ATTENDANCE**

- 13 86.010 - Normal Hours of Work
14 86.020 - Departmental Designations
15 86.030 - Designation of Departmental Shifts
16 86.110 - Holidays
17 86.120 - Weekend Holidays
18 86.140 - Holiday Compensation
19 86.211 - Paid Vacation for Full-Time Employees
20 86.212 - Paid Vacation for Part-Time Employees
21 86.213 - Vacation Forfeiture
22 86.214 - Vacation Scheduling
23 86.215 - Vacation Award
24 86.216 - Vacation Award Level(s)
25 86.217 - Vacation Award for New Employees
26 86.218 - Employees with More Than One Year of Service
86.219 - Vacation Earned Prior to January 1, 1998
86.220 - Vacation "Cash Out"
86.221 - Vacation - Retiring Employee
86.222 - Vacation - Layoff
86.223 - Vacation - Separation
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

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- 1 86.430 - Transfer from Part-time to Full-time Employment
- 2 86.440 - Date of Employment
- 3 86.510 - Temporary Interruption of Employment
- 4 86.520 - Longevity Following Re-employment or Re-instatement
- 5 86.610 - Jury and Witness Leave of Absence
- 6 86.620 - Military Leave with Pay
- 7 86.630 - Educational Leave
- 8 86.640 - Military Leave Without Pay
- 9 86.650 - Other Leaves of Absence Without Pay

6 **86.010. NORMAL HOURS OF WORK.** The regular hours of work each day
7 shall be consecutive except for interruptions for rest and meal periods,
8 or for instances where a different practice may be in effect. The
9 normal workday shall consist of a seven and one-half (7 1/2) hour day
10 for employees who work in the Courthouse, excepting the Sheriff's
11 Department, and eight (8) hours for all other employees, exclusive of
12 meal periods. However, in the event the County elects to schedule four
13 (4) consecutive days of ten (10) hours work per day as the regular work-
14 week in any department or departments, regular hours of work shall be
15 scheduled within such department(s) consistent with such weekly
16 schedules.

17 **86.020. DEPARTMENTAL DESIGNATIONS.** Any department head may file
18 with the County Clerk a designation of office hours for his department,
19 unless disapproved by the County Court as applicable to that department.

20 **86.030. DESIGNATION OF DEPARTMENT SHIFTS.** Except where continuous
21 operations are involved, and insofar as consistent with the normal
22 operations of the department in which they work, all employees shall
23 be scheduled to work on a regular shift and each shift shall have a
24 regular starting and quitting time. Changes in regular work schedules
25 may be made, provided that employees are given notice of such schedule
26 changes, except for emergency situations, and for the duration of the

1 seventy-two (72) hours in advance. (An emergency situation shall be
2 deemed to be one where the County reasonably believes that immediate
3 action on its part is necessary if serious public or private injury or
4 damage is to be limited or avoided.)

5 **86.110. HOLIDAYS.** The following days are holidays for persons
6 employed in the County service:

- 7 (1) New Years Day - January 1
- 8 (2) Martin Luthur King Day - The Third Monday in January
- 9 (3) Presidents Day - The Third Monday in February
- 10 (4) Memorial Day - The Last Monday in May
- 11 (5) Independence Day - July 4
- 12 (6) Labor Day - The First Monday in September
- 13 (7) Veteran's Day - November 11
- 14 (8) Thanksgiving Day - The Fourth Thursday in November
- 15 (9) Christmas Day - December 25
- 16 (10) Floating Holiday - An eligible employee's floating
17 holiday each contract year shall be scheduled by mutual agreement
18 between the employee and his/her supervisor.

19 **86.120. WEEKEND HOLIDAYS.** Whenever a holiday shall fall on
20 Sunday, the succeeding Monday shall be observed as the holiday. When-
21 ever a holiday shall fall on Saturday, the preceding Friday shall be
22 observed as the holiday. However, where continuous operations are
23 involved, should a day of holiday observance fall on an employee's
24 regularly scheduled workday, in lieu of observance of the holiday on
25 that date, another day off may be scheduled for the employee as his/her
26 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

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1 next following scheduled workday shall be excused if due to one of the
2 following:

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

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

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

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

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

26 The employee's regular hourly rate times the number of hours
27 for the holiday (7.5 hours for Courthouse and Annex Employees;
28 8 hours for Sheriff's, Road and Nursing Home Employees), plus one
29 and one-half times the employee's regular hourly rate for only those
30 hours the employee actually works.

