



LINCOLN COUNTY  
PERSONNEL RULES  
JANUARY 2015



## INTRODUCTION

The Lincoln County Board of Commissioners (Board/BOC) values the public service provided by the employees of Lincoln County. It is the intent of the Board to treat employees in a fair and consistent manner in all aspects of the employment relationship. In return, the Board expects County employees to provide efficient and high-quality service to the citizens of Lincoln County at every opportunity.

Effective and accurate management of Personnel-related issues is one of the most challenging aspects of supervision. This manual has been prepared jointly by the Lincoln County Board of Commissioners, County Counsel, the Personnel Department and the Lincoln County Management Team (M-Team). The Lincoln County Personnel Director is charged with the ultimate responsibility and authority for the administration and maintenance of these policies.

Every attempt has been made to provide clear and concise information related to the County's employment policies and practices; however, this manual is not intended to be all-inclusive of every situation and presents standard practices and policies typical of our work environment. Lincoln County operates in an at-will employment environment. This means that both the employee and the employer may decide to end an employment relationship at any time, for any reason other than a reason that is made impermissible by civil rights protections. Our at-will provision extends to all employees unless otherwise exempted by a collective bargaining agreement. The Grievance / Problem Solving Procedure and Discipline guidelines are subordinate to the County's employment at-will policy.

These Personnel Rules should not be considered to be an employment contract nor a guarantee of continued employment with Lincoln County. These Personnel Rules are a guideline to be used by Lincoln County supervisory staff on employment related matters.

The Lincoln County Board of Commissioners reserves the right to deviate from this policy and use discretion in making any employment decision. The Board, at its sole discretion, reserves the right to amend, delete or otherwise revise these rules at any time.

These Personnel Rules shall serve as a guide unless it conflicts with negotiated labor contracts or specific laws or statutes, which shall take precedence to the extent applicable.

Representations made by supervisory employees that are contrary to any of the following policies shall not be binding upon Lincoln County.

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## **Article 1: Definitions**

**ALLOCATION:** The assignment of an individual position to an appropriate classification on the basis of the kind, difficulty and responsibility of the work actually performed in the position.

**APPOINTING AUTHORITY (APPOINTING POWER):** Department Directors and Elected Officials with the authority to appointment individuals to a position.

**APPOINTMENT:** All means of selection.

**AT WILL EMPLOYEE:** Lincoln County is an employment at-will organization. Under the at-will relationship, both the employer and the employee may choose to terminate the employment relationship at any time, for any reason.

**BENEFIT ELIGIBLE:** An employee who works a minimum of 20 hours per week, and who works a minimum of 1,040 (50% to 100% employee) hours per calendar year.

**BOARD:** The Lincoln County Board of Commissioners.

**CLASS OR CLASSIFICATION:** A group of positions sufficiently alike in duties, authority and responsibilities that the same qualifications are required and the same schedule of pay can be equitably applied to all positions.

**CLASSIFIED EMPLOYEE:** A bargaining unit employee who has successfully completed the required trial service period.

**CLASS SPECIFICATIONS:** The written description of a class containing a title, statement of duties, authority and responsibilities and the desired minimum qualifications for the class.

**CONTINUOUS MONTH:** Any full calendar month of employment during which an employee is not on leave without pay for more than 32 hours of the month.

**CONTINUOUS SERVICE:** Service unbroken by separation from the County, except that time spent by an employee on authorized leaves of absence without pay as covered under these rules and regulations.

**DATE OF HIRE:** The actual date an employee begins paid service as indicated on the personnel action form.

**DAY:** Calendar day unless specifically noted otherwise.

**DEMOTION:** The transfer of an employee from a position in one pay range to a position in another pay range having a lower maximum salary rate.

**DEPARTMENT:** Includes those segments of the County headed by a Director appointed by the Board of Commissioners. Compare to Office.

**DISMISSAL:** Involuntary separation from County employment.

**DOMESTIC PARTNER:** Two individuals of the same sex who have joined in a domestic partnership and who have received a Certificate of Registered Domestic Partnership from the State of Oregon.

**DUE PROCESS:** Relates to the disciplinary procedure, which requires reasonable notice and the right of the employee to be heard before property (i.e. wages, position) is taken.

**EMPLOYEE:** Any individual in County employment who is wholly or partially subject to the personnel rules.

**EXEMPT EMPLOYEE:** An employee who is exempt from the overtime provisions of the Fair Labor Standards Act. Exempt employees are not eligible for overtime pay nor are they able to accrue compensatory time.

**FIXED BENEFIT ELIGIBLE (PART-TIME) HOURLY EMPLOYEE:** An employee who works at least 20 but less than 40 hours per week, and who works the same total hours each week on a fixed schedule. A Fixed Hourly Employee may not use accrued leave if that would create an overtime situation. A Fixed Employee, who occasionally works more or less than his/her regular scheduled workweek, but less than 40 hours will be paid at his/her straight time hourly rate. For hours physically worked over 40 hours per workweek, the employee is entitled to time and one-half for those hours in excess of 40. A fixed scheduled employee is not eligible for daily overtime. A Fixed Employee is eligible for employee benefits on a fixed pro-rated basis equal to his or her fixed FTE.

**FLEX SCHEDULE:** A work schedule that consists of varying hours during a workweek. A flex schedule must be approved in advance by both the Elected Official or Department Director and the employee. No accruals, including vacation time, compensatory time or sick leave (if applicable) can be used to create an overtime situation. There is no daily overtime created regardless of how many hours an employee works on any day during the workweek. An employee must use accruals to generate a 40-hour workweek, but each day's hours can vary as long as the employee and supervisor agree.

**FMLA:** The federal Family Medical Leave Act provides protected leave to eligible employees who need time off from work for reasons such as their own serious health condition, the birth of a child, or to care for certain family members with serious health conditions. Details on FMLA can be found in Article 11 of this manual and upon request from Personnel.

**FULL-TIME EMPLOYEE:** An employee who works 40 hours per week on a regular basis, and who works 2,080 hours (100% employee) per calendar year.

**FULL TIME POSITIONS:** Positions budgeted on a regular full-time basis shall be filled by one fulltime employee unless prior authorization is obtained from the Board.

**IMMEDIATE FAMILY MEMBER:** An employee's immediate family shall be defined as mother, father, spouse, sister, brother, child, grandparent, grandchildren, aunt, uncle, spouse's immediate family, but may also include any person residing in the employee's household. Immediate family may also include same sex domestic partners and other relatives. Immediate Family Member may be defined as required by law for specific entitlements.

**LAYOFF:** Separation from County service because of a shortage of work, funds, materials, abolishment of position or for other reasons not reflecting discredit on an employee. The employee can expect eventual recall if the position becomes available.

**NON-EXEMPT EMPLOYEE:** An employee who is not exempt from the overtime provisions of the Fair Labor Standards act, and therefore eligible for compensatory time and/or overtime wages for hours worked over 40 in a work week.

**OFFICE:** Includes those departments headed by an elected official other than the Board of Commissioners. See Department. Unless context or language requires otherwise, references to department in these rules includes offices.

**OFLA:** Oregon Family Leave Act provides protected leave to eligible employees who need time off from work for reasons such as their own serious health condition, the birth of a child, to care for certain family members with serious health conditions, or to care for their child's non-serious health conditions which require home care. Full details on OFLA can be found in Article 11 of this manual.

**OMFLA:** Oregon Military Family Leave Act provides protected leave to eligible employees who need time off from work to spend time with a spouse or domestic partner who has been called to active duty or notified of an impending call or order to active duty or who is on leave from active duty during a period of military conflict. This leave is counted as leave taken under the Oregon Family Leave Act (OFLA). Full details on OMFLA can be found in Article 11 of this manual.

**ON-CALL EMPLOYEE:** An employee who is available on an irregularly fluctuating basis because of the nature of the work. A person appointed to an on-call position shall be informed in writing at the time of appointment that the position has been designed as an on-call position and that the employee may expect to work only when work is available. A person who is appointed to an on-call position may be scheduled to work at the discretion of the supervisor when the workload of the position so justifies without any penalty pay provision for short notice. The un-scheduling or termination of an employee appointed to an on-call position shall not be considered to be a lay-off. On-Call Employees are not eligible to accrue holiday, vacation, sick leave or personal leave nor are they eligible for any County paid insurance or other benefits or compensation. On-Call Employees are not members of collective bargaining units. Employees in this category shall not work more than 1040 hours (less than 50% employee) in a fiscal year.

**OPEN DOOR POLICY:** Process available to all employees to address work-related concerns without fear of intimidation or reprisal.

**OPEN ENROLLMENT:** The period of time each year when employees can make certain changes to their employee benefits plans such as adding and/or dropping coverage and electing to participate in flexible spending accounts.

**PERSONNEL ACTION:** Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal or any other action affecting the employment status of an employee.

**PERSONNEL DIRECTOR:** The person the Board has delegated responsibility to assist in the administration of the personnel rules and to perform other personnel administration duties as assigned.

**PERSONNEL RULES:** Refers to Articles in this Manual.

**POSITION:** Any office, place or appointment.

**PROMOTION:** The transfer of an employee from a position in one pay range to a position in another pay range having a higher maximum salary rate.

**RECLASSIFICATION:** A change of allocation of an individual position by raising it to a higher pay range, reducing it to a lower pay range or moving it to another pay range at the same level on the basis of significant changes in the kind, difficulty or responsibility of the work performed in the position.

**RETALIATION:** To deliberately harm somebody in response to, or revenge for, a perceived harm.

**REGULAR EMPLOYEE:** A bargaining unit employee in the classified service who has successfully completed the required trial service period.

**SOCIAL MEDIA:** Websites or applications that enable users to communicate with each other by posting information, comments, messages, images, etc.

**TEMPORARY POSITION:** Any position or appointment, which has duration of 1,040 hours (less than 50% employee) or less during the calendar year, and does not meet the definition of a Fixed (Part-Time) Hourly Employee, Full-time Employee, On-Call Employee, or a (Part-Time) Employee. Temporary Employees are subject to termination at will and are not eligible for benefits. Temporary Employees who are hired by the regular County hiring process are eligible to be considered for other County positions for which they are qualified.

**TERMINATED:** Separation from County employment.

**TRANSFER:** Any change of an employee from one position to another position in the same or different pay range having the same maximum salary range.

**TRIAL SERVICE EMPLOYEE:** An employee in the classified service who has not completed the required six or more continuous month trial service period. Trial service employees are subject to termination at will.

**TRIAL SERVICE PERIOD:** A working test period of six or more months during which an appointed employee is required to demonstrate, by actual performance, his/her fitness for the position. Employees are subject to termination at will during the trial service period.

**UNCLASSIFIED EMPLOYEE:** Any non-bargaining unit employee serving in a policy making, supervisory or confidential position, as may be determined by the Board. The Board shall maintain a list of such positions, periodically updated, in the Commissioners' Office and in the Personnel Department. Persons appointed to unclassified positions serve at the will of their appointing authority.

**USERRA:** The Uniformed Services Employment and Reemployment Rights Act which provides basic provisions and requirements of reemployment rights and veterans' preference afforded persons who perform duty, voluntarily or involuntarily, in the uniformed services, which include the Army, Navy, Marine Corps, Air Force, Coast Guard, National Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services.

**VOLUNTARY DEMOTION:** The demotion requested by an employee in order to retain employment if layoff from his/her position is imminent; or for other reasons where the action is entirely voluntary on the part of the employee. All voluntary demotions must be approved by the appointing authority and by the Board. Voluntary demotions are not an employment right.

**WORKDAY:** Any day during which an employee is employed in his or her duties as a County employee regardless of the number of hours worked in a day.

WORKWEEK: Lincoln County's established workweek begins at 12:01 am Sunday and ends midnight Saturday.

## **Article 2: Statement of Purpose of Rules**

- A: These rules set forth the policies and procedures to be followed by the County in the administration of its Personnel Program.
- 1: These Personnel Rules supersede all previous rules both written and oral and all past practices as of this date.
  - 2: These rules can only be changed by written authorization of the Lincoln County Board.
- B: The Personnel Rules are not a contract and are subject to changes at any time by the Board.
- 1: This manual contains general statements of County policy and should not be read as including the details of each policy.
    - a: This manual should not be interpreted as forming an express or implied contract or promise of continued employment.
    - b: Lincoln County may add to the policies in the manual or revoke or modify them from time to time. The County will try to keep the manual current, but there may be times when policy will change before this material can be revised. Significant changes to the rules will be communicated to employees through e-mail, the County Newsletter or memos to County Offices and Departments and posted on the County Helpdesk on the web. Employees are expected to watch for and adhere to the changes in these Rules.
  - 2: Elected Officials, Department Directors and supervisors should refer to the Personnel Rules whenever questions of policy interpretation or implementation arise. Issues needing clarification should be referred to the Personnel Director.
  - 3: Lincoln County recognizes that employees differ in their skills, goals, perceptions, and values. Conditions and conflicts may arise because of that diversity; and those conditions and conflicts may not be sufficiently addressed within this Manual. When that occurs, the Lincoln County Commissioners in conjunction with the management team will endeavor to make decisions that are fair and equitable; while at all times ensuring that the best interests of Lincoln County are served.
- C: As used in the Manual:
- 1: The words “shall” or “will” should be interpreted as mandatory and the word “may” as permissive.
  - 2: The masculine gender should be interpreted to include the feminine gender; and
  - 3: “Supervisor” means an individual with the authority to assign, direct, and review the work of subordinate(s).
- D: The purpose of these rules is to achieve for Lincoln County the following objectives:
- 1: To establish a County system of personnel administration based on systematic and equitable principles and scientific methods governing all employee benefits, policies, performance standards and other incidents of County employment.
  - 2: To promote and increase economy and efficiency, improve employee morale and facilitate efforts to attract and retain valuable employees.
  - 3: To establish and maintain a uniform plan of classification and pay based upon the relative duties and responsibilities of positions in County service.
  - 4: To establish and administer a program of recruitment, appointment, training, advancement and tenure based on merit and fitness without regard to sex, race, color, creed, age, religion, national origin, sexual orientation, marital status, membership in other protected groups, association or political affiliation, disability, or veteran status.
  - 5: To comply with Federal and State laws with the understanding that employment is subject to proper conduct on the job, the satisfactory performance of work, the necessity for the performance of work and the availability of funds.

- E: These Personnel Rules should be used as an outline of the basic personnel policies, practices, and procedures for Lincoln County and are not intended to alter the employment-at-will relationship in any way.
  
- F: Some subjects described in these rules such as benefit plan information are covered in detail in official policy documents. Refer to these documents for specific information, since this manual only briefly summarizes those benefits, which are available in the Personnel Department. Please note that the terms of the written insurance policies or coverage documents are controlling.

## **Article 3: Statement of Non-Discrimination and Equal Employment Opportunity**

The following is the statement of Lincoln County's policy of non-discrimination regarding employment opportunity, service to the public and access to County facilities and it shall be posted prominently.

### **Lincoln County Statement of Non-Discrimination**

It is the policy of the Board for Lincoln County to prohibit discrimination against any individual with regard to sex, race, color, creed, age, religion, national origin, sexual orientation, marital status, military status, association with members of a protected class, membership in other protected groups, association or political affiliation, injured worker status, veteran status, non-supervisory family relationships, disability (except for bona fide occupational qualifications), or any other protected class or work relationship relating to terms of employment, provision of service to the public and access to public facilities. Lincoln County maintains monitors and regularly updates the Equal Employment Opportunity Plan (EEO) to ensure non-discriminatory hiring practices. A copy of the EEO is available on the County website. Nondiscrimination extends to application of this policy in all areas of employment, to include and not be limited to:

**A: Genetic Information Non-discrimination Act (GINA)**

- 1: Lincoln County does not discriminate against applicants or employees based upon either the employee's or the employee's family genetic information; nor does Lincoln County use genetic information in employment decisions.
  - a: Once a condition manifests itself, GINA no longer applies. More detailed information about GINA is available on the EEOC poster placed on employee bulletin boards at each work location throughout the County.
  - b: Genetic information and Wellness Programs: Employees may be asked to sign voluntary waivers, in which, the employee acknowledges that his/her genetic information will only be provided to licensed health care professionals or board-certified counselors involved in the wellness program. There is no penalty for non-participation.

**B: The Fair Pay Act**

Lincoln County does not discriminate when determining individual pay. Determining factors include, but are not limited to: skills, effort, responsibility, working conditions, years of experience, education, impact of errors, job complexity, access to confidential information, tasks performed, number of staff supervised, certifications, contact with others, merit, and supervision received.

**C: Employment Eligibility Verification**

- 1: In conformity with the Immigration Reform and Control Act of 1986 (IRCA), the County hires only individuals who are eligible to work in the United States. Verification documentation is required of all new hires, and employees are expected to inform Lincoln County immediately if their eligibility changes.
- 2: After an individual is employed, (as allowed by law) the County shall utilize the federal E-Verify program to validate legal right to work in the United States. The County may use other methods for verifying social security numbers. Expired documents are not valid documents for I-9 purposes.

**D: Veterans' Preference in Hiring**

Veterans who meet minimum the qualifications for a position may be eligible for employment preference. Lincoln County does not discriminate against individuals based on current or prior military service. Veterans' Preference will be applied throughout the employment screening and selection process in accordance with State and Federal law. Information

regarding Veterans' Preference is posted on the County's Personnel Department web-site along with other instructions on how to apply for employment with the County.

E: Whistleblower Protection

Lincoln County does not discriminate or retaliate against employees who report, in good faith, alleged violations of state or federal laws, rules, or regulations, abuse of authority, gross waste of public funds or a substantial and specific danger to public health or safety. Employees who suspect improper action may report specific information via the Whistleblower phone line at 541-265-0371, in the Personnel Department. Information brought forward under this policy shall be kept confidential to the extent possible under law, unless the employee authorizes the disclosure of his/her identity in writing. Unsubstantiated and/or frivolous claims may be investigated independently of this process and may be subject to disciplinary process.

F: Religious Accommodation

- 1: Lincoln County may provide reasonable accommodation for religious observances or practices of employees, unless providing the accommodation would impose an undue hardship on Lincoln County; this may also include accommodating the wearing of religious clothing.
- 2: With management approval, an employee may use vacation or other available leave for religious activities; if accrued leave is not available, then an employee may request Leave of absence without pay (LWOP).

G: Domestic Violence

Lincoln County does not discriminate against employees who are victims of domestic violence, sexual assault, or stalking.

H: Age The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment

I: Retaliation

Employees who believe they have been discriminated against or harassed, or who witness or suspect any violation of these policies, should report the matter immediately to any member of management, their immediate Director or Supervisor, the Personnel Director or County Counsel. If the complaint is in regard to an alleged violation of these policies by the Personnel Director, the complaint may be directed to the County Counsel or the Board. Lincoln County will not retaliate against employees for filing a complaint or cooperating in an investigation, and will not tolerate or permit retaliation by management, employees or co-workers.

- 1: Lincoln County will not tolerate unlawful retaliation against employees for engaging in protected activity. Federal Laws such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and The American with Disabilities Act, all prohibit retaliation against an employee who engages in protected activity.
- 2: A protected activity is defined as: opposing an unlawful practice prohibited by employment discrimination laws, or participating in any way in an investigation, proceeding, or hearing of an Equal Employment Opportunity charge.
- 3: Any act of retaliation by a manager and/or coworker may result in serious adverse disciplinary action up to and including discharge. Any staff member may file a complaint with the Personnel Director or the Board if he/she feels that he/she has experienced retaliation in any form.

J: Open Door Policy

In the interest of providing clear and concise options for addressing and resolving employment-related matters at the lowest level, the Board of Commissioners supports and believes that employees who make good faith reports of work-related concerns shall be protected from intimidation or retaliation.

- 1: If an employee believes that he/she have a legitimate work-related concern, the employee is encouraged to first attempt to resolve the issue through discussions with his or her immediate Director or Supervisor as defined in Departmental Communications Policy. If discussion with the employee's immediate Director or Supervisor fails to resolve the concern, the employee is encouraged to address the concern with the Personnel Director, County Counsel or any member of the Board.
- 2: In certain circumstances, discussions with the employee's immediate Director or Supervisor may not be appropriate. In such cases, the employee is encouraged to address the issue with the Personnel Director, County Counsel or with any member of the Board.
- 3: This process provides a method for an impartial discussion of an employee's concern. It is intended to resolve the problem and to provide employees with fair and objective review.

K: Sexual and Protected Class Harassment

It is the policy of Lincoln County that all employees have a right to work in an environment free of discrimination, which includes freedom from harassment whether that harassment is based on sex, age, race, color, creed, national origin, religion, sexual orientation, marital status, membership in other protected groups, association or political affiliation, or disability.

