

Lane County Oregon

Administrative Procedures Manual

As of date provided with each
Chapter-Section-Issue portion

*This APM is collated privately until Lane
County agrees to make it available freely
upon its web site of www.LaneGov.Com*

Please email changes, corrections,
updates, etc. to Keith Stanton via
Bernhardt@OregonFast.Net

{updated last on 01 January 2013}

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ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 1
Issue 1 11/9/2007
 Date

SUBJECT: DRUG-FREE WORKPLACE PROCEDURE

I. PURPOSE

The primary goals of this procedure are to achieve a workplace free of the impairments of drugs and alcohol, to coordinate with Lane Manual 2.380, and to further support the drug-free workplace policy of Lane County, and to provide written notice of the procedure to all employees. These procedures do not attempt to address all possible issues that may arise around the use of alcohol and drugs. It is incumbent upon each individual employee and each supervisor/manager to use best judgment and act reasonably and responsibly to situations not explicitly covered in the policy. This is particularly true when applied to situations that may arise outside the usual workplace or when an employee may be called back to work outside of his or her regularly scheduled hours.

II. SCOPE

This procedure is applicable to all classified and unclassified county employees, as defined by and subject to the provisions of the Lane Manual, Chapter 2.380. Employees may also be covered under alternative policies prescribed by law as in the Public Works Alcohol and Drug Policy established in compliance with Federal DOT regulations for holders of CDL licenses, or those prescribed by departmental regulations within law enforcement agencies such as the Sheriff's Office and District Attorney's Office. Under the alternate policies, employees may be subject to participation in alcohol or random drug testing or related requirements which are not specified in this general countywide policy. This procedure is intended to comply with and supplement the Federal Drug Free Workplace Act of 1988. Employees working in programs funded by grants may also be subject to additional requirements, including but not limited to those specified in Article XII below.

Nothing in this procedure should be construed to violate any non-discrimination policies outlined under local, state or federal laws.

III. AMENDMENT

The County Administrator may amend this procedure as required.

IV. DEFINITIONS

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

Controlled Substances means any intoxicants or controlled substances as defined by the criminal code of the state of Oregon or by the Uniform Controlled Substances Act (ORS ch. 475).

Drug means any controlled substance, unless the context indicates otherwise (e.g. “over-the-counter drug”).

Drug Paraphernalia means any and all equipment, products, and materials of any kind, as more particularly defined in ORS 475.525 (2), which are or can be used in connection with the production, delivery, or use of a controlled substance as that term is defined by ORS 475.005.

Prescription Medication means the same as “Regulated Substances.”

Random Testing means the selection of employees for testing for alcohol or controlled substances using a scientifically valid method for selection or the testing of one employee such as in a Return to Work/Performance Agreement on dates chosen using a scientifically valid method over a specified period of time.

Reasonable Suspicion means inferences rationally derived from specific, objective facts about the conduct or performance of an individual under the totality of the circumstances existing at the time and place that would lead a *reasonable person* to suspect that the individual is or has been using drugs or alcohol.

Circumstances which can constitute a basis for determining reasonable suspicion may include, but are not limited to:

- Abnormal or erratic behavior
- Information provided by a reliable and credible source
- A work-related accident that results in injury, damage to County equipment/property, or a citation being issued under State or local law for a moving traffic violation arising from an accident
- Direct observation of drug or alcohol use
- Employee admissions regarding drug or alcohol use
- Unexplained absence from normal work areas where there is reason to suspect drug or alcohol related activity
- Perceptible odor of alcohol or marijuana
- Impaired motor skills
- Glazed appearance of eyes
- Extreme mood shifts
- Euphoria, dilated pupils

Reasonable Suspicion Testing means the compulsory production and submission of test specimens by an employee in accordance with procedures contained herein and chemical analysis to detect drug and/or alcohol use.

Regulated Substances means any substances lawfully prescribed for the employee's use by a medical professional. Regulated Substances are also referred to in this procedure as "Prescription Drugs."

Return to Work/Performance Agreement means an agreement whereby an employee who would otherwise be terminated is provided an opportunity to address their performance or safety issues as related to drug and alcohol use.

Under the Influence of Alcohol means a breathalyzer or blood test indicates the presence of alcohol at or above the .02% level, or by employee admission. An employee can also be deemed under the influence of alcohol by behavior (see Article V(B)).

Under the Influence of Drugs means that testing, screening and confirmation indicates the presence of controlled substances, or by employee admission. An employee can also be deemed under the influence of drugs by behavior (see Article V (A)).

V. PROHIBITED CONDUCT

The following conduct is prohibited in the workplace or while the employee is in a paid on-call status:

- A. Possession, distribution, dispensing, sale, attempted sale, use, manufacture, or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on county property, or while performing work for the county, or while on paid county time, or in other circumstances which adversely affect county operations or safety of county employees or others is prohibited. The conduct prohibited here includes consumption of any such substance prior to reporting to work or during breaks or lunch period. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests positive for any such substances by screening and confirmation tests, the employee will be deemed under the influence of drugs for purposes of this procedure.
- B. Possession, transfer, use or being under the influence of any alcohol while on county property, or while performing work for the county, or while on paid county time, or while operating a county vehicle, or in other circumstances which adversely affect county operations or safety of county employees or others is prohibited. The conduct prohibited here includes consumption of any alcohol within four (4) hours of reporting to work or during breaks or during lunch period. If use of alcohol adversely affects an employee's physical or mental faculties

while at work to any perceptible degree or the employee's blood alcohol content exceeds .02%, the employee will be deemed under the influence of alcohol for purposes of this procedure.

- C. Possession, distribution or consumption of prescription medications without a valid prescription.
- D. Failure of the affected employee to report limitations or impairment caused by prescribed medication or over-the-counter drugs.
- E. Interference with the administration of this procedure. Examples include, but are not limited to, the following: tainting, tampering, or substitution of urine samples; falsifying information regarding the use of prescribed medications or controlled substances; or failure to cooperate with any tests outlined in this procedure to determine the presence of drugs or alcohol.
- F. Involvement in an accident which results in the loss of human life, serious injury, substantial property damage, or for which the employee receives a citation under state or local law for a moving traffic violation arising from the accident. Any employee involved in such an accident is also prohibited from using alcohol or controlled substances for eight (8) hours following the accident, or until he/she undergoes a post-accident test, whichever occurs first. Involvement in such an accident shall be deemed reasonable suspicion sufficient to require the employee to submit to testing for drugs or alcohol.
- G. Refusal of an employee to submit to a post-accident alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a follow-up alcohol or controlled substances test required under this procedure.
- H. Failure to complete any assessments or treatment programs required under this procedure.
- I. Failure of the affected employee to report any violation of laws regulating use of alcohol and controlled substances which adversely affects the employee's ability to perform job functions, specifically to include loss or limitation of driving privileges when the employee's job is identified as requiring a valid license.
- J. Failure of the affected employee to report all drug or alcohol related arrests, citations, convictions, guilty pleas, no-contest pleas or diversions which resulted from conduct which occurred while he/she was on duty, on county property, or in a county vehicle.

VI. EXCEPTIONS TO PROHIBITED CONDUCT

- A. ORS 475.340(2) states, in part, that nothing in the medical marijuana law "shall be construed to require...an employer to accommodate the medical use of

marijuana in any workplace.” Before taking any action arising out of circumstances that may relate to an employee’s use of medical marijuana, however, department managers and supervisors must involve the Human Resource Manager in order to ensure the legality of the action.

- B. Nothing in this procedure is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use is consistent with its prescribed use and does not present a safety hazard or otherwise adversely impact an employee’s performance or County operations.

VII. MANDATORY REPORTING

- A. Any affected employee shall be obligated to report to his/her immediate supervisor any of the circumstances described in Article V where the failure to report is an incident of prohibited conduct. Such report shall be made as soon as possible under the circumstances.
- B. Any employee involved in an accident that involves a loss of human life, serious injury or substantial property damage shall as soon as possible report the accident to his/her immediate supervisor or a manager in the department.
- C. Employees working in a grant program may have additional reporting obligations as described in Article XII below.

VIII. TESTING PROCEDURES AND STANDARDS

Lane County shall utilize the services of a testing facility where test specimens can be collected and tested according to recognized professional standards and which has received recognized certification to perform such testing services. Specimen collection and testing procedures shall be administered with full regard for the employee’s privacy and the need to maintain the confidentiality of test results to an extent which is consistent with the requirements of this procedure. The employee shall be notified of all tests conducted and test results obtained pursuant to testing. .

Unless otherwise covered by alternative provisions in a collective bargaining agreement, all of the following alcohol and drug testing will be required for all Lane County employees:

- A. Pre-employment Testing

Upon an offer of employment and prior to final appointment, every applicant for County employment will be asked to consent to a controlled substance screening test. If the initial screening test yields a positive result, the laboratory will automatically have a confirmation test conducted using the same sample. If the initial screening test indicates that the applicant is under the influence of controlled substances, the applicant will be notified of the test results. If the

applicant refuses to consent to a test or the testing indicates the use of controlled substances, the offer of employment will be retracted and deemed void, and the applicant will be denied employment with the County.

B. Random Testing

This policy specifically does not provide for an ongoing random testing program for all Lane County employees. Lane County may determine a need to conduct random testing in certain instances in order to comply with federal and/or state requirements or because of the safety sensitive nature of specific jobs. Random testing may also be required as a condition of a Return To Work/Performance Agreement.

C. Reasonable Suspicion Testing

1. An employee must submit to testing for alcohol and/or controlled substances whenever his/her manager, in collaboration with the Human Resources Manager or designee, has reasonable suspicion to believe that the employee is using or has used drugs or alcohol in violation of one or more of the prohibitions in Article V.
2. When reasonable cause exists to believe an employee has possession of alcohol or a controlled substance on county property, or has otherwise violated provisions of this procedure regarding possession, sale, distribution or use of drugs or alcohol, the County may search the employee and/or the employee's possessions located on county property.
3. An employee who is notified that he/she is to be tested for alcohol or controlled substances under this procedure must do so immediately upon being so notified.
4. Failure to undergo testing and/or search according to this procedure is grounds for discipline up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

D. Confidentiality

All information from an employee's or applicant's drug and alcohol test or evaluation is confidential and only those with a need to know are to be informed of test results. Disclosure of such information to any other person, agency, or organization is prohibited unless required by law or written authorization is obtained from the employee or applicant.

E. Costs

Lane County may pay all costs, including but not limited to, paid time for employees who are required to undergo reasonable suspicion and post accident testing.

IX. CONSEQUENCES OF VIOLATIONS OF PROHIBITED CONDUCT

A. Any extra help employee, temporary employee, seasonal employee, or initial probationary employee who violates any of the provisions of this procedure will be terminated immediately.

B. The following provisions will apply to all other Lane County employees:

1. Any employee who violates any of the provisions of this procedure may be removed from the job, or may be removed from the environment where provisions of this procedure were deemed to have been violated and will be subject to disciplinary action. Discipline, including termination for a first offense, could occur under circumstances of an extremely serious nature, such as involvement in an accident resulting in serious injury, a fatality, substantial property damage, or unacceptable damage to the County's reputation or credibility.
2. Discipline for any employee who has an alcohol test result of 0.02% or greater, or a verified positive controlled substances test result may start at a mandatory absence from work without pay, and may result in discipline up to and including termination of employment. Any employee who has a positive test resulting from a random, post-accident, reasonable suspicion or follow-up test may request the split sample analysis by another certified laboratory. The employee may be removed from the job but will not be terminated or disciplined while awaiting the split sample result. If the split sample result refutes the primary sample result, the employee will return to normal duties without any further consequences of this policy.
3. If it is determined that the employee has violated provisions of this procedure and is subject to disciplinary action other than termination, the employee shall be notified in writing by the Human Resources Manager, co-employer or designee that he or she will be returned to work or be allowed to continue working only under provisions of a Return to Work/Performance Agreement. Failure to accept the provisions of a Return to Work/Performance Agreement will result in termination.

X. EMPLOYEE RIGHTS

- A. The employee shall have the right to a Union representative up to and including the time the sample is given. This Provision shall not however, cause an unreasonable delay in testing. Nothing herein shall restrict the employee's right to representation under general law.
- B. If at any point the results of the laboratory testing procedures specified in this Section are negative, all further testing shall be discontinued. The employee will be provided with a copy of the results and all documentation on the testing will be sealed and maintained in a secure place. All test results will be kept confidential.
- C. Any employee who tests positive shall be given access to all written documentation available from the testing laboratory which verifies the accuracy of the testing equipment used in the testing process, the chain of custody of the specimen and the accuracy rate of the laboratory.

XI. RETURN TO WORK/PERFORMANCE AGREEMENT

- A. An employee, who has been removed from work for violation of provisions of this policy, will be subject to the terms of a Return to Work/ Performance Agreement. Violations of the provisions of a Return to Work/Performance agreement shall result in immediate termination of the employee. The Return to Work/Performance Agreement shall contain at a minimum the following eight (8) provisions:
 - 1. Employee must provide County with documentation that he or she has taken a return-to-duty with a less than 0.02 for alcohol and/or a NEGATIVE result for controlled substances before being allowed to continue to work or return to work if removed from the workplace. Negative results must be achieved within 2 days past the latest day of the detectable duration period listed on Appendix A (*Alcohol and Controlled Substance Testing Parameters*).
 - 2. Employee must be evaluated by a Substance Abuse Professional (SAP) approved by the County before being allowed to continue work or returning to work if removed from the workplace. The substance abuse professional shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or controlled substance.
 - 3. Employee must faithfully attend, continue in and complete the six (6) mandatory counseling/educational sessions or treatment program (if any) prescribed by the Substance Abuse Professional. If employee must be absent from any treatment or counseling/educational sessions, he or she must notify and provide required justification to the treatment provider, if

any and the SAP. The County has employee's permission by this agreement to verify attendance at treatment or counseling sessions through the employee's SAP.

4. At a minimum, if the substance abuse professional does not require a treatment or rehabilitation program, the employee must attend six (6) mandatory counseling/educational sessions. These educational sessions will be provided by DIRECTION and will provide an increased opportunity for discussions about health, wellness and accountability. Sessions will be confidential and at no cost to the employee. DIRECTION will provide Lane County with attendance information. The employee must attend at least one educational session prior to returning to work or continuing to work if not removed from the workplace.
5. If determined necessary by the substance abuse professional, the employee must properly follow any treatment or rehabilitation program identified. The employee must be re-evaluated by the substance abuse professional to determine that the employee has properly followed the prescribed treatment or rehabilitation program. The treatment or rehabilitation program used may not be the substance abuse professional's private practice or be provided by a person or organization from which the substance abuse professional receives remuneration or has a financial interest. Employee must comply with all terms and conditions of this procedure. The SAP will be solely responsible for the determination, monitoring and reassessment of the appropriate, prescribed treatment program.
6. Employee will participate in a minimum of six (6) follow-up drug/alcohol tests during the year following execution of this agreement. Additional follow-up drug/alcohol tests may be conducted if recommended by employee's SAP.
7. A POSITIVE result for any drug or alcohol test conducted pursuant to this procedure and subsequent to the date of the Return to Work/Performance Agreement will be grounds for termination of employment with Lane County.
8. Included in the Return to Work/Performance Agreement that the employee will sign will be a statement that the employee understands he or she has engaged in personnel rule violations which could otherwise result in termination of county employment, and the consideration for entering into and achieving the desired results as specified by the criteria of the Return to Work/Performance Agreement is continued employment under those terms.

This statement shall also contain a provision that indicates that if the desired results are not achieved in the time period allotted within the Return to Work/Performance Agreement, the employee shall be terminated with no right of appeal.

- B. The use of a Return to Work/Performance Agreement will not set a precedent for the discipline of other employees in the future.

XII. EMPLOYEES WORKING IN A GRANT PROGRAM

In addition to the consequences outlined elsewhere in this procedure, for employees working in a program funded by grant funds that include a requirement of compliance with the Federal Drug-Free Workplace Act of 1988 and implementing regulations of 7 CFR 3017, Sections 3017.605-3017.615, the following shall apply:

- A. The manager of the program shall ensure that the employees working in the grant program are informed of the dangers of drug abuse in the workplace.
- B. The manager shall ensure that employees working in the grant program are informed of the County's policy of maintaining a drug-free workplace (LM 2.380) and of this procedure.
- C. The manager shall inform employees working in the grant program of available drug counseling, rehabilitation and employee assistance programs.
- D. The manager shall inform the employees working in the grant program of the penalties that may be imposed for drug abuse violations in the workplace.
- E. The manager shall provide each employee working in the grant program with a copy of this procedure.
- F. Any employee working in a grant program as described in this Article XII, as a condition for performing work on that grant program shall:
 - 1. Abide by the Drug Free Workplace Policy, LM 2.380, and
 - 2. Notify the manager of the grant program and the Department Director in writing of his/her conviction for a violation of a criminal drug statute occurring in the workplace within five calendar days after such conviction.
- G. Upon receiving notice of such a conviction, the manager of the grant program shall take appropriate steps to:
 - 1. Notify the federal agency grant officer within ten days, and

2. Within 30 days, take appropriate personnel action against the employee or require the employee participate satisfactorily in an approved drug abuse assistance or rehabilitation program.

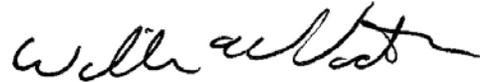
XIII. INTERPRETATION AND IMPLEMENTATION

Any questions relative to the intent or application of this procedure shall be directed to the Human Resources Manager, who shall have the responsibility for interpreting and implementing this procedure.

Authorized: _____
County Administrator

Date: _____
Effective Date

This on-line version of the Administrative Procedures Manual is a copy of the original signed by the County Administrator on 11/9/07.



APPENDIX A

ALCOHOL AND CONTROLLED SUBSTANCE TESTING PARAMETERS

The following list of controlled substances and alcohol defines the amount of time that a particular substance will give a positive result to a drug test. The time frames are estimates, since various factors influence the length of time a substance remains detectable in an individual's system. These include weight, height, and amount of body fat, frequency of use, overall health, and physical shape. Prolonged, heavy use of marijuana and PCP can be detected for up to 60 days after last use.

Substance	Description	Detectable Duration
Alcohol	Wine, Beer, Hard Liquor	1 hour up to 10 – 12 hours
Amphetamines	Dexedrine, Biphetamine	1 day
Anabolic steroids		oral: up to 3 weeks; injected: up to 3-6 months
Barbituates	Amytal, Nembutal, Seconal, Phenobarbital	2 - 3 days
Benzodiazepines	Ativan, Halcion, Librium, Valium, Xanax	2 – 3 days
Cocaine		1 – 2 days
Codeine		1 – 2 days
GHB	Liquid Ecstasy	1 – 2 days
Heroin		1 – 2 days
Inhalents		Several hours
Ketamine	Vitamin K	2 – 4 days
LSD		Several hours up to 5 days
Marijuana		2 – 5 days; daily, heavy user can sometimes be detected up to 30+ days
MDMA	Ecstasy	1 – 5 days
Methadone		1 – 7 days
Methamphetamines		2 – 4 days
Methaqualone	Quaaludes	10 – 15 days
PCP		1 – 8 days

Information was obtained from OHS Health and Safety Services, Inc.

RETURN TO WORK/PERFORMANCE AGREEMENT

The following agreement is entered into by and between _____, hereinafter EMPLOYEE, and Lane County Department of _____, hereinafter COUNTY. This agreement establishes the expectations that are a condition of EMPLOYEE returning to work and for EMPLOYEE's continued employment with COUNTY.

EMPLOYEE is permitted to return to work subject to the following conditions:

1. EMPLOYEE agrees to be evaluated by a Substance Abuse Professional (SAP) approved by the COUNTY to determine what assistance, if any, the EMPLOYEE needs in resolving problems associated with alcohol and/or controlled substance misuse.
2. EMPLOYEE agrees to provide COUNTY with documentation that he/she has taken a return-to-duty test with a NEGATIVE result before actually returning to work.
3. EMPLOYEE agrees to faithfully attend, continue in and complete the six (6) mandatory counseling/educational sessions or treatment program (if any) prescribed by the SAP. If EMPLOYEE must be absent from any treatment or counseling/educational sessions, he or she must notify and provide required justification to the treatment provider, if any, and the SAP. The COUNTY has EMPLOYEE'S permission by this agreement to verify attendance at treatment or counseling sessions through the EMPLOYEE'S SAP.
4. EMPLOYEE understands that the signing of this Agreement shall allow COUNTY the right to communicate with the primary physician and/or counselors regarding the status and progress of rehabilitation and aftercare.
5. The EMPLOYEE agrees to submit to a minimum of six (6) random follow-up drug/alcohol tests during the year following execution of this Agreement. Additional follow-up drug/alcohol tests may be conducted if recommended by Employee's SAP.
6. EMPLOYEE understands that a POSITIVE result for any drug or alcohol test conducted pursuant to this procedure and subsequent to the date of the Return to Work/Performance Agreement will be grounds for termination of employment with Lane County.
7. EMPLOYEE understands he/she has engaged in personnel rule violations which could otherwise result in termination of county employment, and the consideration for entering into and achieving the desired results as specified by the criteria of this Agreement is continued employment under those terms.

EMPLOYEE understands that violations or failure to accept the provisions of this Agreement will result in termination

8. EMPLOYEE understands that if he/she does not meet desired results within time period allotted within this Agreement, the EMPLOYEE shall be terminated with no right of appeal. See Attachment.
9. EMPLOYEE understands that this Agreement constitutes a final warning and is non-precedent setting for any other employees with the COUNTY in the future. Each case will be reviewed on its on merit.

Personal Commitment

The EMPLOYEE understands and pledges and agrees to abide by the terms of this Agreement. The EMPLOYEE understands that a violation of, or noncompliance with, any of these terms can result in he/she being terminated from COUNTY employment. Further, EMPLOYEE pledges to remain free of all illegal drugs and not to abuse legal drugs (including alcohol) during term of EMPLOYEE'S employment. EMPLOYEE understands that this Agreement does not guarantee EMPLOYEE employment for any set period of time. EMPLOYEE signs this Agreement free of any duress or coercion and understands that this Agreement will become part of his/her personnel medical file.

_____	_____	_____	_____
Employee	Date	Employer	Date

_____	_____
Employee Representative	Date

RETURN TO WORK/PERFORMANCE AGREEMENT

The following agreement is entered into by and between _____, hereinafter EMPLOYEE, and Lane County Department of _____, hereinafter COUNTY. This agreement establishes the expectations that are a condition of EMPLOYEE returning to work and for EMPLOYEE’s continued employment with COUNTY.

EMPLOYEE is permitted to return to work subject to the following conditions:

No.	Criteria	APM Code	Other Agencies
1	EMPLOYEE agrees to be evaluated by a Substance Abuse Professional (SAP) approved by the COUNTY to determine what assistance, if any, the EMPLOYEE needs in resolving problems associated with alcohol and/or controlled substance misuse.	XI.2.	State of Oregon: #1 Multnomah Co: #1 LCDPW: #2 LCDYS: #2
2	EMPLOYEE must provide COUNTY with documentation that he/she has taken a return-to-duty test with a NEGATIVE result before actually returning to work.	XI.1.	LCDPW: #1 LCDYS: #1
3	EMPLOYEE agrees to faithfully attend, continue in and complete the six (6) mandatory counseling/educational sessions or treatment or rehabilitation program (if any) prescribed by the SAP. If EMPLOYEE must be absent from any treatment or counseling/educational sessions, he or she must notify and provide required justification to the treatment provider, if any, and the SAP. The COUNTY has EMPLOYEE’S permission by this Agreement to verify	XI.3	State of Oregon: #2 Multnomah Co: #2 LCDPW: #3 LCDYS: #3

	attendance at treatment or counseling sessions through the EMPLOYEE'S SAP.			State of Oregon: #3 Multnomah Co: #3 LCDYS: #4
4.	EMPLOYEE understands that the signing of this Agreement shall allow COUNTY the right to communicate with the primary physician and/or counselors regarding the status and progress of rehabilitation and aftercare.			Multnomah Co: #4 LCDYS: #5 LCDPW: #6
5.	The EMPLOYEE agrees to submit to a minimum of six (6) random follow-up drug/alcohol tests during the year following execution of this Agreement. Additional follow-up drug/alcohol tests may be conducted if recommended by Employee's SAP.	XI.6., IX.B.		State of Oregon: #8 Multnomah Co.: #8 LCDPW: #6 LCDYS: #8
6.	EMPLOYEE understands that a POSITIVE result for any drug or alcohol test conducted pursuant to this procedure and subsequent to the date of the Return to Work/Performance Agreement will be grounds for termination of employment with Lane County.	XI.7		State of Oregon: #8 Multnomah Co.: #8 LCDPW: #6 LCDYS: #8
7.	EMPLOYEE understands he or she has engaged in personnel rule violations which could otherwise result in termination of county employment, and the consideration for entering into and achieving the desired results as specified by the criteria of this Agreement is continued employment under those terms. EMPLOYEE understands that violations or failure to accept the provisions of this Agreement will result in termination.	X.3 XI XI.8		State of Oregon: #8 Multnomah Co: #9 LCDPW: Personal Commit. Section
8.	EMPLOYEE understands if he/she does not meet desired results within time period allotted within this Agreement, the EMPLOYEE shall be terminated with no right of appeal. See Attachment	XI.8		Multnomah Co.: #9
9.	EMPLOYEE understands that this Agreement constitutes a final warning and is	XI. Last		State of Oregon:

	<p>non-precedent setting for any other employees with the COUNTY in the future. Each case will be reviewed on its on merit.</p> <p><u>Personal Commitment</u></p> <p>The EMPLOYEE understands and pledges and agrees to abide by the terms of this agreement. The EMPLOYEE understands that a violation of, or noncompliance with, any of these terms can result in he/she being terminated from COUNTY employment. Further, EMPLOYEE pledges to remain free of all illegal drugs and not to abuse legal drugs (including alcohol) during my term of employment. EMPLOYEE understands that this Agreement does not guarantee EMPLOYEE employment for any set period of time. EMPLOYEE signs this Agreement free of any duress or coercion and understands that this Agreement will become part of his/her personnel medical file.</p>	paragraph	#5 LCDPW: #7
			State of Oregon: PC Multnomah Co: PC LCDYS: PC

Signature blocks

ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section: 2
Issue 1 11/9/2007
 Date

SUBJECT: WORKPLACE VIOLENCE

I. Purpose

In accordance with Lane Manual Policy 2.380 Lane County is committed to maintaining an environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated. Reports of incidents will be taken seriously and will be dealt with appropriately. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, up to and including termination. Law enforcement will be notified in cases involving potentially criminal behavior.

This procedure is established to provide a uniform and consistent policy designed to ensure the highest standard of protection against violence for all employees, volunteers, customers, contractors, and visitors within the workplace and all other places at which Lane County does business.

II. Scope

This procedure is applicable to County employees, volunteers, and temporary employees as defined by, and subject to, the provisions of Lane Manual and to all applicants for employment with Lane County. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit a written proposal to the County Administrator. Exceptions will take effect upon written approval of the County Administrator.

III. Amendment

The County Administrator may amend this procedure.

IV. Definition Of Terms

Workplace: Any place Lane County employees or volunteers are working, including but not limited to all County business locations and premises, all County-owned property, space leased by the County, and any place occupied by County employees while on the job.

Workplace Violence: Any act of physical, verbal, or written aggression by an individual or by a group that occurs in the workplace. This includes, but is not limited to, physically harming another, stalking, threats, threatening communication, verbal, telephone and e-mail harassment, trespassing, abusing or destroying property, invasion of privacy, intimidation, coercion, and brandishing weapons.

Weapon: Any article, object, device, instrument, material or substance which:

- a. Is a firearm; (ORS 166.210 (2))
- b. Under the circumstance in which it is used, attempted to be used, or threatened to be used is readily capable of causing death or serious physical injury; (ORS 161.015 (1))
- c. Is specifically designed for and presently capable of causing death or serious physical injury (ORS 161.015 (2)); or
- d. Is used or intended to be used in an offensive or defensive manner.

Mace and pepper mace that employees carry for their personal protection in coming to and leaving their worksites, and pocket knives with 4 inch or shorter, non-spring loaded blades (e.g. Swiss Army knives), will not be considered weapons provided they are kept concealed.

County Property: All County owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways and parking lots under the County's ownership or control. Personal vehicles used for County business or County vehicles are covered by the policy at all times, whether they are on County property or not.

V. Possession Of Weapons

Possession or use of weapon(s), as defined above, by an employee, volunteer, vendor or contractor while engaged in official county business or at any time while in a county owned or controlled building or property, or vehicle, is prohibited with the following noted exceptions. Employees of Lane County may possess a firearm on County property if:

1. Given written consent by the County to carry a weapon while conducting specific duties on the County's behalf;

2. Engaged in military or law enforcement activities;
3. A deputy district attorney or other law enforcement officer in the performance of official duty; or
4. They have been given specific statutory and departmental authority to possess weapons in the performance of their job duties.

The possession of a concealed handgun license issued under ORS 166.291 and 166.292 does not permit an employee to possess a weapon on County owned or controlled property during the performance of their employment duties. However, a concealed handgun license does not prevent an employee from leaving a duly permitted weapon in their parked vehicle while they are at work.

VI. Retaliation

Lane County will not tolerate retaliation against someone for reporting a violent incident or for testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing of a report of workplace violence, regardless of the outcome. Examples of retaliation could include demotion, suspension, or other disciplinary actions; failing to treat impartially when making employment related decisions; assigning someone the least desirable jobs; or any other type of punitive action, punishment or negative consequences. Employees of the County who engage in retaliatory conduct are subject to disciplinary action, up to and including termination. Law enforcement will be notified in cases involving potentially criminal behavior.

VII. Disciplinary Action

Individuals who commit acts of workplace violence may be removed from the premises and may be subject to disciplinary action up to and including termination. Law enforcement will be notified in cases involving potentially criminal behavior.

VIII. Prohibited Conduct

All employees should recognize that the following conduct is prohibited if it occurs in the workplace, on County property or has a direct impact on the workplace. Employees of the County who engage in this type of conduct may be subject to disciplinary action, up to and including termination, criminal penalties or both.

1. Verbal threats;
2. Acts of intimidation, telephone and email harassment;
3. Possession of unauthorized weapon(s) in the workplace.

4. Displays of physical anger or rage, whether directed at a specific person or not;
5. Physical aggression toward another person;
6. Fighting back when a person no longer poses an immediate threat,
7. Confining or restraining victims;
8. Unauthorized destruction or defacing of property;
9. Harassment, stalking, or physical abuse; or
10. Use, possession, or being under the influence of alcohol or drugs in the workplace or on county premises.

IX. Incident Response Procedures

To make the workplace violence-prevention plan effective, employees at all levels must know about the potential for violence in the workplace and be aware of and understand policies and procedures for dealing with and reporting violent incidents. Appendix A identifies warning signs and crisis management procedures.

X. Responsibilities For Reporting

The responsibility for reporting activities that interfere with Lane County's ability to provide a workplace free of violence rests with all employees. Lane County expects employees to talk with their supervisors or other managers about workplace violence they experience regardless of its origin, and for supervisors and managers to take appropriate corrective action to stop or control violence in order to maintain a safe place for employees to work.

1. All employees are responsible for:
 - a. Refraining from acts of violence and for seeking assistance to resolve personal issues that may lead to acts of violence in the workplace;
 - b. Talking with their supervisors or other managers about workplace violence they experience regardless of its origin; and
 - c. Reporting to managers and supervisors or anonymously through the Human Resources department, any dangerous or threatening situations that occur in the workplace.
2. Managers and supervisors are responsible for:
 - a. Assessing situations and making judgments on the appropriate response;

- b. Taking appropriate corrective action to stop or control violence in order to maintain a safe place for employees to work;
 - c. Responding to reports of or knowledge of violence and initiating the investigation process; and
 - d. Reporting the situation to the Human Resource Manager.
3. The Human Resources Manager or designee is responsible for:
- a. Referring the matter to the appropriate law enforcement agency in situations involving criminal activity or involving a threat to the safety of persons or property; and
 - b. Coordinating the response to the incident, and conducting an investigation where appropriate, in situations not requiring referral to a law enforcement agency.
4. The Human Resources Manager or designee is also responsible for developing procedures that are designed to reasonably achieve a safe working environment, to include:
- a. Pre-employment screening to reduce the risk of hiring individuals with a history of violent behavior;
 - b. Training employees and managers to identify unsafe workplace hazards and/or employees who exhibit behavior that could be a sign of potentially dangerous situations;
 - c. Annual safety inspections of the premises to evaluate and determine vulnerabilities to workplace violence or hazards;
 - d. Establishment of crisis management plans to provide immediate response to serious incidents; and
 - e. Establishment of avenues of support for employees who experience violence.

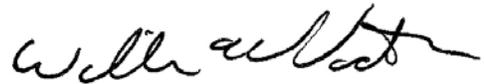
XI. Interpretation And Implementation

Any questions relative to the intent or application of this procedure should be directed to the Human Resources Manager, who is delegated the responsibility to interpret and implement this procedure.

Authorized: _____
County Administrator

_____ Effective Date

This on-line version of the Administrative Procedures Manual
is a copy of the original signed by the County Administrator on
11/9/07.



Appendix A

Workplace Violence-Prevention Plan

To make the workplace violence-prevention plan effective, employees at all levels must know about the potential for violence in the workplace and be aware of, and understand policies and procedures for dealing with and reporting violent incidents.

Warning Signs

There is no sure way to tell whether someone will become violent; however, there are often warning signs before violence occurs. These warning signs do not mean that the individual will actually become violent, but in combination, they should be cause for concern.

- Written, oral or implied threats or intimidation
- Escalating negative verbal or physical behaviors
- Fascination with weaponry or acts of violence
- Threat or sabotage of projects or equipment
- Alcohol or drug abuse in the workplace
- Expressions of hopelessness or heightened anxiety
- Intention to hurt self or others
- Lack or concern for the safety of others
- Externalization of blame
- Irrational beliefs and ideas
- Romantic Obsession
- Displays of excessive or unwarranted anger
- Feelings of victimization
- Inability to take criticism
- New or increased sources of stress at home or work
- Productivity and/or attendance problems.

Crisis Action Plan

If you find yourself in a potentially violent situation, decide first if you must deal with this person yourself.

If not, immediately contact a supervisor or the police if the situation warrants.

If you must deal with the situation:

Keep yourself safe. If you walk into the middle of a situation and become injured yourself, you will not be able to help others who are in danger. Here are some techniques to practice and use in a potentially violent situation.

1. Remain calm, move and speak slowly, quietly and confidently. Listen attentively and encourage the person to talk. Acknowledge the person's feelings and indicate that you can see he is upset and you are interested in what he or she is saying.
2. Maintain a relaxed yet attentive posture.
3. Ask for small, specific favors such as asking the person to move to a quieter area.
4. Employ delaying tactics that give the person time to calm down. For example offer a glass of water.
5. Be reassuring and point out choices.
6. Help the person break down big problems into smaller, more manageable problems.
7. Accept criticism. When a complaint might be true, use statements such as "You're probably right" or "It was my fault." If the criticism seems unwarranted, ask clarifying questions. Remember it is more important to get out of the situation safely than to be right.
8. Arrange yourself so that your exit is not blocked.
9. Keep at least three to six feet between you and the other person.