31 **86.211. PAID VACATION FOR FULL-TIME EMPLOYEES.** Regular
32 full-time employees who have at least one (1) year of continuous

1 employment with the County will be awarded vacation (see 86.216) on
2 January 1st of each calendar year. A vacation week is defined as the
3 normal number of hours of work scheduled in a workweek for any given
4 full-time position or part-time position.

5 **86.212. PAID VACATION FOR PART-TIME EMPLOYEES.** Regular
6 part-time employees who have at least one (1) year of continuous
7 employment with the County and who work at least 21.75 hours per week
8 will be awarded vacation on January 1st of each calendar year (see
9 86.216). A vacation week is defined as the normal number of hours of
10 work scheduled in a workweek for any given full-time position or
11 part-time position.

12 **86.213. VACATION FORFEITURE.** All awarded vacation must be used
13 within a fifteen (15) month time period beginning on January 1st of any
14 given year. Any vacation awarded in the prior year and not used by
15 March 31st of the following year will be forfeited.

16 **86.214. VACATION SCHEDULING.** Employees must schedule their
17 vacation consistent with the judgement of the Department Head as to
18 the needs and requirements of the department. Subject to such
19 requirements, vacation time shall be scheduled between employees on the
20 basis of seniority, provided, however, each employee will be permitted
21 to exercise seniority only once a year. Department Heads shall have
22 the final determination of vacation times based on operations and the
23 availability of vacation relief.

24 **86.215. VACATION AWARD.** Vacation is awarded and not earned or
25 accrued. Vacation is not owned by the employee and cannot be sold,
26 exchanged or bartered by the employee, except as may otherwise be

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1 specifically provided for in this or another policy of the County
2 Court.

3 **86.216. VACATION AWARD LEVEL(S).** Vacation will be awarded as
4 follows:

5 At the end of his/her first 12 months of employment, an employee
6 will be awarded two (2) weeks of vacation.

7 Two weeks of paid vacation will be awarded to an employee on
8 January 1st of each "Anniversary" year for years 2 through 5 (the
9 second through the fifth January 1st on which he/she is employed).

10 Beginning with the employee's 6th "Anniversary" year (6th January
11 1st employed) and continuing through his/her 10th "Anniversary" year,
12 he/she will be awarded three (3) weeks' vacation each calendar year.

13 Beginning with his/her 11th "Anniversary" year and every year
14 thereafter (each January 1st), an employee will be awarded four (4)
15 weeks of vacation.

16 **86.217. VACATION AWARD FOR NEW EMPLOYEES.** No vacation will be
17 awarded to an employee until he/she has completed one full year (12
18 consecutive months) of full-time or part-time employment with Wasco
19 County.

20 Periods of excused absence of less than one (1) month shall be
21 considered as continuous employment. An employee who terminates
22 employment before completing one full year of employment will not
23 receive any vacation pay. At the end of his/her first 12 months of
24 employment, an employee will be awarded two (2) weeks of vacation. A
25 week is defined as the normal number of hours of work scheduled in a
26 workweek for any given full-time position or part-time position.

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86.218. EMPLOYEES WITH MORE THAN ONE YEAR OF SERVICE. After receiving two weeks of vacation upon completion of 12 months of employment, an employee will thereafter be awarded vacation on a calendar year basis, without regard to his/her actual employment anniversary date.

86.219. VACATION EARNED PRIOR TO JANUARY 1, 1998. All unused vacation time accrued before January 1, 1998, will remain available for use by the employee who accrued it. The employee may choose to: (1) Save the accrued vacation (2) Use for additional paid time off (3) "cash out" some or all of the vacation at its face value in one (1) week blocks as provided in Section 86.220.

86.220. VACATION "CASHOUT". Any employee who has at least five (5) years of continuous employment with the County may choose to take pay rather than time off for one (1) week of vacation. The "cash out" payment can be from the awarded vacation balance or any vacation earned prior to January 1, 1998. The vacation "cash out" must be in conjunction with at least one (1) week of vacation leave. In addition, employees who have a vacation balance from prior to January 1, 1998 may "cash out" an additional week of vacation without having to take any additional time off once they have satisfied the time off requirement.

