

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR THE COUNTY OF LINCOLN

3 ORDINANCE # 200

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4 Lincoln County Legal Counsel

5 AN ORDINANCE AMENDING ORDINANCE #155, CHAPTER SEVEN, SECTIONS
6 7.265(6) and 7.295(6), AND DECLARING AN EMERGENCY

7 The Lincoln County Board of Commissioners ORDAINS as
8 follows:

9 Subsection (6) of section 7.265 is hereby amended as
10 follows:

11 (6) Reinstatement of Injured Workers: A former employe
12 who has sustained a compensable on-the-job illness or injury shall
13 be reinstated to the employe's former position upon demand for such
14 reinstatement provided the position is "available" and the employe
15 is not disabled from performing the duties of the position. If the
16 former position is not "available", the employe shall be reinstated
17 to any other position which is "available" and "suitable" and for
18 which the employe is "qualified", State codes define "available",
19 "suitable", and "qualified" as follows:

20 "Available" means vacant at the time of the injured worker's demand,
21 or becomes vacant after the injured worker's demand for reinstatement
22 or reemployment, or filled but available under the provisions
23 of the employer's policy and practices or a provision of a valid
24 collective bargaining agreement or under an employer's recall from
25 layoff status.

26 "Suitable" is defined following a consideration of the employer's
size, diversity, nature, and pattern of job openings and whether the
injured worker is qualified to perform the job.

"Qualified" means that the injured worker meets the minimum standards
used by the employer in filling the job, that the injured worker has
previously done the job, or the injured worker be qualified for the
job with the same training given a new hire in an entry level position.

Additionally, the injured employe must be physically able to perform
the duties of the former position or the suitable alternative position.
A physician's certificate attesting that the employe is physically
capable of performing the duties of the former position or suitable
alternative position shall be required. The county may require ad-
ditional evidence of the employe's physical ability if there is basis
in fact that the injured employe cannot perform the duties of the
former position or suitable alternative position without risk of in-
jury to the employe or others or if there is other evidence as to the
validity of the physician's certificate.

1 A demand for reinstatement or reemployment must be submitted in writ-
2 ing to the injured employe's former appointing authority and the per-
3 sonnel office no later than the second regular work day following the
4 date specified on the physician's certificate for the employe's return
to work, provided the employe has received a copy of the certificate
on or prior to the date specified and that no intervening medically
verifiable disability prevents timely submission of the demand.

5 The county's obligation to reinstate a former employe who has sus-
6 tained a compensable injury is limited to a one-time offer of rein-
7 statement to the employe's former position and a one-time offer of
8 reemployment in a suitable alternative position following submission
of a timely demand for reinstatement or reemployment by the injured
worker.

9 Former employes seeking reinstatement or reemployment under this sub-
10 section are required to keep the county personnel office informed
of their correct address.

11 The reemployment of other former employes of the county is governed
by subsection (5) of this section.

12 Subsection (6) of section 7.295 is hereby amended as
13 follows:

14 (6) Sick and Injury Leave Without Pay: The duration of
15 leave of absence by an employe due to an on-or off-the-job injury
or illness shall continue as long as the employe is receiving full
or partial pay from the county based on accumulated leave credit.
16 At the time leave credit is exhausted and the employe receives no
salary from the county, sick leave without pay may be granted by the
17 appointing power for a reasonable period of disability subject to
the final authorization by the Board. If sick leave without pay is
18 approved, the appointing power may require periodic certification of
the employe's physical condition from the attending physician or
practitioner during the period of disability.

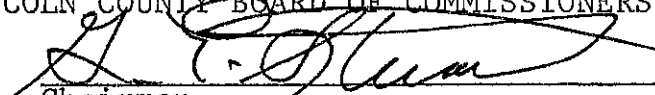
19 For the purpose of this section, a reasonable period means a period
20 not to exceed 30 days; and, that during or at the conclusion of such
21 period, the employe can be expected to return to the employe's for-
mer position. Sick leave without pay may be approved for a lesser
22 period or may be denied if in the opinion of the appointing power
it is necessary to fill the position with a replacement employe.
23 Sick leave without pay shall only be approved for a period having
a fixed date of termination and shall not be open-ended. (Refer
24 to section 7.265(6) regarding employment rights of employes who have
sustained a compensable on-the-job illness or injury.)