If the situation continues to escalate you should make a quick evaluation of the circumstances. Try to remain as calm as possible. Consider the number of people involved, their physical size, and the type and number of weapons and take the safest possible action for all involved.

1. Contact the Police, if the situation warrants.
 - In the Public Service Building, call ext. 4141 or 3978
 - Outside the Public Service Building, call 911
 - Then contact the supervisor
2. Make the Environment as Safe as Possible. Remove any onlookers and potential weapons. Try to control access to limit the risk to others. If possible, get people out of the building or out of the area where the incident is or has occurred.
3. Once these steps are taken then:
 - Proceed with first aid, CPR and comfort
 - If not done already, notify senior management
4. Provide on-scene employee counseling and support
 - Notify public information officer and be prepared to deal with the media
 - Notify and provide aid to the victim's family
 - Notify Employee Assistance Program provider or local trauma counselor

Support Services

In the event an incident involving workplace violence affects, or has the potential to affect, the mental health of Lane County's workforce, counseling and support services may be provided. Lane County provides an employee assistance program (EAP) for all regular full time and part time employees. Employees may be referred to the EAP program by their supervisor when deemed necessary. This is a confidential process designed to ensure that people receive help when needed so they can be productive employees for Lane County.

ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 3
Issue 4 4/1/98
 Date

SUBJECT: FILING OF CLAIM FOR EMPLOYEE'S OCCUPATIONAL INJURY OR ILLNESS

I. PURPOSE

To set forth standard processing procedures to be followed in the preparation of claims forms and the monitoring of the benefits paid to employees with occupational injuries or illnesses to ensure compliance with Lane Manual 2.270(8) as well as statutory regulations.

II. SCOPE

This procedure will apply to regularly salaried employees, stipend individuals, all elected officials in Lane County. Also included will be any person on a grant program funded by the Federal government which requires Workers' Compensation coverage as a prerequisite of the grant. Volunteers are not covered by this procedure.

III. AMENDMENTS

This procedure may be amended by the County Administrator.

IV. DEFINITIONS

Closure: The process of closing a Workers' Compensation claim.

Form 801: This is the first report form and must be submitted to the insurer within five(5) days of the first notice of occupational injury or illness to an employee. (See Attachment 1). It is titled, State of Oregon Workers' and Employee s Report of Occupational Injury or Disease.

Hearing: A preliminary judicial process in determining the amount of money due the injured employee.

Medical Only: A claim wherein only medical bills are paid for the injury, or illness.

Occupational Illness: Any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated with one's employment. Includes acute and chronic illnesses or diseases which may be caused by inhalation, absorption, ingestion or direct contact.

Occupational Injury: Any injury, such as a cut, fracture, sprain, or amputation, which results from a work accident or from exposure involving a single incident in the work environment.

Permanent Partial Disability: An injury which results in some permanent disability but leaves the worker functional. This condition must be determined by a duly licensed physician.

Permanent Total Disability: An injury which leaves the person totally disabled from the ability to work. This condition must be determined by a duly licensed physician.

Second Injury Relief: This is money available to an employer to modify a work station or to accommodate a permanently partially disabled person.

Time Loss: A claim that is severe enough to disable the employee from work for a period of time.

V. PROCEDURE

To ensure that the employee receives the maximum benefits entitled by Workers' Compensation insurance in the event of an occupational injury or illness, the following procedures will be followed:

- A. Each department will notify the Risk Manager in writing of the designated contact person within the department for processing the Workers' Compensation claims, with this information being current at all times. If the assignment is changed the Risk Manager must be notified in writing immediately.
- B. In the event of an injury, the immediate supervisor will obtain the 801 Report form and insure that the injured employee fills out Sections 1 to 20 and signs Section 19. If the employee is incapacitated the supervisor will complete. 801 Report forms can be obtained from the departmental contact person or the Risk Manager.
- C. The responsible department representative will complete the 801 Report form Sections 20 to 60. It is necessary that all of the sections be completed, and marked accordingly.
- D. DEADLINE: Upon completion, the department will immediately forward the 801 Report form to the Risk Manager, who will log in the claim, approve the claim for the County and send the claim to the insurer for processing.

The employer has a responsibility to report any occupational injury or illness to the insurer within five (5) days. This deadline begins with the employer's knowledge of the illness or injury. The State Workers Compensation Department has authority to levy a \$1,000 fine if an employer is late in reporting occupational claims. Therefore all claims must be filed immediately after the injury or illness occurs.

- E. On all time loss claims it is necessary that: 1) the injured worker is contacted by their supervisor at least once a week until the employee returns to work; 2) the injured worker is terminated at the end of 90 calendar days; or 3) some other change in their job status occurs. Contact the Risk Manager for further instructions on time loss claims.
- F. The Risk Manager will monitor the paid claims and keep the department director informed of the individual time loss payments so that Lane Manual compliance can be assured.
- G. If it is determined by the department director that it is in the best interest of the County to terminate an employee at the end of the 90 calendar days of sick leave, the Risk Manager and Employee Relations and Benefits Manager must be advised of the intent to terminate at least two (2) weeks prior to termination.
- H. Every effort should be made to encourage workers to return to a modified job during a partial disability period. The Risk Manager and Employee Relations and Benefits Manager are available to assist in achieving this result.
- I. The County has a statutory obligation to reinstate any employee who was terminated because of an occupational injury or illness if:
 - 1. The employee makes a request to be reinstated, and
 - 2. The employee's former position of employment or other employment is available and suitable, and the worker is no longer disabled, as certified by a duly licensed physician, or
 - 3. Other County employment is available and suitable, if the employee continues to be partially disabled but unable to perform the duties of their former regular position, as certified by a duly licensed physician.

If an employee who was terminated because of an occupational injury or illness requests reinstatement either orally or in writing, the Risk Manager and Employee Relations and Benefits Manager must be contacted immediately.

VI. INTERPRETATION-CLARIFICATION:

Any questions about the intent or application of this procedure should be directed to the Management Services Director who has been delegated the responsibility for interpreting and implementing this procedure.

Authorized: _____
County Administrator

_____ Effective Date

ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 4
Issue 3 9/27/2007
 Date

SUBJECT: PROCEDURE FOR INCREASING OR REDUCING FTE OR ADDING AND DELETING POSITIONS OUTSIDE OF THE ANNUAL BUDGET PROCESS

I. PURPOSE

The purpose of this procedure is to establish a standard method for review and approval of all FTE or position additions or reductions occurring outside of the annual budget process. For other changes to positions, such as creating new classifications or reclassifying existing positions, see Chapter 3, Section 20.

II. SCOPE

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit written proposals to the County Administrator supporting the justification. Exceptions will take effect upon written approval of the County Administrator.

III. AMENDMENT

This procedure may be amended by the County Administrator.

IV. DEFINITIONS

BOARD	The Lane County Board of Commissioners.
CLASSIFICATION	A body of work performed by a group of positions with similar jobs at a similar level of responsibility.
BUDGET	Basis of the legal authorization for the expenditure of funds. A written plan of financial operation for estimated expenditures for one year, and the proposed means of financing the estimated expenditures.

POSITION	A group of duties and responsibilities occupied by one employee.
FTE	Full Time Equivalent. The equivalent of one employee working full-time for one year. The authorized or appropriated FTE is the amount listed for each department/fund in the Board Order Adopting the Budget, plus any additional Board Orders approved throughout the fiscal year.
TYPE	Refers to position type, i.e. temporary, part-time, extra help, etc. For definition of each position type, refer to APM Chapter 3 Sections 14 and 15.

V. ADDITIONS OR REDUCTIONS OF FTE AFFECTING TOTAL APPROPRIATED FTE

A. Addition of FTE

1. Department Request: The Department Director shall make a formal request via the County agenda process (APM Chapter 1, Section 2) to add FTE. The formal request shall be accompanied by an organizational chart describing the location of additional FTE in the work unit, grant information if applicable, a narrative describing the reason for the request, current and future funding availability and why the responsibilities/workload cannot be handled by existing FTE.

2. Review of Request: The Budget Office shall review all requests and make one of the following recommendations: 1) approval (with or without conditions), 2) denial; 3) delay for further study (which may include incorporation within the annual budget planning process). If the Budget Office recommends denial or that a more comprehensive study is necessary, the department director will be informed via a copy of the file note that will accompany the agenda item to the Board.

3. Deadline: All requests should be submitted directly to Human Resources at least three weeks in advance of any required action(s) by the County Administrator or Board of Commissioners to allow sufficient time for analysis. All requests shall be submitted to Human Resources. Human Resources may attach a file and will then forward the request to the Budget Office for processing through the Agenda Process

B. Reduction of FTE

When a reduction in FTE is necessary, departments should contact Human Resources, who will work with the Budget Office as necessary.

C. Implementation

When an FTE change is approved, the change shall be incorporated into the departmental budget. Requestor must follow the steps found in Chapter 2, Section 8 to update the BRASS budget system. If the change requires a budget transfer, the Administrative Procedure for Appropriation Transfers shall be followed. If a supplemental appropriation is required, the procedures set out in APM Chapter 2, Section 9 shall be followed.

VI. CHANGES IN AUTHORIZED POSITIONS

- A. Addition of a position: Department Director should consult with Human Resources as to classification and status of desired position. If development of new classification or if reclassification of existing position is required, please see Chapter 3, Section 20.
- B. Elimination of a position: When a department wishes to eliminate a position, department should contact Human Resources who will work with the Budget Office as necessary.
- C. Implementation: If a position change is approved, the requestor is responsible for updating the automated budget software system.

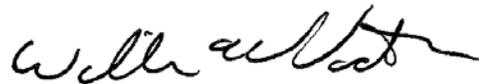
VII. INTERPRETATION

Any questions relative to the intent or application of these procedures shall be directed to the County Administrator who shall have the authority to interpret this administrative procedure.

Authorized: _____
County Administrator

Effective Date

This on-line version of the Administrative Procedures Manual is a copy of the original signed by the County Administrator on 10/12/2007.



ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 5
Issue 3 4/1/98
 Date

SUBJECT: PERSONNEL RECORDS

I. Purpose

This administrative procedure establishes a system for the content, maintenance, access, and disposition of information which officially documents the work history of County employees in accordance with Lane Manual 2.150-.180 and 2.285.

II. Scope

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit a written proposal to the County Administrator, supporting the justification. Exceptions will take effect upon written approval of the County Administrator.

III. Amendment

This procedure may be amended by the County Administrator.

IV. Definitions

OFFICIAL EMPLOYEES PERSONNEL FILE - The one file maintained in the Office of Personnel Services that serves as the repository of all documentation covering an employee's selection, hiring, performance, discipline, evaluation, transfer, promotion, training, skills, experience and separation from County service.

V. Guidelines and Procedure

A. Establishment and Maintenance of Personnel Files

General: Individual employee files shall be established and maintained by the Office of Personnel Services for all employees. One (1) official employee personnel file shall be created and used during an employee's term(s) of County service. The departments may create and maintain one or more employee personnel files at the department or division level.

B. Type of Personnel File

1. Official Employee Personnel File. The official employee personnel file is to be maintained in the Office of Personnel Services as the official repository of information covering an employee's selection, hiring, performance, discipline, evaluation, transfer, promotion, training, skills, experience, and separation from County service.

- a. The official employee personnel file is established on the first day a new employee reports for service.
- b. When an employee is rehired after terminating from County employment, the employee's personnel file is recalled for further use.

2. Contents of the Official Employee File: Anytime the department generates any of the following documents or information, the department shall transmit the original copy of that document or information to the Office of Personnel Services within seven (7) calendar days after the form is generated.

- a. Mandatory Items: The official personnel file will contain the following mandatory documents when applicable:

- Access to Records
- Advance Step Appointment Approvals
- Applications for Employment
- Applications for Identification
- Approved Applications for Leaves of Absences
- Discipline (see Progressive Discipline Records)
- Employment Agreements
- Employment Eligibility Verification (I-9)
- Employment Test Results

Chapter 3
Section 5

- Extraordinary Merit Increase Approvals
- Working Conditions Questionnaires
- Intergovernmental Agreements that directly affect the employee
- Job Sharing Approvals/Reversals
- Letters of Appointment
- Letters of Commendation
- Letters of Reprimand
- Letters of Resignation
- Merit System Evaluations
- Merit System Notice of Change Forms
- Merit System Notice of Hire Forms
- New Employee Orientation Check-off List
- Notices of Layoff
- Notices of Termination
- Notices of Transfers
- Notices of Unsatisfactory Performance
- Oaths of Office or Allegiance
- Outside Employment Approvals/Disapprovals
- Personnel Services Contract
- Position Descriptions
- Progressive Discipline Records
- Reclassification Approvals/Disapprovals
- Temporary Hire Forms
- Vehicle Accident Reports
- Work Permits
- Working Out of Classification Approvals/Disapprovals
- Copies of job required licenses or certifications

- b. Confidential Medical Records. Information from all medical examinations and inquiries must be kept apart from general personnel files as a separate, confidential medical record, available only under limited conditions specified in the American with Disabilities Act of 1990 (ADA).
- c. Critical Information: No information that, in the opinion of the supervisor, reflects critically upon an employee shall be placed in the employee's personnel file that: 1) does not bear the signature of the employee or, 2) that has not been reviewed by the employee, or 3) has not been covered by the exception process listed below. The employee shall

Chapter 3
Section 5

be required to sign such material provided the following disclaimer is attached:

"Employee's signature confirms only that the supervisor has discussed and given a copy of the material to the employee, and does not indicate agreement or disagreement."

If the employee is not available within a reasonable period of time to sign the material or the employee has received the material but refuses to sign it, the County may place the material in the file provided a statement has been signed by two (2) management representatives that a copy of the document was mailed to the employee's address of record or that the employee received or was given an opportunity to review the material but refused to sign it.

- d. Optional Items: All other items added to the employee personnel file may be considered as optional items.
 - e. Supporting Material: Material attached to and a part of any document identified above shall be retained as long as the document itself.
 - f. Removal of Records: Where an employee record has been the subject of an employee grievance settled by a grievance resolution at one (1) of the steps in the grievance procedure or by a decision of the Employee Relations Board (ERB), Personnel Hearings Officer, the court, or on the advice of County Counsel, such record may be removed from the personnel file. Where a record has served its purpose or is superseded by later records and/or events, such record may be removed with the approval of the appointing authority and the Management Services Director.
3. Departmental Employee Personnel File(s): Departments may maintain one or more departmental employee personnel files. These files may contain duplicates of those items placed in the employee's official personnel file as well as information concerning the employee that would assist the supervisor in completing the employee's annual evaluation. Departments should not place any medical-related material in an employee's personnel file. All information obtained from employee medical examinations and inquiries must be maintained and used in accordance with ADA confidentiality requirements. Grievance related materials, except settlements or "last chance agreements"

which are directly related to an employee's work relationship with the County, also should be kept out of department personnel files.

Any information placed in the departmental employee personnel file should be incorporated into the next regularly scheduled evaluation of the employee or incorporated into another type of official documentation, (i.e., Written Warning or Reprimand), when appropriate. Information concerning an employee must be documented and entered into the employee's official file or it generally cannot be used as evidence concerning an employee's actions.

C. Confidentiality of Employee Information

The Public Records Act (ORS 192.500) contains a number of exemptions for information maintained on employees including a "personal privacy exemption" which states:

"The following public records are exempt from disclosure . . .

"Information of a personal nature such as that kept in a personal, medical, or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance. The party seeking disclosure shall have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy . . ." [ORS 192.500(2)(b)]

An employee's home telephone number is personal to the employee. This is information in which the public normally has no special interest. Similarly, an employee's race, sex, religion, date of birth, political or union affiliation, medical information, performance evaluation, test scores, and past employer references are all matters "personal" to the employee and should not be disclosed to members of the public without the requesting party clearly demonstrating that release of the information would be in the public interest and that disclosure would not constitute an unreasonable invasion of privacy.

In addition, the Federal Privacy Act (1974) makes it unlawful to release an individual's social security number to the public without the consent of the "subject individual."

If managers have questions about whether a certain piece of information is public record they should do two things:

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1. Request an opinion from County Counsel, and
2. Direct the person requesting the information to make a formal written request for the information according to the procedures outlined in Oregon Revised Statutes 192.

D. Access to Official Employee Files

1. Access: Employees have the right to review their individual employee files. The entire contents of the file shall be made available during normal business hours. Upon request, copies will be made and charged to the employee. Only the following people shall have access to the employee's file:

- Employee
- Employee's official representative, including attorney, with employee's signed authorization
- Employee's immediate supervisor and higher level supervisor in direct line within the program area
- Employee's Department Director
- Management Services Director and appropriate staff
- County Administrator
- Board of County Commissioners
- Lane County Legal Counsel

Access to the employee's file will also be allowed when ordered by a court or the County's Hearing Official, or the District Attorney or court in accordance with the Public Records law.

2. Public Information: The following information in employee's folders is considered public information:

- Date of hire
- Date of separation
- Employee classification
- Employing department
- Employee salary rate

Requests for other information will be processed when accompanied by a signed authorization from the employee or pursuant to an appropriate Public Records request.

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3. Employee Copies: Upon request, employees shall be provided and charged for a copy of any item(s) in their personnel file.
4. Document Addition: Current labor agreements with various unions representing County employees allow for certain additions to an employee's personnel file. Please refer to the appropriate labor agreement for details.

E. Destruction of Files and Documents

1. General: During the time the official employee personnel file is in use, unnecessary material, as determined by the department director or supervisor, is not be filed therein. These would include but not be limited to the following:

- Duplicate or identical copies of a form already filed
- Duplicate or extra copies of correspondence or memos
- Informal "unofficial" notes
- Work sheets and "work copies"

2. Retention Period: The official employee personnel file of all terminated employees will be kept on a permanent basis after the end of an employee's County service.

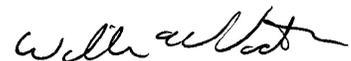
"Unofficial" personnel folders which are comprised of duplicate material contained in the official employee personnel folder may be destroyed thirty (30) calendar days after an employee terminates from County service.

V. Interpretation and Implementation

Any questions relative to the intent or application of this procedure should be directed to the Management Services Director who is delegated the responsibility to interpret and implement this procedure.

Authorized: _____
County Administrator Effective Date

This on-line version of the Administrative Procedures Manual
is a copy of the original signed by the County Administrator on
4/1/98.



ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 6
Issue 4 4/1/98
Date

SUBJECT: EMPLOYEE RECOGNITION PROGRAM

I. Purpose

The purpose of this procedure is to establish a formal mechanism for providing recognition to deserving County employees who meet established criteria exemplifying the highest standards in the field of public service and demonstrated performance on behalf of Lane County.

II. Scope

This procedure is applicable to all permanently classified County employees. Where any section, subsection, sentence, clause or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit a written proposal to the County Administrator, supporting the justification. Exceptions will take effect upon written approval of the County Administrator.

III. Amendment

This procedure may be amended by the County Administrator.

IV. Guidelines

A. Any County employee or member of the public may nominate a County employee for recognition as an outstanding employee. Nominating applications, Employee Recognition Program form (see Attachment I for a sample), are available through the Office of Personnel Services or from the Information Center in the Lane County Courthouse. All nominations will be made through the completion of the Employee Recognition Program form.

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Section 6

- B. All applications submitted will be forwarded to a selection committee composed of five (5) representatives, four (4) from the Employee Forum and one (1) from the Office of Personnel Services.
- C. Criteria for final selection may include the following items:
 - 1. Dedication to public service;
 - 2. Consistent outstanding performance over time;
 - 3. Length of County service;
 - 4. Career interest (willingness to improve skills, continue education, receive training, etc.);
 - 5. Initiative;
 - 6. Integrity;
 - 7. Conscientious attitude toward work;
 - 8. Helpful and courteous toward the public as well as co-workers;
 - 9. Contribution over time to his/her work unit, division, department.
- D. Nominating applications will be on file and open for consideration for recognition for a period of ninety (90) days.
- E. The selection committee shall assist in the development of appropriate public relations materials relative to the program.
- F. The Office of Personnel Services shall serve as staff to the selection committee and arrange for appropriate County Administrator and Board of County Commissioners' involvement in the program.
- G. Employees identified for recognition shall be granted eight (8) hours time off with pay in recognition of their selection. This time off shall be taken at a time mutually agreed upon by the employee and his/her department director.

V. Procedure

- A. Nominations for recognition of an outstanding employee may be made at any time during the year on an Employee Recognition Program form.
- B. Individuals initiating a nomination may circulate the application as appropriate to gain letters of support for the nominee.
- C. Nominating applications will be sent to the Office of Personnel Services who will forward them to the Selection Committee. The Selection Committee will record the

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application and send it to the nominee's immediate supervisor who will proceed through appropriate channels to the department director.

- D. The department director will review all nominations from his/her department and attach supporting documents as appropriate. Departments may take steps to establish departmental recognition programs which are consistent with the principles of the County-wide program endorsed by the County Administrator and the Board of County Commissioners.
- E. Department directors are to return all nominating applications to the Office of Personnel Services by 9:00 a.m., on the first Friday of each month.
- F. The selection committee will meet on the second Monday of each month to make the final selection of employees to be honored.
- G. All applications will be considered by the Selection Committee and its decision will be made within five (5) working days of their initial meeting.
- H. Once final selections are made, the Office of Personnel Services staff will make arrangements to have the employee(s) meet the Board of County Commissioners during the last regularly scheduled Wednesday Board meeting of the month. At that meeting the Chair of the Board shall acknowledge the County's appreciation for the service and dedication of the employee(s) and give the employee(s) their service appreciation award.
 - 1. Written summaries with background information and pictures of the honored employee(s) will appear in various locations around the County acknowledging their service and accomplishments.

VI. Interpretation

Any questions concerning the intent or application of this procedure shall be directed to the County's Management Services Director who is delegated the responsibility for interpreting and implementing this procedure.

Authorized: _____
County Administrator Effective Date



ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 7
Issue 2 4/1/98
Date

SUBJECT: EMPLOYEE ASSISTANCE PROGRAM

I. Purpose

Pursuant to Lane Manual 2.380, the purpose of this procedure is to set forth guidelines which allow an employee access to counseling, consultation, or resource referral for personal problems which do or may affect job performance.

II. Scope

This procedure is applicable to all permanently classified County employees.

III. Amendments

The procedure may be amended by the County Administrator.

IV. Policy

It is the policy of Lane County to encourage and assist employees to seek early intervention for personal problems which do or may affect job performance.

A. An Employee Assistance Program will be available to all regular County employees. The program will be designed to:

1. Identify problems at their earliest stages.
2. Provide problem consultation, assessment, brief counseling and/or resource referral.
3. Resolve problems before they result in work loss, accident, or injury.
4. Promote skill training relevant to personal problem resolution.

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- B. The program will be available to employees who want brief confidential counseling, consultation about problems with family members or worker-related issues, referral to specialized resources, or in-service training on topics related to employee welfare.
- C. Employees will be permitted reasonable time during work hours to consult with a professional Employee Assistance counselor.
- D. Confidentiality between the employee and the Employee Assistance Program Counselor shall be assured. Records of individual employee contacts will not become part of the employee's personnel file or be released without express written consent of the employee.
- E. The Employee Assistance Program does not alter management's responsibility or authority or union prerogatives. Employee participation in the Employee Assistance Program will not affect future County employment or career advancement, nor will participation protect the employee from usual procedures applied to continued substandard job performance or rule infractions.
- F. Employee utilization of the Employee Assistance Program shall be entirely voluntary. An employee may be referred but not required to contact an Employee Assistance Counselor.

V. Responsibilities

- A. Lane County: The County will provide an Employee Assistance Program under the administrative authority of the Management Services Director.
- B. Departments: The departments will inform employees about the availability and services of the Employee Assistance Program and facilitate work hours access to the program counselor.
- C. Supervisors: Supervisors will maintain an awareness of performance indicators which might suggest a troubled employee. When job performance or work unit function decline without significant change in the work environment, the supervisor will consult with the Employee Assistance Counselor and/or refer the troubled employee to the Employee Assistance Counselor. Such a referral is not mandatory upon the employee, but is a suggestion that he/she seek assistance.

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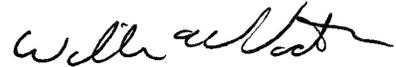
- D. Employees: Employees may be referred or may choose to contact the Employee Assistance Counselor directly. If appointments are scheduled during assigned work time, they shall be arranged at a time acceptable to the employee's supervisor. The employee is in no way required to provide a reason for seeing the counselor.

IV. Interpretation

Any question relevant to the intent or application of this procedure shall be directed to the Management Services Director who is delegated the responsibility for interpreting and implementing this procedure.

Authorized: _____
County Administrator Effective Date

This on-line version of the Administrative Procedures Manual is a copy of the original signed by the County Administrator on 4/1/98.



ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 8
Issue 2 4/12/2010
 Date

SUBJECT: ANIMALS IN THE WORKPLACE

I. Purpose

The purpose of this procedure is to establish a uniform policy and procedure with respect to the granting and processing of requests to have animals at the workplace. The County wishes to uphold applicable laws and regulations; preserve the integrity of its grounds, buildings, and other property; ensure the health and safety of its community; and support an environment that respects the rights of individuals.

II. Scope

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, or with State or Federal law affecting the use of animals in the workplace, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit a written proposal to the County Administrator, supporting the justification. Exceptions will take effect upon written approval of the County Administrator. Individual departments may have more restrictive policies, where business necessity requires it.

III. Amendment

The County Administrator may amend this procedure.

IV. Procedures

A. Requests to Have an Animal at Work

It is the policy of the County to prohibit employees from bringing dogs or other pets to work, except for those animals that are Service Animals and on-duty police dogs. Fish in containers of ten gallons or less, may be permitted, at the discretion of the Department Director. This permission must be in writing, signed by the Department Director. A formal written request to have a Service Animal at

work must be forwarded to Human Resources by the employee. Accommodation Request Forms may be found on the intranet. For more information regarding Service Animals see Section C.

B. Health and Safety

Animals can pose a threat to the health of others and the safety of the workplace. Animals can also be disruptive and destructive, causing damage to grounds, buildings, and property. Individuals with disabilities are at particular risk. For instance, dogs who are unrestrained pose a particular hazard to individuals using Service Animals. Guidelines for health and safety are as follows:

To the extent that the County would charge other employees for similar damages, the County will seek restitution for any animal-related damage to County property, facilities, or grounds. The repair or replacement cost of damaged property is the sole responsibility of the employee whose animal caused the damage. To report damage to property, an employee should contact their immediate supervisor.

Animals must be restrained by leash or harness, or contained at all times. If leashed, length of leash must not exceed six feet in length. To report an animal that is loose or unattended, an employee should contact their immediate supervisor.

To report an animal bite, contact Risk Management at 682-4392.

Where an employee has a concern regarding their health and/or safety due to the presence of another employee's animal at work, they should contact their immediate supervisor and/or Human Resources.

All animals are prohibited from kitchen, food-preparation and dining areas.

All animals are prohibited from work areas that may be hazardous to animals or partner/handlers.

Violation of this policy may result in disciplinary action to the employee.

C. Service Animals and Partner Handlers

A service animal is an animal that performs a task or tasks for a person with a disability to help overcome limitations resulting from the disability. The Americans with Disabilities Act (ADA) defines Service Animals as "any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including but not limited to: guiding individuals with impaired vision; alerting individuals with impaired hearing to intruders or sounds; providing minimal protection or rescue work; and

pulling a wheelchair or fetching dropped items". If the animal meets this definition, then it is considered a Service Animal under the ADA regardless of its licensure or certification by a state or local government. Service Animals are not pets.

An employee who has submitted a written request to Human Resources to have a Service Animal at the workplace will have their request reviewed.

The Service Animal must be intended for the support of the employee making the request.

The employee must provide sufficient evidence that the animal meets the definition of a service animal, upon request. Human Resources will, after review and evaluation, and in collaboration with the employee, determine whether the animal is a Service Animal, and in collaboration with the supervisor of the employee, Human Resources will determine whether an accommodation will be made for the animal to be at the workplace.

The employee will adhere to established behavioral safety standards for the workplace. Guidelines are as follows:

- a. The partner/handler must be in full control of the Service Animal at all times. The partner/handler is responsible for ensuring the Service Animal does not damage County resources.
- b. The partner/handler of a Service Animal that is unruly or disruptive may be asked to remove the animal from County facilities. These include behaviors (such as barking, running at large, aggression toward others, etc.) that disrupt the normal course of business or threaten the health or safety of others. The partner/handler may be instructed to keep the animal from the worksite until significant steps have been taken by the partner/handler to mitigate the behavior, including resubmitting a request to Human Resources to return the animal to the worksite.
- c. Service Animals that are ill should not be taken into public areas. A person with an ill animal may be asked to remove the animal from County facilities, until such time as the animal is healthy to return.
- d. The partner/handler of a Service Animal must be able to provide current evidence of the animal's good health, such as a health certificate and proof of vaccinations provided by a licensed veterinarian, as requested by Human Resources; and have all applicable licenses.
- e. Regular bathing or cleaning of the animal is required to avoid significant odors or shedding.

- f. The care and supervision of a Service Animal is the sole responsibility of the partner/handler.
- g. A Service Animal must be restrained and/or contained when traveling in a County vehicle.
- h. Restraints or containers must be provided at the partner/handler's expense.
- i. The partner/handler is responsible for discouraging others in the workplace from treating the Service Animal as a pet.
- j. Partner/handlers are responsible for any cleanup after their Service Animals. The County is not responsible for these services.

D. Service Animals and Responsibilities of Other Employees

Other employees must be aware of guidelines around the Service Animal at Work as follows:

1. Do not pet a Service Animal. Petting a Service Animal when the animal is working distracts the animal from required tasks.
2. Do not feed a Service Animal. The Service Animal may have special dietary requirements.
3. Do not deliberately startle a Service Animal.
4. Do not separate or attempt to separate a partner/handler from his or her Service Animal.

V. Interpretation and Implementation

Any questions relative to the intent or application of this procedure shall be directed to the Human Resources Director who is delegated the responsibility for interpreting and implementing this procedure.

Authorized: Jeff Spatz
County Administrator

4-12-2010
Effective Date

ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3

Section 9

Issue 1 4/12/2011

Date

SUBJECT: LANE COUNTY COMMUNICATIONS AND MEDIA RELATIONS

I. Purpose

Effective and honest communications are critical to serving Lane County residents. County messages to the community, staff, media and partners should be consistent, accurate, relevant, and provided with courtesy and professionalism.

This communications administrative policy and procedure applies to Lane County employees. Adherence to this policy is not required of elected officials, although elected officials are encouraged to use this policy as a guideline. Individual Departments may also have additional guidelines specific to their program areas.

II. Overview

Under the guidance of the County Administrator, the Public Information Office (PIO) conveys the official County position on issues of general countywide impact or significance. The PIO develops internal and external communications plans. The PIO is also responsible for managing media relations, major campaigns and crisis communications; and develops collateral and web materials on behalf of Lane County. The PIO may assist in department communications projects, initiatives, and proofing of County publications to ensure consistent and coordinated messages.

III. Representation of County Positions and Personal Opinions

County employees, when acting in their official capacity as a County employee, may only submit a letter to the editor or opinion piece to a print or electronic media forum that has been approved in advance by their Department Director, PIO and County Administrator. The County Administrator and/or the PIO will notify the Board of Commissioners and other Department Directors/employees as necessary.

Employees have every right to express their own opinions. This is not intended to restrict an employee's First Amendment right. However, when commenting on County issues as a private community member, employees should state that they are "offering a personal view and not speaking on behalf of Lane County."

Failure to adhere to these provisions will be grounds for disciplinary action.

IV. Disclosure Exemptions

Unless approved by Lane County Legal Counsel, employees shall not disclose or provide to any person, records or information contained in records that are exempt from disclosure under ORS 192.501, ORS 192.502 or any other state or federal public records statute. Employees shall not disclose or provide to any person, records, materials or information contained in such materials that are distributed in executive session (ORS 192.660) unless the information is not exempt from disclosure. In addition, employees shall not disclose to any person the substance of discussions held in executive session.

For additional information on Inspection of Public Records and Requests for Information, review Lane Manual Policy 2.150.

V. Emergency/Crisis Notification

Crisis Notification: A crisis is considered a significant event that disrupts or prevents business as usual. All crisis matters should be immediately reported to the Department Director who will inform the County Administrator and PIO as necessary. The County Administrator will notify the Board of Commissioners and other officials as necessary.

Emergency Notification: An emergency is considered any situation that poses an immediate threat to human life or County property. Employees should immediately call 911 in an emergency and seek personal safety for self and others. The Department Director should then be notified who will, in turn, inform the County Administrator and PIO as necessary. The County Administrator will notify the Board of Commissioners and other officials as necessary.

VI. Media Relations

A. Media Inquiries/Requests for Interviews

County employees are the subject-matter experts for a variety of services and may respond directly to requests from the media regarding their specific projects or professional expertise. Departments are encouraged to identify spokespersons who are authorized to speak on behalf of their department. This may be the Department Director or any other person designated by the director. Employees are to notify their Department Director and the PIO of media contact only when:

- Coverage in the media is expected;
- The topic is controversial or sensitive in nature;
- The employee is not the appropriate source for the reporter's request;
- The employee is uncomfortable with handling the request for information.

Obtain the name of the person calling, the media organization and, if available, the anticipated time of release of information. This information should be included when the Department Director and PIO is notified.

For Media Requests Regarding:

- Legal issues
- Personnel matters
- County emergencies

Lane County employees should refer all such inquiries to their Department Director for further action unless authorized to speak to a particular issue.

B. Guidelines for Communicating with Media

All contact from media should be returned as soon as possible, in deference to reporters' deadlines. At the most, a call should be returned within a half-day. If that is not possible, an alternate employee (if appropriate) or the PIO should be asked to return the call.

Be helpful, honest and fair to all media. Responses should be truthful and factual. Employees should make sure they understand each question from a reporter before answering and make sure the reporter understands your responses.

If an employee doesn't know an answer to a question, say "I don't know" and follow up with the reporter once there is additional information. Do not provide gossip or offer speculations – questions with "What if..." can often lead down that path. There is no "off the record" when representing the County. Do not answer a reporter's question with "no comment." If unsure about making a statement, contact the PIO. After any interview, employees should provide their phone number and/or email address for follow-up questions.

Remember that in responding to the media, employees are seen as representing the County. Do not speak for the Lane County Board of Commissioners or offer personal opinions on policy issues.

Department Directors, the County Administrator and PIO should be notified prior to meetings with editorial boards of any news organization. Employees may contact their Department Director or the PIO with any questions.