86.221. VACATION - RETIRING EMPLOYEE. Any employee who retires from County employment in compliance with the provisions of the Oregon Public Employees Retirement System will be paid in full of any unused vacation that was awarded to him/her for the calendar year in which

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1 he/she retires plus any remaining vacation earned prior to
2 January 1, 1998.

3 **86.222. VACATION - LAYOFF.** An employee, placed on involuntary
4 layoff will be paid for any unused vacation that was awarded to him/her
5 for the calendar year in which he/she is laid off plus any remaining
6 vacation earned prior to January 1, 1998. Employees returning within
7 one (1) year of the layoff will be entitled to credit for service
8 immediately prior to the layoff.

9 **86.223. VACATION - SEPARATION.** Any employee, who is terminated
10 either voluntarily or for cause, will not receive compensation for
11 unused vacation awarded on or after January 1, 1998. Any employee, who
12 is terminated either voluntarily or for cause, will receive
13 compensation for unused vacation earned prior to December 31, 1997.

14 **86.310. SICK LEAVE.** Persons regularly employed full-time in
15 the County service shall be excused from attendance at work when unable
16 to perform their duties by reason of:

- 17 (1) illness;
18 (2) injury;
19 (3) necessary medical or dental care;
20 (4) quarantine - exposure to contagious disease which will
21 endanger the health of the employee if he continues to work or
22 the health of those who associate with him;
23 (5) serious illness in the employee's immediate family, which
24 shall be defined to include the employee's mother, father, spouse,
25 sister, brother, children and grandparents, or any relative
26 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.

24 **86.320. VERIFICATION OF ILLNESS OR INJURY.** Certification by an
25 attending physician or practitioner showing sufficient disability to
26 require the employee's absence from his duties may be required of an

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1 employee after three (3) days absence as a precondition to receipt
2 of compensable sick leave. If the certification does not show such
3 disability, sick leave shall not be paid and the employee will be
4 subject to disciplinary action.

5 **86.330. FAMILY DEATH.** Regular full-time employees shall be
6 allowed up to three (3) days leave with pay (22 1/2 hours pay for
7 employees who work in the Courthouse, excepting the Sheriff's Depart-
8 ment, and 24 hours pay for other employees) in any year for scheduled
9 work time lost when necessary to arrange for and/or attend a funeral
10 of a member of the employee's immediate family. Funeral leave shall not
11 be cumulative from year to year.

12 Immediate family for purpose of this Section shall mean the
13 employee's mother, father, spouse, sister, brother, child and grand-
14 parents, and any relative residing in the employee's immediate house-
15 hold.

16 **86.340. PAID SICK LEAVE.** After an employee has completed six (6)
17 full months of employment, he shall be credited with forty-eight (48)
18 hours of accrued sick leave, unless he works in the Courthouse, in
19 which event he shall be credited with forty-five (45) hours of accrued
20 sick leave. Thereafter, the employee shall continue to accrue sick
21 leave at the rate of eight (8) hours per month (seven and one-half
22 (7 1/2) hours per month if he works in the Courthouse) for each full
23 calendar month of active employment. Sick leave is provided by the
24 County to cover "sickness" and is not to be used as a supplement for
25 vacation. Sick leave may be taken only for the purposes specified in
26 Section 86.310 hereof. Except as provided in Section 88.410 below, no

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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 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.

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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 leave credits as a part-time employee and subsequently is appointed to a full-time position in the County service shall be credited with
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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 may have all or a portion of his sick leave credits restored by the appointing authority and the County Court.

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1 **86.610. JURY AND WITNESS LEAVE OF ABSENCE.** A person holding a
2 regular full-time position in the County service shall be credited
3 a leave of absence with pay for attendance:

4 (1) in Court for jury service, provided that the salary
5 paid to the employees for the period of absence shall be
6 reduced by the amount of money he receives for jury service;

7 (2) before a Court, legislative committee, or a judicial
8 or quasi-judicial body, as a witness in response to a subpoena
9 or other direction by proper authority, provided that the salary
10 paid to the employee for that period of absence shall be reduced
11 by the amount of any witness fees he receives;

12 (3) in Court in connection with the employees officially
13 assigned duties, including the time required to go to the Court
14 and to return to his place of work.