- 1: The County prohibits harassment of its employees in any form by supervisors, co-workers or members of the public.
- 2: Such conduct may result in disciplinary action up to and including dismissal for the employee who harasses others.
- 3: With respect to non-employees, other appropriate action will be taken.
- 4: Specifically, no supervisor shall threaten or insinuate either explicitly or implicitly that any employees' submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development, otherwise known as quid pro-quo harassment.
- 5: Other harassing conduct in the workplace, whether physical or verbal, committed by supervisors or others is also prohibited.
- 6: Harassing conduct includes slurs, remarks, statements, threats, jokes or degrading comments concerning any of the protected classes listed above, repeated offensive flirtation, advances or propositions, continual or repeated abuse of sexual nature, patting, pinching or inappropriate touching, graphic verbal comments about an individual's body and the display in the workplace of sexually suggestive objects or pictures. These behaviors may have the impact of creating a hostile work environment and are prohibited.
- 7: The prohibition of these behaviors extends to off-duty conduct as defined in Article 12, Code of Ethics and Conduct.
- 8: Employees who have complaints of harassment should report such conduct to any member of management as defined in the Open Door policy in this article.
- 9: Unless directly involved in the complaint, the initial complaint will be reviewed by the Personnel Director and County Counsel, who shall determine the next steps in the investigation. If determined an investigation is necessary the following steps will be taken:
  - a: The County will designate an investigator who will conduct the investigation.
  - b: Where investigations confirm the allegations, appropriate corrective action will be taken as provided in these policies, up to and including termination.

- c: The harassed employee will be informed of the results of the investigation and, when appropriate, the sanctions imposed.
  - d: All employees are expected to cooperate with the investigation.
  - e: Failure to cooperate with an investigation may lead to disciplinary action up to and including the possible termination of employment.
  - f: Information provided by individual employees in the course of an investigation will be treated as confidential to the extent possible and only be provided to those who have a need for the information or when it is required in the course of investigating the complaint.
  - g: Providing false information or making false allegations in the course of the investigation is grounds for discipline up to and including the possibility of termination of employment.
- 10: The County prohibits retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports. Any such action is a serious violation of this policy, and like harassment or discrimination, retaliation against persons assumed to have participated in an investigation may be subject to disciplinary action.

L: Americans with Disability Act (ADA) Accommodation

1: ADA Procedure

The ADA requires reasonable accommodation to applicants and/or employees with disabilities. The applicant and/or employee or someone acting on his/her behalf must request accommodation either verbally or in writing as soon as the need arises.

- a: Lincoln County may ask for documentation of such disability from an appropriate profession such as a doctor or rehabilitation counselor.
- b: Disabilities which are transitory do not qualify for accommodation under the ADA.
- c: Requested accommodations cannot change or alter the essential functions of any position's job description.

2: Reasonable Accommodation Request Process

An employee who believes that s/he possesses a disability, which prevents or hampers his/her ability to perform an essential function of his/her position, must complete a Reasonable Accommodation Request form (obtained from the Personnel Department).

- a: The request form should be submitted to the employee's supervisor and a copy sent to the Personnel Department.
- b: The supervisor can require the employee to obtain a statement from the employee's physician to certify that the employee has a covered disability for which s/he needs a reasonable accommodation.
- c: The employee should obtain a copy of his/her job description outlining the essential functions of the position for the physician to review in order to evaluate how the disability affects the employee's ability to perform the essential functions of the position.
  - i: The request form and the physician's documentation must be submitted to the Lincoln County Personnel Department. The supervisor and employee with a disability should engage in an informal discussion to clarify what the individual needs and identify the appropriate reasonable accommodation. The supervisor may ask the employee relevant questions that will enable him/her to make an informed decision regarding the request. This includes asking what type of reasonable accommodation that is needed.
  - ii: The supervisor will meet with the Elected Official or Department Head and management staff and either agree on a proposed plan of accommodation, or determine whether any accommodation is possible without altering the essential functions of the job, or the request for accommodation creates an undue hardship.

- iii: The supervisor must send the completed Reasonable Accommodation Request form, with required attachments, and a written report on the department's ability to provide accommodation, to the Personnel Department.
- iv: The Personnel Department will review the Request Form, attachments and the department or office's written statement to ensure that all required information has been provided. The Personnel Director will schedule a meeting with County Counsel, the affected Elected Official or Department Director and the Personnel Director to review the request.
- v: The Personnel Director and County Counsel will review the department or office's position on ability to provide accommodation, and determine if the accommodation proposed appears to be reasonable as defined by law and consistent with County practice. They will then approve, modify, request additional information or deny the requested accommodation.
- vi: The supervisor will meet with the employee to discuss the decision regarding the requested accommodation.
- vii: If the accommodation request is approved, the department will implement the accommodation.
- viii: If the accommodation request is denied, the department or office must determine whether the employee can perform, or continue to perform the essential functions of his/her current job. If not, the employee may be eligible for reassignment to another, vacant position for which s/he qualifies. The Personnel Department will assist in determining qualifications and identifying vacancies. The steps in determining reassignment, in order of priority, are:
  - ix: Reassignment to an equivalent (in terms of pay, status, FTE, etc.) vacant position in the same department or office for which the employee is qualified.
  - x: Reassignment to an equivalent, vacant position in another County department or office, for which the employee is qualified.
  - xi: Reassignment to a vacant position in the same department or office that may be lower in terms of pay, status, FTE, etc., for which the employee is qualified.
  - xii: Reassignment to a vacant position in another County department or office that may be lower in terms of pay, status, FTE, etc., for which the employee is qualified.
  - xiii: If there does not exist another vacant position in any County department or office, equivalent or lower in terms of pay, status, FTE, etc. for which the employee is qualified, the employee will be placed in "Lay off" status, with recall rights under the appropriate Collective Bargaining Agreement or the Personnel Rules.
- d: For a period of 12 months from the reassignment to another department or office, the employee's original department or office retains the responsibility to offer the employee any suitable and equivalent position for which s/he qualifies that may become vacant. The employee will then be transferred back to the original department or office should the employee or the new department or office so desire.
- e: If the employee must be reassigned to a lower-salaried position, employers are not required to maintain the employee's salary at the former, higher level. The employer must treat the impact on the employee's salary in a manner consistent with similar actions for other employees (e.g. voluntary demotions).
- f: Employees cannot employ "bumping rights" to an occupied position as an accommodation for a disability.
- g: The Personnel Director and County Counsel or Assistant County Counsel will determine resolution of any disagreements on accommodation, which may involve the employee and supervisor, the supervisor and another department or office with suitable vacancy for reassignment, the fiscal impact of accommodation, etc.
- h: The Personnel Director and County Counsel or Assistant County Counsel will review all proposed accommodations and related costs, and will determine if the department or office should manage absorption of the cost, if some subsidy can be provided from

other resources, or if the cost of accommodation would create business hardship for the County.

- i: Where reassignment to a position in another department or office becomes a necessary accommodation, and there is more than one vacant, suitable position for which the employee is qualified, the Personnel Director and County Counsel or Assistant County Counsel will determine which position will be offered to the employee and will notify the appointing authority, who will then make the job offer to the employee.

M: Service/Assistance Animals

Federal and State law expressly allow people with disabilities to use service or assistance animals in all buildings and facilities where the County provides services (exceptions include Corrections facilities including the Jail and Juvenile Detention). Details on implementation of the County Policy for Service/Assistance Animals will be maintained in the Personnel Department and posted on the County helpdesk.

N: ADA Coordination

In compliance with the ADA, The Personnel Director is appointed to coordinate ADA compliance in all aspects except facilities. The Facilities Manager will work in conjunction with the Personnel Director and the County Counsel or Assistant County Counsel to coordinate ADA compliance with respect to County facilities.

O: Discrimination Complaints

- 1: Any person who alleges an act of discrimination by the County regarding employment opportunity with the County, access to service or access to County facilities, may file a complaint with the Personnel Director who shall seek to provide a prompt and equitable solution.
- 2: Should the Personnel Director be unable to satisfactorily resolve the complaint, the complaint may be presented to the Board. The complaint may also be filed with the appropriate State or Federal compliance agency.
- 3: All employees of Lincoln County have the responsibility to follow and carry out the policies outlined in this section. Management provides and supports a dispute resolution procedure for receiving and resolving complaints alleging discriminatory practices in employment relations. Employees are expected to bring any questions, issues or complaints to the attention of their manager. If an employee believes that he or she has been discriminated against or harassed, or witnesses or suspects any violation of County policies, he or she should report the matter immediately to his or her Director or Supervisor (as defined in Departmental Communications policy), the Personnel Director, County Counsel or any member of the Board. If the complaint is in regard to an alleged violation of these policies by the Personnel Director, the complaint may be directed to the Board. Lincoln County will maintain adequate records and confidentiality related to receipt of complaints and will not retaliate against an employee for filing a complaint or cooperating in an investigation, and will not tolerate or permit retaliation by management, employees or co-workers.

Anyone desiring additional information regarding this policy may contact the Lincoln County Personnel Director at (541) 265-4157 or by writing to the following address:

Lincoln County Personnel Department  
210 SW 2nd Street  
Newport, OR 97365

FAX: (541) 265-4906

COUNTY WEBSITE: [www.co.lincoln.or.us](http://www.co.lincoln.or.us)

## **Article 4:**

### **Terms of Employment**

**A: Recruitment**

It is the goal of Lincoln County to fill employment vacancies with the most qualified applicants, whether recruiting internally or externally. Job applicants will be considered on an equal basis for all positions without regard to sex, race, color, creed, age, religion, national origin, sexual orientation, marital status, military status, association with members of a protected class, membership in other protected groups, association or political affiliation, injured worker status, veteran status, non-supervisory family relationships, disability (except for bona fide occupational qualifications), or any other protected class or work relationship relating to terms of employment, provision

The County always attempts to select the most qualified person for each available job, recognizes current employees' experience and familiarity with Lincoln County as an important qualification, and encourages current employees to apply for openings in which they are interested. Usually, an employee must have completed his or her initial introductory period before transferring to a new position, and to be eligible for a transfer, provided that he or she is not under any disciplinary action.

An employee may from time to time be temporarily transferred or assigned to perform work outside of his or her regular job classification, schedule, shift or department. Depending upon the circumstances, when transferred, the employee may be subject to a corresponding wage adjustment.

**B: Public Announcement**

Before an appointing power may select a candidate for a position, notice of the vacancy must be forwarded to the Personnel Director.

- 1: The Personnel Director shall prepare recruitment announcements of position openings, which set forth the general duties and compensation of the position, the minimum qualifications required the dates, place and manner of making application for the position and other appropriate information.
- 2: Public announcement of recruitment to fill vacancies or to establish a roster of qualified candidates shall be made by the Personnel Department.
- 3: Public announcement is not required for position vacancies which appointing powers recommend filling by transfer, voluntary demotion or promotion of present employees or by re-employing a former employee. The Board, at its discretion, may require internal or external posting of selected positions.
- 4: Employees who wish to apply for any County position must apply through the Personnel Department.

**C: Application**

Persons, including current employees, applying for a position shall fill out an employment application form approved by the Board. Alternate forms or resumes may be substituted for the standard form if, in the opinion of the Personnel Director, adequate information is provided.

**D: Evaluation of Applicants**

Applications for appointment to positions shall possess the minimum qualifications and other requirements for the classification as stated in the applicable classification descriptions.

Selection criteria must be job related and may be written, oral and physical, in the form of a demonstration of skill or an evaluation of training and experience.

Consideration will be given to education, experience, aptitude, capacity, knowledge, character, Bona Fide Occupation Qualification (BFOQ) physical fitness, length and quality of service and other qualifications to determine the relative fitness of the applicants.

Prior to being offered a County position on a regular basis, each newly appointed employee must meet the following contingencies:

- Undergo a criminal history and background check.
- Submit to a pre-employment drug screen and test negative, if the employee will be required to operate a motor vehicle (personal or County-owned) as part of his/her employment and who will have a client or non-County employee as a passenger; or any other position that the County believes involves work that directly relates to or implicates the safety and security of others.
- Provide documentation necessary to prove that the employee meets the education and/or license requirements for the position.
- Driving record check.
- Successfully complete a Trial Service Period.

E: Appointments

When an appointing power has selected a candidate to fill a position, a personnel action form shall be completed and forwarded to the Personnel Director.

All Vacancies in the Classified Service shall be filled as provided in this article and no appointment will be final until approved by the Board.

The Personnel Department shall assist appointing authorities in the recruitment, screening, and selection of employees.

F: Notification to Applicants Not Appointed

The Personnel Department shall, within a reasonable period of time, notify applicants interviewed who were not appointed after an appointment is made. If applicable, applicants will be notified when possible before the media is notified.

G: Physical examinations

Regardless of having otherwise qualified for employment, for certain job categories candidates for employment may be required by the appointing power to obtain medical certification that they are physically fit to perform the duties of the open position. Certification will include a physical examination or other medical evaluation as required. Any physical examination requirements shall be uniformly applied within the job categories.

H: Full-time positions

Positions budgeted on a regular full-time basis shall be filled by one full-time employee unless prior authorization is obtained from the Board.

I: Temporarily working out of Classification

An employee who is temporarily assigned to a classification with a higher pay range for a period of 10 consecutive working days or more shall receive compensation at the step of the higher classification closest to, but more than the employee's current salary or a one-step increase in his/her regular classification, whichever is greater. The effective date of the work out of class will be the first day of the next pay period.

However, the employee shall be granted the increase of the higher classification only if the employee is assuming the full duties and responsibilities of the higher classification.

The additional pay will continue for the duration of the temporary assignment.

Conversely, an employee who is temporarily assigned to a classification with a lower pay range shall receive an equivalent reduction in pay.

No temporary assignment shall exceed 1040 hours in a calendar year.

J: Employment Relationship

Employees of Lincoln County are engaged in an “at will” employment relationship, unless otherwise stipulated in a relevant Collective Bargaining Agreement. This means that either the employee or Lincoln County may terminate the employment relationship at any time with or without reason or notice.

No one other than the County Counsel or Personnel Director on behalf of the Board has the authority to enter into any employment agreement contrary to the provisions outlined in this Manual and the Manual cannot be altered except in writing and signed by the Board. Lincoln County is also not bound by any oral promises concerning length or conditions of employment.

K: Employee Representation

Employees shall have the right to form, join and participate in the activities of labor organizations for the purpose of representation and collective bargaining in accordance with the Oregon Revised Statutes and with the Oregon State Employment Relations Board Rules and Regulations.

L: Departmental or Office Personnel Regulations

Each Department and Office of Lincoln County is encouraged to establish Departmental or Office policies, rules and procedures; such policies, rules and procedures shall not conflict with the Personnel Rules or with the applicable Bargaining Unit Agreement. The Department or Office has the responsibility to make these policies, rules and procedures known to all employees within their Department or Office.

M: Re-employment

An appointing power, subject to the approval of the Personnel Director, may re-employ a former employee having held trial service or regular status in a position in the classified service to a position in the same or similar classification within 12 months of the employee's separation date from County service.

## **Article 5:**

### **Employment Classifications-Classified and Unclassified Service**

- A: All positions within the County shall be designated as Classified or Unclassified as follows:
- 1: Classified Service: Classified Service includes all positions that are covered by a recognized County Bargaining Unit.
  - 2: Unclassified Service: Unclassified positions include positions held by:
    - a: Elected Officials
    - b: County Counsel and Assistant Counsel
    - c: Members of Commissions and Boards
    - d: Department Directors and Deputy Department Directors as designated by the Board
    - e: Employment contracts for temporary, part-time, or full-time service to render professional, scientific, technical or other expert services which are not personal or professional service agreements with independent contractors
    - f: Persons appointed to temporary positions and on-call positions as defined by these Personnel Rules
    - g: Volunteer uncompensated personnel including committee members.
    - h: Any person serving in a policymaking, supervisory and/or confidential position as may be determined by the Board.
  - 3: The Board shall maintain a list of such positions, periodically updated, in the Commissioners' Office and in the Personnel Department.
- B: Classification Status and Benefit Eligibility
- 1: The status of each employee's position is placed into distinct classifications for benefits and other employment conditions and to aid in a better understanding of employment relationships within Lincoln County as follows:
    - a: Trial Service Employment - Newly hired or promoted employees within the trial service period.
    - b: Benefits-eligible - Qualified employees who are hired into regular full-time or regular part-time (as defined below) positions.
    - c: Regular Full-time - An employee who has successfully completed trial service and is regularly scheduled to work 40 hours or more per week. Benefits-eligible.
    - d: Regular Part-time - An employee who has completed the trial service period and is regularly scheduled to work at least 20 but less than 40, hours per week. Employees will receive a pro-rated benefit contribution based on hours worked.
    - e: Regular Part-time NB - An employee who has completed the introductory period and is regularly scheduled to work less than 20 hours/week. No benefits.
    - f: Interns – Interns are not eligible for any benefits.
    - g: Temporary - An employee who is hired for a specified period of time. Generally, temporary employees will not work more than 1039 hours during a calendar year. No benefits.
    - h: On-Call - An employee who does not have a set schedule and works only when called upon. Generally, On-Call employees will not work more than 1039 hours during a calendar year. No benefits.
    - i: Regularly Scheduled - Calculated as the average number of hours per week, when averaging a calendar year.
  - 2: Positions are further classified according to federal and state wage and hour laws into the two additional categories of exempt and non-exempt as is defined in the paragraphs that follow. Management will make the appropriate designation regarding the status for each new position or when a position changes substantially. Employees who are uncertain of their status should ask their managers.

- C: Exempt - An employee who is exempt from the overtime pay requirements under federal and state laws. Exempt employees generally include managers, supervisors, and professional staff who are paid a salary and whose duties and responsibilities allow them to be exempt under federal and state law.
- D: Non-exempt - An employee whose job duties do not meet federal/state definitions for "Exempt" status.

## **Article 6: Application and Administration of Personnel Rules**

All employees, regardless of classification, are subject to the Personnel Rules, unless specifically defined in relevant Collective Bargaining Agreement, with the following exceptions:

A: Classified service positions are subject to all Personnel Rules.

B: Unclassified service Positions

- 1: Unclassified service positions are subject to all Personnel Rules except Appointments, Trial Service Period, Separation in Good Standing, Layoff and Resignation, Conduct Discipline and Appeals, and except as otherwise provided in these policies.
- 2: Unclassified employees shall serve at the pleasure of their appointing authority.
- 3: Appointed Department Directors continue to work at the will of the Board. The Commissioners may remove any Department Director, at any time, without the necessity of showing cause.

C: Elected Officials

- 1: Unless otherwise noted, Elected Officials are expected to comply with all of these Personnel Rules and are expected to administer these rules for their appointed employees.
- 2: All benefits for newly Elected Officials begin the first day of the month following the month in which the oath of office is administered.

D: Collective Bargaining Agreements

Any provision of the personnel rules that is inconsistent with a valid collective bargaining agreement, or that would be inappropriate based on the County's obligation to bargain over the substance of such provision, shall not apply to those employees subject to such agreement.

E: Administration of Rules

- 1: The Board is responsible for the general administration of the personnel rules and is the final authority in their application, interpretation and meaning.
- 2: The Board may delegate authority to others for the administration of certain provisions of the rules.
- 3: The Personnel Director assists the Board in the administration of these rules and is responsible for the management of the County Personnel Department.

## **Article 7: New Employees, Promotions and Transfers**

### **A: New Employee Orientation**

In order to help orient to Lincoln County's operations, and to ensure that new employees quickly have a productive and satisfying employment relationship, managers are responsible for ensuring that all new employees are scheduled for a general orientation organized by Personnel within the first month of employment. The hiring manager will provide a detailed job-specific orientation.

### **B: Trial Service Period**

- 1: The trial service period applies to all positions in the classified service. Non-represented employees are "at will," so in effect they are always in a "trial service" status.
- 2: The Trial Service Period provides the appointing power with the opportunity to observe the employee's work, to train and aid the employee in adjusting to the position, and to terminate employees with unacceptable performance or for any other reason without the necessity of showing cause, unless the Trial Service Period has been waived by the appointing authority.

### **C: Duration of trial service period**

- 1: Every person appointed to a position in the classified service shall serve a trial service period of not less than six continuous months.
- 2: Should an employee, who has completed a trial service period in one department or office transfer to another department or office, that employee will be required to serve a trial service period of not less than six months in the new position.

### **D: Transfers during trial service**

- 1: An employee transferred to another position before the completion of the trial service period shall be required to serve a new trial service period of not less than six continuous months in the new position.
- 2: If the transfer is to a different department or office, the trial service period will be a minimum of six continuous months in the different department or office.

### **E: Departmental Promotion**

- 1: An employee promoted to a higher level position in the same department does not serve a new trial service period in the higher classification.
- 2: An employee who is promoted to a higher level position in a different County department or office shall serve a trial service period of not less than six months in the new department.