C. News Releases

News releases are coordinated through the PIO. County employees are encouraged to coordinate news releases with the PIO as much in advance as possible of distribution to media. At a minimum, employees are to send the PIO their news release at least two weeks in advance of the desired release date.

Should breaking news, emergency notifications or other immediate needs arise, call the PIO for assistance to coordinate immediate release.

All news releases will be prepared using the approved news release format, which may be obtained through the PIO or on the Public Information Intranet site. All news releases will include a County contact that is immediately available to media on the release date. Departments are responsible for notifying community partners or agencies mentioned in the news release.

D. News Conferences

Departments are encouraged to plan media conferences with the assistance of the PIO. Departments shall notify the County Administrator and PIO of their plans to hold a news conference prior to scheduling and announcing the media event. The County Administrator and PIO will notify the Board of Commissioners and other Department Directors as necessary. The PIO can assist Departments with news conference planning details, speech writing, talking points, developing an agenda/program, preparation of news releases/media kits and other event details.

VII. Lane County Social Media Policy/User Guidelines

Social media are communication tools that provide Lane County Government with more ways to connect with those we serve. Social media can take many different forms including, but not limited to: Facebook, MySpace, LinkedIn, Twitter, Flickr, YouTube, wikis, blogs, and microblogs among others.

As an organization that values responsiveness, honesty, and participation of our communities, Lane County is committed to engaging county residents at a greater level than ever before. The purpose of this policy is to ensure that all social media resources are used in an efficient, effective, ethical and lawful manner on behalf of Lane County business.

A. Ownership

All social media communications messages composed, sent, or received on the County IT equipment are the property of Lane County. Lane County social media sites must adhere to this policy and to Lane County's Use of County Computer and Communications Resources (APM Chapter 1, Section 22).

B. Privacy and Security

Social media are not secure means of communication. The County has the right to monitor employees' social media use on County equipment and will exercise its right as necessary. All content added to a site is subject to open records/right to know laws and discovery in legal cases.

C. Records Retention

Set up a system to keep track of posts to social media sites. This is most simply done by creating a Word or Excel document with the post, and date of posting listed. Keep this record on file. This is necessary in case of a Freedom of Information Act (FOIA) request.

D. Use of Social Media on County Equipment

1. Personal Social Media Sites

Use of personal social media sites on County resources must comply with Lane County's Use of County Computer and Communications Resources (APM Chapter 1, Section 22). Employees and County officials have the free speech right to comment about County affairs on their personal blogs, social networking sites, and other websites on their own time. However, defamatory statements about County employees and officials are not protected under the law and the County will not defend and will not hold harmless those who make such allegedly defamatory comments. When commenting on County issues as a private community member, employees should state that they are "offering a personal view and not speaking on behalf of Lane County."

2. County Social Media Sites

Lane County employees are encouraged to sign up and stay informed on official Lane County Social Media sites. Employees are to contact their Supervisor for authorization to subscribe to use County Social Media sites or other work-related social media sites on County time.

E. Authorization

Employees must have authorization from their Supervisor prior to initiating and managing an official County social media site. After receiving Supervisor approval, County Social Media Site Managers may work with County IT staff to create any social media tool.

County Social Media Site Managers are encouraged to consult with the PIO on social networking prior to launching a new network tool. The PIO is available to provide guidance on communications strategies.

Once established, Social Media Site Managers will notify the PIO of the site and provide the URL for their site to be added to the Lane County Social Media Sites webpage at www.lanecounty.org. If a site becomes inactive and is decommissioned, notify the PIO.

F. Social Media Site Guidelines

Employees should only establish a social networking presence if it is maintained regularly. Determine in advance who will contribute to the site and how much time will be needed to maintain the site.

Clearly define the objectives before beginning any social media site. Also consider the target audience before using social media. Sites should be program or project focused. Create a niche for interested community members. Employees are encouraged to use a “soft launch” and begin using a site quietly to get used to it.

Employees should post when they have something relevant to share. If an employee chooses to allow community posts, additional commitment to maintaining the site is required. Employees must remove all posts that violate Content Guidelines. They must follow up by sending the post’s author a direct email reinforcing the purpose and rules of the site.

Additional guidelines include:

1. Photos used on any social site must have written consent from the individual(s) photographed. Departments/programs should keep these written consent forms on file.
2. Social media sites must include the Lane County logo, where possible, and adhere to the Use of the County Logo policy (Lane Manual 2.700).
3. When naming sites or other communications, identify your program/project as a “Lane County” program or project.
4. Use the site’s URL in educational/outreach materials. Add it to email signature files to promote the site.
5. All social media sites should be linked to the Lane County website by placing a social media widget in the relevant program/department left-hand sidebar. Additionally, the PIO should be notified to add the site to the Lane County Social Media Sites webpage at www.lanecounty.org
6. All content should relate to the social site’s stated focus.
7. Do not post information that is in draft form pending publication.
8. Admit mistakes. Be quick to provide a correction.
9. Employees authorized as a Social Media Site Manager are expected to enforce Content Guidelines and report inappropriate behavior to their

Supervisor. If an employee is unable to monitor their site daily, consider using a social media tool that does not provide for user comments/posts (i.e. Facebook Fan site).

10. Any emergency communications must have prior approval from the Department Director, County Administrator and PIO for authorization to post on a social media site.
11. Report all media inquiries generated from activities on social media sites to the Department Director and the PIO.

G. Employee Virtual Conduct

When using social media for County business, Lane County employees will act in a professional manner. Lane County is an organization that values diversity and employees should use good judgment and remain respectful of the audience when social networking. County employees who fail to adhere to Virtual Conduct guidelines may be subject to disciplinary action.

1. Employees should identify themselves as a County employee when using social media for County business.
2. Post honest, informative and respectful comments.
3. Write and post about one's areas of expertise. This applies in social forums and in conversations with the media.
4. Don't speak on behalf of the Lane County Board of Commissioners or offer personal opinions.
5. County social media sites are to engage local residents and inform them of Lane County programs and projects. Do not post private or personal information on County sites.
6. When disagreeing with others' opinions, keep it appropriate and polite.
7. See Content Guidelines for information regarding online content restrictions.

H. Content Guidelines

Lane County reserves the right to remove, or request for removal by third-party service providers, or prohibit any messages or postings that it deems to be inappropriate for County social media sites. Additionally, County employees who fail to adhere to Content Guidelines may be subject to disciplinary action.

The following content is against County policy:

- Inaccurate or false information;
- Vulgar or abusive language;
- Libelous and/or defamatory statements;
- Use of copyrighted or trademarked materials without written approval;
- Plagiarized material;
- Any information that is exempt from disclosure;
- Posts or hyperlinks that are off-topic to the discussion;
- Graphic, obscene, explicit or racial comments or submissions that are abusive or hateful;
- Comments that suggest or encourage illegal activity;
- Solicitations, commercial promotions, advertisements, or spam;
- Endorsements of political parties, candidates, or groups and commercial products, services, or entities; or
- Advertising for personal gain.

VIII. Communications Outreach

A. Image Consent: Photos/Videos/Collateral Material

Written consent giving Lane County Government permission to use someone's image, name, and other identifying information must be obtained from any and all individuals identifiable in the finished product. For youth under the age of 18, a parent or legal guardian must sign the consent. These should be kept on file by the Department/Program that is responsible for the product. English and Spanish-language consent forms are located on the Public Information site on the Intranet or by contacting the Public Information Office.

B. Countywide Emails

Countywide emails are intended to keep employees informed and may include emergency communications, countywide initiatives, communications from County leaders; or announcements related to trainings, computer maintenance, or other support system updates. County events/opportunities will be posted on the website Calendar and on the Intranet. Events/opportunities hosted by other agencies may be made available to employees via the Intranet.

C. Branding

It is each Department's responsibility to help increase awareness of Lane County's programs and services. As part of that effort, the official Lane County logo shall be used on internal and external materials for distribution. Please refer to Lane Manual Policy 2.700 for information regarding use of the County logo.

D. Marketing Campaigns

Departments will inform the PIO prior to launching any major marketing campaign/outreach initiative. Major initiatives are those that will occur for an extended period of time or that will rise to the level of significant countywide education/outreach. This does not include continual education efforts that are ongoing as part of Department or program responsibilities.

E. Advertising

Official Lane County logos may be obtained from the PIO. All advertising for County programs and services will identify the County program/service with the words "Lane County" and an official Lane County logo. Please refer to Lane Manual Policy 2.700 for information regarding use of the County logo.

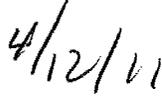
F. Collateral Materials

Departments will develop materials (brochures, annual reports, newsletters, banners, flyers, signs, etc.) as needed to support their communications goals and outreach efforts. All collateral materials will include an official Lane County logo and the name "Lane County" on materials. Please refer to Lane Manual Policy 2.700 for information regarding use of the County logo. The PIO is available to assist departments in managing material development as needed.

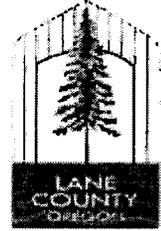
IX. Interpretation and Implementation

Any questions relative to the intent or application of the Communications and Media Relations APM should be directed to the Public Information Office. This APM will be updated as needed to reflect the most-current communications guidelines for Lane County.

Authorized: 
County Administrator


Effective Date

ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 11
Issue 1 4/27/2011
 Date

SUBJECT: ELECTRONIC HEALTH RECORDS INCENTIVES: REASSIGNING
 PROVIDER PAYMENTS

I. Purpose

The purpose of this procedure is to establish a uniform policy and procedure with respect to assignment of payments provided to Lane County employees and contractors as a result of the Medicare and Medicaid Electronic Health Record (EHR) Incentive Program, created in the American Recovery and Reinvestment Act of 2009.

II. Scope

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, or with State or Federal law affecting the use of animals in the workplace, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit a written proposal to the County Administrator, supporting the justification. Exceptions will take effect upon written approval of the County Administrator.

III. Administrative Policies and Procedures

A. Implementation and Meaningful Use of Electronic Health Records

The County is implementing its health information technology systems to comply with the EHR Incentive Program, created in the American Recovery and Reinvestment Act of 2009. Medical Eligible Professionals (as defined in the Act, including, but not limited to physicians and nurse practitioners) are required to assist the County in meeting the obligations and objectives set forth in 42 CFR Part 495 and to take such steps as necessary to allow the County to realize the benefits of the EHR Incentive Program, including but not limited to participating in the Medicaid EHR Incentive Program as an Eligible Professional, using Certified EHR Technology, and providing attestations of adoption, implementation, upgrading and meaningful use of such technology as requested or required by County or other federal or state authority.

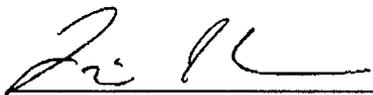
The County will pay costs associated with the implementation of the EHR system, and will assist the Eligible Professional in demonstrating compliance with the eligibility criteria and meaningful use objectives, such as data needed for provider attestation and other relevant information.

B. Reassignment of Incentive Payments

It is the policy of the County that all eligible employees and contractors will reassign to the County the right to receive any payments made in connection to their participation as an Eligible Professional, as that term is defined in 42 CFR §495.4, in the EHR Incentive Program. The County will collect and retain any payments made for the implementation, adoption, upgrade, and/or meaningful use of health information technology systems, including but not limited to certified EHR technology, by its employees or independent contractors.

V. Interpretation and Implementation

Any questions relative to the intent or application of this procedure should be directed to the County Administrator.

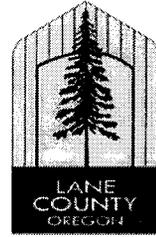
Authorized: 

County Administrator

4/27/11

Effective Date

ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 12
Issue 12 10/12/2012
Date

SUBJECT: RECRUITMENT, TESTING, AND REFERRAL

I. Purpose

Pursuant to Lane Manual 2.240 through 2.250, the purpose of this procedure is to establish a standard policy and procedure for the recruitment, and referral of all applicants for County service.

II. Scope

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with either properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of portions of this procedure (no exceptions will be allowed for processes required by state or federal law) shall submit a written proposal to the County Administrator, supporting the justification. Exceptions will take effect upon written approval of the County Administrator. Where the General Orders of the Sheriff's Office differ from portions of this procedure, General Orders will take precedence. The only other exception to this procedure is the recruitment, testing and hiring of constituent services assistants for the commissioners. Individual commissioners may choose to follow this procedure, or may choose to make political appointments. The political appointment procedure is outlined below at VI.

III. Amendment

The County Administrator may amend this procedure.

IV. Policy and Procedures

A. Posting

When an authorized, budgeted position becomes vacant, and the department elects to fill it, the hiring department will notify Human Resources.

Human Resources will determine if there are eligible candidates for the position on the following eligibility lists. Eligible candidates will be referred in the following order from the lists:

1. Injured Workers Recall
2. Layoff Recall
3. Transfer Requests

B. Recruitment

1. Open: Human Resources will assist the hiring department in developing a specific recruitment plan for the position. This plan may include, but not be limited to, distribution of recruitment announcements, local and regional advertising, trade publication advertising, diversity advertising and outreach, and other sources.
2. Internal: Internal Recruitments are restricted to current Lane County employees. Internal recruitments provide developmental opportunities for current employees who desire a position or career change, regardless of whether the job opportunity resides in their current classification. In order to qualify as an applicant for an internal recruitment, the applicant must be an active Lane County employee as of the closing date of the internal recruitment.
3. Continuous: Open continuous recruitments for entry and promotional positions may be held for classifications where vacancies are frequent and/or hard to fill. Applications will be accepted for open continuous examinations any time between the date of original announcement and the close of the posting.
4. Open Until Sufficient: The recruitment will be posted without a closing date and will remain open until sufficient qualified applications are received. Human Resources and the hiring manager will periodically review applications to determine a closing date for the recruitment.
5. Eligibility List: An eligibility list is created when there is the likelihood that more than one vacancy will be filled from a posting. Eligibility lists are typically associated with positions at the Sheriff's Office. After the completion of various steps in the selection process, such as the physical ability test, written exams and oral interviews, an eligibility list is created of those applicants that have passed these steps. The ranking determines the order of applicants that will proceed to the next step in the selection process. Applicants are generally not interviewed until there are vacant positions to fill. Applicants are then hired in the order they were ranked on

the eligibility list. The eligibility list is active for 12 months from the creation date of the list.

C. Contents of Recruitment Announcements

Recruitment announcements of position openings shall state the essential elements of the position, as well as general duties, knowledge, skills, experience, compensation of the position, the minimum qualifications required, the dates of recruitment, place and manner of making application for the position, and any other information which may be pertinent to the requirements of the position or the application procedure.

D. Application

Each applicant for a position shall be required to complete a current Lane County Application for Employment form. Supplemental information in the form of a job-related questionnaire may be required for some positions. Additional information from applicants for the purpose of background investigations may also be required prior to employment with Lane County. Applications not containing all of the requested information may be rejected.

1. Receipt of Applications: All applications for employment with Lane County must be submitted to Human Resources prior to the posted closing time for the position. All applications must be signed (hard copy or electronic authorization) by the applicant and dated. Applications are date stamped by Human Resources upon receipt. Applications mailed to Human Resources must be received on or before the date the position closes. Late applications may be accepted in cases where the applicant can demonstrate "good cause" to the Human Resources Director.
2. Minimum Age: Lane County shall not employ anyone under the age of 14 and shall not employ anyone who is age fourteen (14) through seventeen (17) years of age without a State of Oregon employment certificate and a Social Security number; and each Lane County department shall obtain a State of Oregon Employment Certificate prior to hiring anyone between the ages fourteen (14) through seventeen (17). Departments must verify the age of any minors hired.
3. Applications Not Returned: All applications submitted for vacancies in Lane County will be retained by Human Resources and not returned to the applicant. Applications will be kept on file by position posting number for a period of not less than three years beyond the date that the successful candidate is hired. Human Resources will retain the application of the successful candidate in their personnel file.

4. Applications Confidential: Applications for employment with Lane County are confidential to the extent permitted under the Public Records law. Applicants may request that their employment application materials remain confidential and none of their employment application materials be released to the public unless Lane County is required to do so. Information for verification purposes as to whether a specific individual applied for employment that is requested in writing from the State Employment Division shall be released to the State Employment Division. Applications may be made available to certain parties in the event of litigation involving a particular position or on order of a court or District Attorney in response to a public records request.

E. Establishing Selection Procedures

The type of selection procedure used to fill vacancies in Lane County will be determined by Human Resources in consultation with the appropriate department. The procedure will be established based on the knowledge, skills, and experience required to perform the job. All selection procedures will be consistent with the County's Merit System, EEO Plan and Diversity Action Plan.

F. Veteran Preference Points

Lane County awards Veteran Preference Points in accordance with applicable State of Oregon regulations. Veterans' preference applies to any hiring or promotion decision that is made based on the results of a merit based, competitive process that includes, but is not limited to, consideration of an applicant's or employee's relative ability, knowledge, experience and other skills. Veterans who apply for employment or promotional opportunities and who meet the minimum qualifications and special qualifications for the job for which they applied shall receive an employment interview

G. Selection Criteria

Objective and job-related selection criteria shall be used in accordance with the Lane County merit system. This may include, but not be limited to, one or more of the following forms of examination.

1. Applications
2. Interview and oral examination
3. Background investigation
4. Experience and training rating
5. Written test
6. Performance test
7. Assessment centers
8. Strength and agility tests
9. Physical examinations

10. Work sample tests

H. Examinations

1. Minimum Qualifications: Applications received by Human Resources that do not meet minimum qualifications will be disqualified from further consideration.
2. Scheduling Examinations: Human Resources or identified departments may schedule examinations as the current and anticipated needs of the County require. Scheduled examinations conducted by Human Resources may be postponed or canceled by notifying all persons affected.
3. Preparing and Conducting Examinations: Human Resources may prepare and administer examinations. The questions on all written tests and all alternative test forms shall be job related. Where appropriate and reasonable, alternative examination procedures may be provided consistent with requirements of the Americans with Disabilities Act of 1991.
4. Grading of Examinations: Each department shall establish a minimum acceptable scoring standard prior to scoring and ranking the applications that meet the minimum qualifications. This may be done on a department-wide basis or by each posting.
5. Review of Examination Ratings: The examination papers of applicants are not open to inspection by the public or by other applicants. Review of examination papers may be authorized by the Human Resources Director in the event of litigation or other instances where a need to know has been established. To the extent allowed by law, results of reference checks, including work history information gathering shall be deemed confidential and shall not be open to the applicant, other applicants, or the public.
6. Special Examinations: If an applicant fails to take or complete an examination because of an error or oversight that is the fault of the County, a special examination may be given.
7. Late Arrivals to Examinations: A proctor of an examination is authorized to decide whether applicants who arrive late may be admitted to the examination.

I. Interviews:

1. Interviews shall only be scheduled after the referral list of eligible applicants has been determined by Human Resources.

2. The referral list shall consist of the names of persons successfully passing the examination(s), arranged in order of final rating earned, from the highest score down to the lowest passing score.
3. Final rating shall be determined by the total of the score(s) earned by each applicant for each part of the examination, based upon the examination process established, as well as veteran points/preference awarded in the scoring process.
5. Referral: When applicable, Human Resources shall initially refer the top candidates from each posting as determined in number H4, above, and in consultation with the hiring department. Eligible candidates not hired by the department may be referred for subsequent vacancies for up to six (6) months from the date of the initial referral memorandum.
6. Selection: Selection shall include an oral interview for the purpose of appraising qualifications of candidates. Final selection for classified positions shall include an in-person or a real time video conference interview. Guidelines for video interviewing are found in Appendix A of this section.
7. Telephone interviews may be used as one part of a selection process to determine final candidates for in-person or video-interviewing.
8. If a candidate on the referral list has been terminated from County employment within the past three (3) years while working in the same classification series or in the same department, the department may elect to not interview that candidate.
9. If a candidate has been considered and interviewed for the same classification in the same department within the previous six-month period, in consultation with Human Resources the hiring department may elect to not interview that candidate.

J. Criminal Offender Information Check:

1. Applicants for employment, contractors working for the County, tow truck operators with contracts with the County, and volunteers with Lane County shall be required to authorize the County to conduct a criminal offender information check through the OSP LEDS system. The County Administrator, in accordance with Lane Code 2.270(2) has designated the Sheriff's Office to conduct these criminal offender information checks in accordance with ORS 181.555, OAR 257-10-025, local RMS, LEDS/NCIC, CJIS and Sheriff's Office policies.

VI. Political Appointments

If a BCC commissioner so chooses, he or she may appoint an individual as her or his assistant. The individual shall not be required to submit an application, take the typing or other required tests, or complete an interview prior to being appointed.

VII. Implementation and Interpretation

Any questions relative to the intent or application of this procedure should be directed to the Human Resources Director who is delegated the responsibility for interpreting and implementing this procedure.

Authorized: 
County Administrator

10/12/12
Effective Date

**USE OF VIDEO INTERVIEWS
PERSONAL, TELEPHONE, AND VIDEO
INTERVIEW GUIDELINES**

The interview phase is one of the most important steps in the recruitment and selection process. In the ideal world, all top candidates would be invited to participate in personal interviews so that the supervisor can select the person(s) to fill the position(s). In reality, often times supervisors learn that one or more of the candidates is unable to attend a personal interview because of traveling distance (the County only reimburses travel expenses in limited circumstances) or because of the short notice with which the candidate is invited to participate in the interviews.

Many employers conduct telephone or video interviews to screen candidates. While not designed to take the place of a personal interview, this type of interviews can be an alternative when it is not practical to invite an out-of-area candidate or when a candidate is unable to participate in personal interviews.

If the telephone or video interview goes well, supervisors might decide to arrange personal interviews with the finalist(s). On the other hand, based on the telephone or video interview, supervisors may determine that no further consideration of the applicant(s) is necessary.

What should the hiring supervisor or manager do, when a finalist is unable to participate in a personal interview?

Options:

- a. Supervisors always have the option of **requiring all candidates** to participate in the initial personal interview.
- b. Supervisors can **require all candidates** to interview, **via a telephone**. And then do personal interviews with the top 2 or 3 candidates
- c. Supervisors can offer telephone interviews to those candidates who cannot participate in personal interviews, **provided that these candidates are offered the option of participating in personal interviews and it is the candidate him/herself opting to interview via telephone.**
- d. Supervisors may also use Lane County's RIS video conference equipment.
- e. Supervisors may also use other video conferencing services, such as Skype, **provided that these candidates are offered the option of participating in personal interviews and it is the candidate him/herself opting to interview via the video equipment.**

Notes:

- Because video takes up much bandwidth, IS staff will control access by people having to coordinate with the Security Administrator for which dates/times they want to use Skype or similar services.
- There is no reporting capability with Skype or similar services. If staff misuses this service, there is no way for you, HR, or IS to know.
- HR discourages you from recording interviews. But you never know when your other party may be recording them, using their own devices.

Testing: Some of our positions require an applicant pass a test in order to be or remain a viable, eligible candidate for the job. If testing is required immediately before, during, or immediately after the interview, it would make sense to require a personal interview of all candidates. In some cases, the testing occurs before the applicant is even referred for an interview or it is done after the interview with an employment offer contingent upon the candidate passing the required test(s).

Regardless of the methods you use, the same principles apply as during personal interviews:

- All candidates should be treated fairly.
- The questions of all candidates competing for a position should remain uniform, consistent, job-related, and consistent with business necessity.
- It is always advisable to have more than one interviewer participate in an interview process.
- Supervisors should strive to have a diverse panel of interviewers.
- Before an employment offer is made, supervisor should require a personal interview (particularly if the person was interviewed over the telephone or via a video tool).

Guidelines

- If the candidates live in Lane County, they should typically be required to come in for personal interviews. For those candidates who are located outside Lane county (outside Lane County boundaries), supervisors may provide them with the option of telephone or video interviews in lieu of a personal interview. It should be clearly noted in the records at time of scheduling and confirmed again at the beginning of the actual telephone or video interview **that this was the option that the candidate him/herself selected, in lieu of a personal interview.**
- Please note that in most cases the cost of travel for the candidate to participate in personal interview is the candidate's responsibility. In some cases, such as with a high-level or hard-to-fill position, departments may obtain authorization from the County Administrator to have travel paid for candidates (please refer to APM; Chapter 3: Section 14 on travel reimbursements).

Chapter 3
Section 12

- Do NOT make a selection or an employment offer before you have the opportunity to interview the finalist(s) in an in-person interview.
- Do NOT record the interviews as there are too many potential liabilities.
- If using RIS' video conference equipment:
 - It is the hiring department's responsibility to establish the video connection on the County's end. For specific information about the cost, reserving the equipment, room, etc. please contact RIS Help Desk staff at 682-4375. To download the technical guidelines on the intranet, please go to: Departments \ Information Services \ RIS. On the left hand column, you'll find these three documents: Video Conference Support; Video Conference User Procedure; and Video Conference Camera Operator.
 - It is the candidates' responsibility to make their own arrangements to establish the video connection on their end (Kinko's is one of the options). It is also the candidates' responsibility to pay for any costs incurred on their end before, during, and after the video interview. The current fee charged to the user by Kinko's is \$225/hour. See this link for additional and specific information:
<http://www.fedex.com/us/customersupport/officeprint/faq/videoconf.html?link=4>
 - Let the candidate know, at the time you agree to use this alternative method (telephone or video), that Lane County is not responsible for any transmission failures or equipment malfunction. Consequently, if a connection is not made or transmission fails, the candidate may no longer be considered for the job.

ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 14
Issue 9 5/18/2010
 Date

SUBJECT: APPOINTMENTS

I. Purpose

The purpose of this procedure is to establish a standard policy and method for processing appointments to County service consistent with the Lane Manual.

II. Scope

This procedure is applicable to all County classified employees, except for the constituent services assistants for the commissioners. The procedures applying to those appointments are outlined in IV (D)(3) below. Where any section, subsection, sentence, clause, or phrase of this procedure is inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit a written proposal to the County Administrator, supporting the justification. Exceptions will take effect upon written approval of the County Administrator.

III. Amendment

The County Administrator may amend this procedure.

IV. Procedures

A. Appointment

The department director or his/her designee may appoint any one of the candidates referred by the Human Resources Department. In referring candidates, the Human Resources Department will give consideration to veterans as mandated by applicable laws and other organizational objectives, as well as best meeting the criteria of merit and fitness for the position. All of the referred candidates should be interviewed prior to making such an appointment.

B. Appointment Step

New employees will normally be appointed at the first step of the salary range for the classification to which they are appointed. Only in extraordinary circumstances will appointments be made above the first step.

C. Exceptional Appointment

- a. Appointment above the first step may be considered only when facts indicate that a diligent search has been conducted and it was impossible to obtain a qualified employee at Step 1; or the candidate possesses exceptional qualifications; and appointment at a higher step would not create an internal pay equity problem with existing employees. In such a case a department director may approve an initial or promotional appointment to a maximum of Step 2 for non-exempt positions and a maximum of Step 3 for exempt positions. Documentation substantiating an exceptional appointment, signed by the department director, must be submitted with the notice of hire to the Human Resources Department.

A department director wishing authority to hire above Step 3 must submit a written request to the Human Resources Director. The request should include:

1. Position number
2. Classification
3. Clear, factual statement of efforts made to recruit a qualified employee and the results of the search.
4. Analysis of impact on all current employees in the same or similar classifications within the department.
5. Current budgeted amount in position.
6. Requested appointment step and annualized salary at that step.
7. Other alternatives for filling the vacant position (i.e., underfill and train, appropriateness of classification, etc.).
8. Other factors which should be considered.

Upon receipt of the request, the Human Resources Director shall assign the matter to the appropriate Human Resources staff member for analysis and recommendation. The Human Resources Director shall make a decision to grant or deny the request and communicate that decision to the

department director along with supporting justification. The decision of the Human Resources Director may be appealed to the County Administrator.

b. Compensation for Constituent Services Assistants

This procedure shall be followed when setting compensation for constituent services assistants except for constituent services assistants appointed through the political appointment procedure. Commissioners utilizing the political appointment process may determine what step is appropriate, so long as the overall compensation for all commissioner services assistants is within the budget. No other differences regarding compensation shall be allowed.

D. Types of Appointments

Appointments shall be made to either classified or nonclassified positions in permanent or temporary categories in either full-time, part-time or job-sharing capacities. Appointments may be of the following types:

1. Appointments Within the Classified Service. All appointments are within the classified service except as specifically excluded by the Lane County Charter. A standard appointment is one which is processed according to the principles of "merit and fitness" through the normal recruitment and testing process.

a. Permanent Appointment

Permanent Position: The term "permanent position" shall mean positions which have been approved by the County Board of Commissioners; which are included in the adopted County budget; which are budgeted in excess of six (6) months duration and which are for work in excess of twenty (20) hours per week.

Permanent Full-Time Employee: The term "permanent full-time employee" shall mean an employee who has been hired and is working in a permanent position, forty (40) hours a week, and who has successfully completed the period of probation for the classification.

Permanent Part-Time Employee: The term "permanent part-time employee" shall mean an employee whose normal work week is less than forty (40) but more than twenty (20) hours in a week and who has successfully completed the period of probation for the classification.

b. Temporary Appointment

Temporary Employee: The term "temporary employee" shall mean any employee who is appointed to County service in a budgeted position on a temporary and/or intermittent basis, of not less than 520 hours nor more than 1040 hours in a fiscal year which does not have a predetermined starting or ending date.

Seasonal Employee: The term "seasonal employee" shall mean an employee who is in a position which has been approved by the County Board of Commissioners; which is included in the adopted County budget; which is for work in excess of twenty (20) hours per week, but which is budgeted for less than six (6) months' duration. These positions have a pre-determined starting and ending date for which there is no extension in the current established fiscal year budget.

2. Extra Help Appointments. The term "extra help" shall mean employees who are appointed to County service on a short-term and/or intermittent basis to cover emergency workloads of limited duration, necessary vacation relief or other situations involving fluctuating workloads, not to exceed three (3) months or 520 hours in a fiscal year, whichever is shorter. Extra help appointments must have the prior approval of the department director. When a department determines that an extra help appointment is needed, the following steps shall be taken:

- a. Prior to approving extra help appointments, department directors will check with the Human Resources Department to ensure that all layoff and recall and workers compensation requirements are met. If there are employees on the recall list who are qualified for the position, the Human Resources Department will refer them to the department. The department will select the most qualified candidate from those referred.
- b. If there are no qualified recall candidates to fill an extra help position and the position has been approved, then the department may hire another candidate.
- c. The policy regarding the employment of relatives shall apply to extra help appointments.

3. Constituent Services Assistant Appointments

a. Appointment through regular appointment procedure

Constituent services assistants to the commissioners appointed through the regular appointment process shall be considered permanent employees, and the procedures set out in section IV of Chapter 3, Section 12, Issue 6, shall apply. Employees appointed through the regular appointment process shall serve at the will of the appointing commissioner, and only for so long as the appointing commissioner remains in office.

b. Political appointments

Employees appointed through the political appointment process shall be considered permanent employees. Only sections IV (B) and (C) above and (E) and (H) below shall apply to such appointments. Employees appointed through the political appointment process shall serve at the will of the appointing commissioner, and only for so long as the appointing commissioner remains in office.

E. Employment of Relatives

The term employment shall include, but is not limited to, initial appointment, transfers, promotions, and continued employment.

Employment of relatives of County employees is permitted except in cases where such action:

1. Would constitute a violation of any federal or state law, or any rule with which Lane County is required to comply, and/or
2. Would constitute a violation of the conditions of eligibility for receipt by Lane County of federal or state funding and/or
3. Would place the individual in a position exercising supervisory, appointment, or grievance adjustment authority over a member of the individual's immediate family or in a position of being subject to such authority which a member of the individual's family exercises. Immediate family shall be defined as mother, father, spouse (or domestic partner), sister, brother, child, grandparent, grandchild, stepmother, stepfather, stepchild, father- or mother-in-law or other relative residing in the employee's immediate household.

F. Medical Examination

Prior to actual employment, each otherwise qualified candidate may be required to successfully pass a physical examination by a licensed medical doctor. The nature and extent of such physical examination will be based upon the requirements of the position to be filled and other factors which may be specifically applicable to the position. The cost of the medical examination will be borne by the appointing department.

G. Interviewing and Selection

1. The department, shall contact all referred candidates and arrange times and places for employment interviews.
2. When recruitment efforts for key positions require extensive recruiting outside the regional area, the County Administrator may approve partial payment of travel expenses incurred by applicants interviewing for the position. Requests shall be submitted to the Human Resources Director for review and recommendation.
3. The department may conduct reference checks on any candidate as long as the candidate's present employment is not jeopardized and all candidates are treated equally. Candidates must be informed prior to contacting any current employer.
4. The department director may appoint any one of the candidates referred for the position.

H. Notification

1. The appointing authority shall notify the successful candidate in writing of their appointment. A copy of that notification will be sent to the Human Resources Department.
2. The appointing authority shall notify the Human Resources Department of their selection.
3. After the successful candidate accepts the appointment, the appointing authority shall notify the other candidates who were interviewed that an appointment has been made.

V. Interpretation and Implementation

Any questions relative to the intent or application of this procedure shall be directed to the Human Resources Director who is delegated the responsibility for interpreting and implementing this procedure.

Authorized: Jeff Spatz
County Administrator

5-18-2010
Effective Date

ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 15
Issue 6 5/30/03
 Date

SUBJECT: APPOINTMENTS: UNCLASSIFIED SERVICE

I. Purpose

The purpose of this procedure is to establish a standard policy and method for processing appointments to County unclassified service consistent with the Lane Manual.

II. Scope

This procedure is applicable to all County unclassified employees. Where any section, subsection, sentence, clause, or phrase of this procedure is inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit a written proposal to the County Administrator, supporting the justification. Exceptions will take effect upon written approval of the County Administrator.

III. Amendment

The County Administrator may amend this procedure.

IV. Procedures

The unclassified service of the County shall include the offices and positions as described in Chapter V, Personnel, Section 28. Merit System, of the Charter for Lane County and Lane Manual Sections 2.190 and 2.191.

A. Appointments Within the Unclassified Service. The following appointments are within the unclassified service as included in the Lane County Charter.

1. Part-time Employees. These are persons employed by the County on a part-time basis and paid by the hour or day.

a. Employment of persons in this category can be for the purpose of fulfilling the duties of a classified position for a period of time not

to exceed 12 months in duration during which efforts are made to either fill the classified position or to evaluate the need or duties of the classified position or for the purpose of completing a specific identified project within an identified and limited period of time.