15 **86.620. MILITARY LEAVE WITH PAY.** A person employed within the
16 County service upon a regular full-time basis who has served in such
17 capacity for six (6) months or more immediately preceding his appli-
18 cation for military leave, and who is a member of the National Guard
19 or any reserve components of the armed forces of the United States, is
20 entitled to a leave of absence from his duties for a period not
21 exceeding fifteen (15) calendar days in any calendar year. Such leave
22 shall be granted without loss of time, pay or other leave, and without
23 impairment of merit ratings or other rights or benefits to which he is
24 entitled. Military leave with pay must be granted only when an employee
25 receives bona fide orders to active or training duty for a temporary
26 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
employees entering the military service for extended and indefinite
periods of active duty.

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

13 **86.640. MILITARY LEAVE OF ABSENCE WITHOUT PAY.** A person
14 employed within the County service upon a regular full-time basis
15 who has served in such capacity for six (6) months or more immediately
16 preceding his application for military leave shall be entitled to a
17 military leave of absence without pay during a period of service with
18 the armed forces of the United States. He shall, upon honorable
19 discharge from such service, be returned to a position in the same or
20 similar class as his last held position, at the salary rate prevailing
21 for such class, without loss of seniority or employment rights. If
22 it is established that he is not physically qualified to perform
23 the duties of his former position by reason of such service, he shall
24 be reinstated in other work that he is able to perform at the nearest
25 appropriate level of the pay of his former class. Such employees
26 shall make application for reinstatement and shall report for duty

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1 within ninety (90) days following separation from active duty. Failure
2 to comply may terminate military leave. Where an employee voluntarily
3 re-enlists, or extends his period of military service, his military
4 leave shall be deemed cancelled.

5 **86.650. OTHER LEAVES OF ABSENCE WITHOUT PAY.** In instances
6 where the County service will not be seriously handicapped by the
7 temporary absence of an employee, the County Court, upon recommendation
8 of the appointing authority, may authorize a leave of absence without
9 pay of appropriate duration. All requests for such leave must be in
10 writing and must establish reasonable justification for approval of
11 the request. Normally, such leave of absence will not be approved
12 for an employee who has accepted employment outside the County
13 service.

14 **CHAPTER 87 - EMPLOYEE RELATIONS**

- 15 87.010 - Educational and Training Policy
16 87.020 - Departmental Training
17 87.030 - Educational Leave
18 87.040 - Tuition Aid
19 87.110 - Employee Representation, Generally
20 87.120 - Formation of Bargaining Unit
21 87.130 - Excluded Employees
22 87.140 - Candidates for Representative
23 87.150 - Election Procedure
24 87.160 - Recognition of Representatives
25 87.170 - Withdrawal of Representative Recognition
26 87.210 - Negotiations
87.220 - Agreements
87.310 - Grievance Policy
87.320 - Grievance Procedure
87.330 - Departmental Grievances
87.340 - Civil Service Commission

24 **87.010. EDUCATIONAL AND TRAINING POLICY.** It is the policy of the
25 County Court to encourage appointing authorities to familiarize new
26 employees with departmental functions, to familiarize employees with

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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 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

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1 outside sources of funds are available, the County Court will make pro-
2 visions for such grants, but shall not permit the duplication of funds
3 for any purpose nor permit the combination of income sources to exceed
4 the monthly salary of the individual granted educational assistance.

5 **87.110. EMPLOYEE REPRESENTATION, GENERALLY.** Employees shall
6 have the right to form, join and participate in organizations of
7 their own choice for the purpose of representation and collective
8 bargaining on matters concerning employment relations; employees
9 shall also have the right to refrain from joining and participating
10 in the activities of employee organizations.

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

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

17 **87.120. FORMATION OF BARGAINING UNIT.** A bargaining unit may
18 consist of:

19 (1) all eligible employees in the County service;

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

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

87.130. EXCLUDED EMPLOYEES. No bargaining unit shall include per-
sons occupying positions within the County service of an elected, pro-
fessional, management or supervisory nature.

87.140. CANDIDATES FOR REPRESENTATIVE. A petitioning candidate
for employee representative may be a person, club, organization, or

1 council of organizations. Petitions for representative election shall
2 be submitted in writing and must include:

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

13 **87.150. ELECTION PROCEDURE.** All requests for representative
14 elections which shall include within the bargaining unit persons within
15 the classified service shall be processed in accordance with applicable
16 Civil Service Commission Rules. When such requests include within the
17 bargaining unit employees both within and without the classified
18 service, the appropriate Civil Service Commission Rules shall be deemed
19 applicable and by this reference are incorporated herein. When the
20 request includes only persons who are not employed within the classified
21 service, the request shall be processed in accordance with Sections
22 89.310 through 89.370.