### **F: Promotions and Transfer Training Period**

- 1: Lincoln County encourages upward mobility and will consider employees for promotions as opportunities develop or vacancies occur. The annual performance evaluation is an excellent time for employees to discuss their career interests with management.
- 2: If an employee is promoted or transferred to a new position, he or she must complete a trial service period of not less than six continuous months to determine the suitability of the placement and the employee's ability to satisfactorily perform the required work. If it is determined that the job change is unsatisfactory during this period, the employee may be returned to his or her original job, if available; he or she may be assigned to another vacant position; or he or she may be discharged. If he or she is placed in a job other than his or her original job, the pay and benefits may also be adjusted.

**G: Dismissal During Trial Service Period**

- 1: At any time during a trial service period, an employee may be removed without cause by an appointing power.
- 2: Dismissal during a trial service period shall not be grounds for redress under the Article 13 of these rules.
- 3: An appointing power may extend the trial service period for up to twelve months.
- 4: At the end of the initial trial service period, a decision about employment status will be made. If expectations are not met or demonstrated, and/or KSAs (Knowledge Skills and Abilities) are not satisfactory, it is unlikely that employment will be continued.
- 5: If the employee successfully completes trial service, he or she may be moved to regular status.
- 6: Trial service employees may be discharged at any time and for any reason during this period at the discretion of the County. The employee may resign.
- 7: Completion of the trial service period does not alter the "at will" employment relationship, unless otherwise stipulated in the relevant Collective Bargaining Agreement.
- 8: Employees will accrue, but not be eligible to use, vacation leave benefits during this period, unless specifically agreed upon in advance by the manager or the County.

## **Article 8: Employee Performance Ratings**

### **A: Employee Performance**

- 1: Standards of employee performance shall be established and administered by appointing powers.
- 2: The maintenance of such standards is the inherent responsibility of every supervisor.
- 3: A system of performance evaluation shall be established and utilized as a positive procedure in assisting employees and supervisors in achieving optimum levels of performance.
- 4: Supervisors are to be familiar with the employee performance evaluation system and procedures established by the Department or Office.

### **B: Trial Service, Annual Special Ratings**

- 1: A rating of trial service employee work performance shall be prepared for each trial service employee before the completion of the trial service period.
  - a: A rating of meeting or exceeding standards indicates the successful completion of the trial service period and regular employee status.
  - b: Established performance standards and goals shall be the basis for every rating.
  - c: Trial service may be extended for up to twelve months, if the trial service employee has not successfully completed his/her first trial service period.
- 2: An annual rating of work performance shall be completed for each employee before his or her anniversary.

### **C: Use of Ratings**

- 1: Ratings are to be used as a means of communicating with the employee regarding performance standards and goals and in identifying strengths and weaknesses in the performance of assigned duties.
- 2: Appointing powers shall review the rating with the employee and stress both areas of outstanding performance and areas needing improvement.
- 3: Copies of trial service, annual and special ratings shall be filed in the employee's personnel file.
- 4: A trial service employee is not off trial service until his/her Department Head or Elected Official has authorized the end of trial service, and issued a personnel action changing the employee's status to regular.

### **D: Employee Disagreement with Rating**

- 1: If a disagreement exists between the employee and the appointing power as to the evaluation of the employee's work performance, the employee may submit a statement in writing to the appointing power stating the reasons for the disagreement.
- 2: A copy of such statement shall be attached to and filed with the employee's evaluation and placed in the employee's Personnel file.

## **Article 9: Administration of Compensation**

### **A: Classification Plan, Amendment and Allocation**

- 1: The Board shall adopt and maintain a classification plan for positions in the classified and unclassified service.
- 2: Classification plan changes will be developed and approved by the Personnel department prior to submission to the Board for final approval.
- 3: The classification plan shall group positions into classes based upon their duties, authorities and responsibilities.

### **B: Classification Plan Review**

- 1: Any appointing authority may request the Board to amend the classification plan.
- 2: The Board shall make or direct an investigation of any such request or make classification investigations on its own initiative.
- 3: If the Board determines it necessary, the Board may amend the classification plan.

### **C: Allocation of New Positions**

- 1: If the appointing authority desires to establish a new position, a notice of such proposed action together with a description of the duties of the new position shall be submitted to the Board.
- 2: If the Board approves the request, the Board shall allocate the position to the appropriate class on the basis of job duties, authority and responsibility of the position.
- 3: The Board will notify the appointing authority of the official allocation and when the position may be filled.

### **D: Reclassification**

- 1: At any time an appointing authority desires to make any substantial changes in the duties, authority or responsibilities of a position, written notification of the proposed change(s) shall be submitted to the Board for determination of the effect, if any, on the classification of the position.
- 2: The Board may, upon its initiative or at the request of an appointing authority or employee, study the duties of any position to determine if the classification is proper. If the Board finds that the changes in duties are such that the current allocation is no longer correct, it may change the allocation of the position.

### **E: Class Specifications, Interpretation, Use and Qualifications**

- 1: The Board shall adopt and maintain written specifications for each position in the classification plan.
- 2: Each position specification shall include:
  - a: The position title
  - b: A description of the duties
  - c: Responsibilities of the position
  - d: A statement of the minimum qualifications required to perform the work
  - e: Supervisory responsibilities and working conditions

### **F: Interpretation of Position Specifications**

- 1: The statements set forth in position specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the several classes, as determined by duties and responsibilities and are not to be construed as declaring what the duties or responsibilities of any position may be or as limiting or modifying the authority of appointing powers to assign, direct and control the work of employees under their supervision.

G: Use in Allocation

- 1: In determining the class to which a position should be allocated, the specification describing each class shall be considered as a whole.
- 2: Consideration shall be given to the general duties, specific tasks, responsibilities, qualifications, requirements and relationship to other classes, as a composite description of the kind of employment which the class is intended to embrace.

H: Minimum Qualifications Statement

- 1: The minimum qualifications enumerated in a class specification shall relate to the reasonable standards of experience and training required at the time of original appointment of a new employee and shall not be construed as representing or measuring qualifications of employees already working in the class.
- 2: The Personnel Director will make reasonable interpretations of established entrance requirements for recruitment purposes and in evaluating employment applications.

I: Additional Qualifications Requirements

- 1: Personal qualifications commonly required of an employee in any class, such as honesty, loyalty, sobriety, industry, amenability to supervision and suggestion of superiors for improvement of service and willingness to cooperate with associates, shall be implied as qualifications required for entrance to every class, even though such traits may not be specifically mentioned in the specifications.

J: Use of Class Title

- 1: The class title is the official title of every position allocated to the class for the purpose of personnel actions and shall be used on all payrolls, budgets, official records and reports relating to the position.
- 2: Any other working title desired and authorized to be used by the appointing power may be used as a designation of any position for purposes of internal administration or in contacts with the public.

K: Compensation Plan

- 1: The Board shall establish and maintain a compensation plan.

L: Establishment of Salary Ranges

- 1: There shall be one pay plan, unless designated otherwise by a collective bargaining agreement; each plan shall include for each class a minimum and a maximum rate.
  - a: The eleven-step plan, for employees hired on or after July 1, 2000, shall consist of 9 intermediate rates plus a 15-year longevity rate and a 20-year longevity rate.
- 2: The ranges shall reflect the relative responsibilities of the class, availability of labor, prevailing rates of pay and financial conditions of the County.
- 3: The compensation plan shall provide reasonably competitive ranges of pay for each employment classification.

M: Adjustment of Salary Ranges

- 1: The Board may make adjustments in a salary range or ranges as necessary to attract and hold competent personnel, to reflect changes in prevailing rates of pay and to provide equity between the various classifications.
- 2: Salary range adjustments are separate from salary increases as set forth in this Article and they are not intended to give recognition of length or quality of service.

N: Effect of Salary Range Adjustments on Incumbent

- 1: If a position review process determines that a position should be reclassified to a higher pay range, the employee(s) will be placed in the new salary range at the step nearest to, but not less than, the employee's current salary. In no case will the employee be paid less than the minimum of the new range.

- 2: If the review process results in the position being placed in a lower pay range, no decrease in pay will occur, and the employee will be paid at his/her current salary rate (a redlined employee) until the new pay range increases to the employee's current level.
- 3: The anniversary date of a re-classed employee will not change.

O: Administration of Compensation Plan

Employees shall be paid at one of the rates in the salary range for the classification in which the employee is employed.

1: Entrance Salaries

- a: An employee will be appointed or reinstated at the entrance rate for the class.
- b: If an appointing power believes it is necessary to make an appointment or reinstatement above the entrance rate, authorization must be obtained in writing from the Board before the effective date of hire and prior to the offer of employment.
- c: The Board will consider the qualifications of the candidate, availability of applicants and salary relationship with other similar positions in ruling on the request.

2: Salary Increases

- a: Salary increases shall be subject to the availability of funding and the collective bargaining process where applicable and annual determination by the Commissioners.

3: Promotions

- a: An employee who is promoted or whose position is re-classed upward is eligible on the date of such promotion or reclassification to go to the step in the new range that is closest to but higher than the employee's current rate of pay. The effective date of the wage increase is the first day of the next pay period after promotion.
- b: For Promotions, the anniversary date will change to one year following the effective date of the promotional wage increase, unless the promotion is to a position that represents a logical progression of job duties or career path within the department. In such case, the anniversary date will remain unchanged.
- c: For reclassifications the employee's anniversary date will remain unchanged.

4: Demotions

Concerning employee demotions or reclassifications to a lower salary range for reasons that do not reflect discredit on the employee's employment record, the employee's rate of pay will remain the same (a redlined employee) until the new pay range increases to the employee's current level.

- a: Demotion for rule violations will result in a corresponding salary reduction.
- b: Voluntary demotion will result in placement in the new range at a step nearest to, but not lower than, the employee's current rate of pay.

5: Transfer

- a: If an employee is transferred, the rate of pay normally remains the same.
- b: A person transferred to a position in a lower pay range will be paid at a rate no higher than the maximum step of the new range and the employee's anniversary date will remain unchanged.
- c: When a transfer is initiated by the employee, the employee's salary may be adjusted to a lower step of the salary range of the new classification, subject to agreement between the employee and the Department Director or Elected Official.

6: Exceptional Increases

- a: Exceptional increases may be requested by an appointing power.
  - i: The Board may approve an exception to the general rules regarding salary increases if such action is warranted by circumstances and funds are budgeted and available.

P: Temporary Working Out of Classification

- 1: An employee who is temporarily assigned to a classification with a higher pay range for a period of 10 consecutive working days or more shall receive compensation at the step of the higher classification closest to, but more than the employee's current salary or a one-step increase in his/her regular classification, whichever is greater. The effective date of the work out of class will be the first day of the next pay period.
- 2: However, the employee shall be granted the increase of the higher classification only if the employee is assuming the full duties and responsibilities of the higher classification.
- 3: The additional pay will continue for the duration of the temporary assignment.
- 4: Conversely, an employee who is temporarily assigned to a classification with a lower pay range shall receive an equivalent reduction in pay.
- 5: No temporary assignment shall exceed 1040 hours in a calendar year.

Q: Special Rule for FLSA Exempt Salaried Employees

- 1: As used in this rule,
  - a: "Overtime exempt employee" means a County employee who has been exempted by the County from entitlement to overtime pay due to status as an executive, administrative or professional employee as defined by the Fair Labor Standards Act (FLSA).
  - b: "Safety rules of major significance" means only those relating to the prevention of serious danger to County facilities or another employee.
  - c: "Salary" means the predetermined amount of compensation regularly received each pay period, which constitutes all or part of an employee's compensation.
- 2: Notwithstanding any other inconsistent provision of the Lincoln County Personnel Rules, the following special rules apply to the salary paid to overtime exempt employees:
  - a: An overtime exempt employee's salary is not subject to reduction because of :
    - i: Variations in the quality or quantity of the work performed.
    - ii: Absences occasioned by the County or by the operating requirements of the job; if the overtime exempt employee is ready, willing and able to work, deductions may not be made for time when work is not available.
    - iii: Jury duty, attendance as a witness, or absences of an overtime-exempt employee caused temporary by military leave. The County will, however, offset any amounts received by an overtime exempt employee as jury or witness fees or military pay for a particular week against the salary due for that particular week.
  - b: An overtime exempt employee must receive the overtime-exempt employee's full salary for any week in which the overtime-exempt employee performs any work, without regard to the number of days or hours worked, except as follows:
    - i: An overtime exempt employee need not be paid for any workweek in which the overtime exempt employee performs no work.
    - ii: Deductions may be made when the overtime exempt employee is absent from work for a day or more for personal reasons, other than sickness or accident.
    - iii: Deductions may be made for absences of a day or more occasioned by sickness or disability (including industrial accidents) when made in accordance with the County's sick leave policy (i.e. the overtime exempt employee's accumulated leave has been exhausted).
    - iv: Deductions may be made for absences for personal reasons or because of illness or injury of less than one work-day when accrued leave is not used by an overtime-exempt employee because:
      - A: Permission for its use has been sought and denied;
      - B: Accrued leave has been exhausted;
      - C: The employee chooses to use leave without pay.
    - v: Deductions may be made for absences due to a budget required furlough, except in the workweek in which the furlough occurs and for which the overtime-exempt employee's pay is accordingly reduced.

- vi: Deductions imposed as penalties (discipline) in good faith for infractions of safety rules of major significance.

R: Personnel action forms and procedures

- 1: All personnel actions shall be requested using forms provided by the Lincoln County Personnel department.

S: Personnel action forms shall be administered as follows:

- 1: Director or Elected Official Action
  - a: All personnel action requests shall be approved or denied by the Personnel Director based on his/her interpretation and application of existing rules.
  - b: Upon approval or denial of the request, the personnel action form will be returned to the appropriate Department Director or Elected Official.
  - c: This procedure will not apply to Special Merit Increases or personnel actions affecting Department Directors and staff reporting directly to the Board or to personnel actions concerning Elected Officials.
  - d: Those requests shall be reviewed by the Personnel Director and sent to the Board with a recommendation for approval or denial.

T: Appeals

- 1: If the Department Director or Elected Official disagrees with the Personnel Director's interpretation or application of the rules, s/he may appeal the Personnel Director's action to the Board.
- 2: Such appeal will be made via a memorandum filed with the Personnel Department, which will be forwarded to the Board.
- 3: The Board shall rule upon the correctness of the Personnel Director's interpretation or application with one of three possible outcomes:
  - a: The interpretation/application will stand.
  - b: The interpretation/application will be deemed incorrect, and the rules under consideration shall thereafter be interpreted or applied commensurate with the Board action.
  - c: The interpretation/application will be deemed correct, but will not reflect the intent of the Board, and the rule so interpreted or implied will be changed to meet the Board's intent.

U: Board Initiated Action

- 1: The Board may initiate personnel actions involving any or all employees under their authority.
- 2: Actions may be initiated on an individual basis or by employee class as a result of salary surveys, job evaluations, or in the exercise of other management prerogatives not in conflict with existing collective bargaining agreements or Personnel Rules.

V: Overtime

- 1: Overtime work may be required as deemed necessary by the supervisory authority.
- 2: All overtime work must be approved in advance by the supervisory authority and is subject to the following:
  - a: Overtime is defined as time physically worked in excess of 40 hours per workweek.
  - b: Vacation leave, sick leave, holidays and compensatory time taken do not count as hours worked in an employee's workweek for overtime computation.
  - c: Positions exempt from overtime shall not receive any form of overtime compensation.
  - d: Supervisors shall assign to each employee regular work duties and responsibilities, which can normally be accomplished within the established workweek.
  - e: All work performed on a holiday shall be in accordance with Article 10 Section I.

- f: When an employee is transferred to or appointed to another department or office, accumulated overtime / compensatory time must be used or be paid before or during the transfer.
- 3: Overtime accumulated pursuant to this Article shall, at the discretion of the County, be either:
  - a: Paid to the employee at one and one-half the employee's regular rate of pay, OR
  - b: Credited to the employee as compensatory time off at the rate of time and a half.
  - c: In calculating work performed pursuant to this Article:
    - i: Overtime shall be computed to the nearest quarter hour.
    - ii: Work performed shall consist only of time the employee is actually working for the County.
- 4: Overtime exempt non-represented employees in the Health and Human Services Department who are assigned to perform on-call crisis duty shall be compensated in the same manner as overtime exempt represented employees in the Health and Human Services Department.
- 5: Overtime Work Limitation
  - a: Employees in departments or offices that do not operate 24 hours a day, seven days a week shall accumulate no more than 80 hours of compensatory time. No Elected Official or Department Director shall modify this limitation. Work over the 80-hour limit is not permitted. The 80 hour maximum is the total allowed after computation at time and one-half.
  - b: Employees in departments or offices that operate 24 hours a day, seven days a week may accumulate up to 120 hours of compensatory time for overtime worked. The 120 hour maximum is the total allowed after computation at time and one-half.
- 6: Exceptions to Overtime Compensation
  - a: The Board may exempt certain classifications from overtime compensation on the basis of the nature of conditions of employment.
  - b: Exempted classes are designated in the County Pay Schedules.
  - c: Exempt employees will not be granted compensatory time.

W: Holiday Work

- 1: Work performed on holidays which fall within the regular work schedule shall be considered overtime work.
- 2: Overtime eligible employees who perform work on such holidays shall be granted time and one-half for the hours worked in addition to their regular pay.
- 3: Exceptions to the limitations set forth in this section may be granted only through written order of the Board. Notwithstanding anything to the contrary in these Personnel Rules or other policies or practices of the County, the special rule outlined in Section Q of this article shall be applied to FLSA exempt salaried employees of Lincoln County.

X: Standby Pay

- 1: Overtime eligible employees assigned to serve on standby duty beyond their regularly scheduled work day or work week shall be paid at the rate of \$1.60 for each full hour of required standby duty.
- 2: Employees on standby duty who are called in to work shall be compensated a minimum of two hours for each occasion they are called in.
- 3: Employees will not receive compensation for active work and standby duty for the same time period.
- 4: This article does not apply to employees exempt from overtime.
- 5: Employees who carry pagers but are not restricted from pursuing personal activities while wearing a pager are not eligible for standby pay.

## Article 10:

### Benefits Administration

#### A: Medical And Dental And Life Insurance

- 1: Unless otherwise stipulated in applicable Collective Bargaining Agreement, the County will pay on behalf of each full time benefit-eligible employee ninety percent (90%) of the monthly premium cost of a County selected medical, vision, orthodontia, and dental coverage. Employees shall be responsible for ten percent (10%) of the monthly premium, which shall be collected through payroll deduction. Such payments shall be made through the County's Section 125 Plan in equal amounts on a pay period basis.
- 2: Unless otherwise provided in a collective bargaining agreement or under law, the County will pay the full premium of a \$20,000, 24 hour life and AD& D insurance plan for each benefit-eligible employee.
- 3: The County will pay the full premium for a long-term disability (LTD) policy for each full-time benefit-eligible employee.
- 4: Selection of the carriers for these plans and determination of coverage and other benefits shall be made by the County. Summary Plan Descriptions and details of this benefit are available during Open Enrollment and from the Personnel or Finance Department.
- 5: New employees hired into benefit eligible positions are eligible for the above insurances beginning the first day of the month following their respective hire date.
- 6: Regular part time employees who work twenty (20) hours per week or more shall have the County's share of health and welfare costs prorated in direct proportion to their position's Full Time Equivalent (FTE), with the exception of the County paid life insurance. The County will pay the full life insurance premium for benefit eligible employees (20 or more hours per week), for the County-paid life insurance policy. A part-time employee who opts to receive benefits that he or she is eligible for will pay a proportionate premium amount, based on full time equivalency, which will be paid through payroll deduction, in addition to any insurance co-pay that may be required for the coverage chosen.
- 7: When an employee's established Full Time Equivalency (FTE) is increased or decreased, all benefits shall be calculated based on the employee's most recent established FTE reflected on the latest Personnel Action Form on file in the Finance Department on the 20th of the month prior to the coverage month. An employee's benefit status may also change if, after three (3) consecutive paychecks an employee works less than his/her regular work schedule, and does not have accrued leave to cover missed work hours.
- 8: Employees who work less than 20 hours per week, temporary employees, seasonal employees, and on-call employees are not eligible for health and welfare benefits.
- 9: Benefit-eligible employees have the option of choosing either medical or dental; they may opt out of medical and choose dental coverage only.
- 10: An employee on a partial month leave without pay, will be required to have a prorated amount of the County's contribution withheld based on the following calculation:
  - a:  $\text{Number of LWOP days in month} \times \text{Actual} = \text{Amount of Premium Salary Withheld}$   
 $\text{Number of workable days in month.}$
- 11: In accordance with Oregon Law, same sex domestic partners are eligible for health and dental insurance. To apply for these benefits, a new employee or an existing employee who enters into a domestic partnership must provide a Certificate of Domestic Partnership to the Personnel Department. Federal and state tax law mandate that employees pay taxes on all domestic partner benefits.