- b. “Part-time” is defined as less than a total of 2080 hours in a 12 month period, where the work is performed either on a regular basis at a rate of less than 40 hours per week or on a sporadic basis at a rate that may on occasion exceed 40 hours per week but where the total is less than 2080 hours in a 12 month period.
- c. The Part-time unclassified employee may perform the functions of a position that is listed on the County’s Classification Plan. If so, compensation shall be based on an hourly rate, commensurate with that of the classified position on the County’s compensation plan. If the associated classified position is exempt, the unclassified Part-time position is also exempt. If the associated classified position is non-exempt, the Part-time position is also non-exempt.
- d. If the Part-time unclassified employee is performing other duties that are either not covered by the description of a classified position or are less than the full duties of a classified position, then compensation shall be negotiated at an hourly, daily or weekly rate as appropriate.
- e. Part-time unclassified employees should generally be terminated upon completion of 2079 hours of employment or after twelve (12) months, whichever occurs first. It is recognized, however, that there may be some situations that could warrant a Part-time unclassified employee working longer than the 2079-hour limit but still within the twelve (12) month time frame. Although this is not encouraged as a regular practice, if an emergency situation arises which calls for such an extension, the Department Director shall make a written request to the Human Resources Manager. The request shall include the following:
 - i. An explanation of the circumstances requiring the extension.
 - ii. How much additional time is needed.
 - iii. How the department will fund any additional PERS liability that may accrue.

- f. The Human Resources Manager will assign the request to an analyst for recommendation for approval or disapproval and the Department Director will be notified of the final decision.
2. Professional Employees. These are persons employed by the County for professional, scientific, technical or expert services. Compensation is negotiable, and may be on an hourly, daily or per job basis. Employment of persons in this category shall be either of an occasional character, i.e., sporadic or intermittent and not on a regular basis each week, or of an exceptional character, i.e., for a particular project or situation of a limited duration.
- a. Professional services are those provided by an employee who has extensive knowledge, training and experience of a subject that is practiced as a permanent career.
 - b. Scientific services are those provided by an employee who has extensive knowledge, training and experience in the methods or principles of a scientific discipline and is hired to apply those skills to a specific project.
 - c. Technical services are those provided by an employee who has extensive knowledge, training and experience in the techniques and practical application of those skills to a mechanical or scientific subject.
 - d. Expert services are those provided by an employee who has a special skill or knowledge representing mastery of a particular subject where the employee is hired to apply that mastery to a specific project.
 - e. Professional unclassified employees should generally be terminated upon completion of 2079 hours of employment or after twelve (12) months, whichever occurs first. It is recognized, however, that there may be some situations that could warrant a Professional unclassified employee working longer than the 2079-hour limit but still within the twelve (12) month time frame. Although this is not encouraged as a regular practice, if an emergency situation arises which calls for such an extension, the Department Director shall make a written request to the Human Resources Manager. The request shall include the following:
 - i. An explanation of the circumstances requiring the extension.
 - ii. How much additional time is needed.

- iii. How the department will fund any additional PERS liability that may accrue.
 - f. The Human Resources Manager will assign the request to an analyst for recommendation for approval or disapproval and the Department Director will be notified of the final decision.
 - 3. Extra Help Appointments. The term "extra help" shall mean employees who are unclassified and are appointed to County service on a short-term and/or intermittent basis to cover emergency or fluctuating workloads of limited duration, necessary vacation relief and special projects not to exceed 520 hours or three months in a fiscal year, whichever is longer.
 - a. Extra Help employees should generally be terminated upon completion of 520 hours of employment. It is recognized, however, that there may be some situations that could warrant an Extra Help employee working longer than the 520-hour limit but still within the three month time frame. Although this is not encouraged as a regular practice, if an emergency situation arises which calls for such an extension, the Department Director shall make a written request to the Human Resources Manager. The request shall include the following:
 - i. An explanation of the circumstances requiring the extension.
 - ii. How much additional time is needed.
 - iii. How the department will fund any additional PERS liability that may accrue.
 - b. The Human Resources Manager will assign the request to an analyst for recommendation for approval or disapproval and the Department Director will be notified of the final decision.
 - c. In any situation beyond the 520 hours, consideration should be given to making the appointment in a different unclassified category.
- B. These appointments may be utilized when unusual conditions occur which require additional help. All unclassified appointments must have the prior approval of the department director. Funding for applicable unclassified positions would be budgeted as Extra Help positions.

- C. Unclassified appointments described in earlier sections are at will, temporary and part time, allowing for a period less than 12 months in duration, or for a specific identified project.
- D. If an unclassified employee works for pay for more than 600 hours and six continuous months, it is important that Departments be aware that both the County and the employee may incur PERS liability.
- E. Since unclassified employees do not fall under the criteria of merit and fitness, departments may select candidates without a recruitment process. In an effort to further the objectives of the County's strategic plan with regard to workforce diversification, Human Resources staff is continually developing training, work experience and internship programs to assist in meeting this objective. It is therefore, strongly encouraged that departments contact the Diversity Analyst in Human Resources to assist them in accessing qualified candidates for clerical support, paraprofessional, technical and manual labor positions prior to selecting candidates from other sources.
- F. The policy regarding the employment of relatives shall apply to all classified and unclassified appointments; see Chapter 3, Section 15, Subsection H below.
- G. Personal Services Contract: Departments may utilize a Personal Services Contract for specific projects in lieu of the non-represented temporary options listed above, if and only if the individual being contracted with meets the legal requirements of being an independent contractor.
- H. Employment of Relatives
 - 1. The term employment shall include, but is not limited to, initial appointment, transfers, promotions, and continued employment.
 - 2. Employment of relatives of County employees is permitted except in cases where such action:
 - a. Would constitute a violation of any federal or state law, or any rule with which Lane County is required to comply, and/or
 - b. Would constitute a violation of the conditions of eligibility for receipt by Lane County of federal or state funding and/or
 - c. Would place the individual in a position exercising supervisory, appointment, or grievance adjustment authority over a member of the individual's immediate family or in a position of being subject to such authority, which a member of the individual's family exercises. Immediate family shall be defined as mother, father, spouse (or domestic partner), sister, brother, child, grandparent,

grandchild, stepmother, stepfather, step-child, father- or mother-in-law or other relative residing in the employee's immediate household.

I. Medical Examination

1. Following a conditional offer of employment but prior to actual employment, the successful candidate may be required to successfully pass a physical examination by a licensed medical doctor or a drug test. The nature and extent of such physical examination will be based upon the essential duties of the position to be filled and other job-related factors which may be specifically applicable to the position. The cost of the medical examination will be borne by the appointing department.

J. Interpretation and Implementation

Any questions relative to the intent or application of this procedure shall be directed to the Human Resources Manager who is delegated the responsibility for interpreting and implementing this procedure.

Authorized: _____
County Administrator

Effective Date

This on-line version of the Administrative Procedures Manual is a copy of the original signed by the County Administrator on 6/10/2003.



2. Promotional Eligibility: An employee is eligible for promotional increase when moving to a position at a higher salary grade level, in accordance with the following policies:

a. Decision Band Method (DBM) Classified Position:

Promotion shall be defined as movement to a position at a higher salary grade level where the difference between the midpoints of the salary grades is typically four percent (4%) or greater. A salary grade is an alpha-numeric level assigned to each position based on the job evaluation process using the DBM to assess the type of work performed and the level of decisions made.

When an employee is promoted, he/she shall be placed on the new salary grade at the closest step which results in at least a five percent (5%) increase, and shall receive at least the first step of the higher salary grade.

The amount of increase at promotion should ensure that internal employees are not disadvantaged as compared to external candidates when successful in attaining a promotional opportunity at the County. The department director should consider the education, skill and experience level of the promoted employee as well as those of existing staff to avoid creating equity issues.

All requests for promotional appointment which result in compensation greater than the normal promotional amount (as referenced above in paragraph two) must be approved by the Human Resources Director.

b. Non-DBM Classified Position:

Promotion shall be defined as the movement from one classification to another classification with a salary grade at least five percent (5%) higher than the employee's current classification. All requests for promotional appointment which result in compensation greater than the normal promotional amount must be approved by the Human Resources Director.

When an employee is promoted, he/she shall receive at least the first step of the higher classification or the closest step in the higher classification that would constitute at least a five percent (5%) increase over the employee's current salary.

3. Probationary Period for Promotion: Any employee promoted, except through the reclassification to a new classification, shall serve a one-year probationary period.
4. Merit Eligibility Date: A promotion results in a new merit eligibility date effective on the day that the promotion becomes effective. An employee who is promoted through reclassification or through a competitive selection process will be eligible for merit step increase one year from date of promotion, depending on performance.

B. Reassignments and Transfers

1. Transfer

a. DBM Classified positions:

A transfer occurs when an employee moves to a different position with the same classification and/or midpoint rate with a differential of less than five percent (5%). As the result of a transfer, an employee's salary will normally remain the same. In some circumstances, the department director can recommend an increase in salary based on factors such as skills, market conditions and/or internal equity, knowledge and experience of employee. The approval of the Human Resources Director is required for any lateral transfer resulting in more than a five percent (5%) increase moving to the closest step.

b. Non-DBM Classified position: A transfer occurs when an employee moves to a classification with the same or different pay grade not constituting a promotion.

2. Intradepartmental Reassignment

a. The department director or his/her designee may, within the department, reassign an employee from one work site to another or from one authorized position to another within the same classification.

b. Whenever possible the department director or his/her designee must give an employee fourteen (14) calendar days notice of a reassignment if the reassignment is being made without the employee's consent.

c. The department director or his/her designee, with the consent of the employee, and upon verification of qualifications from Human Resources, may reassign an employee from one authorized

position to another within the same occupational field provided the reassignment does not constitute a promotion or demotion.

- d. If an employee is interested in an intradepartmental reassignment, he/she must follow the applicable departmental procedure. If there is no established procedure, the request shall be submitted to the department director.

3. Interdepartmental Transfer

- a. Interdepartmental transfers will only be considered when a position becomes vacant unless there are two (or more) transfer candidates who can "trade" positions.
- b. A non-probationary employee interested in being considered for an interdepartmental transfer, must submit a written request and Lane County Application for Employment clearly explaining the employee's interests and qualifications, to the Department of Human Resources (or the Department of Public Safety for positions within that department.) The request must be received before a position is posted in order for a transfer request to be considered as a part of the internal transfer process. After the position is posted, internal candidates will compete as a part of the open recruitment and selection process.
- c. Transfer candidates will be referred to departments for consideration prior to the posting for the vacant position.
- d. Departments are not required to fill a position with a transfer candidate. They may elect to fill the position through the normal recruitment and selection procedures.

C. Compensation Plan Changes

When the pay grade for a classification occupied by an employee is adjusted upwards, generally the employee will maintain the same step within the adjusted pay grade.

However, when there are major changes to the County's compensation structure, the County shall adjust individual pay rates as determined by the implementation procedure adopted by the Board.

D Bilingual Compensation

1. Non-represented employees may be eligible for a 5% bilingual premium above the base classification pay subject to the guidelines listed below.

This 5% bilingual premium supersedes any other bilingual compensation already in place for non-represented employees.

- a. Department Director and Human Resources Director must both approve paying employees the 5% bilingual premium.
 - b. Must be a permanent employee.
 - c. Must be in a position where there is direct contact with the public, as part of employees' regular work.
2. Languages: English and Spanish, subject to the guidelines listed above. Should the demographics of Lane County change, other languages may be considered as well.
 3. Testing: Employees must pass the bilingual tests as administered by Lane County. A passing grade is 70%. In addition, if the initial level of fluency received is less than 95% of the total possible score, the County will retest an employee every two years.
 4. Layoff and Recall: reductions in force will be done according to Chapter 3, Section 15; layoff and recall.
 5. There are no bilingual classifications for non-represented staff.
 6. Bilingual premium may be discontinued should business needs change or should employee be reassigned to a different position.
 7. Department where incumbent is employed will pay for the tests administered by Lane County Human Resources.

E. Voluntary Demotion

All requests must be reviewed by Human Resources. An employee may make a written request to a department director for a voluntary demotion to a lower classification and/or position within the department. If the employee is qualified for the lower classification or position, the department director may approve the request provided that it would not result in the layoff of another employee.

1. If the salary of the employee prior to the voluntary demotion is within the salary grade for the new classification or position, the employee shall be placed on the first step of the new grade which is not a reduction in pay. If this movement results in a resulting pay increase in moving to a lesser classification or position it must be approved by the Human Resources Director for appropriate compensation placement.

2. If the salary of the employee prior to the voluntary demotion is above the top of the salary grade for the new classification or position, the employee shall have his/her salary set at the top of the salary grade of the classification to which they have requested a voluntary demotion. If, in the judgment of the Department Director or designee in consultation with Human Resources, this compensation placement could result in a potential internal equity issue, the appropriate compensation placement must be approved by the Human Resource Director.
 - a. In extreme circumstances and where extenuating factors are present, the County Administrator upon recommendation of the department director may approve up to one year's salary protection if the salary of the employee prior to the voluntary demotion is above the top of the salary grade for the new classification or position.
3. An employee demoted pursuant to this procedure shall typically not serve a probationary period in the new classification or position and shall retain his/her old merit eligibility date.
4. Any exceptions to this section must be approved by the Human Resources Director.

F. Equity Adjustments

Equity adjustments may be requested to correct a significant deviation from internal equity and to ensure compliance with fair pay practices. Salary differences based on performance or seniority are not considered equity issues.

All equity adjustment requests must be approved by the department director and authorized by the Human Resources Director.

V. Interpretation and Implementation

Any questions relative to the intent or application of this procedure shall be directed to the Human Resources Director who is delegated the responsibility for interpreting and implementing this procedure.

Authorized: Jeff Spawz
County Administrator

5-10-2010
Effective Date



ADMINISTRATIVE PROCEDURES MANUAL

Chapter 3
Section 18
Issue 4 3/31/95
Date

SUBJECT: PROBATION

I. Purpose

The purpose of this administrative procedure is to establish a uniform policy and process governing the treatment of County employees on probationary status in accordance with Lane Manual 2.240.

II. Scope

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit a written proposal to the County Administrator supporting the justification. Exceptions will take effect upon written approval of the County Administrator.

III. Amendment

The County Administrator may amend this procedure.

IV. Procedures

A. Guidelines

The probationary period is an integral part of the employee selection process and provides the County and the probationer an equal opportunity to observe each other to determine the desirability of a continued working relationship. As part of the selection process, it likewise provides each with an equal opportunity to discontinue that working relationship at any time during the established probationary period.

B. Duration of Probationary Period

Every person appointed or promoted to a position in the classified service shall serve a probationary period as follows:

1. Represented employees: As specified in the applicable collective bargaining agreement.
2. Non-represented employees: Twelve (12) months.
3. A Non-represented employee's probationary period shall be extended by the amount of time an employee is on any type of unpaid leave during his/her probationary period.
4. A Non-represented employee's probationary period may be extended for not more than three (3) months for good cause provided such extension is by mutual agreement between the employee and the department director. Such extension agreement must be in writing and must indicate the reason for the extension and the new completion date for the probationary period.

C. Transfers During Probationary Period

Transfers of employees during their probationary periods shall only be allowed within a department. Transfers between departments during probation is not allowed. A transfer during probation does not change an employee's probationary period.

D. Performance During Probationary Period

Any probationary employee not notified of performance deficiencies noted during the first one-half (1/2) of the probationary period may assume such performance has been acceptable to date. It is understood that such acceptable performance does not presume continued employment for the balance of the probationary period.

E. Probationary Period for Promotions

Any employee promoted, except through the reclassification or flex staffing process, to a new classification shall serve the normal probationary period for that classification.

F. Probationary Period for Demoted Employees

1. Voluntary Demotion:

- a. If the employees to be voluntarily demoted are non-probationary employees, they shall not have to serve new probationary periods in the classifications to which they are being demoted.

- b. Employees on probation will not have the option to request voluntary demotions with the following exception:

Employees who have been promoted and are serving probationary period in their new positions may request voluntary demotions. Requests shall be made in accordance with the administrative procedure titled "Promotions, Transfers, Graded Series and Demotions," Chapter 3, Section 16, Subsection IV C.

2. Involuntary Demotion:

Employees who are involuntarily demoted to a new classification shall not be required to serve the standard probationary period for that new classification.

- G. Rejection During Probationary Period

The County reserves the right, as part and parcel of the selection process, to:

1. Reject any probationary employee during the initial probationary period without recourse.
2. Demote any promoted employee to the last classification in which the employee held permanent status prior to the promotion.

- H. Notice of Rejection or Demotion During Probationary Period

The department director or his/her designee shall report in writing all rejections during probation to the Office of Personnel Services and to the employees concerned at least fourteen (14) calendar days before the effective dates of such actions. At the option of the department director, the rejected employees shall receive either two (2) weeks' notice or two (2) weeks' of pay in lieu of notification.

- I. Permanent Status

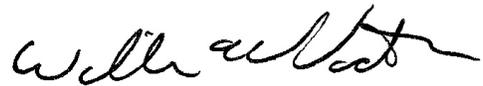
1. An employee who has satisfactorily completed the probationary period in a classification shall be awarded permanent status in that classification.
2. If an employee with permanent status moves to a different classification and receives permanent status in the different classification, he or she shall not retain permanent status in the classification from which he or she moved.

V. Interpretation and Implementation

Any questions relative to the intent or application of this procedure shall be directed to the HRMS Director, who is delegated the responsibility for interpreting and implementing this procedure.

Authorized: _____
County Administrator Effective Date

This on-line version of the Administrative Procedures Manual
is a copy of the original signed by the County Administrator on
3/31/95.



ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 20
Issue 10 9/27/2007
Date

SUBJECT: PROCEDURE FOR CREATING A NEW CLASSIFICATION OR RECLASSIFICATION

I. PURPOSE

The purpose of this procedure is to establish a standard method for review and approval of all classification changes to the Lane County adopted budget consistent with Lane Code 2.260 and Lane Manual 2.230. In all cases, it is the responsibility of the impacted department to update the automated budget system software to accurately reflect the department's existing classifications. Also see Chapter 2, Section 9 for the steps required to process a budget appropriation transfer.

For FTE and/or position changes, refer to APM Chapter 3, Section 4.

II. SCOPE

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified representatives, the terms of such agreements shall prevail. A department wishing an exception to the application of this procedure shall submit a written proposal to the County Administrator. Exceptions will take effect upon written approval of the County Administrator.

III. AMENDMENT

This procedure may be amended by the County Administrator.

IV. DEFINITIONS

CLASSIFICATION – A body of work performed by a group of positions with similar jobs at a similar level of responsibility.

RECLASSIFICATION - A change in function of an individual position by raising it to a higher classification and/or salary grade level, reducing it to a lower classification and/or salary grade level, or moving it to another classification and/or salary grade level on the

basis of substantial changes in the kind, difficulty, or responsibility of duties performed in such a position, according to the applicable section of the Administrative Procedures Manual for other position changes.

V. DEPARTMENT INITIATED REQUEST PROCEDURES

A. Department Request

When there is a change in a department's business needs necessitating a review of classification(s) of existing position(s), the department director will make a formal written request to Human Resources for a classification review. The written request shall include:

1. An explanation of the changes in circumstances which the department believed justifies the need for a review.
2. A brief description of the duties, knowledge and skills required for the desired position.
3. Any additional information which the Department Director deems appropriate to assist in the analysis.
4. When a reclassification does not meet the definition of promotion as referenced in the applicable section of the Administrative Procedures Manual, the affected employee's merit eligibility date will not change.

B. Classification Review

The appropriate Human Resources Analyst shall be responsible for completing a thorough review of the request. At this point a completed Position Description Questionnaire and/or Organizational Chart may be required by the Human Resources Analyst. The Human Resources Analyst will review the preliminary findings with the department director and attempt to resolve any differences of opinion with the department director prior to making any formal recommendations. Human Resources will work with the Budget Office as necessary.

C. Approval

1. New Classification:
 - a. If Human Resources determines that a new classification is appropriate, it shall prepare a proposed classification specification with proposed salary and prepare a Board Agenda item requesting that the Board amend the classification and compensation plans to add the new classification.

- b. If Human Resources does not agree that a new classification is necessary, the department director will be notified as to which existing classification is appropriate to meet the needs of the department.

2. Reclassified Position:

The Human Resources Director shall review the formal recommendation and make a decision whether to grant or deny the request to reclassify an existing position and communicate that decision to the Department Director, along with supporting justification.

A decision of the Human Resources Director may be appealed to the County Administrator.

- D. Status of Incumbents in Reclassified Positions

1. When a position is reclassified upward because the duties and responsibilities of the position have gradually changed over time, and the incumbent meets the minimum qualifications for the position, the Human Resources Director may, pursuant to LM 2.220(3)(a) waive the competitive selection process and allow the department to promote the employee to the classification of the reclassified position.
2. When a position is reclassified upward because of a reorganization within a department, promotion to the reclassified position shall be based upon merit and fitness pursuant to the normal promotional policies contained in the Administrative Procedures Manual or applicable labor agreement
3. When a position is reclassified downward, and the incumbent employee does not elect voluntary demotion, the position shall be subject to the normal recruitment and selection process and the incumbent shall be subject to the normal layoff procedures. See APM Chapter 3, Section 16 for further information on Promotions and Demotions.

- VI. HUMAN RESOURCES INITIATION

- A. Periodically, Human Resources will conduct audits of all of the positions allocated to a number of existing classifications. Such an audit shall include a review of the appropriateness of the classification specifications, and the appropriate allocation of the incumbents within the audited classifications.
- B. Departments may submit requests for specific classifications to be audited, provided however, no classification will be audited two years in a row.

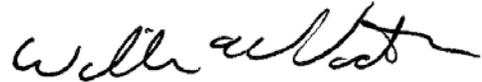
VII. Interpretation and Implementation

Any questions relative to the intent or application of these procedures shall be directed to the Human Resources Director who is delegated the authority for interpreting and implementing this procedure.

Authorized: _____
County Administrator

Effective Date

This on-line version of the Administrative Procedures Manual is a copy of the original signed by the County Administrator on 9/27/2007.



ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 22
Issue 5 12/1/00
Date

SUBJECT: COLLATERAL (OUTSIDE) EMPLOYMENT

I. Purpose

Pursuant to Lane Manual 2.305, "Outside Employment," the purpose of this procedure is to establish a standard method for processing notification to the County for collateral employment.

II. Scope

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause, or phrase of these procedures is found inconsistent with either a properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified representatives, with any state or federal law, or with any administrative rule, the terms of such agreement, law, or rule shall prevail. The Department of Public Safety is exempt from this procedure. Other departments wishing an exception to the application of this procedure shall submit a written proposal to the Personnel Manager. Exceptions will take effect upon written approval of the Personnel Manager.

III. Amendment

The County Administrator may amend this procedure as required.

IV. Guidelines

- A. Employees shall not engage in compensated collateral employment without the prior approval of the County.
- B. Active or reserve duty in the Armed Forces of the United States is not considered collateral employment. For policy concerning service in the Armed Forces please refer to administrative procedures titled "Paid Leave" and "Unpaid Leave," Chapter 3, Sections 38 and 39.

- C. The Department Director shall ensure that employees refrain from engaging in collateral employment that may cause a conflict of interest.
- D. In determining conflict of interest, the Department Director shall take into consideration whether the activity constitutes a conflict of interest as defined by law due to the nature, condition, competition or some other aspect of the activity.
 - 1. As defined by law for purposes of collateral employment, a conflict of interest exists if actions, decisions or recommendations by the employee, when functioning as an employee of Lane County, would be or could be to the private pecuniary benefit of the employee in the employee's collateral employment.
 - 2. The exceptions provided by ORS 244.020(7)(a)-(c) may apply in circumstances where the employee's actions, decisions or recommendations as a Lane County employee "could be" to the pecuniary benefit of the employee in the collateral employment. There are no exceptions if actions, decisions or recommendations as a County employee "would be" to the pecuniary benefit of the employee in the employee's collateral employment.
 - 3. Nothing in this procedure is intended to permit conflicts of interest that are otherwise prohibited by law, such as use of office to obtain financial gain or to avoid financial detriment for the employee, relative of the employee or any business with which the employee or employee's relative is associated. See ORS 244.040.
- E. Any employee who does not notify the County prior to engaging in collateral employment will be subject to disciplinary action which may include discharge.
- F. The County may require an employee to refrain from or cease Collateral Employment if in the judgment of the County such employment constitutes a conflict of interest because of the nature, condition, or some other aspect of the employment. A failure to refrain or cease such employment will subject the employee to disciplinary action which may include discharge.

V. Procedure

Collateral Employment Notice

- 1. The employee will submit a Request for Collateral Employment Notice (see Attachment I for an example) to his or her supervisor with a copy to the Personnel Division. Blank Request for Collateral Employment Notification forms can be obtained from the Personnel Division.

2. The supervisor will review the notice for conformity to Lane Manual and Administrative Procedures Manual provisions for collateral employment and submit the notice to the Department Director within 5 working days. The supervisor will also be responsible for providing a copy of the dated notice to the employee within the same 5 working days.
3. Should the Department Director determine that a conflict of interest exists, the employee will be notified in writing within 10 working days of the Director's receipt of the notice. A copy will be sent to the employee's supervisor and to the Personnel Division for inclusion in the employee's personnel file.
4. If 10 working days lapse from the Department Director's receipt of the notice and the Department Director has not determined that a conflict of interest exists, the request shall be deemed approved. The employee may commence collateral employment on receipt of actual approval by the Department Director or the lapse of 10 working days from the Department Director's receipt of the notice, whichever first occurs. The Personnel Division shall mark the copy of the request approved as the Department Director did not determine that a conflict exists.

VI. Interpretation and Implementation

Any questions relative to the intent or application of this procedure shall be directed to the Personnel Manager, who shall have the responsibility for interpreting and implementing this procedure.

Authorized:

County Administrator

Effective Date

This on-line version of the Administrative Procedures Manual is a copy of the original signed by the County Administrator on _____
12/1/00.



Lane County, Oregon

REQUEST FOR COLLATERAL EMPLOYMENT

EMPLOYEE'S NAME <p style="text-align: center;">Jennifer J. Jones</p>		SOCIAL SECURITY NUMBER <p style="text-align: center;">549-68-1132</p>
FUND/DEPT/DIV <p style="text-align: center;">24/18/72</p>	DEPARTMENT NAME <p style="text-align: center;">Management & Budget Services</p>	DIVISION NAME <p style="text-align: center;">549-68-1132</p>
CLASSIFICATION # <p style="text-align: center;">A003</p>	CLASSIFICATION TITLE <p style="text-align: center;">Clerk 3</p>	LANE COUNTY WORK SCHEDULE <p style="text-align: center;">8:00 - 5:00 daily</p>

I HEREBY REQUEST APPROVAL TO ENGAGE IN COLLATERAL EMPLOYMENT BASED ON:

Company Name: Adams and Williams Law Offices

Company Address: 1324 Pearl Street, Eugene, OR 97401

Position: Typist

Employment Beginning Date: November 1, 1981

Employment Ending Date: Ongoing

Number of Hours Per Week: 4

Work Schedule: Saturday mornings

Duties: General typing for law practices

I understand that the following shall be taken into consideration when determining approval or denial of this Request for Collateral Employment:

- Does the activity constitute a real or apparent conflict of interest due to the nature, condition, competition, or some other aspect of the activity? See APM Chapter 3, Section 22 VI. D.

I understand further that if I do not obtain approval prior to engaging in collateral employment that I will be subject to disciplinary action which may include discharge from Lane County employment.

Date: _____ Employee's Signature _____

AP 3-22 (10-81)

I have reviewed this request for conformity to the guidelines for collateral employment and certify that this employment is not in conflict with these guidelines.

I recommend approval disapproval of this request.

Comments: From duties described, no conflict apparent

Date 10-21-81 Supervisor _____

This request is approved denied

Comments: _____

Date: _____ Department Head _____

This request is approved as the Department Director either approved the request or did not find that a conflict exists.

Date: _____ Personnel Division _____

- EXAMPLE -



ADMINISTRATIVE PROCEDURES MANUAL

Chapter 3
Section 24
Issue 3 3/31/95
Date

SUBJECT: JOB SHARING

I. Purpose

The purpose of this procedure is to establish a standard method for processing department requests for the creation of job-sharing positions in Lane County.

II. Scope

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit a written proposal to the HRMS Director, supporting the justification. Exceptions will take effect upon written approval of the County Administrator.

III. Amendment

The County Administrator may amend this procedure.

IV. Definition

JOB SHARING - A form of permanent part-time employment where two (2) employees perform the duties and fulfill the responsibilities for a single position approved and budgeted as full time.

V. Guidelines

- A. The position to be shared must be an adopted and budgeted full-time position.
- B. All job-sharing requests must be submitted under the signature of the requesting department director.

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- C. A job-sharing position shall not result in an increase in salary or benefits costs. Benefit costs may be pro-rated between the employees, but in no case will the County's contribution exceed that for a single full-time position.
- D. Each job sharer is required to work a total of twenty (20) hours per week in order to qualify for County-paid insurances. All other benefits will be prorated according to the hours worked and existing contracts and agreements, Lane Manual and the Administrative Procedure titled "Paid Leave," Chapter 3, Section 38, Subsection IV.
- E. Each job sharer will be paid for only one half (1/2) of each County-paid holiday and their work schedule shall be reduced proportionally for the week that the holiday occurs.
- F. The two (2) employees filling a job-sharing position must be of the same classification as the position being job shared. The employees may be hired at different steps so long as the adopted budget for the position is not exceeded.
- G. The days and hours each employee works and the duties assigned to each employee, as described in the class specification, are the responsibility of the employee's supervisor with approval of the department director.
- H. An employee may only job share one (1) County position at a time.
- I. Current County policy will prevail for collateral (outside) employment. See the administrative procedures titled, "Collateral Employment", Chapter 3, Section 22.
- J. The County reserves the right to rescind the authorization to job share a position for any reason at any time.
- K. In the event that authorization for a job-shared position is rescinded, the employees sharing the position may apply for the full-time position; the provisions of the Lane Manual, the Lane County Administrative Procedures, and applicable labor contracts and agreements shall prevail for the purposes of hiring for that position.

VI. Procedure

A. Approval of a Job-Sharing Position.

A department director may approve a request that a position be converted to a job-sharing position by forwarding a memorandum of justification to the Office of Personnel Services. The accompanying memorandum should note whether there are any staff currently filling a position that is changing status, i.e., full time to job sharing or

job sharing to full time, and the proposed disposition of any staff when the change occurs.

Job-sharing, while provided as a benefit to County employees, should only be granted when it is consistent with County needs and will not result in increased cost of staffing associated with job-share positions.

The department director shall ensure that all staff affected by a job-sharing position are aware of the job share guidelines listed in Section V of this procedure.

B. Implementing the Change

When approved by the department director, the department must make the appropriate budget adjustment and initiate a personnel action change.

C. Changing a Job-Sharing Position to a Full-Time Position

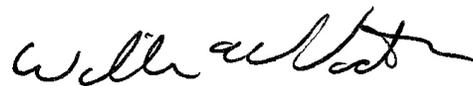
If a department wishes to change a position from job sharing to full-time single occupant, they should follow steps A through C noting the requested change.

VII. Interpretation and Implementation

Any questions relative to the intent or application of this procedure shall be directed to the HRMS Director who is delegated the responsibility for interpreting and implementing this procedure.

Authorized: _____
County Administrator Effective Date

This on-line version of the Administrative Procedures Manual
is a copy of the original signed by the County Administrator on
3/31/95.



ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 34
Issue 4 10/4/2012
 Date

SUBJECT: TIME MANAGEMENT, OTHER TYPES OF LEAVE, AND HOLIDAYS

I. PURPOSE

The purpose of this procedure is to establish a standard policy and process for the authorization and use of time management, paid leave, unpaid leave and holidays, consistent with Lane Manual 2.265 and 2.270.

Related Procedures: LM 2.270, 2.265.

II. SCOPE

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit written proposals to the County Administrator, supporting the justification. Exceptions will take effect upon written approval of the County Administrator.

III. AMENDMENTS

The County Administrator may amend this procedure.

IV. TIME MANAGEMENT POLICY AND PROCEDURES

A. Time Management Program

It is the purpose of the Lane County Time Management Program to provide employees with a leave-with-pay program that is easily understood, responsive to individual needs, and easy to administer.

This program covers all permanent employees, excluding seasonal and extra-help employees. Those employees covered by the provisions of this program shall not be eligible for separate leave benefits covering the following:

1. Sick leave (nonoccupational illness or injury leave)
2. Family emergency
3. Vacation leave
4. Personal day
5. Compensatory time (except as provided by the Fair Labor Standards Act)

B. Accrual Rates

Time management will accrue whenever an employee is in a paid status with the County except during disability (See Section V.B. Employee Medical Leave). Employees do not accrue earned leave when on unpaid leave.

1. **Exempt** employees will earn leave, based on full-time service, in accordance with the following schedule:

<u>Months of Service</u>	<u>Earned Leave</u>	<u>Earned Leave Accruals</u>
0-12 months (0-1 year)	23 days/year	7.077 hours/pay period
13-24 months (1-2 years)	27 days/year	8.308 hours/pay period
25-48 months (2-4 years)	31 days/year	9.538 hours/pay period
49-108 months (4-9 years)	35 days/year	10.769 hours/pay period
109-168 months (9-14 years)	39 days/year	12.000 hours/pay period
169-228 months (14-19 years)	43 days/year	13.231 hours/pay period
229 months & over (over 19 years)	47 days/year	14.462 hours/pay period

2. **Nonexempt** employees will earn leave, based on full-time service, in accordance with the following schedule:

<u>Months of Service</u>	<u>Earned Leave</u>	<u>Earned Leave Accruals</u>
0-12 months (0-1 year)	20 days/year	6.154 hours/pay period
13-24 months (1-2 years)	23 days/year	7.077 hours/pay period
25-48 months (2-4 years)	26 days/year	8.000 hours/pay period
49-108 months (4-9 years)	29 days/year	8.923 hours/pay period
109-168 months (9-14 years)	32 days/year	9.846 hours/pay period
169-228 months (14-19 years)	35 days/year	10.769 hours/pay period
229-288 months (19-24 years)	38 days/year	11.692 hours/pay period
289 months and over (over 24 years)	41 days/year	12.615 hours/pay period

3. **Eligible part-time employees** (excluding seasonal and extra help) shall accrue and use time off under this program on a pro rata basis using the percentage of full time the employee was paid in the previous two pay periods as a base.

- a. Eligible part-time employees with varying bi-weekly hours shall earn time management based on the actual hours worked.