23 **87.160. RECOGNITION OF REPRESENTATIVES.** When a candidate for
24 employee representation receives a majority of the votes cast, the
25 County Court shall recognize and certify that representative for that
26 unit. The representative shall serve without discrimination as to
27 membership, if the representative is for all employees in the bargaining
28 unit.

29 **87.170. WITHDRAWAL OF REPRESENTATIVE RECOGNITION.** After the
30 recognized representative has served for at least one (1) year, the

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1 representation may be challenged by petition requesting a new election
2 and supplying acceptable evidence that at least thirty (30) percent of
3 the employees in the bargaining unit desire different representation
4 or no representation.

5 **87.210. NEGOTIATIONS.** The County Court shall negotiate in good
6 faith with all employee representatives on matters concerning employment
7 relations. Similarly, appointing authorities shall negotiate in good
8 faith upon matters concerning employment relations within their depart-
9 ments.

10 **87.220. AGREEMENTS.** Any agreement between the County Court and
11 recognized representatives may be reduced to writing in the form of
12 a memorandum of agreement, exchange of letters, or any other appro-
13 priate form.

14 **87.310. GRIEVANCE POLICY.** It is the policy of the County Court
15 to assure persons employed within the County service that they may have
16 their complaints considered as fairly and rapidly as possible without
17 fear of reprisal. To that purpose individual employees are encouraged
18 to discuss their complaints informally with their immediate supervisor.

19 **87.320. GRIEVANCE PROCEDURE.** If the complaint arises under
20 these rules or arises within administered or supervised departments,
21 and after presenting any grievances to the department head, an
22 employee, employees or employee representative may present any
23 grievances or complaint to the County Court for consideration. The
24 complaint or grievance should be in writing within ten (10) days
25 from occurrence, and should be so framed as to include all items
26 necessary to assist the County Court in reaching an equitable

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1 decision. The County Court may uphold the original decision, action
2 or failure to act which motivated the complaint or may modify,
3 reverse or cancel such decision or action.

4 87.330. DEPARTMENTAL GRIEVANCES. Any employee, employees, or
5 recognized representative may present a complaint or grievance to a
6 department head in whose department the matter occurred. If the depart-
7 ment head requests, the complaint should be in writing and so framed
8 as to include all items necessary to assist the department head in
9 reaching an equitable decision. The department head may decide whether
10 to uphold the original decision action or failure to act which motivated
11 the complaint or grievance or he may decide to modify, reverse or cancel
12 such decision or action.

13 87.340. CIVIL SERVICE COMMISSION. As to grievances or complaints
14 against the Civil Service Commission or its rules, and as to matters
15 arising under the Civil Service Act, complaints or grievances may be
16 directed to the commission in accordance with its rules.

17 CHAPTER 88 - SEPARATION

- 18 88.010 - Reduction in Force
- 19 88.011 - Reassignment of Duties
- 20 88.012 - Order of Layoff
- 21 88.110 - Suspension
- 22 88.115 - Investigative Suspension
- 23 88.120 - Suspension Review
- 24 88.210 - Disciplinary Demotion and Salary Reduction
- 25 88.220 - Dismissal
- 26 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

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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 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

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1 conduct listed in Section 89.220. No person within the classified
2 service shall be suspended except upon written charges served upon
3 him and filed with the Civil Service Commission.

4 **88.115. INVESTIGATIVE SUSPENSION.** Where the appointing authority
5 has reason to believe that cause may exist for disciplinary suspension,
6 demotion, salary reduction, or dismissal, he may suspend a subordinate,
7 with pay, pending investigation of allegations. No such suspension
8 shall exceed the suspension periods permitted in Section 88.110. In
9 the event that the allegations appear to be unfounded, no entry
10 regarding suspension under this Section shall be made or retained in
11 any record of the County, except upon the employee's request.

12 **88.120. SUSPENSION REVIEW.** No suspension pursuant to Section
13 88.110 or Section 88.115 shall be subject to review by the Civil Service
14 Commission or any other tribunal.