**B: Optional Insurance Coverage**

- 1: Eligible employees desiring to participate in other optional insurance programs currently authorized by the County may do so at their own expense through payroll withholding.
- 2: Employees on continued non-paid leave status must make their own arrangements with the Finance Department to continue insurance benefits at their own expense, subject to the contract terms and conditions between the County and the insurance carriers and subject to Federal and State laws concerning COBRA and Family and Medical Leave.

**C: Retirement**

- 1: For employees not required to be covered by PERS, the County provides a defined contribution retirement plan for regular County employees who are scheduled to regularly work twenty (20) hours per week or more. The current County contribution to the retirement plan is 11% of each eligible employee's gross salary.
- 2: Retirement benefits are subject to the terms of the County Retirement Plan.
- 3: The County will continue the existing or comparable employee retirement program.
- 4: Employee participation begins the first full month of employment.
- 5: Selection of a carrier, vendor, plan features and investment options for this plan shall be made by the County.
- 6: Each employee who retires under the terms and conditions of the County Retirement Plan, or under the provisions established by PERS for PERS covered employees, will be paid an amount of money equal to 50% of such employee's accumulated sick leave. With verification of the County Retirement Plan Administrator that the option is legal, the employee can select from among the following options:
  - a: To defer as much as possible into the Section 457 plan OR
  - b: To defer as much as possible into the Section 401(k) plan OR
  - c: To defer as much as possible into a combination of the two plans OR
  - d: To take the money as cash OR
  - e: In any other manner that may be negotiated
  - f: For PERS covered employees, to defer to their PERS account in accordance with the provisions of PERS.

**D: Retiree Benefits**

- 1: Minimum retirement plan ages are as follows:
  - a: PERS eligible employees' age of 50
  - b: 401k eligible employees age of 55
  - c: 457 eligible employees' age of 50
- 2: Employees who have reached the age of 50 and who retire from the County may elect to continue the group medical insurance coverage at the expense of the retiree, unless the employee is eligible to be covered by the insurance plan of a succeeding employer.
- 3: This benefit continues until eligibility for Medicare is reached, or until premium payments are discontinued.

**E: Public Employees Retirement System (PERS)**

- 1: The County will continue to participate in the PERS as it applies to law enforcement employees, or others required by law, or its successor or its equivalent.
- 2: The County will contribute to the retirement account of each employee who retires under the terms and conditions of PERS, an amount of money equal to the cash value of fifty percent (50%) of such employee's accumulated sick leave as of the date of retirement or, alternatively, elect to have an amount equal to the cash value of fifty percent (50%) of such employee's accumulated sick leave cashed out and payable on the final check as of the date of retirement.

**F: Employee Assistance Program (EAP)**

- 1: The purpose of the EAP is to provide Lincoln County employees and their families with access to counseling services.

- 2: The EAP is available to all regular Lincoln County employees.
- 3: The EAP offers confidential assistance to employees and their families who experience life stresses or problems with family, relationships, stress, anxiety or other issues including assistance with alcohol and other drug abuse, which may affect the employee's health and job performance.
- 4: EAP representatives hold all self-referral contacts in confidence unless the employee requests, through specific written release of information, that certain named parties be kept informed.
- 5: A supervisor who observes a continuing decline in job performance or attendance is encouraged to refer the employee to the EAP when usual supervisory actions have failed.
- 6: For information regarding Lincoln County's EAP an employee should contact the Personnel Department or the EAP provider directly.

G: Wellness Committee

- 1: In the interest of cost containment and maintenance of employee health, the County has established a Wellness Committee and program:
  - a: The purpose of the Wellness Committee is to provide Lincoln County employees with information and resources for improving health and fitness.
  - b: Wellness activities are available to all regular Lincoln County employees.
  - c: The Wellness Committee shall consist of 10 Lincoln County employees representing the interests of all departments, districts and offices of Lincoln County.
  - d: Members of the Wellness Committee may inadvertently receive private medical information from employees. This information shall be kept confidential.
- 2: The Wellness program has the support of the Board of Commissioners and all eligible employees are encouraged to participate on an annual basis to determine effectiveness of Wellness Activities and participation rates.

H: Holidays Observed

- 1: Paid holidays shall be observed and recognized by regular employees as follows:
 

New Years Day	January 1
Martin Luther King Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving	4th Thursday in November
Christmas Day	December 25
- 2: Road Department employees receive the day after Thanksgiving, and do not receive the Martin Luther King Jr. holiday.
- 3: Weekend Holiday
  - a: When a holiday falls on Sunday, the succeeding Monday shall be observed as the holiday.
  - b: If a holiday falls on Saturday, the preceding Friday shall be observed as the holiday.
  - c: Whenever a holiday falls on an employee's scheduled day off during the workweek, the employee shall observe the day as a holiday and re-schedule his day off with supervisor approval within the same workweek the holiday occurs.
- 4: Regular full time employees who have been employed for a minimum of six continuous months are entitled to accrue an additional .33 hours of vacation time per pay period as reflected in Article 10 Section J of these personnel rules.

I: Holiday Pay

- 1: Full time employees will receive eight (8) hours pay for each of the holidays listed above on which they perform no work.

2: Part time employees working 20 hours per week or more shall receive holiday pay on a prorated basis.

3: Holiday During Leave

a: If an employee is on authorized leave with pay when a holiday occurs, the holiday shall be paid and not charged against sick or vacation leave earnings.

b: Holidays occurring during leave without pay shall not be compensated.

4: Eligibility For Holiday Pay

a: To be eligible for holiday pay, the employee must work the last scheduled work day before and the first scheduled work day after the holiday, or be on authorized leave with pay.

b: Regular part-time employees whose regular work schedule is 20 or more hours per workweek will receive proportional compensation for holidays.

c: Pay for regular part-time employees is based on the ratio of hours worked to the average monthly hours.

d: Neither Temporary employees nor On-call employees are eligible for holiday pay.

e: Work performed on holidays compensation is governed by Article 9 Section V, Overtime.

5: Leave Authorization And Computation

a: No leave of absence with or without pay shall be granted unless a leave request form is submitted by the employee and signed by the appointing power in accordance with these Personnel Rules.

b: Approval of leave shall be obtained in writing before the beginning of the leave period.

c: No payment for any leave of absence will be made until the leave has been properly approved.

d: Appointing powers shall indicate sick leave, vacation and leaves of absence charged to each employee's leave or compensatory time accumulations as appropriate, in the submission of all payroll vouchers.

J: Vacation Leave

1: Full Time Employees

a: Full time employees, except for appointed Department Directors, after having served in County service for six continuous months, shall be credited with 51.96 hours of vacation leave.

b: Thereafter, vacation leave shall be credited as follows for continuous service:

	Total Hours Vacation Per Pay Period	Work Hours Per Week
After 6 months of continuous service through the 5 <sup>th</sup> year Maximum Accrual: 192 hours	4.33	40.0
After 5 <sup>th</sup> year of continuous service through the 10 <sup>th</sup> year. Maximum Accrual: 240 hours	5.33	40.0
After 10 <sup>th</sup> year of continuous service through the 15 <sup>th</sup> year. Maximum Accrual: 288 hours	6.33	40.0
After 15 <sup>th</sup> year of continuous service through the 20 <sup>th</sup> year. Maximum Accrual: 336 hours	7.33	40.0
After 20 <sup>th</sup> year of continuous	8.33	40.0

service onward.

Maximum Accrual: 384 hours

2: Part-time regular employees working 20 or more hours per week accrue vacation leave in an amount proportionate to that which would be accrued under regular full-time employment.

3: Temporary employees shall not earn vacation.

4: Continuous Service

a: Continuous service for vacation leave credit shall be service unbroken by separation from County employment.

b: Time spent by an employee on military leave, Peace Corps duty, leave resulting from a job incurred injury, sick and vacation leave, authorized education leave, or Family Medical Leave shall be included as continuous service.

c: Time spent on other types of authorized leave will not count as part of continuous service, unless required to do so by law.

d: Employees recalled from lay off shall be entitled to credit for months of continuous service prior to lay off if the employee returns within 12 months of the lay-off date.

5: Scheduling Vacations

a: Staffing schedules shall be established by appointing powers to provide vacation leave for employees at regular periods.

b: Employees shall take vacation leave at the time scheduled.

c: Schedules will be amended by the appointing powers to meet emergencies.

d: In establishing vacation schedules, appointing powers shall give due consideration to the vacation requests of individual employees within limits of work requirements of the office and department.

e: Employees who have completed six months of continuous service may utilize earned vacation leave credit as it accumulates, subject to the approval of the appointing power.

6: Accumulation Of Vacation Credit

a: The maximum accumulation of vacation leave for any employee shall be as provided in Section J of this Article.

b: An employee whose accrued vacation time is within 40 hours of his/her maximum accrual limitation, may, by notifying his appointing power five days in advance, absent him/herself to prevent reaching the maximum.

c: Such action taken by the employee shall not constitute a basis for disciplinary action or loss of pay.

7: Transfer Of Credit

a: If an employee is transferred or appointed to another department or office, the employee's vacation leave credit shall remain in effect and will become the responsibility of the employee's new department.

8: Vacation Pay At Termination

a: If an employee serves six continuous months and is separated from County service, the employee shall be entitled to cash compensation for accrued vacation leave.

b: The Board will not provide compensation in lieu of paid time off for accrued vacation leave; provided, however, that at the Board's sole discretion, the Board may cash out a portion of an employee's vacation leave when there is a significant reduction in pay involved in a voluntary transfer.

K: Personal Time For Department Directors Only

1: In recognition of the responsibilities involved in managing County departments, as well as the professionalism of appointed Department Directors, the County adopts the concept of "Personal Time" to replace time generally accrued as vacation, sick leave and personal days.

2: Personal Time shall be accrued at the rate of eleven (11) hours per pay period.

- 3: Any Lincoln County accrued sick leave existing at the time an employee is appointed as a Department Director will be retained in an extended illness bank to be used in the event of hospitalization or any illness requiring more than five (5) consecutive days of absence.
- 4: Each employee who retires under the terms and conditions of the County retirement plan will be paid an amount of money equal to 50% of such employee's accumulated sick leave as of the date of retirement and with the verification of the Retirement Plan Administrator that the method of payment selected by the employee is legal.
- 5: Maximum accrual of Personal Time will be 528 hours.
- 6: 100% of any amount accrued up to 528 hours will be paid upon termination for any reason.

L: Paid Sick Leave

Paid sick leave is for the purpose of providing continuing income and time off when an employee is ill or injured and is provided by the County as insurance against loss of income due to illness. Sick leave may also be used as outlined in this article to attend to the needs of ill immediate family members and as funeral leave.

1: Accumulation

- a: All full time regular employees, except appointed Department Directors identified in Article 1, shall accrue sick leave at the rate of 4.0 hours for each continuous pay period of service up to a maximum accrual of 1440 hours.
- b: Regular part-time employees working 20 hours or more per week accrue sick leave proportionate to the amount that would be accrued under regular fulltime employment.
- c: Temporary employees and on-call employees shall not accrue or be eligible for paid sick leave.
- d: Except for the County retirement provision in these Personnel Rules, no compensation for accrued sick leave will be allowed for an employee when separated from County service.
- e: Sick leave shall not accrue during any period of leave of absence without pay, unless the employee is on approved FMLA/OFLA leave.

2: Utilization

- a: Employees will use their sick leave allowance when unable to perform their work duties by reason of illness or injury, pregnancy, parental leave, medical or dental care, exposure to contagious disease under circumstances where the health of the other employees or the public would be endangered by the employee's attendance or by serious illness or death of an immediate family member.
- b: Employees using sick leave as a result of a death in the immediate family will request appointing power approval for their leave as outlined in Article 11 of these rules.

3: Transfer And Termination

- a: When an employee is transferred, or appointed to another department or office, sick leave credit shall remain in effect and will become the responsibility of the new department or office.

4: Sick And Injury Leave Without Pay

- a: The duration of an employee's leave of absence due to an on or off the job injury or illness shall continue as long as the employee receives full or partial pay from the County based on accumulated leave credit.
- b: If sick leave without pay is approved, the appointing power may require periodic certification of the employee's physical condition from the attending physician or practitioner during the period of disability.
- c: Sick leave without pay may be approved for a lesser period or may be denied if in the opinion of the appointing authority it is necessary to fill the position with a replacement employee.

- d: Sick leave without pay shall only be approved for a period having a fixed date of termination and shall not be open ended. (Refer to Article 17, Section D regarding the employment rights of employees who have sustained a compensable on the job illness or injury.)
- 5: Integration With Sick Leave
- a: Salary supplemented by the County for a leave covered by Workers' Compensation will be paid from accrued sick leave on a daily basis in accordance with Article 17, Section D.
  - b: Sick leave is accrued until all sick leave is exhausted.
  - c: Employees may elect not to take this supplement by written notification to the Finance Department. The employee is then placed on leave without pay.
  - d: No further sick leave is paid or accrued until the employee returns to work.
- 6: Employee Notification Of Absence
- a: Employees who are ill and unable to report to work shall notify their immediate supervisor within thirty minutes of their normal reporting time and shall follow individual department guidelines.
  - b: For a continuing illness, employees shall keep their immediate supervisor advised of their inability to report to work.
  - c: Supervisors will inform the Personnel Department of the nature of an employee's request for sick leave for more than 3 days to determine if the employee qualifies for Family Medical Leave.
- 7: Re-Employment
- a: An employee re-employed following a lay off or an expiration of leave without pay shall have sick leave credits accrued but not used during the previous employment restored, if the employee returns within 12 months of the lay off or LWOP date.
  - b: An employee who voluntarily separates from County service and who returns to full-time employment within 12 calendar months of the date of separation may have all or part of the previously accrued sick leave restored at the discretion of the appointing power.
- 8: Sick Leave Buy Back
- a: The County will allow non-represented employees with ten (10) years continuous service to sell a portion of their accrued sick leave, up to \$1,000.00 for each completed ten (10) years of service, chargeable to their accrued sick leave based on their hourly rate of pay at the time of application for the buy back.
  - b: This option may be exercised at any time after completion of ten (10) years of continuous County service and is available for each completed ten (10) year increment of service. For example, an employee with 23 years of experience, having never applied for the buy back, may apply for \$2,000.00 (\$1,000.00 x 2 ten-year increments of service). The employee could then apply for an additional \$1,000.00 buy back after seven more years of service upon completion of the next ten-year increment.
- 9: If an employee dies while employed by the county, 100% of the employee's accrued sick leave will be awarded in accordance with County policy in affect at the time of the employee's death.

**Article 11:  
Leaves of Absence  
Family Medical Leave Act (FMLA) and  
Oregon Family Leave Act (OFLA)**

It is the policy of Lincoln County to provide Family at Medical Leave (FMLA/OFLA) in accordance with applicable law. Lincoln County's Family at Medical Leave Policy has been designed to consolidate provisions of both State and Federal law, including the Americans With Disabilities Act, in such a way as to allow employees the maximum advantage of both.

**A: Family Medical Leave**

Effective January 1, 2014, eligible employees are entitled to up to twelve (12) weeks of leave per rolling calendar year for one of the following reasons (some situations may allow for more or less than 12 weeks):

- 1: Employee's newborn, newly adopted, or newly placed foster child younger than 18, or to care for an adopted or foster child older than 18 if the child is incapable of self-care because of a physical or mental disability. Leave must be completed within 12 months after a birth or placement. No average hours per week are required for birth or placement.
- 2: To care for a family member with a serious health condition.
- 3: For an employee's own serious health condition.
- 4: OFLA only: To care for a child with an illness or injury that is not a serious health condition but requires home care. This does not include routine medical or dental appointments, nor does it include lack of childcare. This leave does not run concurrent with FMLA. First 3 days per calendar year, a doctor's note is not required. After 3 calendar year days, a doctor's note may be required. If another family member is available to care for the child, leave may not be granted. Employees who use the full twelve weeks of parental leave may be entitled to an additional twelve weeks to care for a sick child.
  - a: An additional twelve- (12) weeks leave may be available for an illness, injury or condition related to pregnancy or childbirth that disables the employee.

Family Leave will run concurrently with a workers compensation injury, beginning with the sixth consecutive day that an employee misses work due to a workers compensation injury. Any subsequent days or hours missed during that same calendar year, for the same illness or injury, will also be counted concurrently with a workers compensation injury.

Employees will be required to utilize any accrued compensatory leave, personal time, personal day, sick leave and vacation leave during the twelve week FMLA leave and any qualifying leave under the Oregon Family Leave Act. Employees may choose which type of their accrued leave they want to use. After all accrued benefits have been exhausted, the leave will be unpaid; paid and unpaid leave combined is not to exceed a total of twelve (12) weeks, unless allowed under the law. Employees who work less than 40 hours per week on a regular basis, but average a minimum of 25 hours or more, on a regular basis, may be eligible for a pro-rated FMLA/OFLA leave benefit.

**B: Eligibility**

- 1: All Lincoln County employees who have been employed for one hundred eighty (180) days or more.
- 2: Employees must be working twenty-five (25) hours a week or more, unless the leave is to care for an infant, then there is not an average hour requirement.

C: Duration of Leave

- 1: Employees are permitted to take a total of twelve (12) weeks per calendar year, unless eligible for more (or less) under the law. Employees who work less than 40 hours per week on average, may have a pro-rated number of weeks, if otherwise eligible.
- 2: Intermittent leave (e.g. one week per month) or a reduced leave schedule (e.g. four or five hours a day) may be provided, if the treating medical provider has designated a need for intermittent leave.
- 3: Such a schedule must be medically necessary to care for a seriously ill family member or if the employee is seriously ill.
- 4: Intermittent or reduced schedule leave may be taken for the birth or adoption of a child, unless doing so would impose a hardship on the employee's department or office. If the intermittent or reduced schedule leave is at the employee's choice, then the employee will not be entitled to an additional full 12 weeks to care for a sick child. If taking 12 weeks in a block of time during parental bonding time would impose a hardship on the department or office, then the appointing authority may allow the employee to take intermittent or reduced scheduled leave. If the intermittent or reduced schedule leave is by the appointing authority's choice, and the employee agrees to take intermittent or reduced schedule leave, then the employee would still be entitled to the full 12 weeks to care for a sick child. Intermittent or reduced schedule leave must be approved by the appointing authority and the Board.
- 5: If an employee's request for intermittent leave is foreseeable based on planned medical treatment, the employee may be required to transfer temporarily to an alternative position (with equivalent pay and benefits) in order to better accommodate repeated periods of absence.
- 6: Benefit Calculation for Part-Time Employees: Regular hours worked per week x 12 weeks. Example: Employee works 30 hours per week:  $30 \times 12 = 360$  benefit hours.

D: Service Member Family (or Caregiver) Leave

- 1: Eligible employees may take up to 26 weeks of leave to care for a "covered service member" during a single 12-month period. A "covered service member" is a current member of the Armed Forces, including a member of the National Guard or Reserves, or a veteran who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

E: Service Member Family (or Exigency) Leave

- 1: FMLA Qualifying Exigency leave to tend to exigencies resulting from the employee's husband or wife, parent, or child who is called into federal military active duty.
- 2: Short notice deployment: When an eligible covered military member receives notice that he or she will be deployed in seven days or less, the employee may take a maximum of seven days of FMLA Qualifying Exigency leave to attend to necessary exigencies of deployment. The leave must begin within seven days of the deployment notice received by the military member.
- 3: Up to five days to spend with a military member on rest and recuperation (R and R).

F: Total Family Benefit

- 1: If both parents of a child work for Lincoln County, each employee is entitled to 12 weeks parental leave. This leave may be taken concurrently.
- 2: In the event the leave is to care for an ill parent or parent-in-law, the total family benefit of twelve weeks may apply.
- 3: In instances of other qualifying events, such as an employee's own illness, where both a husband and wife work for Lincoln County, each employee is entitled to twelve (12) weeks of Family Medical Leave.

- 4: Twelve (12) weeks of leave for the birth or placement for adoption or foster care for an employee's child must be taken and concluded within one (1) year from the date of birth or placement.

G: Certification Requirements Of A Serious Health Condition

- 1: The County may require certification from the attending health care provider for leave to care for an employee's family member with a serious health condition or the employee's own serious health condition.
- 2: If the serious illness is related to a family member, and medical certification is required, the attending health care provider must indicate on the Medical Certification form that the employee is needed to provide care.

H: Continuation Of Benefits

- 1: Employees are entitled to continued benefit coverage while on approved Family at Medical Leave, in accordance with the law.
- 2: Benefits continued during an approved Family at Medical Leave include:
  - a: Medical and dental coverage.
  - b: Prescription drug coverage.
  - c: Services under the Employee Assistance Program.
  - d: Group term life insurance.
  - e: Benefit accruals.
  - f: Other County benefits in place at the time of the leave.
- 3: An employee will be able to continue contributions to his/her already established payroll deduction items.
- 4: If an employee is in an unpaid status during the leave, s/he will be responsible for paying his/her share of any payroll deduction items, that have been established prior to the leave, on an after tax basis, prior to the due date for each contribution.
- 5: If the employee is in a paid status at the time the premiums and/or payments are normally collected, the employee's contributions will be withheld from his/her pay on a pre-tax basis, if applicable.
- 6: Leave does not result in the loss of any benefits accrued prior to the date the leave began.