- b. For purposes of identifying a bi-weekly work week when using accrued time, hours will be on a pro rata basis using the percentage of full time the employee was paid in the previous two pay periods as a base.
 - c. Eligible part-time employees working a set bi-weekly schedule will earn and use on a pro rata basis, based on their regularly scheduled hours. This includes employees who have hours reduced or increased annually due to budget.
 - 4. **Maximum Accrual.** An employee may accumulate earned leave, excluding the previous vacation balance, if any, to a maximum of twice the annual time management accumulation. On March 31 of each year, any employee credited with accrued leave greater than twice the annual accumulation shall forfeit that amount above the maximum accumulation. An employee who has acquired the maximum allowable accumulation of earned leave may continue to accumulate earned leave for the balance of the year in which the maximum accrual was reached, provided that the employee takes sufficient earned leave to reduce the accumulation to the maximum allowable prior to the following March 31 or forfeit the excess.
- C. Termination. After an employee has worked six (6) months for Lane County, upon termination the employee will be paid all of his or her vacation balance, if any, and one-half of any time management balance, at the employee's current rate of pay.
- D. Death. After an employee has worked six (6) months for Lane County, in the event of his or her death all accumulated earned leave shall be paid to the employee's designated beneficiary at the employee's current rate of pay.
- E. Required Usage. During the first five (5) years of employment, employees shall be required to take a minimum of two (2) weeks of accumulated earned leave per year. Thereafter, employees shall be required to take a minimum of three (3) weeks of accumulated earned leave per year.
- F. Scheduling. Employees shall, whenever possible, request time off in advance. Use of leave must be scheduled between the employee and the County. The County will establish methods for reporting absences, which may include reporting protected medical leave absences to a third party administrator in addition to County staff. Department Directors may establish additional absence reporting requirements. With the exception of previously scheduled leave, bona fide sickness or emergency situations, supervisors are generally not to grant Time Management leave to employees who have given notice of their termination from County employment. This does not apply to employees who are being laid off by the County. If TM is granted, discretion and sound judgment should be used in

determining the number of hours allowed. Department Director will be responsible for ensuring that any TM taken subsequent to notice of termination is not for the purpose of using up TM balances to avoid the 1 for 2 payout at termination.

- G. Sell Back. After six (6) months of continuous employment, employees may sell back accrued earned leave to the County subject to the following restrictions:
- a. Funding must be available to pay for the request.
 - b. The maximum number of earned leave hours that can be sold for cash compensation in a calendar year is the lesser number of leave hours taken in the same calendar year or eighty (80) hours.
 - c. The earned leave hours must be scheduled or used prior to the sale of any accrued earned leave hours. To qualify for sell back in the subsequent year the required usage of accumulated earned leave must have occurred in the prior year as scheduled.
 - d. During the last three (3) years prior to retirement, employees may sell up to 200 hours per year of their annual leave accrual at the current rate of pay. Extensions of an employee's scheduled retirement date notwithstanding, no employee will be entitled to this benefit in more than three (3) years. Note: This paragraph is not subject to any of the limitations expressed in b., and c., above.
- H. Existing Vacation Balance. Employees with an existing vacation balance initially transferred during conversion to the Time Management Program shall have the option of charging leave to either the vacation balance or the time management balance.

V. EMPLOYEE MEDICAL, PARENTAL, PREGNANCY AND FAMILY LEAVES

A. General Information

The following employee medical, parental, pregnancy and family leaves are covered by a number of federal and state statutes and County policy. The employee who meets qualification requirements under the federal Family Medical Leave Act (FMLA) may be eligible for leave up to a maximum accumulative total of 12 weeks in a 12 month period for the following conditions(s): pregnancy, parental leave, family medical, employee medical, and/or work-related injury or illness. When FMLA is exhausted, a review is conducted of the employee's eligibility for leave under state statutes. An employee's personal illness falls under County medical leave policies, which run concurrent with FMLA.

The following general provisions apply to all the leaves covered by this section unless specifically stated otherwise.

Eligibility

An employee must have worked either a) 180 consecutive days in a permanent position or b) at least 12 months before the leave request (these need not have been consecutive months) and at least 1,250 hours during that time.

Notification of Need for Leave

It is the responsibility of the employee to notify County's designated absence management provider when a paid or unpaid leave is being used for any of the following conditions:

- Employee Illness or Injury
- Employee Pregnancy
- To care for a seriously ill family member
- Parental leave to bond with a new born child, adopted child or foster child, under the age of 6.

Medical certification is required for any of the above leaves. It is the responsibility of the employee to submit Family and Medical leave certification from an attending physician. Failure to submit a completed medical certification could result in denied leave and/or disciplinary action for unauthorized leave of absence.

It is the responsibility of the employee to notify and provide medical certification when additional leave is needed beyond the previously authorized FMLA leave period.

Medical certification is submitted to County's designated absence management provider.

Notification Time Lines

FORESEEABLE LEAVE: Employee must give 30 days notice in writing of intent to take leave. Employees who request leave for planned medical treatment are obligated to make a reasonable effort, subject to the health care provider's approval, to schedule treatment so as not to unduly disrupt the County's operations.

UNFORESEEABLE LEAVE: When circumstances require a leave to begin in less than 30 days, such as with a sudden change in a patient's condition, the employee must give as much notice as practicable, normally within two (2) business days.

Verification

Verification will be communicated to employee by County's designated absence management provider. If there is a dispute between the employee and County's designated absence management provider as to whether leave qualifies as FMLA leave, it will be resolved through discussions between the parties which may include the employee, Human Resources and County's designated absence management provider.

How Paid

FMLA Leave is unpaid. Employees may use accrued leave or unpaid leave or a combination of the two. If a combination is used, paid leave must be used first. If paid leave is used and employee then chooses to go to unpaid status, they may not return to a paid status for the duration of the leave. Only that time for which "salary was paid" can be applied toward PERS service credit.

Substantiation of Medical Condition for County-paid Medical Leave Employee

Medical leave for any reason, including pregnancy, shall not exceed that period for which the employee is in fact physically unable to return to work as substantiated by the employee's physician. Failure to provide satisfactory substantiation will result in denial of compensation and may result in disciplinary action. Minimum acceptable substantiation includes:

- The first date of treatment by the attending physician.
- A description of the current medical condition.
- Date expected to return to modified duty.
- Name, address and phone number of the attending physician.
- Date of the next appointment with attending physician.

Tracking of FMLA Leave

Tracking will begin with the first day of absence. FMLA usage will be tracked on an individual rolling 12 month period. Absences of more than 3 days, including days regularly scheduled off work, for medical reasons, and including the employee's visit to a physician, will be tracked from the first day of absence.

Tracking will take place on the employee's time card. FMLA tracked hours can include time management or other accrued leave, County-paid medical leave, leave for a Workers' Compensation claim, modified work hours, or unpaid leave.

Fit for Duty

Employee must provide a Fit for Duty release from their attending physician prior to returning to work from any employee illness or injury. If a release has not been provided, return to work can be delayed until a Fit for Duty release has been provided.

Health Insurance Continuation

Health insurance is defined as medical, dental and vision coverage. An employee with twelve months of service (whether or not consecutive) and with at least 1250 hours during that time, and who has health insurance benefits, shall have those benefits continued by the County at no cost to the qualifying employee, during the unpaid portion of their FMLA leave. If the employee does not return to work following the family medical leave period, the employee will be responsible for

repayment of the health insurance premiums paid during the period of unpaid leave in accordance with FMLA.

Health Insurance Eligibility

Once an employee has exhausted all leave benefits that provide health insurance continuation, to maintain health insurance eligibility the employee must be in a paid status on the first working day of the month and working a minimum of 20 hours per week. The medical insurance handbook addresses continuation of group coverage for a leave of absence, exhaustion of eligibility, a workers' compensation claim, and termination of employment.

COBRA Group Health Insurance Continuation

Information concerning continuation of group health insurance is outlined in the employee medical insurance handbook. Enrollment forms are available by contacting Personnel.

Life Insurance Continuation

The employee, on an approved unpaid leave, is eligible to self-pay employee, dependent, and supplemental life insurance coverage up to a maximum of three months. Contact Central Payroll for information about monthly premium cost and payment procedures prior to start of unpaid leave.

B. Employee Medical Leave

Purpose

This policy covers a Lane County employee's leave of absence for non-occupational medical leave. This policy is in accordance with the Federal Family Medical Leave Act (FMLA), and Lane Manual 2.270.

Eligibility

An employee must have worked either a) 180 consecutive days in a permanent position or b) at least 12 months before the leave request (these need not have been consecutive months) and at least 1,250 hours during that time.

Length of Leave

Employee Medical leave is for a maximum of 90 calendar days per occurrence. FMLA leave is a maximum of 12 work weeks per individual rolling 12 month period. Employee Medical and FMLA leaves run concurrently.

How Paid/Limitations

Employee Medical leave begins with the employee's first day of absence as substantiated by their attending physician.

If an absence for nonoccupational illness or injury exceeds eighty (80) consecutive work hours, the County will provide compensated time off as outlined below for that period preceding commencement of the long-term disability benefit. The first

eighty consecutive work hours shall be charged against accrued earned leave or shall be leave without pay if the employee does not have sufficient earned leave to cover the absence.

If a nonoccupational illness or injury exceeds eighty consecutive work hours or if an employee has insufficient earned leave, the employee shall be expected to substantiate the illness or injury to the satisfaction of the County.

County-paid short term employee medical leave will be paid as follows:

First two weeks (80 consecutive work hours) will be charged to accrued time management.

Second two weeks continue at 100% pay;

Third two weeks continue at 90% pay;

Fourth two weeks continue at 80% pay;

Fifth two weeks continue at 70% pay;

Remaining time will be paid at 66-2/3% to the conclusion of 90 days.

Employees will not accrue time management while on County-paid disability leave, however, employees may opt to use time management or accrued vacation during this 90-day period to supplement loss of regular pay.

Exhaustion of Medical Leave

At the end of the ninety (90) calendar day County medical leave, FMLA leave exhaustion and exhaustion of other eligible benefits, the County may terminate the employment of an employee who has not been fully released to return to their regular position. However, the employee may request one of the following options:

MODIFIED DUTY: Such requests are to be submitted in writing and accompanied by medical documentation from the attending physician. The documentation **MUST** clearly state the employee's medical condition, necessary modifications to the duties of the employee's position of record, or modification of work hours, and the projected full recovery date.

UNPAID LEAVE: Such requests are to be submitted in writing and require approval by the Department Director. The maximum period of unpaid leave a Department Director is authorized to approve is ninety (90) calendar days.

BOTH THE DEPARTMENT'S FINANCIAL ABILITY AND STAFFING NEEDS WILL BE REVIEWED AND CONSIDERED PRIOR TO

APPROVAL OF EITHER MODIFIED DUTY OR AN UNPAID LEAVE OF ABSENCE.

Return to Work

If the employee returns to work within the ninety (90) day period after employee medical leave, it shall be without loss of seniority, time management accruals (except as outlined above), or any other employee benefit or right accrued at the beginning of the employee medical leave, except that benefits earned and accrued at the time of the beginning of the leave may be reduced by the amount of such benefits used during the leave. **NOTE:** Only that time in which "salary was paid" can be applied toward PERS service credit.

Accommodation under Americans with Disabilities Act (ADA)

Any employee with a permanent medical condition who can perform the essential duties of their position may request reasonable accommodation under ADA. The employee must also provide a list of the duties they can perform and physician's substantiation of their limitations and restrictions. A review by Personnel staff will determine eligibility for ADA accommodation.

Subrogation

Any employee who sustains an illness or injury and continues to receive regular wages from the County or receives medical benefits shall be obligated to return to the County any payment received from a third party for compensation and benefits paid by the County. In addition, the County has a right to initiate or join any proceedings against a third party to seek reimbursement of wages and medical benefits paid.

C. Family Medical Leave

Purpose

This policy covers employee leave in connection with the care of a family member who has a serious health condition. Family member is defined as: mother, father, parent-in-law, husband, wife, child, and step-child. This policy is in accordance with the Family Medical Leave Act (FMLA), Oregon Family Leave (ORS 659.560-659.570).

For purposes of confirmation of family relationship, County's designated absence management provider may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. Such documentation may take the form of a simple statement from the employee, or a court document, a child's birth certificate, etc. After examination, all official documents are returned to the employee.

Serious health condition is defined as: a) an illness, injury, or condition of a child of an employee requiring home care, or b) an injury, disease, or condition of a family member that according to the medical judgment of the treating physician: 1)

poses an imminent danger of death; 2) is terminal in prognosis, with a reasonable possibility of death in the near future; or 3) is any mental or physical condition that requires constant care.

Constant care includes care wherever performed whether at home or any nursing home, institution, hospice, or health care facility. Where however, the family member is receiving long-term physical care at a nursing home, institution, hospice, or other health care facility, leave shall apply only to those periods of transition from one home or facility to another, including time to make arrangements for such transitions, or when the family member requires transportation or other assistance in obtaining care from a physician.

Eligibility

An employee who has worked either: a) 180 consecutive days in a permanent position, or b) at least 12 months before the leave request (these need not have been consecutive months) and at least 1,250 hours during that time.

Length of Leave

Eligible employees are entitled to a total of 12 weeks of leave during any 12-month period. The employee is entitled to take leave in increments of a day or more, or in one continuous block of time, as a family member's condition requires. However, employees may take leave for the remainder of a shift or working day if, after reporting to work, they are informed of a family member's serious health condition. Notice shall be given for each increment of leave requested. This will be accomplished by submitting a completed Request for Family and Medical Leave to County's designated absence management provider.

Limitations

The total leave in any 12 month period for married employees both working for Lane County is limited to 12 weeks if the leave is taken to care for a sick child, parent or parent-in-law.

Return to Work

Return to work after family medical leave shall be without loss of seniority, time management accruals, or any other employee benefit or right accrued at the beginning of the family medical leave, except that benefits earned and accrued at the time of the beginning of the family medical leave may be reduced by the amount of such benefits used during the family medical leave. Only that time in which "salary was paid" can be applied toward PERS service credit.

D. Parental Leave

Purpose

This policy covers employee leave in connection with birth or placement of a child with the employee for adoption or foster care. This policy is in accordance with

the Family Medical Leave Act (FMLA) and Oregon Administrative Rules (ORS 659.360 - 659.370) covering parental leave.

Eligibility

An employee who has worked either: a) 90 consecutive days in a permanent position, or b) at least 12 months before the leave request (these need not have been consecutive months) and at least 1,250 hours during that time.

Length of Leave

Eligible employees are entitled to a total of 12 consecutive work weeks of leave during a rolling 12-month period, less time taken for other FMLA leave. If FMLA leave is exhausted, the employee may qualify under State Parental Leave regulations. In case of premature birth, leave may be taken until the baby reaches a developmental stage equal to 12 weeks. If both parents are Lane County employees, their combined total parental leave in any 12-month period may not exceed 12 weeks.

Return to Work

Return to work after parental leave shall be without loss of seniority, time management accruals, or any other employee benefit or right accrued at the beginning of the parental leave, except that benefits earned and accrued at the time of the beginning of the parental leave may be reduced by the amount of such benefits used during the parental leave. Only that time in which "salary was paid" can be applied toward PERS service credit.

E. Pregnancy Leave

Purpose

This policy covers a Lane County employee's leave of absence for pregnancy. This policy is in accordance with the Federal Family Medical Leave Act (FMLA), Oregon Pregnancy Leave, ORS 659.385 - 659.393, and Lane Manual 2.270.

Eligibility

No minimum employment period is required for employee pregnancy leave.

Length of Leave

The period during which the employee is disabled due to pregnancy, child birth, or related medical conditions and is unable to perform any available job duties offered by Lane County.

Pregnancy leave begins with the employee's first day of absence as substantiated by their attending physician. Following the eighty consecutive hours employee elimination period, paid benefits continue in full up to ninety (90) days from the employee's first day of absence, or until eligibility for long-term disability coverage, whichever occurs first. If the employee's disability extends beyond the ninety (90) day period, and the employee is not released by the physician to return

to work, employment will continue in an unpaid status for the period of time the employee is physically unable to return to work as substantiated by the attending physician. If the employee applies for and is accepted, pay will continue under long-term disability. Under ORS 659.385, the employee has reinstatement rights and must request such within 3 working days of the date of the full release by the treating physician. The County has ten (10) working days to respond to the request.

Return to Work

If the employee returns to work within the ninety (90) day period, it shall be without loss of seniority, time management accruals, or any other employee benefit or right accrued at the beginning of the pregnancy leave, except that benefits earned and accrued at the time of the beginning of the leave may be reduced by the amount of such benefits used during the leave. **NOTE:** Only that time in which "salary was paid" can be applied toward PERS service credit.

VI. OTHER TYPES OF LEAVE

A. Unpaid Leave (Voluntary)

Purpose

Unpaid leave is generally available only for absences for which time management or other types of paid or unpaid leaves are not available or appropriate.

1. Eligibility

Only permanent, nonprobationary employees are eligible for unpaid leave.

2. Authorization of Leave

No leave of absence without pay shall be granted unless a request is submitted by the employee and approved in writing by the appointing authority or by the County Administrator for appointed department directors.

Department directors are authorized to approve short-term unpaid leave of less than ninety (90) days. Unpaid leave of ninety (90) days or more must be approved by the Department Director and County Administrator. Approval of leave shall be obtained prior to the beginning of the leave periods. Leave will not normally be granted unless the County can be assured that the employee's work can be completed in their absence.

3. Application for Leave of Absence Without Pay

Request for such leave must be in writing and must establish reasonable justification for approval of the request. Such leave will not be approved for an employee who is accepting employment outside the County service unless

such leave and employment is part of an approved employee development program that will eventually benefit the County. Positions left vacant as a result of short-term unpaid leave should not be filled by temporary help or a working out-of-class appointment.

4. Continuous Service

Continuous service shall be employment unbroken by separation other than military or Peace Corps leave. Time spent on any other authorized unpaid leave of absence in excess of ninety (90) days shall not count as time of continuous service, however employees returning from such leave shall be entitled to credit for service prior to the leave.

5. PERS Service Contract

Only that time in which "salary was paid" can be applied toward PERS service credit.

6. Health Insurance Continuation During Unpaid Leave

To be eligible for County paid medical, dental and vision insurance, the employee must a) be in a paid status on the first working day of the month, and b) be working a minimum of 20 hours per week; or c) be eligible for insurance continuation under a qualified FMLA leave.

If an employee is on an unpaid leave and does not otherwise qualify for County paid medical, dental and vision, they may be eligible to self pay monthly premiums under the federal COBRA program. Contact Personnel Services for a COBRA application. COBRA benefits are explained in the health insurance handbook.

While on an approved unpaid leave, the employee may also self pay their life insurance up to a maximum of 3 months. Life insurance includes: employee life, dependent life, and/or supplement life.

B. Bereavement

An employee shall be reimbursed for lost work as a result of a death in the employee's immediate family at the regular straight time hourly rate to a maximum of three (3) days' pay or, to a maximum of five (5) days if out of state travel is required. The immediate family is defined as mother, father, husband, wife, sister, brother, child, grand-parent, grand-child, step-mother, step-father, step-child, father-in-law or mother-in-law. The use of bereavement leave will not be charged against the employee's accrued time management.

C. Jury Duty

An employee called for service on a jury will receive regular pay provided that payment made to the employee for jury service is remitted to the employee's

department director. The department director shall remit the jury's payment to the Accounts Receivable section of Finance and authorize the employee's regular pay.

If an employee's normal shift is other than 8 a.m. to 5 p.m., Monday through Friday, the department may approve a temporary schedule adjustment to accommodate jury service.

D. Military and Peace Corps

Purpose

Lane County cooperates with the military services by granting leave to eligible employees to participate in voluntary and ordered military training and active duty. Also time shall be granted for eligible employees participating in the Peace Corps Program.

Eligibility

All Lane County employees working in permanent or permanent part-time positions, including elected officials, who have been employed for six months shall be entitled to military leave.

Length of Leave

Regular Military Service: An employee shall be entitled to military leave without pay for service with the U.S. Armed Forces. Leave shall be approved to a maximum of four years unless extension is required in accordance with ORS 408.240 and Federal law. The employee shall provide a copy of military orders.

National Guard and Military Reserve Service: In addition to annual paid training leave, a member of the National Guard or reserve component of the U.S. Armed Forces shall be entitled to leave for training or schooling, whether voluntary or required, and for periods of emergency service. This includes National Guard duty in cases of disaster, such as floods, earthquakes, or to aid the enforcement of law. The employee shall provide a copy of military orders.

Peace Corps: Leaves of absence for at least two years shall be granted to an employee who has successfully completed the initial probationary period with Lane County. The employee shall provide a copy of the Peace Corps appointment document.

How Paid

Paid Leave: Paid military leave shall be granted for the lesser of a period of fifteen (15) consecutive calendar days or eleven (11) consecutive work days per calendar year, without loss of time, regular leave, or other rights and

benefits. Such leave will be granted and compensated based on the employee's regularly scheduled work period. There is no County paid time for Peace Corps service.

Unpaid Leave: In addition to the paid time, a member of the National Guard or reserve component of the U.S. Armed Forces shall be entitled to unpaid leave for training or schooling, whether voluntary or required, and for required periods of emergency service if such service extends beyond County paid Military leave of eleven (11) work days. The employee shall provide a copy of the military orders.

Use of Accrued Leave: Employees may use accrued time management, vacation, compensatory time, or other appropriate leave during periods of military leave beyond the County paid Military leave of eleven (11) work days.

Holidays that fall within the County paid Military Leave: Holidays that fall within the County paid military leave period will not extend the 15 consecutive day limitation, and will count as a paid day toward the 11 work day maximum.

Employees leaving County service for extended military leave (up to 4 years) shall be paid for all accrued time in accordance with current policies for terminating employees.

How Requested

Employees who receive inquiries regarding their availability for military leave, shall consult with their supervisor so that requests may be made to stagger absences to minimize disruption to work operations. The military services have the final authority in determining when an employee must report for military duty.

Employees who are ordered to report for military training or duty will be released from duty for any period of military leave to which they are entitled. If a full-time or part-time permanent employee who is a reservist or National Guardsman is not entitled to, does not request, or has exhausted military leave, the employee shall be granted accrued leave or leave without pay, as requested.

All requests for leave must be provided to the immediate supervisor in writing, including the beginning and projected ending date of the military leave. Copies of orders are to be provided as soon as they become available.

Return to Work or Reinstatement

Regular Military Service and Peace Corps Service: Within 90 days after completion of certified satisfactory military or Peace Corps service, the employee shall notify Lane County of intent to return from military leave.

Upon such notification Lane County shall return the employee to the position held just prior to military or Peace Corps service without loss of seniority or benefits. Pay shall be at the same step held before military or Peace Corps service but at the prevailing salary rate. Any employee who fails to report for work within ninety (90) days after military discharge or release from the Peace Corps shall be considered to have resigned.

National Guard or Military Reserve Service: For periods of Guard or Reserve service less than three months duration, the employee shall return to work immediately upon release from training or reserve service.

If it is established that an employee is not physically qualified to perform the duties of the employee's former position by reason of disability sustained during such service, the employee shall be reinstated in other work that the employee is able to perform at the nearest appropriate level of pay to the employee's former classification. Such employees shall make application for reinstatement within 90 calendar days after discharge from military service, and shall report for duty within six months following separation from active duty. Failure to comply will terminate the military leave.

E. Court and Legislative Appearances

1. An employee who appears before a court, legislative committee, judicial body, or quasi-judicial body as a witness in response to a subpoena shall receive regular pay provided that the compensation received as a witness is remitted to the department director. The department director shall remit the compensation to the Accounts Receivable section of Finance and authorize the employee's regular pay.
2. All time spent by nonexempt employees attending court in connection with their officially assigned duties, including the time required to go to the court and return to their work, is considered work time.
3. Travel time for nonexempt employees subpoenaed to attend court away from the home community shall be in accordance with Part 785 of the Fair Labor Standards Act.
4. Voluntary court appearances will not be compensated by the County. Staff may request use of accrued compensatory time or paid leave for such appearances.

F. Voting

Employees registered to vote but who are unable to vote in general elections due to work scheduling may be granted sufficient time off with pay to vote. Where such

circumstances can be foreseen in advance, such employees are expected to utilize the absentee ballot procedure as prescribed by Oregon Revised Statute 253.030.

G. Emergency Conflagration Act

The State of Oregon has an Emergency Conflagration Act which by Order of the Governor allows volunteer firefighters to be called to fight fires in emergency cases. Firefighters called out under this Act will be paid by the State.

An employee called for service under this act would be entitled to up to 30 days leave without loss of pay and may opt to:

1. Use accumulated leave, i.e., Time Management, existing vacation or comp time balances and retain state pay; or
2. If state pay is less than the employee's regular net pay, the County will subsidize the difference to a maximum of their current net pay.
3. If state pay is equal to or greater than employee's regular net pay, the employee will not be required to return the difference to the County.

The County will continue employee paid benefits as under other paid leave provisions. Any time required beyond 30 days would be considered an unpaid leave of absence.

H. Adverse Weather

When an employee is unable to report to work or reports late to work because of adverse weather conditions, the employee may elect to charge that time against accrued leave or to take a leave without pay.

If, due to adverse weather conditions, the County closes any or all of its essential operations after employees have reported for work, employees will be paid for regular work hours scheduled that day and will not be required to use accrued leave or to take leave without pay.

VII. HOLIDAYS

A. Holidays

The following days shall be recognized and observed as paid holidays subject to the provisions of the following administrative procedure:

New Year's Day
(January 1)

Labor Day
(1st Monday in September)

Martin Luther King's Birthday (3rd Monday in January)	Veterans' Day (November 11)
Presidents' Day (3rd Monday in February)	Thanksgiving Day (4th Thursday in November)
Memorial Day (Last Monday in May)	Christmas Day (December 25)
Independence Day (July 4)	

In December of each year Personnel Services will develop a list of all paid holidays for the upcoming year. This list will be distributed to County staff and posted on all County bulletin boards.

The Friday following Thanksgiving, though not to be construed as a holiday for pay purposes, shall be considered a day off with pay except for those employees required by the County to report for work. An employee required to work shall be given an alternate day off at the mutual convenience of the County and the employee. This alternate day off must be taken before the end of the fiscal year.

B. Weekend Holidays

Whenever a holiday falls on a Saturday, the preceding Friday shall be designated as the holiday. Whenever a holiday falls on a Sunday, the succeeding Monday shall be designated as the holiday.

C. Eligibility

1. Employees working in permanent positions budgeted or approved for more than six (6) months shall receive holiday pay for legal holidays.
2. Eligible part-time or job-sharing employees shall be compensated for holidays as follows:
 - a. During the week of a holiday, **COUNTY** may permit part-time employees an opportunity for modification of their work schedule so as to work additional hours in order to receive a normal pay check, including prorated holiday pay, without having to use time management leave or other earned leave.
 - b. In developing an opportunity for a modified work schedule for the week of a holiday, **COUNTY** shall give good faith consideration to part-time employees interests regarding an alternate work schedule provided that **COUNTY's** operational needs can be met. When work requirements are such that a team or work group approach is necessary for productivity and/or effective accomplishment of work, **COUNTY**

may develop a single modified work schedule which seems to best accommodate the interests of the majority of the employees on the team or work group and meet the operational needs of the **COUNTY**. The team or work group shall have the option of determining whether to operate using the normal or modified work schedule.

- c. If the **COUNTY** does not permit part-time employees an opportunity for a modified work schedule for the week of a holiday pursuant to paragraph 1 or 2, above, employees shall receive full holiday pay for the actual hours they would have worked on the holiday.
- d. If part-time employees are offered an opportunity by **COUNTY** for a modified work schedule for the week of a holiday pursuant to paragraph 1 or 2, above, and elect not to change from the normal work schedule, employees must use accrued time management leave or other earned leave to supplement the prorated holiday pay in order to receive a normal pay check or receive a short pay check based on prorated pay for the holiday.

- 3. Temporary, seasonal or extra help employees shall not receive compensated holidays.

D. Qualification

- 1. To qualify for paid holiday leave, eligible employees (as defined in section C) must:
 - a. Report for work on the last scheduled workday prior to, and the first scheduled work day following, the holiday; or
 - b. Be on approved paid leave or furlough on the last workday prior to the holiday, the first workday following the holiday, or both.
- 2. Employees who meet the qualifications stated in section C above but who retire before a holiday occurs, but within the pay period, will receive holiday pay for the holiday following the date of retirement but need not report to work on the day following the holiday. This is in recognition of years of service.

E. Holiday During Paid or Vacation Leave

If an employee is on authorized paid leave or vacation when a holiday occurs, such holiday shall not be charged against such leave or vacation. A holiday does not extend the 90 calendar day County-paid employee medical leave.

F. Holiday Pay

1. Eligible employees shall receive one (1) day's pay for each designated holiday that falls on a day the employee otherwise would work.
2. An eligible, full-time employee, voluntarily working an alternative work schedule, will be required to use accrued Time Management or compensatory time to supplement the eight (8) hours of holiday time off. However, with the approval of the department head or her/his designee, the employee may revert to a five (5)-day, eight (8)-hour work schedule on any week which includes a holiday.
3. An eligible, full-time employee, required by the County to work an alternative work schedule, shall be paid for the holiday in accordance with the number of hours they normally would have been scheduled to work.
4. Whenever a holiday falls on an employee's scheduled day off, the last normal workday before the holiday or the first normal workday following the holiday (whichever is closer) shall be designated as the holiday. Whenever the holiday falls equally between workdays, the last workday before the holiday shall be designated as the holiday. However, as an option, upon mutual agreement between the department head or her/his designee and the employee an alternate day off may be granted.
5. Eligible employees shall receive one and one-half (1-1/2) times the regular straight-time rate in addition to their regular holiday pay for all work performed on a designated holiday. If the employee and the department head (or her/his designee) agree, an equivalent credit of compensatory time off may be given in lieu of the paid overtime. Such time shall be coded to compensatory time on the time card.
6. The pay provisions of this subsection F shall not apply to classifications designated as exempt. Exempt employees who are required to work on a designated holiday shall receive equal time off at a time convenient to the employee and the County. On the time card, such time shall be coded to the area designated for compensatory time.

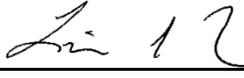
G. Personal Time in Lieu of Holidays

1. Exempt employees in the Department of Public Safety within classifications in compensation groups 10, 11, 12 and non-exempt employees in compensation group 09/05, shall receive personal time off in lieu of holidays.
2. Personal time shall accrue at a rate of 3.692 hours per pay period.

3. Personal time off may be taken at times agreed upon by the employee and the County and shall be compensated at the straight-time rate.
4. When terminated, employees who have accumulated personal time up to specified limits shall be paid for such personal time at the straight-time rate.

VIII. INTERPRETATION AND IMPLEMENTATION

Any questions relative to the intent or application of this procedure should be directed to the Director of Management Services, who is delegated the responsibility for interpreting and implementing this procedure.

Authorized: 
County Administrator

10/4/12
Effective Date

ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 40
Issue 4 8/10/11
 Date

SUBJECT: EMPLOYEE FURLOUGH

I. Purpose

The purpose of this procedure is to provide for the consistent application of policy and procedures regarding employee furloughs in compliance with Lane Manual 2.275 (1)(d).

II. Scope

This procedure is applicable to all classified County employees. Where any section, subsection, sentence, clause or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, the terms of such agreements shall prevail. This policy is administered by the Human Resource Director.

III. Amendment

This procedure may be amended by the County Administrator.

IV. Definitions

APPOINTING AUTHORITY – For the purpose of this administrative procedure, appointing authority shall be defined as Department Director only.

BOARD – The Lane County Board of Commissioners.

CONTINUOUS SERVICE – Service unbroken by separation from the County service other than by military, Peace Corps, vacation, sick leave or employee furlough.

FURLOUGH DAY – Any day in which a furloughed employee is placed in a temporary status without duties and without pay due to a financial need to reduce expenditures, due to a shortage of funds or due to a shortage of work.

FLOATING FURLOUGH DAY – A day off without pay taken in place of a designated furlough day.

FLSA-Exempt Employee – An individual designated as being employed in a bona fide executive, administrative, or professional capacity, as defined by the Fair Labor Standards Act (FLSA) and who is therefore exempt from the overtime pay and minimum wage requirements of the FLSA.

Furlough-Ineligible Positions – Positions with assigned duties which cannot, in the judgment of the County Administrator, take part in furlough days due to public health, safety, and/or workload demands. These positions may change throughout the furlough process.

Furloughed Employee – Any employee who is placed in a temporary status without duties and without pay due to a financial need to reduce expenditures, due to a shortage of funds or due to a shortage of work.

Hourly – An employee who is entitled to be paid for all actual hours that he/she is required or permitted to work at either the straight time regular hourly rate for hours worked up to and including forty (40) in the workweek or overtime hourly rate at one and one-half times the hourly employee's regular rate of pay for each hour worked in excess of forty (40) in the workweek.

Voluntary Furlough - A furlough day or days, initiated at the request of an employee in which the employee is in a temporary status without duties and without pay.

V. Guidelines and Procedures:

A. General Guidelines

Furloughs will be administered as follows:

1. During a furlough day, furloughed employees remain County employees.
2. Outside employment for furloughed employees' remains subject to the County's policies, procedures, collective bargaining agreements, rules and regulations, and other established guidelines.
3. Furloughed employees may not volunteer to do what the County otherwise pays employees to do.
4. Health insurance and other employee benefits will continue in full for a furloughed benefit-eligible employee unless the employee is on unpaid leave for more than 30 consecutive days.

Floating Furlough Requirement – Any position that has been identified as furlough eligible, however, due to job necessity, the employee is required to work on a designated furlough day. In this situation, the employee must take a replacement furlough day at an agreed upon later date.

FLSA-Exempt Employees – FLSA-exempt employees, who are identified as furlough-eligible, will be strictly prohibited from working on furlough days. During weeks in which a furlough occurs, FLSA-exempt employees will be converted to hourly status. FLSA-exempt employees will be required to track their hours consistent with the standard hourly tracking practices used in their home department. During the period when an FLSA-exempt employee is converted to hourly status, the employee must subscribe to standard working hours and all other rules (e.g., rest periods and meal periods) which are required in their home department. For example, partial day absences due to medical appointments must be requested in advance and deducted from the time management balance.

During weeks in which FLSA-exempt employees are converted to an hourly status, care must be taken to ensure that hourly rules are observed. FLSA-exempt employees converted to an hourly status in a week in which a furlough occurs are specifically directed not to work hours in excess of a standard schedule without the specific authorization of their supervisor or manager. FLSA-exempt employees must observe the agreed upon starting and ending times to each work day. Such work includes being physically present in the office, working at home, working online, reading, checking or responding to e-mails or text messages, working on the telephone, “working lunches”, working on a blackberry or working on a cell phone. All work in service of the County for which an individual does not receive compensation through the approval process, including overtime, is prohibited. Attendance at off-hour meetings such as public hearings is compensable and must be recorded during furlough-affected weeks. During weeks in which FLSA-exempt employees are converted to hourly status, with notification to and approval of the employee’s supervisor, they may flex their work schedules, on an hour-for-hour basis within the work week, to make up for time worked off-hours (evening meetings, for example).

Regular Part Time/Hourly Employees– Non-exempt part-time and hourly employees will take the furlough days as scheduled. Non-exempt part-time and hourly employees will not be used to substitute for regular full-time employees who are on furlough days.

Pay and Benefits-

Unless otherwise provided for in an applicable collective bargaining agreement, the following apply:

Service Date- An employee’s service date (for leave accrual, seniority, and other purposes) shall not be changed due to unpaid furlough days.

Probationary Periods- Furlough days will not be considered as a reason to extend a standard probationary period.