15 **88.210. DISCIPLINARY DEMOTION AND SALARY REDUCTION.** An appointing
16 authority may demote an employee for cause or may reduce the salary of
17 an employee within the range provided for positions of that class. A
18 written statement of the reasons for such action shall be furnished to
19 the employee and, in the case of classified employees, a copy filed with
20 the Civil Service Commission, at least five (5) days prior to the
21 effective date of the action. Disciplinary demotions shall not be made
22 unless the employee is eligible for employment in the lower class nor
23 when such action will cause a person in the classified service to be
24 laid off.

25 **88.220. DISMISSAL.** An appointing authority may dismiss any
26 subordinate for one or more of those causes listed in Section 89.220.

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1 A written statement of the cause for dismissal shall be served upon the
2 employee and a copy filed with the County Court or, in case of clas-
3 sified employees, with the Civil Service Commission. Such statement
4 should normally be served and filed ten (10) working days prior to the
5 effective date of the dismissal.

6 88.230. IMMEDIATE EFFECTIVE DISMISSAL. The appointing authority
7 may, when in his judgment the good of the service so requires, suspend
8 an employee without pay during the notice period required by Section
9 88.220. Such period of suspension may be with or without pay at the
10 discretion of the appointing authority.

11 88.240. DEPARTMENTAL HEARING. No person who has been continuously
12 employed in the County service for five (5) or more years shall be
13 dismissed by an appointing authority unless the employee has been
14 afforded a hearing by the appointing authority, but this Section shall
15 not prevent suspension pending hearing.

16 88.310. METHOD OF RESIGNATION. In order to resign in good
17 standing, an employee shall give at least fourteen (14) calendar days
18 written notice to the appointing authority. The appointing authority
19 may agree to a shorter period of notice. Because of extenuating cir-
20 cumstances with the approval of the appointing authority, an employee
21 may withdraw his resignation at any time within ten (10) days after the
22 effective date of such resignation; in such case, time not worked shall
23 be treated as authorized leave of absence without pay.

24 88.320. FAILURE TO GIVE NOTICE. Willful failure to give that
25 notice required by Section 88.310 shall constitute insubordination and
26 shall be cause for peremptory dismissal from the service.

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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.

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

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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 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

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1 of the accumulated vacation leave, sick leave, and overtime which that
2 employee has accumulated. As to overtime, the monthly report shall
3 instruct the Clerk, subject to approval of the County Court, whether
4 the employee is to receive compensatory time off or a money compen-
5 sation. This Section shall not be construed to prohibit separate
6 accounting within those departments authorized by the County Court.

7 89.210. DISCIPLINARY ACTION. All disciplinary action shall con-
8 form to the following procedure except where Civil Service Commission
9 Rules otherwise specifically provide as to classified employees.

10 89.220. CAUSES FOR DISCIPLINARY ACTION. Any person within the
11 County service, holding non-elective office, may be subject to dis-
12 ciplinary action for:

- 13 (1) incompetency;
- 14 (2) inefficiency;
- 15 (3) inattention to or dereliction of duty;
- 16 (4) dishonesty;
- 17 (5) intemperance;
- 18 (6) immoral conduct;
- 19 (7) insubordination;
- 20 (8) discourteous treatment of the public;
- 21 (9) discourteous treatment of fellow employees;
- 22 (10) willful violation of the provisions of the Civil
23 Service Act or of Civil Service Commission Rules adopted
24 pursuant thereto;
- 25 (11) willful violation of the provisions of this
26 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.

22 89.230. TYPES OF DISCIPLINARY ACTION. For a cause specified
23 in Section 89.220, a department head may initiate and appointing
24 authority may impose: suspension, with or without pay; demotion;
25 reduction in salary; or dismissal from the County service. In no event

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1 shall the investigative suspension provided in Section 88.115 be con-
2 sidered disciplinary action.

3 89.240. **SUSPENSION.** No regular full-time employee who has
4 completed his probationary period shall be suspended without furnishing
5 to him a written statement of cause.

6 89.250. **DEMOTION.** No regular full-time employee shall be
7 demoted unless he has been furnished with a written statement of
8 cause. A copy of which shall be furnished to the County Court,
9 which copy shall contain the appointing authority's certification
10 that the employee is eligible for employment in the lower class
11 and that the action will not cause a person in the classified ser-
12 vice to be laid off.