I: Failure To Return From Leave

- 1: If the employee fails to return to work at the end of the leave, the County may recoup premiums paid for maintaining the employee's health and insurance coverage.
- 2: The above mentioned premiums will not be recouped when an employee fails to return to work due to a continuation or recurrence of a serious health condition.
- 3: In the event that the failure to return to work is beyond the control of the employee, benefits may be subject to the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). COBRA continuation eligibility may begin at the end of the 12-week period of continued County paid benefits.

J: Service Accrual And Other Benefits

- 1: Seniority, longevity, time towards salary increases, sick leave and vacation leave will accrue as usual during an approved Family at Medical Leave.

K: Reinstatement

- 1: If an employee has been on leave due to his or her own serious health condition, the employee may be required to provide the Personnel Department with a doctor's release form prior to returning to work using the Release to Return to Work form.
- 2: Upon return from an approved Family Medical Leave, an employee must be reinstated to his or her former position or an equivalent position if the original position no longer exists.

- a: An employee may be denied reinstatement to the former position only if the position has been eliminated for financial reasons.
- b: If circumstances are such that the employee cannot be reinstated to the former position or an equivalent position, the employee shall be reinstated to any other position that is an "equivalent, suitable" position, with equivalent pay and benefits.
- 3: During the time an employee is on Family Medical Leave, the employee generally is not be subject to removal or discharge from his/her position.
- 4: An employee taking an approved Family a Medical Leave may cancel the leave and notify the Personnel Department, who will notify the appointing authority of his/her request to return to work if the conditions of the family member or employee improves and no longer requires constant care.
  - a: Under these circumstances the employee must be reinstated.
  - b: If there is less than one week of the anticipated leave remaining at the time the employee provides notification, the employee may be reinstated at the end of the leave as originally scheduled.

L: Request Procedures

- 1: An employee must submit a Request For Family Medical Leave form fifteen (15) days in advance of the start of the leave for situations where the need for the leave is anticipated.
- 2: In situations where an emergency arises and the need for the leave is not anticipated, the employee must provide notification as soon as practical and complete a request form.
- 3: In instances where the leave is taken for the birth or placement of a child, a Request for Family Medical Leave form must be submitted in advance with the anticipated dates on it.
- 4: In instances where the leave is taken for the illness of the employee or family member, the Request for Family Medical Leave form must be accompanied by a Medical Certification form as to the need for leave.
- 5: The Personnel Department may also, upon receiving and verifying information of a qualifying condition, invoke FMLA/OFLA without a formal request. If an employee has missed three (3) consecutive days and used sick leave for the absence, typically, this would be an FMLA/OFLA condition. The Personnel Department will notify the appointing authority of any such action taken.
- 6: Upon completion of Family Medical Leave:
  - a: At the end of an approved Family Medical Leave, a Personnel Action form must be submitted noting the employee's change in status.
  - b: Prior to allowing an employee to return to work, a Release to Return to Work form must be submitted by an employee who has been off work due to his/her own illness or injury. This must be completed and signed by a medical care provider and submitted to the Personnel Department.

M: OFLA Definitions

- 1: Serious Health Condition: Illness, injury, impairment, or physical or mental condition that requires inpatient care, poses imminent danger of death, or is terminal with a reasonable possibility of imminent death in the medical opinion of the treating physician, or is a pregnancy-related disability or part of prenatal care.
- 2: Family Member: Parents-in-law (not part of federal definition), spouse, same-sex domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, parent of same-sex domestic partner or a person with whom the employee is or was in a relationship of in loco parentis. It also includes the biological, adopted, foster or stepchild of an employee or the child of an employee's same-sex domestic partner. For the purposes of OFLA, an employee's child in any of these categories may be either a minor or an adult at the time serious health condition leave is taken.

- 3: Foster Child: Means a child, not adopted, but being reared as result of legal process by a person other than the child's natural parent.
- 4: Child: For the purposes of parental and sick child leave only (not for the purposes of serious health condition leave), means a biological, adopted, foster or stepchild, the child of an employee's same sex-domestic partner or a child with whom the employee is or was in a relationship of in loco parentis. The child must be under the age of 18; or an adult dependent child substantially limited by a physical or mental impairment as defined by ORS 659A.100 (2) (d).
- 5: In loco parentis: In the place of a parent, having financial and day-to-day responsibility for the care of a child. A legal or biological relationship is not required.
- 6: Alternate Duty: Work assigned to an employee that may consist of (a) the employee's same duties worked on a different schedule; or (b) different duties worked on the same or different schedule.
- 7: Intermittent Leave: Leave taken in multiple blocks of time and/or requiring an altered or reduced work schedule.
- 8: Serious Health Condition:
  - a: An illness, injury, impairment or physical or mental condition of an employee or family member that requires inpatient care in a medical care facility;
  - b: Treating health care provider judges to pose an imminent danger of death, or that is terminal in prognosis with a reasonable possibility of death in the near future; or
  - c: Requires constant or continuing care such as home care administered by a health care professional.
  - d: If family member resides in a long-term care facility, leave applies only to:
    - i: Transition periods spent moving the family member from one home or facility to another, including time to make such arrangement for such transitions;
    - ii: Transportation or other assistance required for a family member to obtain care from a physician; or
    - iii: Serious health condition previously defined.
  - e: Involves a period of incapacity;
  - f: Results in a period of incapacity or treatment for a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than continuing period of incapacity, such as asthma, diabetes or epilepsy. Incapacity is the inability to perform at least one essential job function, or to attend school or perform regular daily activities for more than (3) consecutive calendar days and any subsequent required treatment or recovery period relating to the same condition. This incapacity must involve:
    - i: Two or more treatments by a health care provider; or
    - ii: One treatment plus a regimen of continuing care.
  - g: Involves permanent or long-term capacity due to a condition for which treatment may not be effective, such as Alzheimer's disease, a severe stroke or terminal stages of a disease. The employee or family member must be under the continuing care of a health care provider, but need not be receiving active treatment;
  - h: Involves any period of disability of a female due to pregnancy or childbirth or period of absence for prenatal care.
- 9: Health Care Provider:
  - a: Person primarily responsible for providing health care to an eligible employee or to a family member of an eligible employee; and
  - b: Physician licensed to practice medicine or surgery, including a doctor of osteopathy; or
  - c: Podiatrist, dentist, clinical psychologist, optometrist, naturopath, nurse practitioner, licensed physician's assistant, direct entry midwife, nurse-midwife; or
  - d: A clinical social worker authorized to practice and perform within the scope of a professional license as provided by law; or

- e: A person who is primarily responsible for the treatment of an eligible employee or a family member of an eligible employee solely through spiritual means, including but not limited to a Christian Science practitioner listed with the First Church of Christ Scientist in Boston, Mass; or
- f: Chiropractor, but only to the extent that a chiropractor provides treatment consisting of manual manipulation of the spine to correct a subluxation demonstrated to exist by X-rays.

**N: OFLA Military Family Leave**

- 1: When spouse or domestic partner is notified of an impending call; ordered to active military duty or on active duty; before deployment; or during respite from active duty during deployment, the employee is entitled to up to 14 days per occurrence of OFLA Military Family leave. The leave is deducted from the 12 weeks of OFLA leave entitlement. The entitlement ends once 12 weeks of OFLA leave is utilized for any purpose in a one-year time period. The leave may be taken as a block of time or intermittently.
- 2: While using FMLA Qualifying Exigency leave, the employee must use all paid leave (except compensatory time) before using leave without pay. The employee may choose whether or not to use compensatory time. All paid and unpaid leave counts toward FMLA entitlement.
- 3: Benefits and return to work are administered in compliance with County FMLA and OFLA Personnel Rules.

**O: Domestic Violence Leave Act**

- 1: In accord with the Oregon State Domestic Violence Leave law, Lincoln County allows victims of domestic violence, sexual assault, or stalking to take reasonable leave from work for legal or law-enforcement assistance, medical treatment, or counseling.
- 2: Family members may also take reasonable leave to help a victim obtain needed treatment or services.
- 3: "Family member" includes a child, spouse, parent, parent-in-law, grandparent or person the employee may be dating.
- 4: Employees must give their supervisor and the Personnel Director as much advanced notice as reasonably possible of the need for this leave. Employees will be required to first use their available leave balances; otherwise, this leave will be un-paid.
- 5: The County may require verification from an employee who is requesting domestic Violence Leave. If so, an employee may provide one or more of the following:
  - a: A police report indicating the employee or employee's family member was a victim.
  - b: A court order providing protection to the victim.
  - c: Documentation from a health care provider, advocate, clergy, or attorney.
  - d: An employee's written statement that the employee or employee's family member is a victim and needs assistance. Family relationship may be determined by birth certificate, court document, other similar record, or a statement from the employee.

**P: Bereavement Leave**

- 1: Effective 1/1/2014, a maximum of two weeks of leave for death related purposes with appointing power approval, chargeable to accumulated sick leave or leave without pay if sick leave is exhausted, may be allowed for each death in the immediate family as defined as:
  - a: Mother, father, spouse, sister, brother, child, grandparent, grandchildren, aunt, uncle, spouse's immediate family, but may also include any person residing in the employee's household. Immediate family may also include same sex domestic partners and other relatives.

- 2: The employee must provide notice of the leave and the leave must be completed within 60 days of the date that the employee receives notice of the death.
- 3: The County reserves the right to request verification of the need for the leave.
- 4: Death related purposes include:
  - a: Attending the funeral or alternative to a funeral for a family member,
  - b: Making arrangements necessitated by the death of the family member, or
  - c: Grieving the death of the family member.

Q: Leave Sharing (formerly Catastrophic Leave)

1: General Provisions

- a: Regular status employees may be eligible for the Leave Sharing Program.
- b: The intent of the Leave Sharing Program is to provide a means for employees to assist another employee who has caused or is likely to be caused to go on leave without pay or to leave County employment because of a non-occupational illness, injury, impairment or physical or mental condition, or to care for a seriously ill family member of the employee's immediate family (as defined by Article 11 FMLA/OFLA) or Bereavement Leave as defined under OFLA and Section P above.
- c: In order to qualify for shared leave, an employee must meet the eligibility requirements of the Family Medical Leave Act and/or the Oregon Family Leave Act (including Bereavement Leave).
- d: An employee who is receiving, or is eligible to receive, any type of retirement disability, short-term or long-term disability insurance, or other supplemental income is not eligible to receive donated leave. The Personnel Director shall verify an employee's eligibility.
- e: Employees may donate time to the County for use by a specific recipient. Employees will be allowed to donate or receive accrued vacation, compensatory, or personal time. Donations may not be withdrawn once made. All time donated will be converted to sick time for the receiving employee, or to Personal Time if the receiving employee does not accrue sick time.
- f: The County shall determine the order in which donated leave will be surrendered to the recipient employee. Donations not used will not be debited against the donating employee's accrued leave. The dollar value of the donated leave will be calculated by:
  - i: Multiplying the donor's hourly rate times the number of hours donated.
  - ii: The product will then be divided by the recipient's hourly rate to arrive at the corresponding number of hours of donated leave available for use by the recipient.
- g: Donations may be requested by the recipient employee or on his/her behalf by co-workers or their union representatives.
- h: The Personnel Director may, at the recipient employee's request, notify department employees that the recipient employee is eligible to receive voluntary donations.
- i: The Personnel Department may not solicit donations on the employee's behalf.
- j: The Personnel Department may not release any medical information regarding the recipient employee unless authorized to do so, in writing, by the recipient employee.
- k: Employees are prohibited from threatening or coercing or attempting to threaten or coerce another employee for the purpose of interfering with employee rights involving donating, receiving or using donated leave time.
- l: This policy is not subject to the grievance or arbitration section of any collective bargaining agreement, nor is it subject to any appeal procedure provided under the Personnel Policies of Lincoln County.
- m: Lincoln County retains the right to change, modify or discontinue this program at any time.

2: Conditions For Receiving Leave Donations

- a: An employee who receives any donated leave time must exhaust all available earned leave (personal leave, vacation leave, sick leave, compensatory time, etc.) before using any donated leave.
- b: The recipient employee must file, with the Personnel Department, a medical certificate from his/her health care practitioner verifying eligibility under these criteria.
- c: Donated hours shall not be processed in an amount greater than that which is approximately necessary to cover the employee's next occurring pay period.
- d: If otherwise qualifying under this Article, shared leave shall be used to provide paid Family Medical Leave/Bereavement Leave that would otherwise be unpaid, but may not extend the length of Family Medical Leave/Bereavement Leave entitlement.
- e: Donated leave may not be used to extend employment beyond the point that it would otherwise end by operation of law, rule or regulation. For example, if an employee would have otherwise been terminated due to layoff or other reasons, donated leave may not be used to extend employment.
- f: An employee who uses donated leave continues to accrue personal holidays, vacation, sick leave and holidays.
- g: If an employee is otherwise eligible for County paid health benefits, the employee will continue to receive those benefits while receiving donated leave.

3: Conditions For Making Leave Donations

- a: Donations must be made in increments of whole hours.
- b: Donors must sign a declaration that their donation is voluntary and is intended as a gift and has been made without coercion, compensation or for other consideration.

R: Other Leaves

1: Jury Duty, Court or Legislative Appearances

When an employee is called for jury duty on a scheduled workday, the employee shall continue to receive his/her pay, however the employee must transfer all compensation received for the performance of such duty to the County. Compensation monies, when returned, are to be submitted to the County Treasurer. Overnight or weekend expenses compensated because of this leave as well as mileage expense shall be retained by the employee.

- a: Employees who are excused from jury service or court appearance before the end of their workday shall immediately report their availability for assignment to their supervisor.
- b: Appearances before a court, legislative committee, judicial or quasi-judicial body as a witness in response to a subpoena or other direction by proper authority when such appearances are in connection with the employee's official duties. Reimbursement procedures outlined in 1 above will apply.

2: Military Leave

The County is committed to protecting the job rights of employees called to military duty. In accordance with federal and state law, and upon proper notice from the employee, the County will provide up to 15 days (consistent with the defined workday of the employee) of allowable Military leave.

3: Leave Without Pay (LWOP)

Appointing Authorities may authorize up to 29 consecutive days leave without pay (LWOP), without Board approval, for any reason except outside employment, if County business will not be jeopardized and if the employee is reasonably expected to return. LWOP that extends beyond 29 consecutive days may only be approved by the Board. This does not preclude the Board from authorizing LWOP for less than 30 consecutive days. An Appointing Authority may not authorize a "29 consecutive day" LWOP for the same employee more than one time during a calendar year. If an employee is in need of a second "29 consecutive day" LWOP, then the LWOP must be approved by the Board.

4: Sick Leave LWOP

At the time sick leave credit is exhausted, the employee receives no salary from the County, and the employee has already been granted a "29 consecutive day LWOP" by his/her Appointing Authority, then a sick leave LWOP, for 30 or more consecutive days, may be granted by the Board, if the employee is reasonably expected to return, and County business will not be jeopardized. The 30-day leave may be extended for up to one additional 30 consecutive day period if, in the County's opinion, it appears that the employee can reasonably be expected to return to County employment, and County business will not be jeopardized.

5: Workers Compensation LWOP

The duration of absence without pay, which results from an on-the-job illness or injury, may be limited to 90 consecutive days. The 90-day leave may be extended for up to three additional 30 consecutive day periods if, in the County's opinion, it appears that the employee can reasonably be expected to return to County employment.

6: General LWOP

LWOP for reasons other than illness or workers compensation, for 30 or more consecutive days, may be granted by the BOC, if the employee is reasonably expected to return, and County business will not be jeopardized. The 30-day leave may be extended for up to one additional 30 consecutive day period if, in the County's opinion, it appears that the employee can reasonably be expected to return to County employment, and County business will not be jeopardized. Typically, the Appointing Authority would authorize the first "29 consecutive days" LWOP.

- a: Employees in need of LWOP must request the leave in writing and must establish reasonable justification. The request for LWOP should be given to the employee's Appointing Authority.
- b: Leaves will not be approved for an employee who is accepting employment outside County service.
- c: Before an employee is granted a leave of absence without pay, he/she must first exhaust all accrued vacation leave, sick leave (if applicable), compensatory time and any other leave available to him/her.

7: Temporary Interruption Of Employment

- a: Any temporary interruption of employment because of adverse weather conditions, shortage of supplies or for other unexpected or unusual reasons beyond the control of the employee, not to exceed 10 days, shall not be considered a lay-off if, at the termination of such conditions, employees are to be returned to employment.
- b: Such interruptions of employment may be charged to accrued vacation leave or compensatory time. If the employee has no accrued vacation leave or compensatory time, it may be recorded as leave without pay.
- c: All County decisions whether or not to open or close County facilities or to interrupt work shall be made by the Board. If a quorum of the Board is not available, then the decision shall be made by officials in the order listed: Chair of the Board, another Commissioner in the Chair's absence, the Public Works Director, the Facilities Manager, County Counsel or other Board designee. The County retains the right to designate facilities, operations and specific employees as essential. Those employees shall be required to report to work, shall not receive overtime if other County facilities or operations are closed unless otherwise required under these rules or the applicable collective bargaining agreement, and shall not be subject to the provisions of this section or of the applicable collective bargaining unit agreement.
- d: County decision to close: If the County decides to close all or some County facilities or departments, it will contact the radio stations and other media of such closure. Employees, with Department Head approval, who elect to work despite a closure, or who are directed to work, shall receive normal compensation only unless established overtime provisions apply.

- e: Decisions made during a work day: Should the County decide to close all or some County facilities during the work day (defined as 8:00 am to 5:00 pm for all County facilities except 24 hour/ 7 day a week operations such as the Juvenile Detention/Shelter, in which case after the designated shift has started), an impacted employee who reported to work and remained at work at the time of the decision shall be paid for the remainder of his/her work shift.
  - f: Decisions made prior to work day (prior to 7:30 am Monday through Friday or ½ hour prior to the start of a shift for operations outside that time frame): If the County notifies media prior to 7:30 am Monday through Friday of a closure employees shall not be paid regardless of whether they reported for work (unless directed to do so). The employee may use accrued vacation leave or comp-time or personal time or leave without pay or as provided in the relevant CBA.
  - g: Employees on flex schedules shall be deemed to receive notice based on a regular 8:00 am to 5:00 pm schedule and shall not be entitled to individualized notice. A flex time employee reporting to work shall be paid for work performed up to the start of the regular shift, but thereafter shall be treated as other employees noticed under Section E above.
  - h: County Deemed Open for Operation: If the County does not close operations but there are adverse weather conditions or other unexpected or unusual situations as determined by the County:
    - i: An employee who chooses not to report to work or chooses to leave work prior to the end of a shift due to adverse weather conditions or other unexpected or unusual situation as determined by the County, may use accrued vacation leave or comp-time or personal time as applicable under the applicable CBA or take leave without pay. Adverse weather means conditions applicable across a wide area of the county causing objectively reasonable concerns with travel.
    - ii: With Department Head approval, an employee may flex his/her work schedule due to adverse weather conditions or other unexpected or unusual situations as determined by the County, to work another time or make up for work missed due to the conditions or inclement weather. Notwithstanding other flex rules or language to the contrary, work under these circumstances shall be made up within a reasonable timeframe not to exceed one month. Scheduling and approval of this flex make up work shall be at the sole discretion of the Department.
- 8: Failure To Return From Leave
- a: Any employee who has been granted leave of absence and who, for any reason, fails to return to work at the expiration of said leave of absence, shall be considered as having resigned, and the position shall thereupon be declared vacated, unless the employee, prior to the expiration of the leave of absence, furnishes acceptable evidence of inability to return to work by reason of sickness, physical disability or other factors beyond the control of the employee.
- 9: Absence Without Leave
- a: Absence of an employee from duty, including an absence for a single day or part of a day, not authorized by a specific grant or leave of absence by the appointing power shall be deemed to be an absence without leave.
  - b: Such absence shall be without pay and the employee will be subject to disciplinary action.
  - c: Absence from duty, without authorization, for three consecutive days is considered a voluntary termination.
- 10: Administrative Leave
- a: Employees may be placed on Non-Disciplinary Administrative Leave, with pay, if the appointing authority feels the employee should be relieved of duties, or removed from the workplace pending an investigation into a workplace issue. Non-Disciplinary Administrative Leave, generally, is intended for issues that are not expected to lead to disciplinary actions.