Meal/Rest Periods- There will be no change in meal and rest periods due to furlough days being observed in any work week.

Workweek- The Department Heads will be responsible for administering workweeks affected by the furlough program.

Recordkeeping Requirements- Under the FLSA, the County is required to keep records on employee time. For FLSA overtime-eligible employees, this means that records must be kept for hours worked each day and the total hours worked each workweek. Recordkeeping requirements also apply to FLSA-exempt employees who are identified as furlough-eligible because they are converted to hourly employees in a week in which a furlough day occurs. During such weeks, FLSA-exempt employees will be required to conform to all of the policies normally observed by hourly employees. Attendance at off-hour meetings, such as public hearings, are compensable and must be recorded during furlough affected weeks.

Overtime / Compensatory Time- Those terms and conditions describing overtime and compensatory time contained in collective bargaining agreements, County policy, the Lane Manual, or any other recognized guideline will continue to apply. When FLSA-exempt employees are converted to an hourly status during a week when a furlough occurs, hourly terms and conditions will apply to them. For example, an FLSA-exempt employee who, due to business conditions such as an emergency call out, works more than forty (40) hours in a week while in an hourly status will earn overtime payment or compensatory time at the applicable rate for the hours worked over forty (40) hours in the workweek.

Compensatory time accrual for FLSA-exempt staff converted to hourly during furlough affected weeks will only be approved in rare and unusual circumstances. Department Directors must consult with the Human Resources prior to making such approvals.

Any furloughed employee who incurs unapproved compensatory time or overtime during a designated furlough week will be subject to discipline.

Medical, Dental, Vision and Insurance Benefits- Medical, dental, vision, EAP and other insurance benefits will be unaffected by the furlough except when an employee is on unpaid status for 30 consecutive days or more.

Retirement Plan Contributions (PERS)- The County's retirement plan is based on earnings. Furloughs will reduce earnings and therefore reduce the County's and the contribution to PERS. Employee participation in other plans such as the 457 deferred compensation plan which are contributed as a percentage of income will also be reduced accordingly.

Alternate Workweeks- Individuals working a compressed workweek (e.g., 9/80 or 4/10 hour workweeks) will take unpaid furlough days. Individuals working an alternative workweek who have a normal day off on a scheduled unpaid furlough day may schedule and observe an alternate unpaid floating furlough day within that same pay period.

Timekeeping- Each department is responsible for establishing methods to ensure voluntary furlough days are observed by each furlough-eligible employee.

B. Leave Administration

Time Management Accruals - The accrual of time management will not be affected by the furlough days, unless the employee is in unpaid status for 30 consecutive days or more.

Use of Time Management - Employees may not use their time management on a day they would not normally be paid. Furlough days are not paid.

Family Medical Leave (FMLA/OFLA) - Furloughs will not impact employees' rights to leave under the Family Medical Leave Act (FMLA) or the Oregon Family Leave Act (OFLA). For example, employees will continue to have 12 weeks of protected Family Medical Leave as allowed under FMLA and/or OFLA. Employees will not have a right to be paid on any day for which they would not normally be paid. In other words, employees on FMLA/OFLA leave are not entitled to a paid day on a furlough day.

Leave Eligibility - A furlough day is considered to be a regular day off and will not be counted when calculating leave eligibility. For example, when calculating whether an employee worked 1,250 hours in the previous 12 month period under FMLA or calculating the number of days or average number of hours worked to be eligible for OFLA leave, furlough days are not counted as days earned or hours worked.

Military Leave - Departments will continue to grant military leaves in accordance with applicable law.

Active Military Duty - USERRA provides that employees on a furlough or a leave of absence are to be given the same rights of employees on other types of leave. In the case of a furlough, active military employees shall have the same, but not any more rights than other employees to use paid leave accruals while on leave for military service.

Domestic Violence Leave - Under Oregon State law, employees who are victims or who are family members of victims of domestic violence, sexual assault or stalking may take a reasonable period of leave to receive medical treatment, attend legal proceedings or address safety concerns. The employee may elect to

use time management, other paid time off, compensatory time or unpaid leave time. Managers and supervisors must continue to approve paid or unpaid leave time for domestic violence leave; however, they may not approve the use of paid leave time for those days for which an employee would not normally be paid. Managers and supervisors may not approve the use of paid domestic violence leave for scheduled unpaid furlough days.

Bereavement Leave - Employees are not eligible to be paid for bereavement leave on days when they would not normally be paid. Managers or supervisors will continue to approve bereavement leave within the limitations established by County policy or the terms of an applicable collective bargaining agreement. Managers or supervisors may not approve the payment of bereavement days for scheduled unpaid furlough days.

Jury Duty - Employees are not eligible to be paid for jury duty on days when they would not normally be paid. Employees called to jury duty during a furlough day would not be eligible to receive their regular compensation on that day but may be eligible to keep their court provided jury duty pay for that day which would otherwise be returned to the County.

Compensatory Time - Employees are not eligible to be paid for compensatory time on days when they would not normally be paid. Compensatory time will not be used in place of designated unpaid furlough days.

Holiday Pay - If a scheduled furlough day falls on a paid holiday, the employee will receive holiday pay for that day.

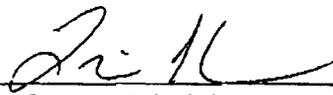
Unemployment Compensation - Eligibility is determined by the State of Oregon.

Emergency Procedure - In those cases where an emergency call out occurs on a furlough day or during a furlough week, employees may be called back to work. Such employees will be compensated in accordance with standard compensation procedures and in conformance with any applicable collective bargaining agreement. FLSA-exempt employees may be called back to work on a furlough day. FLSA-exempt employees are compensated on an hourly basis for all time worked within a furlough affected week. FLSA-exempt employees are required to track their time during a furlough affected week consistent with the practices in their department. Overtime pay is paid to such non-represented employees for all hours worked in excess of forty (40) hours within that week including weekend days within the same week. If such employees are represented, they are paid in accordance with their collective bargaining agreements for calculation of overtime.

If an employee is required to work on an unpaid furlough day due to an emergency situation, the employee will not be required to make up the furlough day at a later date.

V. Interpretation and Implementation

Any questions relative to the intent or application of this procedure shall be directed to the Human Resources Director.

Authorized: 
County Administrator

8/10/11
Effective Date

ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 41
Issue 3 4/1/98
Date

SUBJECT: VOLUNTARY FURLOUGH PROGRAM

I. Purpose

The purpose of this administrative procedure is to provide for the consistent application of policies concerning a voluntary furlough program for county government. The purpose of the voluntary furlough program is to reduce the number of layoffs in the General Fund as a result of declining revenues.

II. Scope

This procedure is applicable to employees whose position is financed with certain General Funds of county government. Where any section, subsection, sentence, clause or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit a written proposal to the Management Services (MS) Director. Exceptions will take effect upon written approval of the MS Director.

III. Amendments

This procedure may be amended by the County Administrator.

IV. Guidelines

A. The voluntary furlough program will operate under the following guidelines:

1. This program is available only to certain employees and positions in county government that are financed with what are termed discretionary General Funds of Lane County. Employees who desire to participate in the program need to confirm their eligibility with their program manager or department director.

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2. The Board of County Commissioners has agreed that all salary savings generated through the voluntary furlough program will be used to reduce the number of layoffs in the General Fund of Lane County, as set forth in the County Administrator's proposed budget for fiscal year 1991-92, or changes thereto made by the Budget Committee of Lane County.
3. Employee positions added back into county service as a result of the voluntary furlough program will be determined by the Board of County Commissioners. When considering which positions to add-back, the Board has agreed to seriously consider adding back positions in a manner proportionate to contributions from individual departments. However, the needs of the organization as a whole will determine which positions are restored.
4. Every effort will be made to assure that no employee benefit (e.g., time management accrual, medical benefits, life insurance benefits, etc.) is reduced as a result of participating in the voluntary furlough program. Any exceptions to this guideline will be the result of contractual provisions or eligibility rules as determined by the provider. Employees who work half-time may be more adversely affected than other employees and should seek advice from Personnel prior to requesting to voluntary furlough.

One clear exception is the Public Employee Retirement System (PERS), which is not controlled by county government. Employees should be aware that their PERS contributions will be reduced as a result of participation in this program.¹ Another clear exception is FICA. Social Security contributions are a function of salary paid.

5. No reduction in employee seniority shall result from participation in this voluntary program.
6. An employee may submit a written request to his/her supervisor for a temporary change in work hours and/or workdays of his/her work schedule, in the form of reduced work time. Such requests may provide for whatever reduction is reasonable as determined by the supervisor and the department director. Examples of voluntary furlough systems include: a certain number of days off during the year (5 days, for example); or a certain number of hours off per day, per week, or per pay period.

¹Because of the way PERS works, retirement benefits may not be affected by a slight reduction in annual salary in just one year.

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7. No schedule shall be allowed which in any way conflicts with any federal or state laws governing wage and hour provisions. Schedules which obligate Lane County to overtime payments, either to the participating employee or other employees will be discouraged.
8. A Department Director may cancel a previously approved voluntary furlough plan if the employee makes a written request and demonstrates a severe economic hardship to the employee due to a change in circumstances.
9. In the case of two employees requesting the same times or days off under this program, the employee with greatest seniority will be afforded preference for possible approval by the Department Director.
10. Supervisors shall make a good faith effort to take work load into account as employees participate in this program. Supervisors shall not place unreasonable work load burdens on participants following time off without pay under this program.

B. Approval

Supervisors shall make a good faith effort to accommodate requests for an alternate work schedule. The final decision to grant or deny any request for an alternate work schedule shall be at the sole discretion of the Department Director. When approving requests, Department Directors shall consider the impact of a furlough on the services delivered to the public. If a negative impact will likely result, the Department Director may disapprove the request.

V. Procedure

A. Submittal of Request Forms

An employee who desires to participate in the program shall submit a Request for Voluntary Furlough form to his or her immediate supervisor for review and forwarding to the department director (see Attachment 1 for example).

B. Timing of Requests

Because salary savings from the voluntary furlough program will be used to reduce layoffs, the Board of County Commissioners needs to know the value of the savings not later than May 31 of each year. Therefore, a request for a voluntary furlough must be submitted with sufficient time to allow approval by the Department Director not

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later than April 15 of each year; however, for fiscal year 1991-92, the deadline date for submission is May 10, 1991.

VI. Interpretation and Implementation

Any questions relative to the intent or application of this policy shall be directed to the Management Services Director who is delegated the authority to interpret and implement this administrative procedure.

Authorized: _____
County Administrator Effective Date

This on-line version of the Administrative Procedures Manual is a copy of the original signed by the County Administrator on
4/1/98.



ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 42
Issue 9 4/1/98
Date

SUBJECT: HOURS WORKED, OVERTIME, AND COMPENSATORY TIME

I. Purpose

The purpose of this procedure is to establish a uniform procedure for the authorization and accounting of hours worked, overtime and compensatory time in accordance with Lane Manual 2.235(6), "Overtime and Compensatory Time," and the Fair Labor Standards Act.

II. Scope

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause or phrase of these procedures is found inconsistent with either properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified representatives, any state or federal law, or any administrative rule, the terms of such agreements, laws, or rules shall prevail. Departments wishing an exception to the application of this procedure shall submit a written proposal to the Management Services Director. Exceptions will take effect upon written approval of the MS Director.

III. Amendment

The County Administrator may amend this procedure.

IV. Guidelines

A. Authorization

It is the responsibility of a supervisor to authorize overtime only when required. Supervisors must be sufficiently aware of their employees' work loads so that they can anticipate when overtime may be required. Conversely, it shall be the responsibility of employees to receive written authorization from their supervisors when it appears that they will have to work overtime. Failure to obtain authorization when possible may be cause for disciplinary action.

All overtime worked shall be documented and approved on an Authorization For Vacation/Leave/Overtime/Compensatory Time form (see Appendix V for an example). Copies of this form are available from Ready Stores in Purchasing.

B. Eligibility

Nonexempt employees of Lane County are eligible for overtime pursuant to the Fair Labor Standards Act. Exemptions are granted for classifications designated as Executive, Administrative or Professional employees based on the definitions contained in the Act. An exempt executive, administrative, or professional employee regularly receives a predetermined amount of compensation each pay period that constitutes all or part of the employee's compensation, and that amount is not subject to reduction because of variations in the number of days or hours worked unless one of the following exceptions is met:

1. The employee is absent from work for a day or more for personal reasons, other than sickness or accident.
2. The employee is absent for a day or more occasioned by sickness or disability and a deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for loss of salary occasioned by both sickness and disability.
3. The County imposes penalties in good faith for major safety violations.

All nonexempt classifications included within a valid collective bargaining agreement that includes an overtime provision shall be eligible for overtime pursuant to the terms of the collective bargaining agreement, so long as those terms do not conflict with the Fair Labor Standards Act.

1. Employees in classifications listed on Attachment I are not eligible for overtime compensation.
2. All classifications listed on Attachment II are nonexempt and work performed by employees in those classifications in excess of forty (40) hours in any work week shall be considered overtime work.
3. Department of Public Safety classifications designated by an asterisk (*) on Attachment II are also nonexempt. However, based on current Public Safety policy, work performed by employees in those classifications in excess of eight

(8) hours in any work day and forty (40) hours in any work week shall be considered overtime.

4. Overtime for certified law enforcement personnel may be paid in accordance with the provisions of Section 207(k) of the Fair Labor Standards Act.

C. Workweek

For the purposes of determining overtime liability, the workweek for all County employees begins at 10:00 p.m. on Friday and ends the following Friday at 9:59 p.m. A different workweek for law enforcement personnel may be established in accordance with the provisions of Section 207(k) of the Fair Labor Standards Act.

D. Compensation Rate

1. All County employees in classifications listed in Attachment II shall be compensated in cash for overtime at the rate of one and one-half (1-1/2) times their regular hourly rate. When the department director determines it is in the best interests of the County and the employee agrees and where labor contracts allow, the director may compensate overtime work with compensatory time off. Compensatory time off shall be provided at the rate of one and one-half (1-1/2) hours off for each overtime hour worked.
2. Regular Rate. The regular hourly rate is the rate at which an employee is paid for normal, non-overtime hours. This rate must be computed over each workweek or work period to determine overtime pay for eligible employees. It is found by dividing total remuneration for the eligible employee's normal (non-overtime) hours during a work period by the total normal hours worked.

E. Hours Worked

1. Hours Worked. Activities that constitute hours worked and that must be included in the computation of overtime are:
 - a. All times during which an employee is necessarily required to be on the employer's premises or at a prescribed workplace, and
 - b. All times during which an employee is "suffered or permitted" to work whether or not he or she is required to do so.

- c. Time management or any other paid leave hours will not be included in the computation of overtime.
2. On-call time Refer to applicable collective bargaining agreements.
3. Meal Period. A bona fide meal period is not considered hours worked when the employee is completely relieved from duties and the meal period is 30 minutes or more in duration. While the employees need not necessarily be allowed to leave the employer's premises to be considered off duty at meal times, he or she must not be required to perform any work--active or inactive--during the meal period.
4. Preliminary and Concluding Activities. These activities will be considered hours worked if they are an integral part of the employee's principal activities, i.e., are so closely related as to be indispensable. As an example, pre-shift and post-shift meetings where attendance is required must be considered work time. The changing of clothes by an employee would not be considered work time if it is merely a convenience to the employee and not directly related to his or her principal activities. Changing clothes would be counted as time worked if the employee works in a position that requires changing clothes on the job in order to perform the job.
5. Grievance-Processing Time. Whether grievance processing and similar employer-employee-relations time will be considered hours worked will be controlled by the respective collective bargaining agreements. If there is no provision to the contrary, time spent by an employee processing grievances during time the employee is required to be on the job premises will not be considered hours worked.
6. Physical Fitness Activity. Participation in physical fitness activities outside the employee's scheduled work hours is not considered work time if the employee's participation is strictly voluntary.
7. Rest Periods. Rest periods are considered working time if they last 20 minutes or less. Thus coffee breaks are working time.

F. Accumulation of Compensatory Time

Eligible employees may accumulate up to forty (40) hours of compensatory time.

1. Employees shall receive cash payment for all compensatory time over forty (40) hours not taken by the first (1st) pay period of April and the first (1st) pay period of October each year.
2. Compensatory time off in lieu of regular work hours shall be counted as regular time worked in computing wages and towards earning employee benefits.
3. Compensatory time off will be given at the mutual convenience of the employee and the County.

G. Transfer

When an employee is promoted or transferred to another department, all accumulated compensatory time shall be taken prior to the effective date of the appointment if possible.

V. Public Safety

A. Court Appearance

Individuals not covered by collective bargaining agreements who are required, as part of their regular work assignment, to appear in court on a day or shift they are not scheduled to work shall be eligible for compensation in accordance with department rules and regulations.

B. Public Safety Management Time

Employees of the Public Safety Department shall be eligible for Public Safety Management Time in accordance with rules and regulations established by the Director of Public Safety.

VI. Procedure

- A. The amount of overtime will be tabulated on a departmental time card for the pay period in which it occurred, which will be signed by the department director or supervisor. The overtime shall also be documented on the Authorization For Vacation/Leave/Overtime/ Compensatory Time form.

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- B. When tabulating overtime on a time card, the department will indicate if the overtime is to be paid or accrued as compensatory time.
- C. When compensatory time is taken by an employee, it will be so noted on the departmental time card and the Authorization For Vacation/ Leave/Overtime/ Compensatory Time form. Payroll will automatically reduce the accumulated compensatory time for that employee.

VII. Interpretation and Implementation

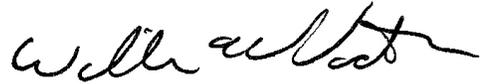
Any questions relative to the intent or application of this procedure shall be directed to the Management Services Director, who is delegated the authority for interpreting and implementing this procedure.

Authorized:

County Administrator

Effective Date

This on-line version of the Administrative Procedures Manual is a copy of the original signed by the County Administrator on 4/1/98.



ATTACHMENT I

The classifications listed below have been determined to be exempt under the Fair Labor Standards Act and are not eligible for compensated overtime:

Accounting Supervisor
Administrative Services Manager
Administrative Services Supervisor
Administrative Analyst
Alcohol/Drug/Offender Manager
Animal Regulation Manager
Animal Regulation Supervisor
Appraisal Manager
Appraisal Supervisor
Assistant County Counsel, 1, 2, 3, 4
Assistant Director, Juvenile
Associate Planner
Assistant Food & Beverage Manager
Auditor
Bridge Engineer
Bridge Supervisor
Building Maintenance Manager
Building Maintenance Supervisor
Building Official
Captain
Casework Supervisor
Central Payroll Supervisor
Civil Support Operations Manager
Community & Economic Development Coordinator
Community Development Supervisor
Computer Operations Manager
Computer Services Manager
Corrections Health Nursing Supervisor
County Engineer
County Surveyor
Data Base Supervisor
Deputy Assessor
Deputy District Attorney 1, 2, 3, 4, 5
Design Engineer

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Developmental Disabilities Manager
Developmental Disabilities Specialist
Education & Documentation Supervisor
Elections Manager
Employee Assistance Coordinator
Employee Health Promotion Coordinator
Employee Relations Coordinator
Employment Specialist 1, 2
Engineering Associate
Environmental Health Manager
Facilities Operating Manager
Family Mediation Program Coordinator
Family Mediator
Field Engineering Superintendent
Finance Manager
Fleet Services Supervisor
Food & Beverage Manager
Food Services Manager
Management Services Manager
JTPA Administrative Services Supervisor
JTPA Manager
Justice Services Coordinator
Juvenile Counselor 1, 2,
Juvenile Detention Manager
Land Development Manager
Law Librarian
Lead Juvenile Group Worker
Lead Mental Health Specialist
Lead System Programmer
Legal Assistant
Librarian
Library Manager
Lieutenant
Management Analyst
Management Services Supervisor
MED Manager
Medical Laboratory Technologist
Mental Health Specialist
Museum Curator
Museum Manager

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Parks Manager
Parks Supervisor
Performance Auditor
Personnel Analyst 1, 2
Planner
Planning Supervisor
Program Services Coordinator
Programmer Analyst 2
Property Management Officer 2
Property Records Manager
Psychiatrist
Public Health Engineer
Public Health Manager
Public Health Officer
Public Works Management Officer
Purchasing Manager
Real Property Officer 2
Real Property Superintendent
Records Manager
Recycling Coordinator
Risk Manager
Road Maintenance Manager
Road Maintenance Supervisor
Safety Coordinator
Sales & Events Manager
Sales Data Analyst
Sanitarian 2
Senior Administrative Analyst
Senior Employment Specialist
Senior Engineering Associate
Senior Juvenile Counselor
Senior Mental Health Specialist
Senior Program Services Coordinator
Senior Programmer & Systems Analyst
Shop Supervisor
Sign Shop Supervisor
Solid Waste Supervisor
Special Collections Curator
Support Services Manager
System Programmer 1, 2

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Taxation Manager
Technical Publications Writer
Technical Support Manager
Traffic Engineer
Training & Development Coordinator
Transportation Planning Engineer
Trial Team Leader
Vegetation Management Coordinator
Victim Witness Coordinator
Waste Management Manager
Waste Management Superintendent
Water Laboratory Technologist
Weighmaster

ATTACHMENT II

The classifications listed below have been determined to be nonexempt under the Fair Labor Standards Act and are eligible for compensated overtime:

- Accounting Clerk 1, 2
- Administrative Assistant
- Administrative Secretary
- Administrative Technician
- Animal Welfare Officer
- Assistant Weighmaster
- Board Office Specialist 1, 2
- Building Inspector 1, 2
- Buyer
- Cartographer
- * Civil Support Operations Supervisor
- Claims Investigator
- Claims Specialist
- Clerical Assistant
- Communications/Records Officer 1, 2
- Communications/Records Specialist
- * Communications/Records Supervisor
- Community Service Worker 1, 2
- Computer Operations Specialist 1, 2
- Computer Resource Specialist
- Corrections Cook
- * Corrections Facilities Maintenance Supervisor
- Corrections Health Nurse
- Custodian
- Data Entry Operator
- Deputy Medical Examiner
- Deputy Sheriff 1, 2
- Deputy Sheriff Specialist
- Document Resource Center Specialist
- Engineering Aide
- Engineering Assistant
- Engineering Technician 1, 2
- Executive Secretary
- Fair Assistant
- Fairgrounds Cook

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Fairgrounds Food and Beverage Worker
Fairgrounds Operations Lead Worker
Fairgrounds Operations Worker 1, 2
Fleet Services Purchasing Specialist
Food and Beverage Assistant
General Laborer
Graphic Artist
Housekeeper
Ice Arena Cashier/Ticket Taker
Ice Arena Shift Leader
Information Systems Technician
Investigator
Justice Court Clerk
Juvenile Cook
Juvenile Group Worker
Land Management Technician
Land Use Compliance Officer
Landscape Designer
Laundry Specialist
Law Student Intern
Lead Computer Operations Specialist
Lead Custodian
Lead Electrician
Lead Investigator
Lead Juvenile Cook
Lead Mechanic
Lead Worker
Legal Secretary 1, 2
Licensed Practical Nurse
Mail Clerk
Maintenance Mechanic
Maintenance Worker 1, 2
Mechanic 1, 2
Mental Health Associate
Mental Health Nurse
Microfilm Technician 1, 2
Nurse Practitioner
Office Assistant 1, 2
Offset Technician 1, 2
Park Maintenance

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Parole/Probation Officer 1, 2
PC/Network Technician
Personnel Assistant
Plans Examiner 1, 2
Print Shop Supervisor
Programmer Analyst 1
Property Appraiser Trainee
Property Appraiser 1, 2, 3, 4
Property Management Officer 1, 2
Public Health Nurse
Public Works Electrician
Radio/Network Technician
Real Property Officer 1
Road Maintenance 1, 2, 3
Sanitarian 1
Secretary 1, 2
Senior Accounting Clerk
Senior Animal Welfare Officer
Senior Board Office Specialist
Senior Building Inspector
Senior Cartographer
Senior Document Resource Center Specialist
Senior Justice Court Clerk
Senior Juvenile Group Worker
Senior Legal Secretary
Senior Mechanic
Senior Office Assistant
Senior Park Maintenance
Senior Plans Examiner
Senior Stores Clerk
Sergeant
* Stores Clerk
Tax Collections Agent
Tire Specialist
Victim Advocate
Water Laboratory Technician
Welder/Fabricator

ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 44
Issue 6 5/27/09
 Date

SUBJECT: WORKING OUT-OF-CLASS /TEMPORARY/ ASSIGNMENT/CAREER DEVELOPMENT REQUESTS

I. Purpose

The purpose of this procedure is to establish the process for authorizing working out-of-class assignments, Temporary Assignments, and career development assignments to insure the uniform application of Lane Manual 2.235(7), "Working Out-of-Class," and negotiated contract provisions.

II. Scope

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit a written proposal with supporting justification to the Human Resources Director, who will make a recommendation to the County Administrator. Exceptions will take effect upon written approval of the County Administrator.

III. Amendment

This procedure may be amended by the County Administrator.

IV. Guidelines

It is the responsibility of all department directors to insure that staff is working in their authorized classifications. Working-out-of-class appointments, Temporary Assignments and career development assignments may be authorized when the appointment is in the best interests of Lane County.

A. Out-Of-Class (OOC) Assignment

1. Need For Out-Of-Class Assignment

- a. An Out-of-Class assignment may be authorized when a person filling a regular position is absent and the position needs to be covered on a short-term basis in excess of one hour, or when an employee is periodically performing the duties of a different classification during some working hours.
- b. An OOC assignment may be authorized when a special project calls for an employee to perform work outside of his/her classification on a short-term basis for the majority of hours worked.
- c. Increases in workload do not normally justify Out-of-Class assignments.
- d. Out-of-class assignments for all or majority of hours worked should not normally exceed thirty (30) calendar days unless an exception is requested by the department for sporadic situations. Out-of-class status will automatically end unless the department requests extension, which must be approved by the Human Resources Director.
- e. Periodic or sporadic hours worked in an Out-of-Class assignment should not exceed six (6) months. These Out-of-Class assignments will be automatically terminated at the end of six (6) months.
- f. Employee's original classification is used in the event of layoff/recall.
- g. Out-of-class assignments will normally be made in a classification series; e.g., an Office Assistant 2 working out-of-class as a Senior Office Assistant or a Management Analyst working out-of-class as a Senior Management Analyst.

2. Qualifications

- a. In order for an employee to work Out-of-Class, the employee must have been assigned by management and must meet the necessary minimum qualifications for the assigned classification. The written classification specification will provide the criteria for minimum qualifications. The most recent recruitment announcement may also be used in cases where there are special

qualifications required that may not yet have been added to the current classification specification.

- b. Human Resources will determine whether the employee - - - meets the minimum qualifications prior to the employee being assigned to work Out-of-Class.
- c. In order to work Out-of- Class, the employee must assume the essential responsibilities of the assigned classification.

3. Compensation

- a. When employees are assigned to work Out-of-Class, they remain in their own classification but the pay they receive for the Out-of-Class hours worked reflects the higher-level responsibilities undertaken.
- b. A non-exempt, non-represented employee working in a higher grade classification shall be compensated at the higher rate of pay effective the first day of the assignment.
- c. Exempt employees within classifications in compensation groups 10, 11 and 12 will be eligible for Out-of-Class pay on the fifteenth (15) calendar day in an out-of-class assignment with pay retroactive to the first day of the assignment.
- d. When an employee is in an approved Out-of-Class assignment, the rate of pay will be set consistent with other compensation provisions as noted in the Administrative Procedures Manual (APM).
- e. Generally, hours worked in the higher classification are paid at the minimum hourly rate of the higher classification, or 5% above the regular position's rate, whichever is higher, per applicable APM language.
- f. When an employee is working Out-of-Class, the rate of overtime pay will be determined by the classification worked when the overtime occurred. When an employee works overtime in a workweek in which they have worked in two classifications, in general, this method may result in an employee being paid slightly more, but no less, than wage and hour laws require.

4. Benefit Accrual

- a. For working Out-of-Class assignments, time management accrual rate will remain that of the employee's regular classification.
- b. Time management usage and -conversion (sell back) will also be paid at the employee's regular rate and not at the rate of the classification to which the employee has been assigned.
- c. For working Out-of-Class assignments, holiday pay will be paid at the rate of the employee's regular classification.
- d. For working Out-of-Class assignments, the employee benefit plan remains that of the employee's regular classification.

B. Temporary Assignment (TA)

1. Need for Temporary Assignment

- a. Temporary Assignments are generally, but not exclusively, limited to non-represented employees for use during the absence of, or recruitment for management or professional level positions, e.g., department director, division manager, County engineer.
- b. Temporary Assignments may be utilized for work in other classifications on pre-determined long-term projects (typically forecasted to be up to six (6) months in duration). Temporary Assignments are not less than thirty (30) days or longer than one hundred eighty (180) days.
- c. Temporary Assignments may also be used in cases of reorganization in a department where redesign and/or new classifications are being considered and the department needs a longer period of time to retain an individual's particular skill-set while this is occurring.
- d. For a Temporary Assignment, the employee may move out of the currently held classification into the position and classification to which the employee has been assigned on a temporary basis.
- e. Temporary Assignments will automatically end after one hundred eighty (180) days unless the department requests an earlier end date or an extension. Extensions must be approved by the Human Resources Director, and justification for extension should include the anticipated end of project or reorganization, the anticipated

result of an in-process reclassification review, or the difficulty in recruiting a permanent candidate for position.

- f. Employee's original classification is used in the event of layoff/recall.

2. Qualifications

- a. In order for an employee to work in a Temporary Assignment, the department director must approve the assignment, and the employee must meet the required minimum qualifications for the assigned classification. The written classification description will provide the criteria for minimum qualifications. The most recent recruitment announcement may also be used in cases where there are special requirements that may not yet be a part of the classification specification.
- b. Human Resources will determine whether the employee meets the minimum qualifications for a Temporary Assignment designation prior to the employee being assigned. All Temporary Assignments must be approved by the Human Resources Director

3. Compensation

- a. When an employee moves into an approved Temporary Assignment, the employee will be paid the salary of the classification to which he/she is assigned from the first day of assignment.
- b. Generally, hours worked in the higher classification are paid at the minimum hourly rate of the higher classification, or 5% above the regular position's rate, whichever is higher, per applicable APM language.
- c. When an employee is working in a Temporary Assignment, the rate of overtime pay will be determined by the classification held when the overtime occurred.

4. Benefit Accrual

- a. For Temporary Assignments, time management will accrue at the rate of the Temporary Assignment position if higher than the rate of the employee's position prior to the Temporary Assignment.

- b. For Temporary Assignments, time management usage, excluding conversion (sell back) is paid at the rate of the classification to which the employee has been assigned.
- c. For Temporary Assignments, holiday pay will be paid at the rate of the classification to which the employee has been temporarily assigned.
- d. For Temporary Assignments, the employee benefit plan remains that of the employee's regular classification.

5. Vacancies Due to Temporary Assignments

- a. When an employee has moved into an approved Temporary Assignment for a short period of time, the department may hire Extra Help to fill in until the regular employee returns (up to 520 hours).
- b. When an employee has moved into an approved Temporary Assignment that is expected to last for longer than 520 hours (the duration of an Extra Help assignment), the department may choose to hire a replacement by using an unclassified part-time position for non-represented positions, or by creating another Temporary Assignment or career development assignment (see Section C below) in the vacant position until the regular employee returns.

C. Career Development (CD) Assignments

This subsection does not apply to career development assignments in the Sheriff's Office. See the Sheriff's Office General Orders for provisions.

1. Need for Career Development Assignment

- a. In order for an employee to work in a CD assignment, the department director must approve the assignment. CD assignments are intended to encourage employees to become prepared for desired promotional opportunities and to pursue appropriate training to fill future vacancies.
- b. A department may utilize a vacant position to create a CD assignment. The request must include the classification to be used for the assignment and the expected duration of the assignment and other specific criteria such as is normally contained in recruitment postings.

- c. CD assignments are expected to be implemented for at least three (3) months and up to six (6) months in duration.
 - d. Successful completion of a CD assignment does not guarantee promotion or reclassification into that position. Employees must meet the required minimum qualifications, as determined by Human Resources, and compete for promotional opportunities under current established recruitment guidelines.
 - e. An employee who is serving in a CD assignment is guaranteed the ability to return to his/her regular classification at the end of the CD assignment.
 - f. Employee's original classification is used in the event of layoff/recall.
2. Qualifications: CD employees may or may not meet the minimum qualifications of a specific classification when assigned. Employees also may or may not assume all essential responsibilities of the classification of a CD.
3. Compensation
- a. Whether or not an employee will receive additional compensation when participating in a CD assignment will be determined by whether the employee meets the minimum qualifications of the CD classification.
 - b. If the employee does not meet the minimum qualifications, then there is no change in base pay.
 - c. If the employee meets the minimum requirements of the classification for the CD assignment, then the compensation provisions for a Temporary Assignment apply. Employee is paid at the minimum hourly rate of the higher classification, or 5% above the employee's regular position's rate, whichever is higher, per applicable APM language.
 - d. If a represented employee is working in a non-represented classification CDA, the employee's contract provisions governing Out-of-Class compensation will apply.

4. Benefit Accrual for Employees Not Meeting Minimum Requirements of CDA
 - a. Whether or not an employee will receive different TM benefits when participating in a CD assignment will be determined by whether the employee meets the minimum qualifications of the CD classification.
 - b. If the employee does not meet the minimum requirements of the CD classification, his or her time management accrual rate will remain the same as that of the employee's position prior to the assignment. Time management usage and conversion (sell back) are paid at the rate of the employee's position prior to the CD assignment. Holiday pay will also be paid at the rate of the employee's position prior to the training assignment
 - c. If the employee meets the minimum requirements of the classification for the CD assignment, then the TM and holiday pay provisions for a Temporary Assignment apply. Time management usage, excluding conversion (sell back), is paid at the rate of the classification to which the employee has been assigned. Holiday pay will be paid at the rate of the CD classification to which the employee has been temporarily assigned.
 - d. For Temporary Assignments, the employee benefit plan remains that of the employee's regular classification.

D. Working in a Supervisory Capacity

1. Employees who are acting in a supervisory capacity for a limited period of time and who do not assume all the duties of the supervisory classification, or do not otherwise meet the minimum qualifications of the supervisory position, as determined by Human Resources, will be paid 5% above the employee's regular position's rate for hours worked in the supervisory capacity. No other compensation or benefit changes will apply.
2. Employees who are working in a supervisory capacity for a limited period of time and who are assuming the full range of duties and meet the minimum requirements of the supervisory classification will be compensated according to whether they are serving in an Out-of-Class assignment or a Temporary Assignment.
3. The ability to apply discipline by a represented employee who is acting in a non-represented supervisory capacity for a limited period of time must be agreed upon between the County and the employee's bargaining unit.