13 89.260. **SALARY REDUCTION.** No regular full-time employee who
14 has completed his probationary period shall be reduced in salary
15 for disciplinary reasons unless he has been furnished with a written
16 statement of the reasons for such action.

17 89.270. **DISMISSAL.** No regular full-time employee who has com-
18 pleted his probationary period shall be dismissed from the County
19 service unless he has been first served with a written statement of
20 cause and a copy thereof has been filed with the County Court, and when
21 applicable the provisions of Section 88.240 have been followed.

22 89.280. **COUNTY COURT HEARING.** As to any person not included
23 within the classified service, action pursuant to Sections 89.250,
24 89.260 and 89.270 may be appealed to the County Court for hearing.
25 Provided, that written request for such hearing is filed with the
26 County Clerk no more than ten (10) days after such action would other-

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1 wise become effective. The County Court shall forthwith schedule a
2 hearing to consider such appeal and shall cause notice thereof to be
3 served upon the employee, the appointing authority, and the District
4 Attorney.

5 **89.290. HEARINGS PROCEDURE.** All hearings held pursuant to
6 Section 89.280 shall be conducted informally and unless the employee
7 requests otherwise, in private. The requesting employee may appear in
8 person and by counsel or employee representative. The District Attorney
9 shall appear and advise the County Court. The department head shall
10 appear and offer evidence in support of his action. Any such hearing
11 may be postponed from time to time for the convenience of the Court and
12 parties. The County Court may submit the question presented to a fact
13 finding referee, mediator, conciliator or arbitrator. The County Court
14 shall, in writing, adopt or reject the report of any fact finding
15 referee, mediator, conciliator or arbitrator; reversing or, with the
16 appointing authority's approval, modifying the action taken; or
17 sustaining the action taken. As to all persons other than those within
18 the classified service, the County Court's decision shall be final.

19 **89.310. REPRESENTATIVE ELECTION PROCEDURE.** When the County
20 Court receives a candidate's petition for employee representative,
21 conforming to Section 87.140, including within the Bargaining Unit
22 only persons who are not employed within the classified service, the
23 County Court shall without undue delay conduct a representative
24 election.

25 **89.320. NOTICE OF ELECTION.** The County Court shall provide
26 notice of the election to employees within the Bargaining Unit and

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1 to the appointing authorities affected at least fifteen (15) calendar
2 days in advance of the election. The notice shall include the date
3 when the election is to be held.

4 **89.330. ADDITIONAL CANDIDATES.** The County Court will place
5 the names of additional candidates for representative on the election
6 ballot if:

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

13 **89.340. ELIGIBLE VOTERS.** Persons within the Bargaining Unit
14 who will be eligible to vote will be those regularly employed within
15 the County service within the Bargaining Unit, and excluding those
16 employees described in Section 87.130 and on a pay status 30 calendar
17 days prior to the date of the election. A roster of such employees
18 will be posted by the County Court and copies thereto shall be fur-
19 nished to the affected appointing authorities and to the candidates
20 on the ballot five (5) days before the election.

21 **89.350. SUPERVISION OF ELECTION.** The County Court shall super-
22 vise all elections held hereunder and voting shall be by secret ballot
23 and shall permit an opportunity to vote for any one of the candidates
24 on the ballot, or for no representative. The District Attorney and
25 parties to the election may be present as observers during the election
26 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 candi-

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dates 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.

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, 1998.

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, 1998.

WASCO COUNTY COURT

John Mabrey

John Mabrey, County Judge

Scott McKay

Scott McKay, County Commissioner

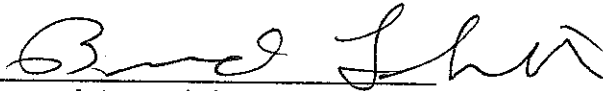
Dan Ericksen

Dan Ericksen, County Commissioner

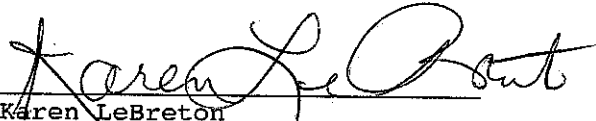
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APPROVED AS TO FORM:


Bernard L. Smith
Wasco County District Attorney

ATTEST:


Karen LeBreton
Wasco County Clerk