- b: Employees may be placed on Disciplinary Administrative Leave, with pay, if the appointing authority feels the employee should be relieved of duties, or removed from the workplace pending an investigation into a workplace issue that may lead to disciplinary action.
- c: Employees placed on either Non-Disciplinary or Disciplinary paid leave must remain available during their normal working hours. Failure to do so may lead to disciplinary action.

No administrative leave shall extend beyond thirty (30) calendar days unless approved by the Personnel Director and the Board.

11: Employee Volunteer Participation in Disaster Relief.

The County may allow leave to an employee volunteering in disaster relief under terms and conditions set forth in a policy maintained by the Personnel Office.

## **Article 12: Code of Ethics and Conduct**

Lincoln County promotes and expects the highest standards of personal integrity, truthfulness, honesty, and fairness from all County employees while carrying out their public duties. County employees are public employees, and as such, are subject to the State of Oregon's ethics laws found in ORS Chapter 244. In some cases, these laws provide additional prohibitions on gifts or strict definitions of conflict of interest. Some common business practices in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website, <http://www.oregon.gov/OGEC/>.

Employees are expected to adhere to the following:

- Act at all times in the best interest of Lincoln County.
- Provide honest, accurate, timely and complete information.
- Perform duties in compliance with expected standards.
- Avoid situations that may compromise their reputation or integrity.
- Adhere to the Oregon Ethics Laws.

### **A: Conflict of interest**

As established by the Oregon Ethics Commission – Oregon Ethics apply to County employees. Employees are expected to be knowledgeable about and adhere to these laws as well as the Rules established by the Board. Since it is impossible to describe all of the situations which may cause or give the appearance of a conflict of interest, employees should refer questions and concerns about potential conflicts to their Manager (as outlined in departmental or office communication policy), Personnel Director, County Counsel or any member of the Board. Potential conflicts of interest must be disclosed when they arise. Failure to do so may result in discipline, up to and including termination.

### **B: Conduct**

- 1: County employees are expected to conduct themselves in a manner that does not conflict with the interests of the County or to compromise its reputation and/or integrity. Conduct that interferes with operations, discredits the county, or is offensive or disrespectful to consumers, co-workers; community partners or vendors will not be tolerated. Employees must also comply with the ethical standards of any licenses or certifications that they hold.
- 2: Employees are expected at all times to conduct themselves in a positive manner in order to promote the best interests of the County by adhering to the County Code of Professional Conduct.

### **C: Employee's responsibility to the County and its citizens:**

- 1: Treat all customers and visitors in a courteous manner.
- 2: Refrain from misconduct in the performance of duties.
- 3: Abide by all County safety policies, departmental safety rules and security regulations
- 4: Utilize County vehicles and/or equipment properly and only with authorization.
- 5: Refrain from inattention to duty, tardiness, indolence, carelessness or damage to or negligence in the care and handling of County property.
- 6: Report to management suspicious, unethical, or illegal conduct by co-workers, vendors or members of the public.
- 7: Cooperate with investigations by providing honest information.
- 8: Perform assigned tasks efficiently and in accord with established quality standards.
- 9: Refrain from behavior or conduct that is offensive, disrespectful, or contrary to the county's best interests.

D: County Employee's responsibility to coworkers:

- 1: Treat all coworkers with respect and courtesy.
- 2: Cooperate with coworkers to promote professional interests and concerns.

E: County Employees will not:

- 1: Exploit relationships with community members for personal advantage.
- 2: Fight with or assault any coworker or member of the public as outlined in County Workplace Violence Policy.
- 3: Disclose confidential information outside of public disclosure requirements and law.
- 4: Practice, condone, facilitate, or collaborate with any form of discrimination on the basis of sex, race, color, creed, age, religion, national origin, sexual orientation, marital status, military status, association with members of a protected class, membership in other protected groups, association or political affiliation, injured worker status, veteran status, non-supervisory family relationships, disability, or any other protected class or work relationship relating to terms of employment, or any other protected class or any other protected status.
- 5: Condone or engage in harassment, intimidation or retaliation.
- 6: Use profanity or abusive language.
- 7: Behave in a manner that is offensive, disrespectful, or contrary to the County's best interests.
- 8: Be Dishonest.
- 9: Report to work under the influence of alcohol, illegal drugs or narcotics, or using, selling, dispensing, or possessing illegal drugs or alcohol or any substance which affects job performance while on county property or while working.
- 10: Steal, destroy, deface, or lose County property.
- 11: Misuse sick leave or claim sick leave under false pretenses.
- 12: Be absent from duty without authorized leave.
- 13: Falsify or alter County records, or withhold information with intent to deceive when completing County documents to include, but not limited to: application for employment; clinical or medical paperwork; timesheets, expense reports and/or financial documents.
- 14: Give false information or withhold information with intent to deceive when participating in investigations.
- 15: Possess firearms or other weapons on county property or while working unless as a requirement of employment.
- 16: Refuse to follow supervisor's instructions concerning a job related matter or participate in any form of insubordination.
- 17: Fail to abide by safety rules or policies.

F: Outside Employment

- 1: County employees have the right to engage in any activities, paid or unpaid, outside of County work hours, provided that such activities do not involve personal advantage gained from the employee's position and do not otherwise conflict or interfere with an employee's County position.
- 2: An employee proposing to accept outside employment or self-employment shall notify his/her appointing authority.
- 3: If the appointing authority believes that the proposed outside employment may represent a conflict with the employee's County duties, the appointing authority shall provide the employee with written notice to that effect.
- 4: Such notice shall set forth the reasons the appointing authority believes the proposed activity to be in conflict with the employee's duties.

G: Nepotism Prohibited

The appointing power shall not make, approve or continue the employment of a candidate or employee in a position in which the duties of the candidate or employee would be subject to or responsible for the supervision of a family member.

#### H: Off Duty Conduct/Fraternization

Lincoln County, at all times, seeks to respect the dignity of its employees. When employee conduct, off or on-duty, has the potential to impact County business, County employees, or the public, the County may need to review that conduct.

Occasions may arise when, in order to avoid the appearance of favoritism, maintain management objectivity, and maintain the ability to effectively manage employees, safeguard people and property, the off-duty actions of an employee must be reviewed. These off-duty actions include, but are not limited to, fraternization between management and employees, and fraternization between or among employees, if there is a potential impact to County business.

It is not possible to anticipate all off-duty conduct or fraternization that may relate to the County's business, but this policy will attempt to establish general guidelines. If an employee has any doubts, s/he should feel free to discuss this policy with the Personnel Director or the Board of Commissioners.

- 1: It is against County policy for individuals who have an economic, social or family relationship to supervise the other or to work in positions that have an audit or control function over the other.
- 2: Economic Relationships include roommates, landlord-tenant, creditor-debtor and the like.
- 3: Social Relationships include dating and intimate relationships.
- 4: Family Relationships include spouse, domestic partner, child, parent, sibling, all in-laws, aunt, uncle, niece, nephew or step-family.
- 5: This policy shall apply without regard to gender and without regard to the sexual orientation of the participants.
- 6: Employees and applicants are expected to disclose these relationships to their supervisor, or the Personnel Director, or to the Board of Commissioners, whenever they may come into existence. Failure to do so may lead to disciplinary action.
- 7: Normally, if these relationships come into existence after employment, an attempt will be made to transfer employees to comparable (but separate) positions to avoid any appearance of favoritism, preferential treatment, or conflict of interest.
- 8: If a transfer is not possible, the employee may be requested to decide among themselves which individual is to resign.
- 9: If the employees are not able to make a decision about who is to resign, the County may take appropriate action, which could include requiring both employees to resign or requiring one of the individuals to resign based on a neutral factor such as seniority.
- 10: Other off-duty conduct may also result in discipline. Similarly, if off-duty conduct could result in the loss or denial of an operating license needed for an individual to fulfill his/her County work requirements (such as a CDL), that behavior may result in discipline up to and including the possibility of termination of employment.
- 11: Other examples of off-duty conduct that may result in disciplinary action include sexual harassment of other employees, violent acts, use of illegal drugs, public intoxication, disruptive action on County property or at a County event, use of County facilities without permission, or disclosure of confidential information.
- 12: Whenever the economic, social, or family relationship or other off-duty conduct of an employee is reviewed, the employee will be requested to cooperate with such a review. The employee will be given the opportunity to explain the situation.
- 13: This policy is in addition to, and not in lieu of, other policies concerning employee behavior.

#### I: Gifts, Gratuities and Fees

Gifts, gratuities, loans, fees or any other items of value may not be solicited by County personnel nor accepted either directly or indirectly, if the acceptance could be considered to

influence directly or indirectly the actions of said personnel, or any other person, in any matter of County business. Elected Officials and Department Directors will make the final determination as to the appropriateness of any gift offer. Such acceptance must be made in accordance with this policy and Oregon law.

J: Prohibited Political Activity

- 1: No person shall attempt to coerce, command or require a public employee to give money, service, or other thing of value to aid or promote any political committee or to aid or promote the nomination or election of any person to public office.
- 2: No public employee shall solicit any money, influence, service or any other thing of value or otherwise or promote any political committee or the nomination or election of any person to public office while on the job during working hours.
- 3: Nothing in this section is intended to restrict the right of a public employee to express personal political views.
- 4: Employees shall comply with all other State and Federal laws regarding political activity.

K: Personal Appearance

- 1: Good community relations are an integral part of each employee's responsibility.
- 2: All employees must maintain their appearance and conduct themselves in a manner which is appropriate for an employee in public service.
- 3: Some individuals react adversely to fragrances and may develop headaches or other physical problems when exposed to fragrances in the workplace. Employees should refrain from wearing perfumes and/or any other scented products to work. Employees who report to work wearing offensive fragrances shall be asked to leave and not return until they are fragrance free. Time away from work to alleviate the offending fragrance will not be paid time.

L: Attendance / Hours of Work

- 1: Hours of Work
  - a: The normal hours of work for County employees shall be from 8:00 A.M. to 5:00 P.M. on every business day. The appointing authority may also establish the work hours of employees to fit their particular operating requirements consistent with County policy.
  - b: The appointing authority in accordance with adopted policy, procedures and/or collective bargaining agreements may establish flexible or alternate work schedules.
  - c: Nothing in these rules shall be construed as a guarantee of hours of work per day or per week.
- 2: Lunch and rest periods
  - a: Lunch periods are designated as follows:
    - i: All employees shall be granted a non-paid lunch period of one half hour or more during each full work shift.
    - ii: Whenever possible, such meal periods shall be scheduled in the middle of a shift.
  - b: Rest periods are designated as follows:
    - i: A rest period of 15 minutes shall be permitted for all employees for each full half shift.
    - ii: Rest periods shall be scheduled so that the departments and offices are staffed at all times.
    - iii: Rest period time may not be accumulated or used to shorten the workday.
    - iv: The inability of an employee to observe a rest period or periods is not a basis for overtime compensation.

Notwithstanding any other term of these personnel rules, employees who are overtime eligible are not required or authorized to use for county business any personal communication device, or other equipment, whether owned by the employee or issued by the county, outside the normal working hours for the employee. Use of these devices or

equipment for county business outside of normal working hours, must be specifically authorized by the employees' appointing authority.

M: Lactation Accommodation

- 1: Lincoln County supports breast feeding mothers by accommodating the mother who wishes to express milk during her work day when separated from her infant. Female employees breastfeeding a child 18 months or younger are allowed a reasonable period of time each time the employee has a need to express milk. At a minimum, employees are allowed a break of not less than 30 minutes during each four hour work period or major part of a four hour work period.
- 2: If an employee takes the 30 minute break by adding time to a paid 15-minute rest period, fifteen minutes of the break will be paid, the remaining 15-minute portion will not. The employee will not be required to make up the unpaid time. If the employee wants to make up the time, she may choose to do so, subject to prior approval from her manager. The employee and her immediate supervisor will agree on the times and locations for these breaks.

N: Non-Smoking Policy – Smoking Ordinance # 468

- 1: Smoking is prohibited upon any county owned or leased property, including all designated work areas. No person shall smoke or carry any lighted smoking instrument, including any cigar, cigarette, pipe, electronic cigarette or other smoking equipment on any county property, except as designated as a smoking areas pursuant to LCC 7.580.
- 2: The Lincoln County Board has designated areas in which smoking is permitted, which include specified County parks. In such park locations where smoking is permitted, no person shall smoke within 25 feet of any building.
- 3: The Lincoln County Public Works Department shall post the appropriate signs indicating areas in which smoking has been permitted or prohibited by the Board.

O: Confidentiality

- 1: Lincoln County employees have access to highly confidential, legally protected, and proprietary information. Confidential information includes all information and data required by law to be held as confidential for example, protected health information (PHI). Clients and patients entrust Lincoln County with confidential information. The unauthorized disclosure of such information would have a material adverse impact on the integrity of Lincoln County, would have an adverse impact on County relationships and may also be in violation of the law.
- 2: No records or information including (without limitation) protected medical data, protected personal data documents, files, records, computer files or similar materials (except in the ordinary course of performing duties on behalf of Lincoln County) may be removed from County premises without permission.
- 3: Additionally, the contents of records or information otherwise obtained in regard to County services may not be disclosed to anyone, except where required or authorized by law. Information is subject to Oregon's public records law found in ORS chapter 192.
- 4: Questions concerning disclosure should be addressed to the employee's department's records custodian and as necessary to County Counsel's office. Employees are subject to appropriate disciplinary action up to, and including, termination for revealing information of a confidential nature. Since many times it is difficult to distinguish between publicly available records and confidential information, the best rule to follow is not to discuss County information with persons outside of Lincoln County without having received prior Management approval.
- 5: The use of such information for personal advantage is strictly prohibited. Likewise, any materials developed by County employees in the performance of their jobs, are the property of Lincoln County. Employees may not take this material with them when they leave County employment, remove it from County premises for non-work related

reasons, or copy or distribute it to persons, other than as required in the course of County employment, without written approval from the Board.

P: Misrepresentation

Expectations of Employees

- 1: Lincoln County employees should consider how they represent the County in business transactions and interactions. Employees should be careful not to misrepresent County policies, practices, procedures, or prices, or misrepresent employment status and authority to enter into agreements. Employees may not use Lincoln County' name, logo likeness, facilities, assets or other resources, or the authority of his or her position with Lincoln County for personal gain or private interests.
- 2: If employees have questions about whether an activity meets Lincoln County's or Oregon's ethical standards, they should address questions to their direct Supervisor, Division Director, the Personnel Director or County Counsel.

Q: Lost, abandoned or unclaimed property

- 1: The County will maintain a county lost, abandoned or unclaimed procedure in accordance with law. Any County employee who finds money, goods or other personal property shall immediately notify his/her supervisor, giving information concerning:
  - a: The time and place the property was found.
  - b: The circumstances under which the property was found.
  - c: Whether or not the owner of the property is known.
- 2: The property shall be given to the supervisor who shall consult with County Counsel's office on the necessary procedures to dispose of the property.

The standard of conduct for all employees in the County service shall be in the public interest as opposed to individual interests. In order to render the best possible service to the general public and to reflect credit on County service, high standards of conduct are essential. Conduct that interferes with operations, discredits the County, or is offensive or disrespectful to the public, consumers, co-workers, community partners or vendors will not be tolerated.

Examples of impermissible behavior described above are not intended to be all inclusive. Any similar behavior or violation of County policies and/or rules set by the Board or any conduct considered inappropriate or unsatisfactory shall subject the employee to corrective action up to and including termination.

Employment shall be conditioned on good behavior and satisfactory performance of duties.

Licensed or otherwise credentialed employees are subject to professional ethics and codes of conduct specific to the discipline and credentialing body. Employees who violate stipulations of these rules; a professional code of ethics and/or any provision of law; or who create an equally detrimental impact on the County, may be subject to disciplinary action up to and including termination. In some cases, ethics violations committed by a licensed or credentialed professional may be reportable to the credentialing body.

## **Article 13: Discipline, Grievances and Appeals**

Disciplinary action in dealing with employee misconduct shall be taken by appointing powers as appropriate. Disciplinary action shall be for any of the reasons set forth in this Article.

### **A: Reasons for Disciplinary Action**

- 1: Any action that reflects discredit upon the County or is a direct hindrance to the effective performance of County functions, improper conduct by an employee in an official capacity that discredits the County or which affects the employee's work performance, improper use of the employee's position for personal advantage or violation of any provisions of laws or rules adopted by the Board or any provisions of departmental or office rules shall be reason for disciplinary action.
- 2: The standard of conduct for all employees in the County service shall be in the public interest as opposed to individual interests.
- 3: In order to render the best possible service to the general public and to reflect credit on County service, high standards of conduct are essential.
- 4: Employment shall be conditioned on good behavior and satisfactory performance of duties.

### **B: Discipline**

- 1: Disciplinary action in dealing with employee misconduct shall be taken by appointing powers as appropriate.
- 2: Disciplinary action shall be for any of the reasons set forth in this Article.

### **C: Kinds of Disciplinary Action**

- 1: Oral Reprimand is a warning procedure rather than a punitive action and serves to caution the employee that corrective conduct is necessary to avoid more severe forms of discipline. Oral reprimands will be noted in writing, and signed by the employee as an acknowledgment that the oral reprimand was given. The documentation of the oral reprimand will be kept in a convenience file, not the official personnel file, and may be removed from that file in accordance with this Article. An oral reprimand may be accompanied by other actions to rectify the conduct.
- 2: Written Reprimand is a formal warning action and places the employee on official notice that failure to correct conduct will result in more severe discipline.
- 3: Suspension Without Pay
  - a: A suspension without pay may be imposed following an oral and a written reprimand.
  - b: A suspension without pay shall not normally exceed 30 days at any one time.
  - c: A suspended employee shall be notified in writing of the reasons for suspension.
  - d: A suspended regular employee shall be afforded the opportunity to respond to reasons for suspension either during, but not later than 10 days following notice of the suspension.
  - e: Such response may be in writing or appearance before the appointing authority.
  - f: A suspended employee may be represented by counsel or other person in such appearance before an appointing authority.
  - g: Following the employee's response, the appointing authority may affirm or modify the order of suspension.
- 4: Demotion both in pay and in class may be used as a form of discipline when dismissal is not warranted or when the appointing power believes that the employee has the potential for correcting conduct.
- 5: Removal of Disciplinary Actions from Personnel File An employee may request of the Personnel Director that letters of caution, consultation, warning, admonishment or reprimand be removed from the file after one year in compliance with Article 18 of these

rules. Removal of the action does not preclude use of the action in subsequent disciplinary matters involving the employee.

**D: Dismissal**

- 1: Employees are at will unless otherwise governed by a Collective Bargaining Agreement and may be dismissed for any reason any lawful reason at any time. In addition:
  - a: Dismissal of a regular employee by an appointing power may be made for any violation of the Personnel Rules, or for the Reasons for Discipline listed in this Article.
- 2: When an appointing power believes cause for dismissal exists, the appointing authority shall give the employee whose dismissal is under consideration written notice of the pending action.
- 3: Such notice shall be provided to the employee at least 10 days before the intended effective date and shall include:
  - a: A statement of improper or inappropriate conduct, inadequate performance or other cause for discipline engaged in by the employee and
  - b: A statement that dismissal is being considered as a possible sanction to the stated improper or inappropriate conduct, inadequate performance or other cause, and
  - c: A statement of time and place that the appointing authority is scheduling a hearing within the period of notice to provide the employee an opportunity to respond to the stated charges of cause.
- 4: The employee may be represented by counsel or other person or may respond to the charges in writing in lieu of appearing at such hearing.
- 5: The appointing power may place an employee on administrative leave with pay during the time of response to a notice that dismissal is under consideration if the appointing power believes the good of the service requires the immediate removal of the employee.
- 6: An employee may then be dismissed if:
  - a: The employee has appeared at the hearing in response to the statements in the notice that dismissal is under consideration and the employee's response has been received and reviewed by the appointing power, OR
  - b: The employee has responded in writing to the notice of pending dismissal, OR
  - c: The employee has chosen not to respond to the statements in the notice within the stated time that dismissal was under consideration.
- 7: If the appointing power's conclusion is to dismiss the employee, written notice of such action shall be forwarded to the employee setting forth the cause for dismissal and the effective date.
- 8: Should the appointing power deem that dismissal is not called for; the appointing power may impose a lesser form of discipline or may provide full reinstatement.

**E: Appeals of Suspension and Dismissal to the Board**

- 1: Filing of appeals must be in accordance with these rules.
- 2: Any regular employee who is suspended and/or dismissed shall have the right to appeal such action to the Board.
- 3: Notice of Appeal must be filed with the Board not later than 10 days after the conclusion of the suspension or effective date of the dismissal.
- 4: The appeal must be in writing and must contain a detailed statement specifying:
  - a: The disciplinary action being appealed, and
  - b: The reasons why the employee believes the action was not in good faith, for cause or was in error.
- 5: An employee may waive the right to a hearing and appeal the action on the basis of his or her employment record.
- 6: Filing of Appeal
  - a: Appeals shall be considered filed when received by the Board.
  - b: Filing of an appeal shall not operate to stay the imposition and effect of any disciplinary action.