V. Procedure for Implementation/Authorization

A. Working Out-Of-Class

1. Thirty (30) Calendar Days or Less: When a regular employee is absent from a budgeted position, the department director may authorize, under the established guidelines, another regular employee to perform the duties of the absent employee for a period of thirty (30) calendar days or less. When such an assignment is made, the department director shall approve any compensable Out-of-Class assignment on the employee's time card. The department shall submit the department director's authorization according to current payroll procedures.
2. No Out-of-Class assignment shall extend beyond thirty (30) calendar days without the written approval of the Human Resources Director. Out-of-class will automatically end unless department requests extension, which must be approved by the Human Resources Director. Requests for extension of an OOC assignment beyond thirty (30) calendar days should be submitted in writing with justification to the Human Resources Director who will review and make a determination.

B. Temporary Assignment

1. All Temporary Assignments up to six (6) months in duration must be reviewed for minimum qualification guidelines by Human Resources prior to implementation.
2. In cases where a represented employee is being considered for a Temporary Assignment outside of the bargaining unit, this information shall be included in the written request. Human Resources will review such requests to determine if union involvement is necessary prior to approval.
3. Extension of a Temporary Assignment beyond six (6) months must be reviewed and approved by the Human Resources Director.
4. Upon approval of the Human Resources Director of a Temporary Assignment, the employee may move out of their currently held position and classification and into the position and classification to which they have been assigned. The department will submit a written notice to Human Resources indicating the position change.

C. Career Development Assignment

1. All CD assignments qualifying as temporary assignments up to six (6) months in duration must be reviewed and approved by the Human Resources Director prior to implementation.
2. Any extension of a CD assignment beyond six (6) months must be approved by the Human Resources Director.
3. Upon approval of a CD assignment, the employee will move out of their currently held position and classification and into the position and classification to which they have been assigned for training. The department will submit a written notice to Human Resources indicating the position change

VI. Interpretation and Implementation

Any questions relative to the intent or application of this procedure should be directed to the Human Resources Director, who is delegated the authority for interpreting and implementing this procedure.

Authorized: _____
County Administrator

Effective Date

This on-line version of the Administrative Procedures Manual
is a copy of the original signed by the County Administrator on
6/1/2009



ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 48
Issue 8 11/9/2007
 Date

SUBJECT: PERFORMANCE EVALUATIONS/MERIT INCREASES

I. Purpose

The purpose of this procedure is to establish a standard policy with respect to the administration of the performance evaluation program for classified employees of Lane County in accordance with Lane Manual 2.235.

II. Scope

This procedure is applicable to all County classified employees. Where any section, subsection, sentence, clause, or phrase of this procedure is inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit a written proposal to the County Administrator, supporting the justification. Exceptions will take effect upon written approval of the County Administrator.

III. Amendment

The County Administrator may amend this procedure as required.

IV. Guidelines

A. Merit Review

Merit increases are not automatic. They are part of the charter-based merit system and are additional compensation given to an employee because of meritorious performance on the job. The system is designed to reward performance by recognizing and rewarding the achievement of specific end results.

B. Merit Eligibility Date

Merit dates shall be established by various personnel actions under the following conditions:

1. New Hire: An employee initial Merit date is computed from the date of hire.
2. Merit Increases Withheld: When a merit raise is withheld, the date on which it is subsequently granted becomes the date from which the new merit eligibility date will be computed.
3. Promotion: A promotion results in a new merit eligibility date computed from the effective date of the promotion.
4. Demotion: A merit eligibility date will normally be retained when a permanent employee demotes to a lower classification.
5. Transfers: A merit eligibility date will normally be retained when a permanent employee laterally transfers within or between departments.
6. Recall: A recall from layoff to the same or lower classification in the same series results in a new merit eligibility date computed from the date of recall except that all qualifying time served prior to layoff will be credited when computing the new merit eligibility date.
7. Exceptional Merit Increases: An exceptional merit increase granted in advance of the normal merit eligibility date results in a new merit eligibility date calculated from the effective date of the exceptional increase. In the event the decision by its terms, does not address the merit eligibility date, the next merit eligibility date shall be calculated by the same method described in Recall above.
8. Reinstatement: If an employee is reinstated by administrative or legal action, the merit eligibility date is governed and determined by the decision rendered.
9. Salary Range Adjustment: A salary range adjustment does not change an employee's merit eligibility date.

C. Merit Eligibility Date Calculations

1. Merit dates for all employees shall be calculated in accordance with the following:

All non-represented employees who have any type personnel action affecting their merit eligibility date shall have their merit eligibility dates calculated as per the following:

<u>Steps</u>	<u>Normal Time</u> <u>Since Last Merit Increase</u>
Steps 1 through 9	1 year each effective January 1, 1998

D. Merit Eligibility

An employee's eligibility for a merit adjustment is dependent upon his/her performance during the period since the last merit evaluation.

1. Each employee shall advance from Step 1 to Step 2 after one (1) year of employment, and to each higher step up to step nine (9) after one (1) additional year of employment, provided that the employee receives at least an overall "successful" rating.
2. An employee who does not receive an overall rating which qualifies for a merit adjustment pursuant to this provision shall have his/her merit increase withheld. If the employee later receives a qualifying evaluation, a merit increase shall be granted effective on the first of the pay period immediately following the date of the qualifying evaluation.
3. Should an employee's evaluation be delayed more than 30 days after his/her merit eligibility date, the evaluation rating will be presumed to be successful unless the supervisor informs the employee and Human Resources otherwise in writing within that 30 day period. The presumption of a successful rating will result in a merit increase.

E. Exceptional Merit Increases

Exceptional merit increases may be granted only by the County Administrator when the facts indicate that the employee's performance is consistently far above the performance expected of employees at that level and the granting of such exceptional merit will not create an internal pay equity problem with other employees. A department director may request an exceptional merit increase by submitting a written recommendation to the Human Resources Director which specifies:

1. The employee's name.
2. Classification.
3. Current step and length of service in the classification.
4. Length of time since last merit adjustment.

5. Clear, factual statement of the considerations used in determining the justification for granting an exceptional merit increase. Justification must specify pre-established job standards, goals and objectives and document how these have been exceeded. (Attach copy of the last regular performance evaluation and a current special performance evaluation.)
6. Analysis of impact on all other employees in similarly situated classifications within the department.
7. Other factors which should be considered.

Upon receipt of the request, the Human Resources Director shall meet with the department director making the request to discuss the merits of the recommendation. The Human Resources Director shall evaluate the recommendation and submit findings to the County Administrator. The decision of the County Administrator shall be final.

F. Rating

In the event an employee receives an overall rating of either "unsatisfactory" or "needs improvement" on their evaluation, the employee must be reevaluated no later than three (3) months from the date of the last evaluation. If the employee shows no improvement, the appointing authority shall comment in writing to the employee's file on any action to be taken, i.e., disciplinary action, demotion, termination. A performance evaluation is not to be used as a substitute for a written reprimand or notice of disciplinary action.

G. Forms

Evaluation forms will be sent to a department prior to the evaluation date of an employee.

The evaluation shall be reviewed and signed in the order that the signatures appear on the form, i.e., by the rater, reviewer, department head, and employee. The rater is the employee's direct supervisor and the reviewer is normally the division manager. It is not necessary that the evaluation contain a reviewer signature if the rater is the department head.

The employee's signature on the evaluation does not signify that he/she agrees with the evaluation, only that he/she has reviewed the evaluation and is acknowledging receipt thereof.

An employee may respond to his/her evaluation in writing (exclusive of appeal) within 30 days unless an exception is granted by the Department Director, and the written comments will be filed along with the evaluation in the employee's personnel file.

H. Supplemental Evaluations

As frequently as seems necessary to the supervisor, an employee supplemental evaluation may be conducted between the supervisor and the employee. The evaluation is an effort to encourage the supervisor to communicate forthrightly to a subordinate their reactions to the employee's performance and to offer positive assistance in correcting any deficiency. This informal evaluation/conference can be in any form the supervisor chooses. A copy of any written evaluation, regardless of the form it takes, must be sent to Human Resources for inclusion in the employee's personnel file.

I. Appeal of Evaluation

1. Department Director: Within five (5) calendar days from the date the employee receives their performance evaluation, employees who wish further review should prepare a written request to the department director as follows:
 - a. Identify the evaluation by stating the date of the evaluation, the name of the rater, and the date that the evaluation was received.
 - b. Specify the ratings or comments which they believe should not be made on the report.
 - c. State the ratings or comments they believe should be made on the report.
 - d. Give facts substantiating each change requested.
 - e. Keep a copy of their written request and send the original to the department director.

Upon receiving the request, the department director or his/her designee shall have five (5) calendar days to meet with the employee. The director may either sustain or change the Performance Evaluation and shall notify the employee of their decision in writing. In case of a change of the evaluation a copy of the changed evaluation shall be included with the decision. A copy of all correspondence and/or evaluations shall be sent to Human Resources for placement in the employee's personnel file.

2. Appeal to Human Resources Director: An evaluation that results in a successful or better overall rating is not appealable. Should the employee consider the response of the department director to be unsatisfactory the employee may, within five (5) calendar days after receiving the written response of the department director, submit a request to the Human

Resources Director for further review of an evaluation with less-than-successful overall . The Human Resources Director shall investigate the matter and make a written report of findings to the department director and the employee within fifteen (15) calendar days of receiving the appeal. The decision of the Human Resources Director is not appealable.

3. Waiver of Deadlines: Deadlines may be waived by mutual consent of the employee and either the department director or the Human Resources Director.

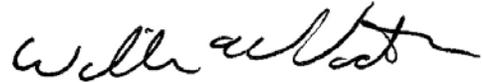
VI. Interpretation and Implementation

Any questions relative to the intent or application of this procedure shall be directed to the Human Resources Director who is delegated the responsibility for interpreting and implementing this procedure.

Authorized: _____
County Administrator

Effective Date

This on-line version of the Administrative Procedures Manual is a copy of the original signed by the County Administrator on 11/9/07.



ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 49
Issue 2 4/1/98
Date

SUBJECT: CONSPICUOUS ACHIEVEMENT SUPPORT HONORARIUM (C.A.S.H.)
PROGRAM

I. Purpose

The purpose of this procedure is to establish a standard method for review, processing funding and implementing compensation enhancements for conspicuous performance by exempt, non-represented employees.

II. Scope

This procedure is applicable to all departments that employ exempt supervisory/managerial staff in bargaining units 07, 10, 11 and 12 and specifically applies only to these individuals. It is not applicable to represented staff nor elected officials/department heads whose compensation is subject to a statutory setting process. The C.A.S.H program is completely apart from the S.A.V.E program which awards employees for their suggestions.

III. Amendment

The County Administrator may amend this procedure.

IV. Procedure

This procedure is established under the premise that the County Administrator has authority as specified in Lane Manual 2.235, Rule IV(c)(iv) pertaining to exceptional increases in employee compensation.

A. Eligibility

A special assignment that is within the employee's classification but constitutes a major additional effort-intensive duty may be eligible for periodic extraordinary compensation upon successful completion at a level of distinction. The increase can range from one percent to nine percent of the employee's regular hourly wage rate,

and will apply to all statutory payroll-related benefits such as P.E.R.S., Social Security and Risk Management chargebacks.

Nomination for C.A.S.H awards can originate from supervisors and managers, but, in all cases must be approved by the appropriate department head.

V. Review/Approvals

- A. Department heads are delegated the authority to award C.A.S.H increases for individuals in their departments up to fifteen (15) days subject to limitations set for in provision VI listed below.
- B. For a period of 16 through 90 days, a request detailing reasons, along with supporting documentation, amount of recommended increase and duration of award shall be submitted to the Personnel Manager for authorization. Approval or denial with written reasons therefore, shall be received by the submitting department head within 10 days of receipt by the Personnel Manager (see Attachment II).
- C. The decision of the Personnel Manager may be appealed to the County Administrator whose determination will be binding.

VI. Funding

Each year as part of the budget process, an amount equivalent to 1/2 percent (.005) of the personal services appropriation for the ensuing fiscal year for covered positions (members of bargaining units 07, 10, 11 and 12) will be added to the budget of appropriate programs. It is understood that failure of the Budget Committee to fund the program will cause its de facto suspension in the ensuing fiscal year for lack of appropriations.

VII. Implementing Mechanism

All actions authorizing a C.A.S.H. award must be accompanied by a memo to the Manager (see Attachment I for sample) with the following information:

- A. Name, job title and position number of proposed awardee.
- B. Current salary range and step.
- C. Proposed percentage increase (range 1%-9% inclusive) total dollar amount (including fringe benefit costs) and duration of proposed increase. Please list proposed pay period starting and stopping dates.

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- D. A brief description of the nature of the project, task and/or special assignment completed at an extraordinary level of distinction which merits C.A.S.H. consideration. It would be helpful to include an estimate of cost savings to the County and/or department which resulted from the completion of the special assignment. In addition or as an alternate, provide an estimate of savings which will be realized in the future as a result of the work that has been accomplished.
- E. Certification that funds for the award exist in the department's personnel services appropriation specific to this purpose.

For awards up to 15 days, the information provided in the memo is information only; for requests in excess of 15 days, the approval of the Manager is required.

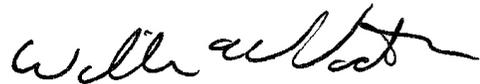
All memos should include the name and title of the nominating manager/supervisor and be countersigned by the department head.

VIII. Interpretation/Clarification

All questions concerning the intent and/or application of this procedure shall be directed to the Manager who is delegated the authority and responsibility to interpret and implement this procedure.

Authorized: _____
County Administrator Effective Date

This on-line version of the Administrative Procedures Manual is a copy of the original signed by the County Administrator on 4/1/98.



ATTACHMENT I

M E M O R A N D U M

DATE:

TO: Human Resources Manager

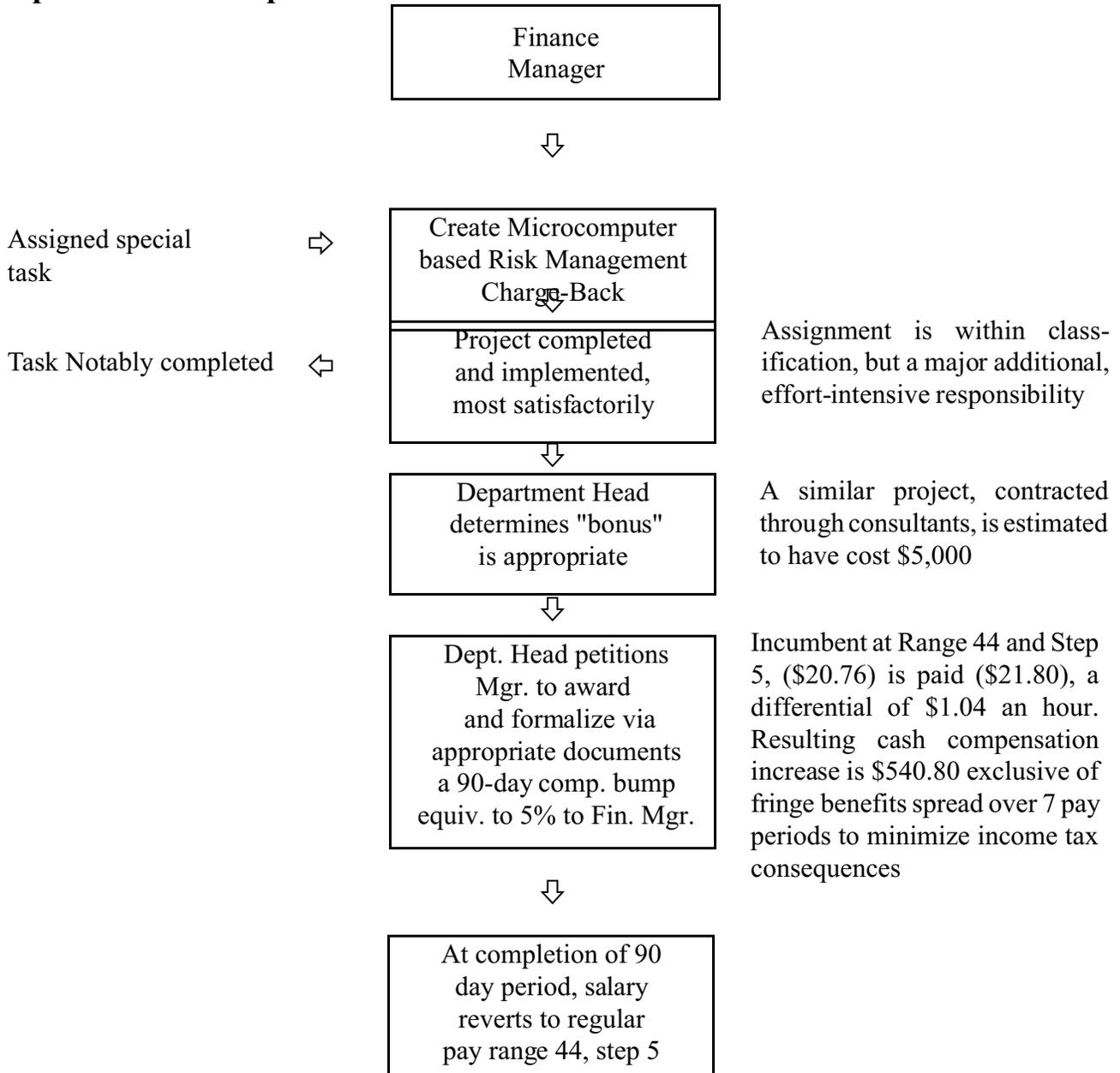
FROM: Department Head, Financial Services

RE: NOMINATION FOR C.A.S.H. AWARD

I hereby nominate the following non-represented, exempt employee for a Conspicuous Achievement Support Honorarium:

- a. Homer Snurd, Financial Services Analyst
Position # 1001-0
- b. Range 33, Step 3
- c. Step increase of 5%
Commencing pay period 21 (09/30/89)
Ending pay period 23 (11/10/89)
Duration 4 weeks
- d. Mr. Snurd was assigned in July 1989 the responsibility to develop and implement a micro computer-based risk management charge-back system, in addition to his regular duties. The task involved over 200 hours of extra work in systems analysis, design, programming, debugging and field testing. An estimate from an independent contractor to complete a similar task was obtained, and priced at \$5,000. Working highly independently largely during evenings and on weekends, Mr. Snurd completed the project with distinction which has now been implemented for use in all County departments. It is estimated that an annual and recurring savings to Lane County for having automated its charge-backs of risk management costs will at least exceed the cost of implementation including the total cost of the C.A.S.H. award of \$524.

**Lane County
Extraordinary Compensation Proposal
Operational Example**



ADMINISTRATIVE PROCEDURES MANUAL

Lane
County



Chapter 3
Section 51
Issue 1 3/3/86
Date

SUBJECT: INSURANCE REQUIREMENT FOR COUNTY EMPLOYEES WHO HAVE HAD THEIR DRIVING PRIVILEGE SUSPENDED OR RESTRICTED

I. Purpose

The purpose of this procedure is to clearly establish the employees' responsibilities to the County to retain their driver's license in an unrestricted form.

II. Scope

This procedure is applicable to all County employees who are required to drive a vehicle in their job performance and those who are required to possess a valid Oregon driver's license in their job description. Department directors must identify those positions subject to this procedure.

III. Amendments

The County Administrator may amend this procedure.

IV. Definitions

SR 22 - A document required by the Department of Motor Vehicles when insurance verification is required to protect an individual driver's license.

SUSPENDED LICENSE - When the Department of Motor Vehicles takes away an individual's privilege to drive a vehicle in this state.

RESTRICTED LICENSE - When the Department of Motor Vehicles places restrictions on the driver's license as to hours or conditions under which the holder can operate a motor vehicle. This does not apply to medical restrictions.

EMPLOYEE - Includes elected officials, appointed individuals, the classified and unclassified service.

V. Responsibilities

It is the responsibility of the employee to obtain insurance or a means to satisfy any State of Oregon requirement to retain his/her driver's license.

It is the responsibility of the employee to inform his/her immediate supervisor of any change in driver's license status. As soon as the employee has been advised his/her driving privileges are to be suspended or restricted, the employee shall advise his/her immediate supervisor. The supervisor shall inform the department head through appropriate departmental process.

VI. Procedure

The County will not make an SR 22 filing with the State of Oregon for any employee.

Options

The employee may purchase insurance from the private insurance industry to provide the SR 22 to the State of Oregon.

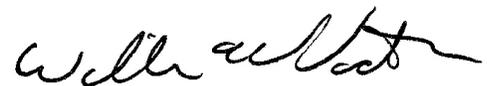
If suspension, revocation or modification occurs to an employee's license, the Department Head may allow the employee to continue working in a modified position, provided the need for function exists and that employee possesses the skills for the modified position. If the Department Head can meet the job needs with temporary help, then a leave without pay may be granted. If temporary help cannot be utilized the employee may be "laid off" consistent with County policy. The layoff policy will control the re-employment rights of the employee when the driver's license is returned.

VII. Interpretation and Implementation

Any question relative to the intent or application of this procedure shall be directed to the Risk Manager who shall have the responsibility for interpreting and implementing this procedure.

Authorized: _____
County Administrator Effective Date

This on-line version of the Administrative Procedures Manual is a copy of the original signed by the County Administrator on 3/3/86.



ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 52
Issue 5 6/1/2009
 Date

SUBJECT: CORRECTIVE ACTION

I. Purpose

The purpose of the procedures and rules contained herein is to provide a consistent and positive approach in correcting improper employee behavior.

II. Scope

These rules and procedures apply to all County departments except the Sheriff's Office, which is governed by the applicable provisions of the Sheriff's Office General Orders. Where any section, subsection, sentence, clause, or phrase of these rules and procedures are found inconsistent with properly negotiated and ratified working agreements between Lane County and duly certified employee organizations, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit a written proposal to the County Administrator. Exceptions will take effect upon written approval of the County Administrator.

III. Amendment

The County Administrator may amend this procedure.

IV. Definitions

- A. DAYS - refers to calendar days.
- B. DISCIPLINE - Any formal action of written reprimand, suspension, demotion or dismissal taken by the County to rectify an employee's improper conduct under the concepts of "just cause" as defined in these procedures.
 - 1. Written Reprimand: A written admonition to an employee that conduct or performance must be improved. The reprimand must include the specific circumstances giving rise to the action, specific corrective measures which

the employee must take, and a clear statement that failure to improve will result in further disciplinary action.

2. Suspension: A temporary removal of an employee from the service of the County without pay.
3. Demotion: The removal of an employee from an incumbent position to another position in a lower classification.
4. Dismissal: The termination of an employee from the service of the County for disciplinary reasons.

C. INVESTIGATORY LEAVE - Leave with pay during investigation prior to possible dismissal action.

D. JUST CAUSE - Any act of misconduct on the part of an employee that will reasonably justify the imposition of discipline and further justifies the penalty imposed.

E. PRE-DISCIPLINE - Any action of counseling or verbal warning taken by the County to rectify an employee's improper conduct under the concepts of "just cause" prior to instituting discipline.

1. Counseling: An informal or formal discussion between an employee and his or her supervisor relative to the employee's performance.
2. Verbal Warning: An oral admonition to an employee that conduct or performance must be improved, with identification of specific areas for improvement.

V. Cause for Action

The orderly and efficient operation of the County requires that employees maintain proper standards of conduct at all times. These standards of conduct are necessary to protect the health and safety of all employees, to maintain uninterrupted services and jobs and to protect the County's goodwill and property. To that end, the County sets forth established rules, which all employees are required to obey.

An employee who fails to maintain, at all times, proper standards of conduct or who violates any of the rules contained in Attachment I shall subject himself or herself to pre-disciplinary or disciplinary action, including dismissal.

VI. Degree of Discipline

- A. The degree of discipline shall be based upon:
1. The gravity of the offense or rule violated.
 2. The circumstances under which the misconduct occurred.
 3. Extenuating facts that motivated the offender and that should properly be considered to mitigate the offense or the penalty.
 4. The employee's length of service.
 5. The employee's past conduct record.
- B. To provide consistency in determining the gravity of the offense or rule violated, "A Suggested Guide to Disciplinary Action" is included as Attachment II to assist in determining the severity of various types of violations. This attachment is clearly only a guide and is not intended to cover all possible acts of misconduct, but does provide guidance for general types of misconduct. However, this guide does provide a solid yet flexible framework from which to make objective and consistent judgments relative to the severity of employee misconduct.

VII. Causes for Termination of Employee or Demotion Due to Physical or Mental Disability

An employee may be terminated or demoted because of physical or mental disability that prevents the employee from properly performing the essential duties of his or her job on a regular full-time basis. Employees with disabilities who believe that they can perform the essential duties of their jobs may be entitled to reasonable accommodation under the Americans with Disabilities Act.

Any action taken pursuant to this provision is subject to a predetermination hearing.

VIII. Predetermination Hearing

When the County intends to take disciplinary action of suspension, demotion or dismissal, or when the County intends to terminate or demote an employee because of physical or mental disability, the County shall notify the employee in writing of the grounds for the proposed action and the action being considered and shall provide the employee with the opportunity to respond at a hearing with the supervisor who has the authority to take the action.

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- A. Such notice shall normally be given to the employee within fourteen (14) days of the date the supervisor knew or reasonably should have known of the incident giving rise to the action.
- B. The employee shall be given reasonable notice of the date, time and place of the predetermination hearing. Such notice shall be in writing and shall state the charges and relevant supporting information.

If there is reasonable belief that there is just cause for dismissal, the employee may be placed on investigatory leave with or without pay preceding the predetermination hearing. Investigatory leave without pay will only be initiated upon written approval of the County Administrator. Such leave should normally be no more than fourteen (14) days unless extenuating circumstances make it impractical to investigate the charges and conduct the predetermination hearing within that time.

Under extreme circumstances, for certain intolerable offenses an employee may be terminated without a predetermination hearing. Such action will require the express approval of the County Administrator and the employee will be entitled to the appeal process.

IX. Appeals

Any action taken pursuant to these procedures may be appealed by filing a written appeal at Step 2 of the appeals procedure established in Chapter 3, Section 60 within seven (7) days of receipt of the notice of action.

- A. Pre-disciplinary actions and disciplinary actions in the form of written reprimands may be appealed through Step 3 of the appeals procedure. If the employee is dissatisfied with the results of the appeal, he or she may place a letter of rebuttal in the personnel file, which shall be considered in any relevant disciplinary action that may subsequently be taken against the employee.
- B. Disciplinary actions in the form of suspension, demotion or dismissal may be appealed through Step 4 of the appeals procedure.

X. Interpretation and Implementation

Any questions relative to the intent or application of this procedure should be directed to the Human Resources Director, who has the responsibility for the interpretation and implementation of these procedures.

Chapter 3
Section 52

Authorized: _____
County Administrator

Effective Date

This on-line version of the Administrative Procedures Manual
is a copy of the original signed by the County Administrator on
6/1/2009



Attachment I

COUNTY RULES

The orderly and efficient operation of the County requires that employees maintain discipline and proper personal standards of conduct at all times. Discipline and proper standards of conduct are necessary to protect the health and safety of all employees, to maintain good service to the community, and to protect the County's goodwill and property. To that end, the County sets forth these rules, which all employees are required to obey.

Any employee who fails to maintain, at all times, proper standards of conduct or who violates any of the following rules shall be subject to disciplinary action, including discharge.

The following acts or conduct are forbidden:

1. Discourteous treatment of the public or other employees.
2. Conducting financial transactions that are not in the County's interest.
3. Failure to perform assigned functions within normally accepted limits.
4. Neglect of duty.
5. Insubordinate conduct and/or refusal to follow orders.
6. Theft and/or misappropriation.
7. Lying, untruthfulness or gross deviation from the facts or any other act which is normally construed as dishonest.
8. Being under the influence of, or in possession of, alcohol or illegal drugs on duty or on County premises.
9. Unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace.
10. Unauthorized or excessive absenteeism or tardiness.
11. Conviction of a felony or misdemeanor that adversely affects the employee's ability to perform the duties and responsibilities of his or her position. A plea of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

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12. Political activity prohibited by state or federal law.
13. Any behavior either during or outside of duty hours that causes discredit to the employee's department or the County.
14. Failure to possess or keep in effect any license, certificate or other similar requirement specified in the employee's class specification, or required to perform the essential duties of the position.
15. Violation of other county-wide or departmental rules or procedures.
16. Failure to immediately report any injury, accident or safety violation.
17. Violation of any departmental or County safety rule or regulation or failure to meet normal and prudent standards of safe conduct in the performance of a job.
18. Misuse or destruction of County property.
19. Personal use of County equipment, tools, vehicles or facilities without specific written authorization.
20. Abandonment: unauthorized absence from the job for a period of three (3) days or longer.
21. Behavior that is disruptive in the workplace.
22. Willful conflict of interest.
23. Any other action that is considered "just cause" for disciplinary action.

Attachment II

PROGRESSIVE DISCIPLINE

<u>Option</u>	<u>Occurrence</u>	<u>Action</u>	<u>Severity</u>
A.	First	Discussion/ Counseling	MINOR OFFENSES
	Second	Verbal Warning/ Written Warning	
	Third	Reprimand/ Suspension	
	Fourth	Demotion/ Dismissal	

B.	First	Verbal Warning/ Written Warning	SERIOUS OFFENSES
	Second	Reprimand/ Suspension	
	Third	Suspension/ Dismissal	

C.	First	Reprimand/ Suspension	MAJOR OFFENSES
	Second	Suspension/ Dismissal	

D.	First	Dismissal	INTOLERABLE

NOTE: An inability rather than an unwillingness to perform satisfactorily may require modification of the above suggested steps.

A Suggested Guide to Disciplinary Action

<u>MINOR</u>	<u>OPTION</u>
1. Tardiness	A
2. Unexcused absence	A
3. Behavior that is disruptive in the workplace	A/B
4. Conducting unauthorized business or other activities on County time	A
5. Failure to follow direction	A
6. Ongoing marginal performance*	A/B
7. Discourteous Behavior	A/B
8. Other - Any other offense that may be considered minor in nature	A
<u>SERIOUS</u>	
1. Excessive/Chronic absence - Patterns of absence well in excess of established norms	B
2. Unauthorized and/or unexcused absences	B
3. Misuse or abuse of County property	B/C
4. Unsafe act - Failing to work safely; endangering self or others	B/C
5. Intoxication - Under the influence of alcohol or drugs on the job	B/C/D
6. Using threatening or abusive language toward others	B/C/D
7. Poor performance*	B/C
8. Other - Any other offense that in the judgment of the Department Director or designee, in consultation with Human Resources, may be considered serious in nature	B

MAJOR

1. Threatening, intimidating, coercing or interfering with another employee C
2. Falsification of work or pay Records C/D
3. Falsification of personnel records C/D
4. Possession or use of alcohol or controlled substances in the workplace C/D
5. Destruction of County property C/D
6. Insubordination - Refusal to obey instructions or to perform work as directed by a supervisor or another authority C
7. Sexual harassment C/D
8. Dishonesty C/D
9. Unsatisfactory performance* - Consistent performance levels substantially below satisfactory limits C/D
10. Other - Any other offense that in the judgment of the Department Director or designee, in consultation with Human Resources, may be considered major in nature C

<u>INTOLERABLE</u>	<u>OPTION</u>
1. Abandonment - Unauthorized absence from the job for three days or longer	D
2. Misappropriation - Theft of County property	D
3. Bribery	D
4. Willful conflict of interest	D
5. Manufacture, sale or distribution of controlled substances in the workplace	D
6. Physical assault upon a supervisor or another authority unless duly provoked	D
7. Fraud in securing appointment	D
8. Conviction of a felony or misdemeanor that adversely affects the employee's ability to perform the duties and responsibilities of the position.	D
9. Other - Any other offense that in the judgment of the Department Director or designee, in consultation with Human Resources, may be considered major in nature	D

* The option utilized with regard to performance will often be determined by whether the lack of satisfactory performance is due to an inability or an unwillingness to perform.

ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 53
Issue 6 6/30/2009
 Date

SUBJECT: HARASSMENT, DISCRIMINATION and MOBBING

I. PURPOSE

The purpose of this procedure is to implement the County's policy prohibiting any form of harassment, discrimination, or mobbing, based on Federal law or County policy as defined herein; and to provide all employees with an understanding of what harassment, discrimination, and mobbing are; and clarify the roles and responsibilities of managers, supervisors, and employees in preventing and responding to harassment, discrimination, and mobbing; and establish a fair and expeditious method of investigation and resolution of complaints of harassment, discrimination, and mobbing.

Appendix 1 contains Lane County's compliance statement for Federal Regulation CFR Part 37.29.

II. Scope

This procedure is applicable to all Lane County employees. Departments wishing an exception to the application of this procedure shall submit a written proposal to the County Administrator. Exceptions will take effect upon written approval of the County Administrator.

Where departments have procedures in place to address client complaints because of federal or state funding requirements, those procedures should be followed where applicable in place of this procedure.

III. Amendment

This procedure may be amended by the County Administrator.

IV. Definition of Harassment

Verbal, physical, or other harassing conduct directed toward another person based upon their race, color, national origin, gender, age, religion, or disability, gender identity, political affiliation, or socio-economic status.

Behavior, whether exhibited through verbal statements, physical conduct, or visual representations addressing another person's race, color, national origin, gender, age, religion, disability, gender identity, political affiliation, or socio-economic status that can reasonably be perceived by the receiver as unwelcome or offensive or as creating a hostile work environment violates County policy and, in certain cases, the law.

Examples of harassment may include but are not limited to inappropriate jokes or comments, practical jokes, swearing, cartoons or other pictures, graphic representations, physical touching, innuendoes, and workplace objects such as sexually-oriented calendars or posters.

A. Federal law recognizes two forms of harassment:

1. “Quid Pro Quo” means “something for something”. For example, requiring an employee or coworker to submit to unwelcome behavior, sexual in nature, as a condition of employment.

Conditions of employment include any decisions related to employment such as, work assignments, promotions, training opportunities, shift assignments, etc. This applies almost exclusively to sexual harassment.

2. “Hostile Work Environment” refers to behavior that creates or fosters a situation in which conduct occurs or is directed towards an individual or individuals based on a protected classification that creates or fosters an unwelcome or abusive work environment. This is an environment where such things as jokes, displays, swearing, put downs, or other such offensive behaviors based on a person’s sex, race, national origin, religion, color, disability, age, veteran’s status, gender, political affiliation, or socio-economic status are present and tolerated. In addition, the conduct is of such frequency and/or severity that it has the purpose or effect of unreasonably interfering with an individual’s work performance or of creating an intimidating, hostile, or offensive work environment. The hostile work environment principle used in sexual harassment can also be used for other types of harassment; such as racial and national origin harassment.

B. Types of Harassment Prohibited Under Federal Law:

1. The Civil Rights Act prohibits discrimination or harassment based on:

- a. Sex

The federal government has issued guidelines on sexual harassment which state sexual harassment is illegal under Title VII of the Civil Rights Act of 1964. The regulation (29 CFR 1604.1 1) states:

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of reasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.”