25 When circumstances warrant, the Board may authorize an extension of
26 sick leave without pay.


1 This ordinance, being necessary for the immediate preserva-
2 tion of the public peace, health, safety, and welfare, an emergency
is declared to exist and this ordinance takes effect on its adoption.

3 DATED this 12th day of October, 1983.

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5 LINCOLN COUNTY BOARD OF COMMISSIONERS

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Chairman

7 excused
8 Commissioner

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10 Commissioner

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Lincoln County Legal Counsel
Lincoln County Courthouse
225 W. Olive Street
Newport, OR 97365
Phone: 265-6611 ext 308

New (6) Reinstatement of Injured Workers: A former employee who has sustained a compensable on the job illness or injury shall be reinstated to the employee's former position upon demand for such reinstatement provided the position is "available" and the employee is not disabled from performing the duties of the position. If the former position is not "available", the employee shall be reinstated to any other position which is "available" and "suitable" and for which the employee is "qualified". State codes define "available" "suitable" and "qualified" as follows:

"Available" means vacant at the time of the injured worker's demand, or becomes vacant after the injured worker's demand for reinstatement or reemployment, or filled but available under the provisions of the employer's policy and practices or a provision of a valid collective bargaining agreement or under an employer's recall from layoff status.

"Suitable" is defined following a consideration of the employer's size, diversity, nature and pattern of job openings and whether the injured worker is qualified to perform the job.

"Qualified" means that the injured worker meets the minimum standards used by the employer in filling the job, that the injured worker has previously done the job, or the injured worker be qualified for the job with the same training given a new hire in an entry level position.

Additionally, the injured employee must be physically able to perform the duties of the former position or the suitable alternative position. A physician's certificate attesting that the employee is physically capable of performing the duties of the former position or suitable alternative position shall be required. The county may require additional evidence of the employee's physical ability if there is basis in fact that the injured employee cannot perform the duties of the former position or suitable alternative position without risk of injury to the employee or others or if there is other evidence as to the validity of the physician's certificate.

A demand for reinstatement or reemployment must be submitted in writing to the injured employee's former appointing authority and the personnel office no later than the second regular work day following the date specified on the physician's certificate for the employee's return to work, providing the employee has received a copy of the certificate on or prior to the date specified and that no intervening medically verifiable disability prevents timely submission of the demand.

The county's obligation to reinstate a former employee who has sustained a compensable injury is limited to a one time offer of reinstatement to the employee's former position and a one time offer of reemployment in a suitable alternative position following submission of a timely demand for reinstatement or reemployment by the injured worker.

Former employees seeking reinstatement or reemployment under this subsection are required to keep the county personnel office informed of their correct address.

The reemployment of other former employees of the county is governed by sub-section 5 of this section.

(Renumber current sub-sections 6, 7, 8, 9 & 10 to 7, 8, 9, 10 & 11 respectively)

Personnel Rule 7.295 Sick Leave

Revised (6) Sick and Injury Leave Without Pay

The duration of leave of absence by an employee due to an on or off the job injury or illness shall continue as long as the employee is receiving full or partial pay from the county based on accumulated leave credit. At the time leave credit is exhausted and the employee receives no salary from the county, sick leave without pay may be granted by the appointing power for a reasonable period of disability subject to the final authorization by the Board. 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.

For the purpose of this section, a reasonable period means a period not to exceed 30 days and that during or at the conclusion of such period the employee can be expected to return to the employee's former position. 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. 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 Rule 7.265 (6) regarding the employment rights of employees who have sustained a compensable on the job illness or injury.)

When circumstances warrant, the Board may authorize an extension of sick leave without pay.