- c: At any time during the course of the appeal and hearing, the Board may order an investigation into the merits of the disciplinary action, the results of which shall be made available to the employee and the appointing power.
- d: An employee filing a disciplinary appeal shall have access to his or her employment file upon reasonable notice to the Personnel Department.
- 7: Time and place of hearing
  - a: The time and place of a disciplinary hearing will be set by the Board and written notice will be sent by registered or certified mail or shall be hand delivered to the employee and appointing power at least 10 days before the hearing date.
  - b: Hearings on appeals of disciplinary actions will be set no later than 30 days from the date of filing the appeal.
  - c: A hearing before the Board will be public unless a private hearing is requested in writing by the employee.
  - d: In the event a private hearing is requested, the hearing shall be conducted as an executive session if allowed under Oregon law.
- 8: Board Findings and Orders
  - a: At the conclusion of the presentation of evidence or closing arguments, the Board shall deliberate and reach a decision to affirm, modify or deny the disciplinary action.
  - b: The Board's decision shall be based upon a determination of whether the appointing power's decision was based upon substantial evidence, whether the employee's conduct was in substantial compliance with the Personnel Rules and whether the disciplinary sanction is proportionate to the severity of the infraction and consistent with the Personnel Rules.
- 9: In the event the Board denies or modifies disciplinary action, it may order reinstatement of the employee and other appropriate relief or sanction.
  - a: Unless otherwise ordered by the Board, a reinstated employee shall retain continuous seniority and other rights incidental to his or her employee class.
- 10: Within seven days of the Board's decision on an appeal, it shall prepare specific written findings of fact, conclusions of law and a statement of its reasoning in reaching the decision.
- 11: A copy of the decision shall be forwarded to the parties to the appeal and included in the employee's personnel file.

F: Grievance Procedure

- 1: Policy
  - a: It is the policy of the Board to provide an orderly process where employees may have their problems and complaints considered as fairly and rapidly as possible without fear of reprisal.
  - b: These procedures are available to all employees; however bargaining unit employees shall use the grievance procedure in the appropriate labor agreement if the action pertains to an interpretation of an agreement provision.
  - c: Every effort will be made to find an acceptable solution by informal means at the lowest possible level of supervision.
  - d: This grievance procedure is not for the purpose of filing appeals of disciplinary actions or to resolve disagreements relative to merit ratings.
  - e: Definition of Grievance as used in this Article means an allegation by an employee or groups of employees that their rights, benefits, privileges or interests as provided in the Personnel Rules were violated or that the Personnel Rules have been misapplied or misinterpreted.
- 2: Procedure
  - a: The employee may proceed individually or select a representative to act in his/her behalf.
  - b: The employee shall discuss the matter frankly and openly with the immediate supervisor.

- c: If the immediate supervisor is unable to satisfactorily resolve the matter, either individually or in consultation with the department head or elected official, within 10 working days of the initial discussion, the employee will then state the problem clearly and completely in writing and present the statement to the department head or elected official, with a copy to the immediate supervisor.
  - d: If the employee does not believe the matter has been properly resolved, or if the matter cannot be resolved within the department or office within 10 working days from the date of the written submission to the Department Head or Elected Official, the employee may then submit the grievance in writing to the Board.
  - e: The Board will, if necessary, confer with the parties concerned.
  - f: The decision of the Board will be final.
- 3: If, in the initial stages, the employee has a bona fide reason to believe that there is a complete breakdown of employee/supervisory communications and that the matter cannot be satisfactorily resolved with the supervisor or Department Head or Elected Official, the employee may grieve directly to the Board as provided in this Article.
- 4: After hearing the grievance, the Board shall take appropriate action in the form of a recommendation to the Department Head or Elected Official and the employee, or an order requiring compliance with the applicable rules and regulations.

## **Article 14: Use of County Equipment**

### **A: Use Of County Owned Vehicles, Equipment And Supplies**

- 1: No County owned vehicles or equipment shall be used for other than official use by any Lincoln County employee.
- 2: The appointing authority may grant special use of a vehicle. Special use is defined as the use of a vehicle by an employee who serves in an emergency capacity and who might be subject to call at any hour or any day of the week.
- 3: No County equipment, supplies or facilities shall be used by any County employee for any personal activity that is prohibited by law or these rules.
- 4: County equipment may be loaned to other agencies or non-profit organizations for a specific short-term purpose.
- 5: Appointing authorities shall approve such loans of County Equipment.
  - a: Such loans shall be subject to the equipment being operated by a qualified person approved by the appointing authority and the loan of the equipment not interfering with the normal operation or the department.

### **B: Vehicle Use Policy**

- 1: It is the policy of Lincoln County to ensure that all operators of motor vehicles on Lincoln County's behalf are qualified to drive and that they drive safely.
- 2: This applies to County employees and authorized volunteers (hereafter "County employees" includes authorized volunteers) and both County-owned and leased (hereafter "County vehicles") or private party vehicles.
- 3: Appropriate licensing, knowledge of County safe driving rules and a safe driving record shall be required of all operators of vehicles on the County's behalf.
- 4: When driving is a condition of employment, continued employment will be predicated on maintenance of required licenses and compliance with the County's safe driving policies found in the Lincoln County Motor Pool Fleet Division Operator's Booklet. Loss of required license may be grounds for suspension or termination of employment.
- 5: Oregon law currently requires motorists to employ a hands-free accessory when using cell phones, tablets, and similar electronics while driving. The law stipulates that motorists must be able to maintain both hands on the steering wheel when using their hands-free electronics. Texting is prohibited by law on any hand held device. The only exception to this rule is for calls placed to 9-1-1, and for law enforcement personnel, fire department personnel, and EMT Emergency Services.
- 6: Operation of a County vehicle or private vehicle on the County's behalf without proper license or in an unsafe manner shall be grounds for discipline up to and including termination of employment.
- 7: The County retains the right to determine:
  - a: The mode of transportation utilized by County employees.
  - b: The number, type and availability of County vehicles.
  - c: The process for determining who will be authorized to drive any vehicle on behalf of the County.
- 8: Generally, if available, employees will use County vehicles or public transportation, before using private vehicles.
- 9: County vehicles may, with supervisor approval, be used for the transport of persons other than County employees (e.g. clients) on County business.
- 10: Personal vehicle use must be authorized by an appointing authority or appropriate supervisor for all County employees and may be required for all positions requiring a driver's license in the job description.
  - a: Personal vehicle use will likely occur when a County vehicle is not assigned to, or is unavailable, within the employee's department; when a motor pool fleet vehicle is not

available; or when it is more convenient and/or cost effective to use a personal vehicle.

- i: The Personnel Department shall maintain a list of positions that may be required to use personal vehicles, and will periodically review that list with appointing authorities or appropriate supervisors.
  - ii: New hires will be informed of the requirement; departments or offices will be informed in advance of any substantial changes in fleet availability in order to plan for changes in personal vehicle requirements.
  - iii: All persons driving any vehicle on the County's behalf shall be required to sign an acknowledgment form provided by Fleet Services that the person is aware of this vehicle use policy and other applicable fleet, office, or departmental rules.
- 11: In the event an employee uses a personal vehicle for County authorized business, liability coverage for third party claims is provided under the County auto insurance policy.
- a: Property damage or theft to the employee's vehicle (collision and comprehensive insurance), repairs, maintenance or operating costs, personal injury protection and uninsured or underinsured motorist coverage are not available under the County insurance policy or reimbursable by the County and must be provided by the employee, if desired.
  - b: Employees must still provide insurance required under Oregon law to lawfully operate a private vehicle.
  - c: Employees are reimbursed under the mileage reimbursement rate in these Personnel Rules.
  - d: An employee will be covered for Workers' Compensation as available under law if acting within the course and scope of his or her employment.
- 12: This policy is supplemented by the Lincoln County Fleet Services Operator's Booklet, Departmental Rules, this Article of the Lincoln County Personnel Rules and the rules established by the Oregon Bureau of Labor and Industries (BOLI) if there is any conflict between these documents, this policy and the BOLI rules shall prevail.

C: Lockers And Desks

- 1: Some Lincoln County employees are provided lockers and/or desks for use while at work.
- 2: Such lockers and desks are provided for the convenience of employees, but remain the exclusive property of Lincoln County.
- 3: Lincoln County reserves the right to open and inspect lockers and/or desks, as well as the contents, effects or articles that are in said lockers or desks.
- 4: Such inspection can occur at any time, with or without advance notice or consent, either before or after working hours, conducted by any appointing authority or his/her designee or other employee designated by the Board.

D: Computer and Internet Usage

Notwithstanding any other provision of these Personnel Rules, employee non-business use of the County's internet connection may not interrupt internet access.

1: Application

- a: This policy applies to the use of any and all telephone, computer hardware, software, Internet, and e-mail, including all types of electronic documents (together referred to as "computer facilities") provided by Lincoln County.
- b: Use of publicly owned equipment is a privilege and not a right. Authorized County Officials may access, monitor, or inspect any and all documents and messages created, sent or received using County equipment or software. Such access includes messages and files located on fixed or removable electronic storage media.

- c: Any person who violates the County policies is subject to appropriate sanction including the loss of use, or limits on use, and disciplinary action up to and including termination.
  - d: This policy applies regardless of the location of equipment, software, or document if used for County purposes.
  - e: This policy is in addition to, and not in lieu of, other policies concerning use of personal equipment and/or the Internet by Lincoln County employees.
- 2: Policy
- a: Permission. Use of computer facilities must be authorized by the supervising authority and implemented through the Information Technology Department.
  - b: Every connection provided by County funds must be approved by the Information Technology Department.
  - c: All documents created, and messages created, sent, or received, are the property of Lincoln County, and should be considered public information.
  - d: Employees using computer facilities are representing Lincoln County. Employees are responsible for ensuring that any use is ethical, effective, and lawful.
  - e: Security. While Lincoln County is the owner of all data created on, by, or for uses, it is each department or office's responsibility, in conjunction with the Information Technology Department, to ensure that equipment, data, files and programs are adequately protected against unauthorized access. The Information Technology Department will configure all County computer equipment. Employees shall not alter the configuration.
- 3: Enforcement.
- a: The County will investigate any alleged abuses. As part of that investigation, the County may access any or all of the electronic files of its employees.
  - b: If the investigation indicates that computer privileges have been violated, the County may limit the access of employees found to be using computer systems improperly, and take disciplinary action up to and including termination of employment.
  - c: Further, the County may refer flagrant abuses to law enforcement authorities.
  - d: Information provided by individual employees in the course of an investigation will be treated as confidential and only be provided to those who have a need for the information, or when it is required in the course of investigating the complaint.
- 4: Employee Responsibility.
- When using Google Drive or other locations not on the County's network:
- a: Any data placed in Google Drive or other approved off network locations will also be stored on the County's network where it can be backed up for disaster recovery.
  - b: Data that is subject to archive requirements will be independently archived in compliance with procedures set by the employee's department or the State Archives Division.
  - c: Public Records Law provisions apply to data wherever it is located. Any data subject to public records requests will be separately maintained to provide access to such data.
  - d: No data that is subject to HIPAA protections, contains personally identifiable information, or has confidentiality or other legal restrictions, shall be placed on Google Drive or other off network locations.
  - e: When accessing County systems and or County associated web based applications: Unless specifically mandated by job responsibilities, Collective Bargaining Agreement or approved in advance by a supervisor, employees **may not** access county owned electronic communication devices, networks or work related web based computer software applications during off duty hours.

Employees are responsible for their own actions. Employees are also required to participate in assuring the legal and ethical use of County computers and user accounts. Any violation of these guidelines should be reported to a supervisor or director.

5: Workplace Monitoring

- a: The County has the obligation to ensure that its computer resources are used properly and within the guidelines established by the County. In pursuit of that goal, the County reserves the right to monitor the system for signs of illegal or unauthorized activity.
  - i: Departments and Offices shall utilize the access controls and other security measures that the County has provided.
  - ii: Employees should keep passwords and accounts confidential. Passwords and user names shall conform to the standards set by the Information Technology Department.
  - iii: Employees should not leave computers unattended without locking it first.
  - iv: Authorized County Officials may remove an individual's access to publicly owned equipment or software, for administrative or operational reasons without advance notice to the user.
  - v: Employees shall not engage in any activity that is intended to circumvent computer security controls. Such action may lead to termination from County employment.
  - vi: Employees may not attempt to crack passwords, to discover unprotected files, or to decode encrypted files. This also includes creating, modifying, or executing programs that are designed to surreptitiously penetrate computer systems.
  - vii: Employees may not access the accounts of others with the intent to read, browse, modify, copy, or delete files and directories unless they have been given specific authorization to do so.
  - viii: Employees shall not use an account for a purpose not authorized when the account was established, including personal and commercial use.

6: Unauthorized Use of Computer Facilities

- a: Employees are prohibited from loading any software on any computer. Further, employees are expressly prohibited from using County computers to make illegal copies of licensed or copyrighted software. Copyrighted software must only be used in accordance with its license or purchase agreement. Employees do not have the right to own or use unauthorized copies of software, or make unauthorized copies of software for themselves or anyone else.
- b: Employees are prohibited from using software that is designed to destroy data, provide unauthorized access to the computer systems, or disrupt computing processes in any other way.
- c: The County has installed anti-virus software on all of its computer systems, and employees are required to use it. Employees are prohibited from tampering with this software or turning it off. All media inserted into the County's computers must first be scanned for viruses or signs of other forms of malicious software.
  - i: Attacking the System.
    - A: Employees shall not deliberately attempt to degrade the performance of the County's computer facilities or subvert them in any other way.
  - ii: Theft.
    - A: All computer facilities are the sole property of Lincoln County.
    - B: Computer facilities must not be removed from the County without proper authorization.
    - C: All computer facilities must be disposed of within the guidelines established by the Information Technology Department.
  - iii: Waste and Abuse.
    - A: Employees must avoid any activity around their workstations that may result in damage to computer facilities. The County's computer facilities are a valuable resource which should not be abused or wasted. Be considerate of

fellow workers if you must share computer resources. Employees shall avoid monopolizing systems and connect time, and other computer resources. Using the County's computer facilities to store personal data and to play computer games is not permitted.

7: For Profit Activities

- a: The County's computer systems are for the sole use of the County. The law prohibits employees from using the County's computer systems for personal or private financial gain. Solicitation of personal business or use of County computer facilities for non-County business is strictly prohibited.
- b: The use of County computer facilities for advancement of individual views is strictly prohibited.

8: Harassment

- a: The County's computer facilities shall not be used to harass anyone. Fraudulent, harassing, or obscene messages are prohibited.
- b: This includes the use of derogatory or inflammatory remarks about an individual or group's race, religion, national origin, physical attributes, or sexual preferences. Further prohibitions include the use of suggestive electronic mail; tampering with others' files; and invasive access to others' equipment.
- c: In addition, users of any electronic communication facilities - such as electronic mail, networks, bulletin boards, and newsgroups - are obligated to comply with the restrictions and acceptable practices established for those specific facilities, as long as those restrictions and practices are not in conflict with any County policy.
- d: Certain types of communications are expressly forbidden. This includes the random mailing of messages; the sending of obscene, harassing, or threatening material; or the use of the facilities for commercial or prohibited political purposes.

9: Electronic Mail / Public Records

- a: Electronic mail may be a public record subject to retention and disclosure in accordance with Oregon Law. Employees should be aware of the requirements under the law.
  - i: This policy applies to the use of any and all electronic mail.
  - ii: This policy applies regardless of the location or ownership of the equipment accessing the electronic mail. For example, if an employee uses a private PC and Internet connection at home, but accesses Lincoln County electronic mail this policy applies.
  - iii: This policy also applies to connections paid for by employees, but accessed through County equipment.
  - iv: This policy is in addition to, and not in lieu of, other policies concerning use of personal equipment and/or computers by Lincoln County employees.
  - v: Employees shall not send any electronic mail or other form of electronic communication by forging another person's identity or attempt to conceal the origin of the message in any other way, unless authorized for a criminal investigation. Users will not obscure the origin of any activity unless for a criminal investigation. Each employee is responsible for the content of all text, audio, or images that he or she sends or downloads.
  - vi: Employees will comply with copyright laws regarding the protection of commercial software or intellectual property.
  - vii: Employees shall not download software programs from the Internet to any County computer without prior approval of the Information Technology Department.
  - viii: Employees are prohibited from using electronic mail or wide area network services for any illegal purpose; such use may subject the employee to termination in addition to criminal prosecution. This includes unauthorized access to protected or confidential information of the County.
  - ix: Transmitting unprofessional communications or using County connections for unsolicited advertising for personal gain is strictly prohibited.

## 10: Personal Use of Computer Facilities

- a: Lincoln County encourages its employees to use Internet for research, education, and communications, provided the use is solely for County-related business.
- b: Personal limited use of the County e-mail system is permitted in conformance with County policy, provided such use creates no additional cost to the County. Such communications are authorized consistent with policy governing the use of County telephones.
- c: Personal use of the County e-mail system is allowable during work time only if: The use is essential and brief, the use cannot reasonably wait until non-work time, and the Administrative Authority has not prohibited the type of use.
- d: Messages created, sent, or received by employees using County computer facilities, equipment, and/or networks are, and remain, the property of Lincoln County. They are neither private nor confidential.
- e: The purpose of this list is to provide guidelines for limited personal use of the County's e-mail system, but is not all inclusive. Examples of allowable use:
  - i: Responding to personal e-mail, but not more than two per recipient, and the emails must be brief.
  - ii: Sharing duty-related information.
  - iii: Dinner arrangement with family or friends in a location where a member of the department or office will be attending a meeting, training, or other employment related activity.
  - iv: The purpose of this list is to provide guidelines for limited personal use of the County's e-mail system, but is not all inclusive. The following items are examples of prohibited use of the County's electronic messaging system:
    - Participating in chat rooms.
    - Participating in active messaging.
    - Gossip.
    - Creation or spread of rumors.
    - Any comment personally attacking any public employee or elected official.
    - Sharing of offensive jokes, slurs, etc. (Refer to harassment policy)

## E: Telephone Usage and Procedure

- 1: Public perception of Lincoln County relies primarily on the first impressions of its employees, both through in-person contact and by responding to telephone calls. County employees answering the telephone must maintain a polite business-like demeanor to foster a professional image of the County.
- 2: The Oregon Government Ethics Commission (OGEC) addresses the personal use of publicly owned telephones and cellular phones.
- 3: When answering telephone calls originating from outside the work site, employees will identify their affiliation with Lincoln County and with their department or office. Employees are reminded that they should always identify themselves when calling on County business. The OGEC can impose civil penalties for violations.
- 4: Use of County or any publicly owned phone is restricted to official business.
- 5: On occasion, personal calls may be necessary, but they should be limited to emergencies or essential personal business and must be brief.
- 6: Personal long distance calling from public agency telephones is prohibited by the OGEC, even if reimbursed.
- 7: If a personal long distance phone call is necessary, the employee must use a regular telephone and a personal calling card or call collect, and employee must bear the total cost of the call.
- 8: Reimbursement of long distance charges is not sufficient to avoid disciplinary action, up to and including termination.

## **Article 15: Use of Personal Equipment and Communication Devices**

### **A: Use Of Personal Equipment**

- 1: Employee use of personal equipment at the work site or in carrying out work duties must be approved by the employee's appointing authority. Nothing in this policy requires or authorizes the use of any of this equipment for county business outside the normal working hours for the employee. Use of these devices for county business outside of normal working hours must be specifically authorized by the employees' appointing authority.
- 2: Lincoln County will assume no responsibility for the maintenance, repair or replacement of personal property used on the job except as provided in Collective Bargaining Agreements or departmental rules.
- 3: Special arrangements may be made with the approval of the appointing authority.
- 4: At the sole discretion of the appointing authority and upon the request of the employee, a stipend (taxable payment) may be paid to the employee in lieu of being assigned a county provided wireless telephone or internet device, in amounts as determined by the County.

### **B: Use of Personal Communication Devices (PCD)**

- 1: This policy applies to all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and micro blogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.
  - a: The County allows employees to utilize issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations:
  - b: Carrying a personally owned PCD is a privilege, not a right.
  - c: The County accepts no responsibility for loss of or damage to a personally owned PCD.
  - d: Employees shall promptly notify the County in the event the PCD is lost or stolen.
  - e: Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any County-related communication.
  - f: Use of a personally owned PCD constitutes consent for the County to access the PCD to inspect and copy county work related data to meet the needs of the County, which may include litigation, public records retention and release obligations and internal investigations.
- 2: Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the County, will be subject to monitoring and inspection consistent with the standards set forth in this policy.
- 3: Inappropriate or unauthorized use of a PCD while on-duty may impair the employee's ability to satisfactorily perform the duties of his or her job or compromise his or her safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD to records disclosure under applicable public records laws.
- 4: Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from their supervisor or the Personnel Director.

C: Expectation of Privacy

- 1: Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the County. This extends to the use of any County provided or funded PCD, computer, Internet service, telephone service or other wireless service while on-duty and includes the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if County equipment is used.
- 2: In accordance with this policy, supervisors are authorized, after having consulted with and receiving approval from County Counsel and the IT Department, to conduct a limited administrative search of electronic files without prior notice. All such searches shall be fully documented in a written report.
- 3: Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee.

D: Depending on an employee's assignment and the needs of the position, the County may, at its discretion, issue a PCD. Issued PCDs are provided as a convenience to facilitate on-duty performance only.

## **Article 16: Expense Reimbursement**

It is the policy of Lincoln County to reimburse the actual and necessary expenses associated with employee travel and other expenses when acting in an official capacity. The policy will be set by the Board and periodically updated. A copy of the current policy will be available to employees on the County website helpdesk. All County employees are required to follow these procedures for any reimbursement for personal expenses incurred.

**A: Mileage Reimbursement**

Whenever an employee is required by the County to use personal transportation for purposes other than reporting to work or returning therefrom, the employee shall be paid at the allowable IRS rate of reimbursement in compliance with the County Reimbursement Policy.

**B: Employee Certificates And License Fees**

Lincoln County will pay the cost of license and certificate fee renewals for all full time regular employees whose positions require such licenses and certificates as a condition of continued employment.

**C: Motor Vehicle License**

Lincoln County will not be responsible for nor pay for the purchase of or the renewal of any type motor vehicle license for any employee.

**D: Education Assistance**

Generally Education Assistance may only be allowable under certain circumstances or as provided in applicable Collective Bargaining Agreement. Requests for Education Assistance must be supported through budgetary justification in advance and approved by The Board.

## **Article 17: Safety**

The Board believes that safe working conditions for each of its employees can be attained through the use of proper job instructions, frequent review of safe practices and adequate supervision. The purpose of this Article is to define County policy and establish responsibility for administration of an effective accident prevention process.

The Board endorses the Oregon Safe Employment Act and administrative rules implementing that law, including any future amendments to the Act and rules, as the Safety Process at Lincoln County. Currently, the State of Oregon Administrative Rules Chapter 437, Division 40, Rules 001-070 inclusive (and any future amendments to this Division) in its entirety serve as the format for the Safety Process at Lincoln County. The Board also endorses the establishment of a Safety Committee under the guidance of the County Counsel's Safety and Risk Management Program in order to effect and monitor the methods used to promote the Safety Process in Lincoln County.

### **A: Safety Committee**

- 1: The County's Safety Committee shall work closely with the Risk Management Coordinator at the County Counsel's Office to develop and maintain the process of safety for the area of responsibility as defined by the Committee Charter.
- 2: The process of safety at Lincoln County will use Oregon Safe Employment Act and administrative rules implementing that law, including any future amendments, as the core of the Committee's activities.
- 3: The procedures for reporting unsafe conditions and hazards will be established by the Safety Committee and Risk Management. Unsafe conditions and practices will be reported to the employee's supervisor as soon as possible.

### **B: Responsibilities**

- 1: The Board recognizes the need for development of safe working conditions and practices for every job.
- 2: All County Officials, Officers and personnel are directed to continuously participate in and act in accordance with County's Safety Process and Policies.
- 3: All County personnel are further directed to monitor work practices and conditions, to motivate an organizational awareness of safe working practices and to use the appropriate procedures for reporting hazardous conditions and practices.
- 4: Supervisors are responsible for assisting in the administration and enforcement of the Safety Process, to instruct employees in safe working practices, to eliminate unsafe conditions and to report accidents.
- 5: All employees are required, as a condition of their employment, to comply with all established safety policies and practices that are in effect at the time of their hiring or any thereafter that come into effect and to promptly report all unsafe conditions to their supervisors. Accidents that result due to employee negligence may subject such employee to disciplinary action.
- 6: Employees should report all accidents, incidents and related time loss to the Risk Management Coordinator at the County Counsel's Office.
- 7: Employees who have addressed safety concerns to their Safety Committee, who then report their safety concerns to their supervisors, should also inform the Risk Management Coordinator at the County Counsel's Office.
- 8: Requests for ergonomic evaluations of a worksite should be directed to the Personnel Director.

### C. Courthouse Security

Employees who are issued Key Cards to access the County Courthouse will be required to read and sign an acknowledgment that they understand the access policies. Violation may lead to loss of keyed access privileges and further discipline.

### D: Workers' Compensation

Employees will be insured under the provisions of the Workers' Compensation Program for "accepted" injuries and illnesses received while performing work for Lincoln County. The County uses an external claims adjuster to process County employee claims, and to determine the compensability of a claim. Complete information and assistance related to Worker's Compensation is available through the Personnel Department.

- 1: Accident and Injury Reporting: All job-related injuries or illnesses must be reported to your manager within 24 hours, regardless of severity. Documentation of the event must be recorded on an Incident Report along with completion of an online Workman's Compensation Claim form. If you seek treatment, either you or your medical provider will be required to complete an 801 Form. In the case of serious injury, your reporting obligation will be deferred until circumstances reasonably permit a report to be made. Failure to report an injury or illness may affect or delay the payment of any benefits to you and could subject County to fines and penalties.
- 2: Coordination with FMLA: The County will count workers' compensation time loss concurrent with FMLA.
- 3: Early Return-to-Work Program: The County's Return-to-Work program provides guidelines for returning you to work at the earliest possible time after you have suffered an on-the-job injury or illness that results in time loss. The Return-to-Work Program is intended to be transitional work, to enable you to return to your regular job in a reasonable period of time.

The Return-to-Work program for job related injuries is a team effort. The team may consist of, but is not limited to, the employee's supervisor, the injured or ill worker; the worker's attending physician, Lincoln County management and the Workers' Compensation Insurance carrier's Return to Work Specialist. All team members should take an active role in returning injured or ill workers to productive work status. Lincoln County's Personnel Department will coordinate the efforts of the team.

If your doctor determines that you are able to perform modified work, the County will attempt to provide you with such a job for a reasonable period of time until you can resume your regular duties (except where provided as an accommodation for a disability). If, due to a work related injury, you are offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect your compensation. While you are on modified or transitional work, you are still subject to all work related expectations and the Personnel Rules.

### E. Drug And Alcohol Free Workplace

- 1: No employee shall manufacture, distribute, possess, use or be under the influence of a controlled substance or alcohol while on duty, while on County owned property or while operating County owned equipment. The prohibition of this subsection does not apply to controlled substances possessed or used in accordance with the prescription from a physician licensed under the laws of the State of Oregon or off duty at County premises such as parks and fairgrounds that allow consumption of alcohol.
- 2: If the appointing authority or supervisor of an employee has reasonable grounds to believe that an employee is under the influence of a controlled substance or alcohol in violation of this policy, the supervisor may require the employee to submit to a chemical test of the employee's breath, blood or urine. An employee, while on duty, while on County owned property (except as noted in Paragraph E.1 above) or while operating

County owned equipment, shall be deemed to have given consent to a chemical test of the employee's breath, blood and urine for the purpose of determining whether the employee is under the influence of a controlled substance or alcohol.

- 3: Except as otherwise provided in a collective bargaining agreement that applies to the employee, an employee is "under the influence of a controlled substance or alcohol" for purposes of this policy if a chemical analysis of the employee's breath, blood or urine shows any detectable level of a controlled substance or alcohol. If an employee is arrested for or convicted of violating any criminal drug or alcohol statute or activity occurring in the County workplace while on duty, while on County owned property or while operating County owned equipment, or outside the workplace which affects an employee's job requirements (e.g. suspension of driving privileges), the employee must notify the employee's supervisor of the arrest or conviction no later than five (5) days after the date of arrest or conviction.
- 4: Employees undergoing prescribed medical treatment with a prescription drug or over-the-counter medication that will impair behavior or work performance, should report such fact to his/her supervisor. For purposes of this drug policy, being under the influence of medical or recreational marijuana is not allowed. The employee is not required to inform the supervisor what medication(s) he/she is taking. The County has the right to reassign duties or to place an employee on temporary leave of absence if the employee is unable to properly and safely perform his or her duties. In the event an employee needs to take a prescription drug or over-the-counter medication while at work, he or she should keep the medication in its original container so that it can be properly identified.
- 5: The County may use drug or alcohol testing as part of its investigation of an altercation, accident, (or near-miss incident), employee's irrational/inappropriate behavior, or on-the-job driving under the influence (DUI) as provided by law.
- 6: If it is determined that any employee has violated any provision of this Drug and Alcohol Free Workplace policy, or has refused to submit to a chemical test of the employee's breath, blood or urine, as required by this policy, the employee is subject to disciplinary action up to and including the possibility of discharge from County employment.
- 7: This policy has been adopted pursuant to the Drug Free Workplace Act of 1988, P.L. 100-6901, 41 U.S.C. 8L 701-707 and ORS 659.225 and 659.227.

#### F. Alcohol And Controlled Substance Testing

- 1: Alcohol and controlled substance testing policies, have been implemented in compliance with the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) of the U.S. Department of Transportation (DOT), (49 USC 5331; 49 USC 31306; 49 CFR 40; 49 CFR 382; and 49 CFR 655) and Federally Qualified Health Center (FQHC) as mandated by Section 330 of the Public Health Service Act (PHSA) are hereby incorporated into and made a part of these Personnel Rules by reference.
- 2: The Personnel Director is designated to answer questions regarding the alcohol and controlled substance testing policies at (541) 265-4157 or County extension 4157. Copies of the policies can be obtained from the Personnel Director.

#### G. Workplace Violence

- 1: Purpose
  - a: The safety and security of Lincoln County employees, customers, vendors, contractors, and the general public are of vital importance. Therefore, threats and acts of violence made by an employee or member of the public against another person's life, health, well-being, family, or property will be dealt with in a zero tolerance manner by Lincoln County.
  - b: The Oregon Occupational Safety and Health Administration (OR-OSHA) requires employers to provide employees with a safe place of employment, free from recognized hazards that are causing or are likely to cause death or serious harm to employees.

## 2: Definitions

- a: Zero Tolerance: Employees who display any violence in the workplace or threaten violence in the workplace are subject to disciplinary action up to and including the possibility of termination of employment. Members of the public who display any violence in the workplace or threaten violence in the workplace shall be reported to law enforcement officials.
- b: Violence: Physically harming another, shoving, pushing, harassment, intimidation, coercion, brandishing weapons, and/or communication of threats or talk of violence in written, electronic, physical, or verbal form.

## 3: General Policy

- a: This policy applies to, but is not limited to all employees, vendors, contractors, and volunteers of Lincoln County, or members of the public.
- b: The following is prohibited by Lincoln County:
  - i: Any act or threat of violence made by a person(s) against another.
  - ii: Any act or threat of violence, including, but not limited to, intimidation, coercion, harassment or retaliation.
  - iii: Any act or threat of violence which endangers the safety of employees, customers, vendors, contractors, or the general public.
  - iv: Any act or threat of violence made directly or indirectly by words, gestures, or symbols.
  - v: Use or possession of a weapon on any County property, including County owned or maintained parking areas, except as required for the performance of job duties.
- c: While certain employees of Lincoln County may be required as a condition of their work assignment to possess or are permitted to carry, as authorized by law, firearms, weapons, or other dangerous devices, it is Lincoln County policy that employees are to use them only in accordance with departmental or office operating procedures and all applicable State and Federal laws.
- d: Employees are expected to report, to their supervisors, any behaviors that compromise this policy and the County's ability to maintain a safe work environment.

## 4: Policy Guidelines/Procedures

- a: Report threats of violence
  - i: Each employee of Lincoln County and every person on Lincoln County property is encouraged to report incidents of threats or acts of violence of which s/he is aware.
  - ii: In cases where the individual is a County employee, the report should be made to the individual's immediate supervisor, a management level or supervisory employee, if the immediate supervisor is not available, or to the Lincoln County Counsel, Board of Commissioners, or Lincoln County Personnel Department.
  - iii: Each supervisor shall promptly refer the matter to the Board or to the Personnel Department.
  - iv: Concurrently, with the initiation of any investigation leading to a proposed disciplinary action, the County shall report the incidents of threats or acts of violence to the appropriate law enforcement agency.
  - v: In cases where the reporting individual is NOT a County employee, the report should be made to the appropriate law enforcement agency. Nothing in this policy alters any other reporting obligation established in these Personnel Rules, or in State, Federal or other applicable law.

## 5: Investigation Procedure

- a: A confidential investigation will be conducted immediately. Anonymity and confidentiality for the employee reporting the threat or act will be maintained to the degree possible.

- b: Where investigations confirm the allegations, appropriate corrective action will be taken as provided in these Personnel Rules, up to and including the possibility of termination of employment.
  - c: All employees are expected to cooperate with the investigation. Failure to cooperate with an investigation may lead to disciplinary action including dismissal.
  - d: Information provided by individual employees in the course of the investigation will be treated as confidential and only provided to those who have a need for the information or when it is required in the course of investigating the complaint.
  - e: Providing false information in the course of the investigation is grounds for discipline up to and including dismissal.
  - f: If the complaint involves non-county person(s), County Counsel's office shall be consulted. Any investigation and further action involving non-county persons shall be conducted under the direction of County Counsel's office.
- 6: The County prohibits retaliation against any individual who reports workplace violence or who participates in an investigation of such reports. Any such action is a serious violation of this policy, and like workplace violence, retaliation against persons assumed to have participated in an investigation may be subject to disciplinary action.

H. Non-County Employee Visiting Worksites

- 1: The County recognizes that there may be times when a non-County employee, such as a family member or friend, "stops by" the worksite. In general, it is against County policy to have a non-County employee visit impact County business in a negative manner. This includes the potential for safety risks. When a non-county employee's conduct has the potential to impact County business in a negative manner, a Department Head or Elected Official may inform the County employee that his or her guest is no longer allowed to visit the worksite.

## **Article 18: Personnel Files and Public Disclosure**

### **A: Personnel Files**

- 1: The Personnel Director in the Personnel Department will maintain a personnel file for each employee of Lincoln County.
- 2: This personnel file, and the information contained therein, is the official employment record of each individual employee.
- 3: Appointing authorities will promptly forward all appropriate documents to the Personnel Director for inclusion into the employee's file.
- 4: Appointing authorities shall retain photocopies as a matter of convenience.
- 5: Appointing authorities, who choose to maintain files of convenience within their department or office, shall merge such files with the employee's official personnel file maintained in the Personnel Department not more than thirty days following the termination or discharge of any employee.
- 6: Information in the personnel files will be treated as exempt from public disclosure as provided in ORS Chapter 192.
  - a: Information which cannot be treated as confidential under the law includes:
    - i: Name
    - ii: Job title
    - iii: Salary
    - iv: Dates of employment with the County
  - b: Other information in the files may be subject to public disclosure by order of a court or tribunal of competent jurisdiction or by Oregon's public records laws.
- 7: Employees may review their files during regular working hours.
- 8: At the request of the employee, copies of materials included in such files will be furnished, the cost of which shall be borne by the employee at the current rate established by the County.
- 9: By signed authorization, an employee may extend the right to review to the employee's official representative.
- 10: A supervisor will have access to the files of subordinate employees or employees of other departments or offices who are being considered for transfer.
- 11: The Personnel Director and designee will have access to all personnel files for the purpose of carrying out necessary personnel duties.
- 12: The Board and County Counsel shall have access to all personnel files.

### **B: Entry Of Materials Into Files**

- 1: The Personnel Director shall routinely place or have placed all official documents relating to an individual's personnel file. Such materials include:
  - a: Personnel Action Forms
  - b: Performance appraisals
  - c: Letters of hire
  - d: Application form for initial employment
  - e: Other materials deemed relevant to an individual's employment history as determined by the Personnel Director.
  - f: No materials that reflect critically upon an employee shall be placed in an employee's personnel file without the employee's knowledge.
- 2: Appointing authorities may submit materials to be included in an employee's personnel file to the Personnel Director for review.
- 3: The Personnel Director must approve all non-routine materials submitted for inclusion in an individual's file.
- 4: The employee must sign all submittals of materials that reflect critically upon the employee as proof s/he has seen the material. If an employee refuses to sign, the

supervisor will make note of the refusal, and the materials will be included in the personnel file.

- 5: An employee may submit a written rebuttal to any materials entered into his/her file, which s/he feels reflects poorly on his/her employment history with the County. Such rebuttal shall be attached to the materials objected to and shall be part of the file so long as such material remains in the file.

C: Removal of Materials

- 1: Normally, once material has been entered into an employee's personnel file, it shall remain with the contents of the file in accordance with this Article as outlined below in Section E.
- 2: An employee may request of the Personnel Director that letters of caution, consultation, warning, admonishment or reprimand be removed from the file after one year, if no recurrence of a similar infraction occurs.
  - a: The employee's request must be in writing and must identify the items that the employee wishes removed from the file by title and date.
  - b: The Personnel Director will determine if the material is to be removed from or retained in the file and notify the employee accordingly. Materials removed from the employee's file may be filed in a Personnel Department convenience file.
  - c: If, at a later date, disciplinary action is instituted against the employee and the employee grieves such action, the removed items may be used in the grievance proceedings.

D: Requests for Records from Non-County Entities

All requests for employee records from persons outside the County must be given to the Personnel Director in writing and authorized by the employee whose records are being requested. In the event that any subpoena is served for any employee's records, the Personnel Director will confirm that the employee is aware of the request and has the opportunity to oppose the subpoena before the records will be provided to the requesting party.

E: Contents and Retention

Records will be retained in accordance with the Oregon Secretary of State Records Retention Schedule. Disciplinary action documents may be removed after one year at the written request of the employee under the terms and conditions set forth in Section C of this Article.

## **Article 19: Separation In Good Standing, Layoff, Resignation**

### **A: Layoff**

- 1: An appointing power may layoff an employee because of abolition of a position, shortage of funds or work, material change in duties or changes in an organization unit.
- 2: Duties performed by laid-off employees may be reassigned to other employees already working who hold positions in appropriate classes.
- 3: No temporary or permanent separation of an employee from the County as a penalty or disciplinary action shall be considered a layoff.
- 4: Layoff status employees will, at the time of layoff, be paid for all accrued vacation leave and compensatory time.
- 5: Layoffs may be made according to relative qualification; retention will be based on skills and abilities.
- 6: Employees will not have bumping rights based on seniority.
- 7: Whenever possible, thirty (30) days notice will be given to employees scheduled to be separated due to layoff.

### **B: Recall From Layoff**

- 1: Employees on layoff status shall be eligible for recall up to 12 months from the date of layoff.
- 2: It shall be the laid off employee's responsibility to maintain a current address and telephone number where he or she may be contacted for recall.
- 3: Any laid off employee offered a position with the County shall notify the County of acceptance of the offer within two days of receipt of the offer.
- 4: The employee must be able to report to work within 15 days or the employee will forfeit all recall rights.
- 5: Upon recall, an employee shall have all previously accrued sick leave and seniority reinstated but shall not receive credits for the layoff period if the employee returns within 12 months of the layoff date.
- 6: Layoff Status Employees who are called back from layoff or who are reemployed by the County will be eligible for benefits the first full month of re-call or re-employment.

### **C: Resignation**

- 1: To resign in good standing, an employee shall give the appointing power at least 14 calendar days written notice.
- 2: The appointing power may, upon written request, waive the 14-day requirement if the resignation is beyond control of the employee.
- 3: The employee may withdraw a resignation only at the discretion of the appointing power.

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## Acknowledgement of Receipt of the Personnel Rules

Each employee is expected to acknowledge the receipt of these Personnel Rules by signing an Acknowledgment of Receipt in the following form:

1. I have received a copy of the Lincoln County' Personnel Rules or I have viewed a copy of the Personnel Rules located on the County Help Desk.
2. I understand that I am responsible for becoming and remaining familiar with the policies, procedures, requirements, and other information contained in both these Rules and on the County Help Desk and for compliance with the expectations contained therein.
3. The policies, procedures, requirements, and other information contained in this Manual may be modified or deleted, and others may be added, at any time as approved by the Board of Commissioners. I have an obligation to be aware of any of these changes.
4. I understand that I will receive notice of any significant change(s) in the Personnel Rules.
5. These Rules supersede all prior statements of Lincoln County which conflict or may conflict with it. I understand that any conflicting prior statement is superseded.
6. These Rules do not represent a contract. Neither the statements of Lincoln County policies, procedures, requirements, and other information, nor any representations made by any management representative at the time of hire or at any time during employment, are to be interpreted as a contract between Lincoln County and any employees, unless expressly so stated in writing signed by the County Commissioners.

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Employee Signature

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Date

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Employee Name (Please Print)