It should be noted that the same principles described in the federal regulation apply to race, color, religion, national origin, age or disability.

The law does not differentiate between genders. Both males and females can be harassed. In addition, heterosexual and homosexual harassment is considered unlawful.

Gender based harassment is behavior that denigrates, ridicules, and/or is verbally or physically abusive of an employee because of his or her gender. This is a form of sexual harassment, although the behavior may not be sexual in nature. Examples of gender based harassment include, but are not limited to, derogatory generalizations about a particular gender or “male or female bashing”.

- b. Race
Behavior that denigrates, ridicules, and/or is verbally or physically abusive of an employee because of his or her actual or perceived race. This type of harassment refers to jokes, derogatory and/or stereotypical comments about someone’s actual and/or perceived race.
- c. National Origin
This is behavior that denigrates, ridicules, and/or is verbally or physically abusive of an employee because of the actual or perceived ancestry, heritage, or background identification.
- d. Religion
- e. Color

2. Other Federal law prohibits discrimination or harassment based on:

- a. Disability
- b. Age
- c. Veteran's Status

3. Lane County's Diversity Policy

Pursuant to Lane County's Diversity Policy (Lane Manual 2.390-2.395), other forms of harassment and discrimination, in addition to the federally protected classes, are also prohibited. They may, but are not limited to gender identity, political affiliation, and socio-economic status.

V. Workplace Mobbing

A. Other forms of workplace harassment, such as mobbing, are also strictly prohibited. Mobbing is defined as an intentional, collective campaign by co-workers to exclude, punish, and humiliate a targeted co-worker. It generally occurs continuously and systematically over a period of time:

1. Intimidates, shows hostility, threatens, offends, humiliates, or insults
2. Interferes with one's work performance
3. Has an adverse impact on one's mental or physical well being
4. Otherwise adversely affects another

B. Mobbing can occur between:

1. Co-workers
2. Two or more employees and a manager targeting another employee
3. Two or more managers targeting an employee
4. Two or more employees targeting a manager

C. Sections VI through X of this policy apply to workplace mobbing as well as to other forms of harassment outlined in this policy.

VI. ROLES AND RESPONSIBILITIES

All Lane County employees are responsible for maintaining a harassment-free work environment as follows:

- A. County management (commissioners, directors, managers, and supervisors) are responsible for ensuring a respectful work environment free from harassment. This includes enforcement of Lane County's harassment policies, and ensuring that employees are provided opportunities for training in this area and for keeping employees informed of Lane County's harassment policy and procedures. The Human Resources department will be responsible for providing training, assistance, and consultation to departments.
- B. Managers and supervisors are responsible for creating and maintaining a respectful work environment that is free from harassment. Supervisors must take immediate and appropriate corrective action if they observe or become aware of any harassment cases. Simply telling an employee to deal with the situation is not appropriate.
- C. Employees are responsible for maintaining a respectful work environment free of harassment. This includes addressing any conduct or comments they find offensive and/or reporting any perceived incidents of harassment witnessed or experienced. Employees shall not commit any act that subjects another person to harassment.
- D. Managers and supervisors are also responsible for ensuring that applicants, vendors, contractors, subcontractors, and agents of the County conduct themselves with Lane County employees so as to provide a County work environment or work relationship free from harassment. Should an incident occur from the behavior of an applicant, vendor, contractor, subcontractor or agent which would constitute harassment, the manager or supervisor shall take immediate and appropriate corrective action upon becoming aware of the situation.

VII. COMPLAINT PROCESS

This procedure outlines alternatives available for reporting, investigating, and resolving harassment complaints.

- A. A complaint of harassment is most effectively resolved when the report is made as close to the time of the incident as possible. Managers and supervisors must take immediate and appropriate corrective action. Employees may initiate the complaint process by discussing the matter with their immediate supervisor, manager, Department Director, or the Human Resources Director. The telephone number to call for the Human Resources Director is 682-3665. When making a complaint, a complainant should be prepared to provide the following information:

1. Name, address, and phone number.
 2. Location of incident.
 3. A detailed description of the alleged discriminatory and/or harassing action, which includes names and titles of parties involved.
 4. Witnesses, if any.
 5. Date action occurred.
 6. Desired remedy/process.
- B. Possible actions in response to a complaint may include, but are not limited to:
1. The assistance of Human Resources in providing information, resources, consultation, and/or direct problem-solving;
 2. Informal mediation at the department level or the services of a third-party mediator or problem-solver, such as a manager from another department, or an outside consultant or advisor.
 3. A full and formal investigation.
 4. The Sheriff's Department will handle their own cases of harassment but will provide Human Resources with a periodic report of these cases. Other departments shall work with Human Resources as necessary.
 5. Complaints from employees of the Human Resources Department may be referred to the County Administrator for investigation. Complaints from employees of the Board of County Commissioners and Deputy District Attorneys may be referred to the appropriate state and federal agency.
- C. Supervisors, managers, and Human Resources are required by law to respond to all complaints brought to their attention.

VIII. INVESTIGATION

Upon receipt of a complaint, the recipient shall consult, as necessary, with the appropriate manager or Human Resources Director to determine the appropriate action. If an investigation is deemed necessary, the investigation shall be conducted in a thorough and timely manner.

- A. The investigation may include meeting with the complainant, the supervisor, the Department Director, the alleged perpetrator, and any other parties involved in the events giving rise to the complaint.
- B. Confidentiality will be maintained to the extent possible; however, as part of the investigation process, it may be necessary to disclose the identity of the complainant to the accused. The complainant will be notified before such disclosure is made. If the complainant is subject to any retaliation, such activity should be treated as a new complaint and reported immediately to the Department Director or to the Human Resources Director.
- C. All discussions with an employee regarding a complaint will be held in private, away from the employee's work area. Employees may have a representative present at any discussion. In an investigation, the investigator will maintain a written record of the investigation. Any follow-up actions, whether formal or informal, will be documented and included with the original complaint. All documentation regarding a complaint and the related investigation materials will be maintained in a separate file in the Human Resources Department.
- D. In the event it becomes necessary to separate the complainant and the accused in the workplace, the accused may be reassigned to an alternate work site or placed on paid administrative leave.

IX. RETALIATION

Any intimidation, coercion, discrimination or retaliation in any form against an individual who files a complaint or who reports harassment, discrimination, or mobbing, testifies, assists, or participates in any manner in an investigation is a violation of this policy and will *not* be tolerated and, if found to have occurred, will result in disciplinary action. The complainant should normally be contacted after completion of the investigation and after any discipline has been imposed to determine if retaliation has occurred and to determine if the situation has been corrected. Any retaliatory acts against complainants or other participants should be reported immediately to the Department Director, Human Resources Director, and/or County Administrator.

X. DISCIPLINARY ACTION

If, after the investigation, it is determined there is merit to the complaint, immediate and appropriate discipline and remedial action will be taken. Depending upon the seriousness of the misconduct and the offending employee's overall record, disciplinary action up to and including termination may result consistent with negotiated agreements or the Administrative Procedures Manual. The specifics of any disciplinary action will be kept confidential to the extent permitted by law. Absent highly unusual circumstances, the complainant may be informed as to whether disciplinary action was taken, but not what the specific action was.

Appendix 1 – Harassment

Equal Opportunity Is the Law

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases:

Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIA Title I-financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

What to Do If You Believe You Have Experienced Discrimination

If you think you have been subjected to discrimination under a WIA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

The recipient's Equal Opportunity Office (or the person whom the recipient has designated for this purpose); or the Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

ADMINISTRATIVE PROCEDURES MANUAL

Chapter 3
Section 54
Issue 16 5/11/12



SUBJECT: LAYOFF AND RECALL PROCEDURE

I. Purpose

The purpose of this administrative procedure is to provide for the consistent application of layoff and recall policies reflected in the Lane Code and Lane Manual. Related Procedures: LM 2.275; APM 3.12.

II. Scope

This procedure is applicable to all County departments. This procedure is applicable to all classified, regular, non-represented County employees as defined by, and subject to, the provisions of the Lane Manual. For classifications represented by a labor agreement, layoffs will be according to the language of the applicable labor agreement.

Where any section, subsection, sentence, clause or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, the terms of such agreements shall prevail.

Departments wishing an exception to the application of this procedure shall submit a written proposal to the County Administrator supporting the justification. Exceptions will take effect upon written approval of the County Administrator.

III. Amendment

This procedure may be amended by the County Administrator.

IV. Procedure

- A. Elimination of Position. Appointing authorities may recommend abolition of a position to the County Administrator on a department by department basis due to a shortage of funds or work, a material change in duties, a change in organization unit or for other reasons.
 - 1. A department must submit the Reduction in Force document to Human Resources at least 4 weeks before the effective date of layoff.
 - 2. Reductions in Force under this section will become effective only after approval by County Administrator.

- B. Layoff of an employee within an eliminated position will be determined by the appointing authority, in consultation with Human Resources. Among employees in similar classifications and the same DBM grade in a department, layoff decisions shall be based on merit and fitness.
- C. Except as may be provided in the Sheriff's Office General Orders for employees in the Sheriff's Office, non-represented employees are not eligible to bump other employees (i.e., displace another employee with less seniority of the same or lower classification).
- D. Reassignment. A department may offer an employee reassignment within the department. That employee may choose to be laid off rather than be reassigned. If they choose to be laid off rather than reassigned, it will not affect recall rights.
- E. Reduction of Hours / Demotions. Appointing authorities may recommend that an employee's hours be reduced or that an employee be demoted. The employee may choose to be laid off rather than accept the reduction of hours or demotion. If they choose to be laid off rather than a reduction of hours or demotion, it will not affect recall rights.
- F. Termination from County Employment.
 - 1. Notification of employees to be laid off: When an appointing authority and Human Resources determine that an employee must be laid off, the appointing authority shall give written notice of the layoff to the employee at least fourteen (14) calendar days before the effective date of layoff. Human Resources shall coordinate preparation of the appropriate documentation and a copy of the signed notification shall be sent to Human Resources.
 - 2. Termination from County employment: Employees shall be terminated from County employment effective the date of layoff.
 - 3. Employees who are laid off may sell a maximum of eighty (80) hours of time management inclusive of any time management previously sold back in that year.
 - 4. Recall Rights: Eligible employees with recall rights shall be given preference for County employment in accordance with the following guidelines:
 - a. An employee shall maintain recall rights for a period of twelve (12) months following the effective date of layoff, provided that such employee has not refused a recall opportunity with Lane County.
 - b. Employees who fail to notify the County of any changes in their current address shall relinquish all rights to recall.
 - c. Laid off employees who have received any formally documented discipline within one (1) year prior to layoff are ineligible for recall.

- d. Employees on layoff shall have recall rights only to their previously held classification in the Department from which they were laid off. The position to which they are recalled into must be of substantially similar scope of duties as the position from which they were laid off.
- e. If more than one recall candidate for the same position exists, then selection will be according to merit and fitness.
- f. Employees recalled to the same classification from which they were laid off will not serve a new probationary period.
- g. Consideration shall be given for any COLA or across-the-board increase granted during an employee's break in service from their classification upon the employee's recall.
- h. An employee who is recalled to the same classification and pay grade as held at the time of layoff shall be reinstated at the previously held rate or step in the pay range at which the employee was placed at the time of layoff.
- i. If an employee is recalled to a position in the classification with a different pay grade, Human Resources, in consultation with the appointing authority will determine the appropriate rate of pay placement for the employee moving into the position within that classification.
- j. Credit toward the employees next merit date shall be reinstated, minus the actual time of absence from the job if greater than seven (7) calendar days.
- k. Non-represented employees recalled will have their time management accrual rate and length of service date reinstated. If a non-represented employee is recalled after 90 days from the date of layoff, length of service date will be reinstated minus the actual time of absence from the job.
- l. Credit towards the employee's next merit date shall be reinstated upon recall minus actual time of absence from the County, if greater than seven (7) calendar days. If an employee is laid off from the County for greater than twelve (12) months their merit date will be one year from date of recall.
- m. If and when employees are recalled, they may buy back all or part of their previously accrued time management balance at the rate they were cashed out at time of layoff.
- n. Human Resources will send all eligible employees on recall a written notification, to their last known address, of a vacant position. A candidate who fails to accept recall within five (5) business days following written notice of recall shall be deemed to have voluntarily relinquished all recall rights to County service.
- o. A recall candidate who will be away from their home address for more than five (5) business days must inform Human Resources of an alternative means of notice, or shall relinquish their recall rights if the County attempts to contact them and fails to reach them.

- p. A candidate shall typically be expected to report to work within fifteen (15) calendar days of written acceptance of a recall opportunity. Failure to do so may impact future recall rights depending on the circumstances as determined by Human Resources in consultation with the appointing authority.
- q. Maintenance of Layoff/Recall Lists: Human Resources shall maintain a current list of all former employees who have been laid off consistent with provisions of this administrative procedure and who maintain recall rights to County service.
- r. Recall Process: The recall of laid-off employees shall be managed by the Human Resources Department unless a department has written authorization from the County Administrator for an exception. Departments will not contact recall candidates. When a department notifies Human Resources of its intention to fill a vacancy, Human Resources will coordinate with the department on the recall of any former employees.

5. Termination for Exhaustion of Non-Occupational Disability Leave
 Employees, who have been terminated upon exhaustion of non-occupational County paid disability leave benefits, shall be deemed to have been laid off and shall have recall rights providing that within one (1) year of such termination a written request to be placed on the recall list is made to Human Resources. The request must include the employee's statement of willingness to accept regular employment and it must be accompanied by a doctor's full release stating clearly and in writing that the medical issue or condition has been resolved to the point where the employee is fully capable of performing the regular duties of the position from which they were terminated. The recall provisions set forth in this procedure will apply as if the employee had been laid off as of the date of the request for reinstatement.

VI. Interpretation

Any questions relative to the intent or application of this policy shall be directed to the Human Resources Director, who is delegated the authority to interpret and implement this administrative procedure.

Authorized: 
 County Administrator

5/16/2012
 Effective Date

ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 56
Issue 4 10/29/97
Date

SUBJECT: EMPLOYEE SEPARATION PROCESS

I. Purpose

This administrative procedure establishes the process to be followed for the orderly and complete separation of terminating County employees. This includes all types of separation, for example, layoffs, resignations, dismissals, etc. The procedure describes the forms to be used and the proper method for completing them, the exit interview, and the processing of the employee's final check.

II. Scope

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit a written proposal to the County Administrator, supporting the justification. Exceptions will take effect upon written approval of the County Administrator.

III. Amendments

This procedure may be amended by the County Administrator.

IV. Procedure

A. Terminations

1. Prior to the employee's last day of work, employees are required to return all County equipment, property, and keys to their supervisors, and to make a thorough check of their work area for personal belongings. The employee is required to return the County identification card at the time the final paycheck

is disbursed. It will be the responsibility of the employee's supervisor to ensure that the above steps have been followed prior to employee's termination.

2. When an employee separates from County employment, a Personnel Action is required.
 - a. The department completes the Personnel Action. Valid termination reason codes are listed in Appendix VI.
 - b. The department completes the Payroll Termination Worksheet (instructions are also provided on the back of the worksheet). Copies of this worksheet are available from the Office of Personnel Services.
 - c. Copies of the Personnel Action and the Payroll Termination Worksheet are distributed to:
 1. One copy of each to the employee
 2. One copy of each is sent to the Office of Personnel Services
 3. One copy of each is retained in the department files
3. A final check will normally be available after 4:30 p.m. on the last day of employment for all terminated employees. In order to process the final check, all aforementioned terminating forms must be completed and submitted to the Office of Personnel Services by 9:00 a.m. of the date of termination. The check may be picked up from the Office of Central Payroll Services, or the check may be mailed to the employee if the Office of Central Payroll Services is notified. The last recorded address of the employee will be used unless the Office of Personnel Services is given an alternative address. Failure to return all County property assigned to the employee may cause a processing delay with the final check. Failure to return County property may also be cause of action by the County against the employee to recover the value of the property.

B. Medical Insurance Benefits

Qualified terminating employees, under the provisions of federal COBRA regulations have a right to continue medical, dental and vision care benefits for a limited period on a self-pay basis. Employees will receive information regarding their rights under COBRA prior to termination.

C. Retirement

1. Definition

- a. The word "retirement" as used in LM 2.300(2) has meant and continues to mean a) 50 years of age or older for employees who are designated as Police and Fire as defined in ORS 237.121 and 237.610 or 55 years of age or older for all other employees, and b) immediately begin receiving benefits under PERS by the first of the month following separation from County employment. Although employees may not receive their first payment from PERS for some time following termination, the PERS payment will be retroactive to the first of the month following the employee's separation which must be verified as described in 5C. below.
- b. "Continuous years" has meant and continues to mean full uninterrupted years of service. However, a period of interruption occasioned by voluntary leaves of absence without pay or a layoff and recall within the recall period, shall be subtracted from the computation of time of service, but shall not cancel the period of prior service accrued.
- c. "Health insurance" has meant and continues to mean medical coverage only.

2. Eligibility For County-paid Retiree Medical Insurance

- a. Employees in permanent positions employed on or before March 5, 1991 who have worked 10 continuous years and who meet the retirement requirements as stated in C. 1. a. above shall be eligible for County-paid retiree medical insurance and may transfer from the active group to the retired group.
- b. Those employees in permanent positions employed on or before March 5, 1991 and who have worked ten continuous years and are receiving benefits under the County long term disability program shall be eligible for county-paid retiree medical insurance regardless of age.
- c. Upon retirement, all employees hired on or after March 6, 1991 shall not be eligible for retiree medical insurance benefits on a County-paid basis.

3. Employees who withdraw from the County-paid retiree medical insurance program for retired employees may not be reinstated into the program.
4. Retirees eligible for County-paid retiree medical insurance benefits will be enrolled in the early retiree medical plan until they become eligible for Medicare. Retirees eligible for Medicare will be enrolled on the Medicare Supplement Plan and they will be reimbursed for the Medicare premium.
5. In order to be eligible for County-paid retiree medical insurance, the retiree shall provide a copy of their notice of entitlement from PERS within 90 days of separation of employment as retirement verification.
6. Eligible dependents, enrolled on the active medical plan, can continue to be covered under the Retiree Medical coverage at the time of the employee's retirement. A spouse who is currently covered under another active group medical insurance plan when the employee retires, may enroll at the time of the employee's retirement or within 31 days following loss of coverage under the other group medical insurance plan.

There is no open enrollment period for the Retiree Medical plan. Dependent eligibility is not extended to a new spouse or new dependent children, except a newborn child. A newborn child is eligible and will be enrolled at birth, if the retiree has family coverage in affect at the time of retirement.

7. Pre-retirement Incentive

Employees who meet the County's length of service requirement and who were employed on or before March 5, 1991, but who do not meet the County's age requirement for County-paid retiree medical benefits may self pay until they are eligible and drawing PERS, up to a maximum of 5 years. If the employee is age eligible and receiving PERS, the County will then provide County-paid retiree medical insurance. If the employee does not receive PERS, they will not be eligible for County-paid retiree medical insurance.

D. Exit Interview

1. Terminating employees will be given voluntary exit interviews whenever feasible. The department will call the Office of Personnel Services to set up an exit interview. The exit interview will be scheduled on the last day of employment whenever practical.

2. The department will give the employee an Exit Interview Questionnaire. Copies of the Exit Interview Questionnaires are available from the Office of Personnel Services.
3. The employee will bring a completed Exit Interview Questionnaire to the interview. The interview will be on County time and held in the Office of Personnel Services. Interviews will usually be scheduled during the last four hours of the employee's last day of work.
4. At the end of the interview, the employee will be counseled on any questions concerning benefits.
5. The interviewer will recap information received from the employee and the questionnaire. As appropriate, the Office of Personnel Services will send summaries of the information to the proper departments.

V. Interpretation and Implementation

Any questions relative to the intent or application of this procedure should be directed to the HRMS Director who is delegated the responsibility for interpreting and implementing this procedure.

Authorized:

County Administrator

Effective Date

This on-line version of the Administrative Procedures Manual is a copy of the original signed by the County Administrator on 10/29/97.



ATTACHMENT I
GUIDE FOR TERMINATING EMPLOYEES

In order to assist you in making your final, last-minute departing preparations, the following information will answer some of the questions you might have. Please keep in mind that these are general guidelines only. For information regarding your specific case, contact your departmental personnel representative or the Office of Personnel Services (x4171).

1. Your Final Paycheck

Provided that your personnel termination forms (i.e., Notice of Change Form and Payroll Termination Worksheet) were received by the Office of Personnel Services by the deadlines established, you may pick up your final paycheck in the Payroll Section after 4:00 p.m., on your last day of employment. You must show identification before Payroll will release your check. If you were issued a County identification card, and Lane County parking permit you must turn it in at this time.

If you are unable to pick up your paycheck, it will be sent to you at your last mailing address on the County records. If you wish to have the check mailed to you or if your address is different from the one listed on the County records, please notify the Office of Personnel Services by entering it on the Payroll Termination Worksheet.

Your final paycheck will include any or all of the monies to which you are entitled.

- A. Time Management will be paid at a rate of 1 hour for every 2 hours of accrued time. Any remaining vacation banks will be paid at a one to one ratio.
- B. Full pay at the rate of time and one-half for all compensatory time accrual (if eligible).

2. An Exit Interview

Prior to or on your last day of employment with Lane County, you may request and your supervisor will schedule an exit interview appointment for you with a member of the Office of Personnel Services if you are a classified employee.

An Exit Interview Questionnaire will be provided for you by your supervisor so you may complete it prior to your exit interview appointment and take the completed form with you to the interview.

3. Your Insurance

A. MEDICAL/DENTAL/VISION INSURANCE

Group medical, dental and vision insurance coverage will end for you and your enrolled dependents on the last day of the month in which you terminate employment with Lane County. If you are eligible under the guidelines of the federal COBRA regulations, you may continue the medical, dental and vision coverage you were enrolled in at the time of your separation, for up to 18 months, by self paying the monthly premiums. You will receive a COBRA notification and enrollment application within 15 days following the end of the month in which you terminated employment.

Blue Cross also has available a number of individual plans. For information about converting your group insurance to an individual plan, contact Blue Cross at 342-3317.

B. STANDARD LIFE INSURANCE

Your group term, accidental death and dismemberment, dependent life and supplement life, and occupational life (Public Safety only) insurance coverage will all end on the date of your termination of employment with Lane County. For information about conversion of your group term insurance to an individual plan, contact Standard Insurance at 683-4747, or mail a Standard Insurance Group Conversion interest card, within 31 days following separation of employment with Lane County. Standard Insurance Group Conversion cards are available from Personnel Services.

4. Your Public Employees Retirement System (PERS) Contributions

If you are a member of the Public Employees Retirement System (PERS) and under age fifty-five (55), or a police member under age fifty (50), you may opt to withdraw or retain your contributions upon termination of employment with Lane County.

A. No action is necessary to retain your contributions, however, it is advisable that you refer to the sections titled "Vesting" in your PERS Member's Handbook for more information, or contact the PERS Office - 1099 SW Columbia Street, mailing address.. Box 73, Portland, OR 97207-0073, telephone 503-229-5824).

B. If you wish to withdraw your funds, a withdrawal form can be obtained from PERS. Lane county will mail PERS a separation notice within 2 weeks following the end of the pay period in which you terminate employment.

If you withdraw your funds before retirement age, you forfeit all retirement benefits paid by the County. You may incur some income tax liability.

Note: Take into consideration (especially if you are being laid off) that you cannot be re-employed by a participating PERS agency for the remainder of the month in which you terminate and one full month following without repaying the entire amount withdrawn in a lump sum upon such employment.

5. Your Deferred Compensation

If you are enrolled in the ICMA-RC deferred compensation plan, "within 60 days after leaving employment, you have the right to select the date your payment begins." ICMA-RC can be contacted at, (503) 452-9861 or (800) 669-7400.

If you are enrolled in NACO/PEBSCO deferred compensation plan, you "must notify NACO/PEBSCO of the date on which you would like to begin receiving payments. This must be done within sixty days following the close of the plan year in which you retire or terminate your employment." NACO/PEBSCO can be contacted at (503) 484-2336, or (800) 942-3621.

IMPORTANT, if you do not identify a payment start date within the periods specified above, your payments will begin when you reach age 65. Once selected, the payment start date can not be changed.

6. Last Minute Details

- A. You are required to return all County equipment and/or property to your supervisor (keys, clothing, tools, copy cards, parking permit etc.).
- B. Be certain you have made a thorough check of your work area for personal belongings.
- C. Your County identification card and parking permit should be turned in to the Payroll Section at the time you pick up your final paycheck.

If you have any questions, please contact the Office of Personnel Services at 687-4171.

We hope this information has helped you to make certain you have not forgotten any important details and has given you a general idea of the options available to you before leaving Lane County government. The Payroll Section will mail your W-2 form, Statement of Wages Earned, to you at the beginning of next year to your last known mailing address; therefore, it is important for you to notify the Office of Personnel Services of any change of address.

TERMINATING EMPLOYEES

ATTACHMENT II

TERMINATING EMPLOYEES EMPLOYEE RELATIONS & BENEFITS MANAGER

MEDICAL/DENTAL/VISION INSURANCE BENEFITS

With this final payroll check the employer-employee relationship ceases. At this time, the ex-employee has certain labor contracted and statutory rights concerning continuation of group health insurance. Below is a summary:

A. **GENERAL SERVICE**

An employee terminating employment without meeting eligibility for either County paid Retiree medical or PERS retiree self-pay medical, are eligible to self-pay group medical only or medical, dental and vision coverage for up to 18 months. There are certain eligibility requirements, in particular to be eligible, the terminating employee and or their dependents can not be covered by another group plan. Other eligibility requirements are outlined in the COBRA notice which is mailed to each terminating employee with group health insurance coverage. Enrollment election forms must be returned to the group within 60 days of becoming eligible for COBRA coverage. The terminating employee becomes eligible to apply for COBRA continuation the first of the month following separation of employment from Lane County.

B. **WITH SERVICE RETIREE MEDICAL, INCLUDING DISABILITY RETIREMENT**

If the terminating employee is retiring with service years and meets all eligibility requirements for County paid medical, retiree medical begins the first of the month following retirement. The retiree is eligible to self-pay dependent coverage. Dependent who were on the group plan at the time of retirement may be enrolled as dependents on the retiree medical plan only at the first of the month following retirement. There is no open enrollment period for this medical group, dependents can not be added later.

Dental and vision can be continued for up to 18 months following retirement, as outlined under COBRA continuation eligibility regulations.

C. **PERS RETIREE, WITHOUT SERVICE YEARS**

The retiree who is collecting PERS benefits immediately upon retirement, but is not eligible to receive County paid medical, may self-pay group retiree monthly premiums until the age of 65, or eligibility for medicare, whichever occurs first.

Dental and vision can be continued for up to 18 months following retirement, as outlined under COBRA continuation eligibility regulations.

D. LAYOFF

If are laid off, you will be eligible to self-pay coverage for up to 18 months following layoff, as outlined under COBRA continuation eligibility regulations.

If you do not continue insurance after the layoff and you return to active work within six (6) months of being laid off, you and any previously insured dependents may re-enroll under the medical, dental and vision plans, without re-satisfying a new probationary period. You will also be credited with any previously satisfied waiting period for pre-existing conditions, if applicable, and/or calendar year deductible to your coverage.

E. DEPENDENT COVERAGE

Under COBRA: In situations of divorce, or employee/retiree's death when the dependent surviving spouse is under age 55, the spouse and/or dependent(s) have the right to continue coverage by self-paying monthly premiums.

Under RETIREE MEDICAL: The enrolled dependent spouse age 55 or over, in situations of divorce or the surviving spouse, in situations of a retiree's death, may self-pay until age 65, or eligibility for medicare, whichever occurs first. In the situation of a divorce, the spouse under age 55, who meets eligibility requirements may self-pay under COBRA up to a maximum period of 36 months.

Lane County must be notified within 30 days of the death or divorce. This can be done by contacting Employee Relations and Benefits, at (503) 687-3660.

F. PAYMENTS

Payments are due on the first of the month of coverage. For example January's premiums are due January 1. It is the responsibility of the terminating employee to make premium payment when due. Lane County does not provide any notice of payment due.

If a payment is late, coverage will be canceled for that month. You will have until the last day of the month to pay the current premiums due and the following month's premium in order to be reinstated without a break in coverage. Late payments after the last day of the month due, will not be accepted.

Premiums are payable to Lane County, and can be mailed or delivered to Lane County, Attention: Central Payroll/Insurance, 125 East 8th Avenue, Eugene, Oregon 97401. Premium costs will be provided with the COBRA notification.

If you have any questions about your insurance rights upon separation from County employment, contact Employee Relations and Benefits, at 687-3660.

APPENDIX VI - CODES

Issue 2 - 6/30/92

A. TERMINATION REASON CODES

- 1 - Dismissal (use two characters; for example, 1-C)
 - A - Absenteeism/Tardiness
 - B - Failed to Follow Orders
 - C - Not Qualified
 - D - Violation of County Rules
 - E - Other

- 2 - Resignation (use two characters; for example 2-H)
 - F - Refused Transfer
 - G - Refused Recall
 - H - Change of Residence
 - I - Family Obligations
 - J - Other Employment
 - K - Illness/Injury
 - L - Other
 - M - School

- 3 - Layoff

- 4 - End of Job

- 5 - Retirement (use two characters; for example, 5-M)
 - M - Mandatory
 - N - Voluntary

- 6 - Long-Term Disability

- 7 - Death

- 8 - Other

- 9 - Recall

- 10 - Probationary Termination

- 11 - Workers' Compensation

B. EEO CODES

C - Caucasian

B - Black

H - Hispanic

A - Asian

I - American Indian

A. TERMINATION REASON CODES

- 1 - Dismissal (use two characters; for example, 1-C)
 - A - Absenteeism/Tardiness
 - B - Failed to Follow Orders
 - C - Not Qualified
 - D - Violation of County Rules
 - E - Other

- 2 - Resignation (use two characters; for example 2-H)
 - F - Refused Transfer
 - G - Refused Recall
 - H - Change of Residence
 - I - Family Obligations
 - J - Other Employment
 - K - Illness/Injury
 - L - Other
 - M - School

- 3 - Layoff

- 4 - End of Job

- 5 - Retirement (use two characters; for example, 5-M)
 - M - Mandatory
 - N - Voluntary

- 6 - Long-Term Disability

- 7 - Death

- 8 - Other

- 9 - Recall

- 10 - Probationary Termination

- 11 - Workers' Compensation

B. EEQ CODES

- C - Caucasian
- B - Black
- H - Hispanic
- A - Asian
- I - American Indian

ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 60
Issue 4 2/2/2012
 Date

SUBJECT: APPEALS OF PERSONNEL ACTIONS/DISCRIMINATION COMPLAINT PROCEDURE

I. Purpose

The purpose of this procedure is to establish a standard method for employees to appeal personnel actions, except those matters grievable under an existing labor agreement that are not subject to this appeals procedure, and for employees, applicants, and other users of County services to file a complaint of discrimination or harassment in violation of federal or state laws, local ordinances or Lane County policies and procedures. Related Procedures: LM 2.385; APM 3.53.

II. Scope

This procedure shall be the sole procedure utilized by permanent nonprobationary employees to appeal disciplinary and nondisciplinary personnel actions (appeal of performance evaluations is covered in Chapter 3, section 48), and for employees, applicants, and other users of County services to file a complaint of discrimination or harassment. Where departments have procedures in place to address client complaints because of federal or state funding requirements, those procedures should be followed where applicable. Departments wishing an exception to the application of this procedure shall submit a written proposal to the County Administrator. Exceptions will take effect upon written approval of the County Administrator. Those matters grievable under an existing labor agreement are not subject to this appeals procedure.

III. Amendment

This procedure may be amended by the County Administrator.

IV. Definitions

- A. ADVERSELY AFFECTED - The personnel action results in a monetary loss or violation of substantial employee rights.
- B. COUNTY ADMINISTRATOR - The County Administrator or his or her designee.

- C. DAYS - Calendar days, unless otherwise specified.
- D. DEPARTMENT DIRECTOR - Either the Department Director or the Department Director's designee.
- E. DISCIPLINARY ACTION - As defined in APM Chapter 3, Section 52 or the Department of Public Safety Manual, whichever is appropriate.
- F. DISCRIMINATION/HARASSMENT - Verbal, physical or other discriminatory or harassing conduct directed toward another person based upon their race, national origin, gender, age, religion, disability or other characteristic as defined by federal or state laws, local ordinances, or Lane County policies.
- G. HUMAN RESOURCES DIRECTOR - The Human Resources Director or his or her designee.
- H. MEDIATION - an alternative dispute resolution approach involving the voluntary participation of the parties in an effort to achieve a mutually acceptable resolution to the complaint.
- I. PERSONNEL HEARINGS OFFICER - The Hearings Official designated by the County Administrator to perform the duties specified in this procedure.
- J. PERSONNEL ACTIONS - Any action taken with reference to appointment, compensation, tenure, promotion, demotion, transfer, layoff, dismissal or similar matters affecting the status of employment.

V. Process

Except as provided elsewhere in this procedure, all complaints and/or appeals must be pursued as specified below:

Current non-probationary employees appealing personnel actions should begin the process at Step 1 as outlined below. Current non-probationary employees supervised directly by the Director of their Department should proceed to Step 2 after attempting to resolve the complaint informally. Current non-probationary employees directly supervised by the Human Resources Director should proceed to Step 3. The complaint should be submitted to the County Administrator, who shall designate a separate Department Director to conduct Step 3 of this procedure.

Employees, applicants, and other users of County services filing a formal complaint of discrimination/harassment should proceed to Step 3 of this procedure. Where departments have procedures in place to address client complaints because of federal or state funding requirements, those procedures should be followed where applicable.

In all cases, it is the intent of this procedure that complaints and appeals should be resolved at the lowest possible level. Appellants and complainants are encouraged to seek informal resolution through the supervisor or department head prior to initiating formal steps.

A. Step 1

1. After attempting to resolve the complaint in an informal discussion with the immediate supervisor, the employee may appeal the action by providing his or her immediate supervisor a written appeal within seven (7) days from when the employee knew or reasonably should have known of the event giving rise to the complaint. The appeal may be hand delivered or mailed and shall include the following:
 - a. The policies or procedures which are alleged to have been violated, if any.
 - b. A detailed description of the grounds of the appeal.
 - c. A proposed remedy.
 - d. The name and classification of the complainant and his or her signature.
 - e. The name of the representative, if any.
 - f. The date of submission.
2. The immediate supervisor shall meet and discuss the appeal with the employee within seven (7) days of receipt of the appeal. The supervisor's written response must be delivered to the employee within seven (7) days of the meeting with the employee, with copies to the Department Director and the Human Resources Director.

B. Step 2

1. If the supervisor fails to respond within fourteen (14) days of the filing of the complaint, or if the employee is dissatisfied with the supervisor's response, the employee may elevate the appeal to Step 2 by delivering a written appeal to the applicable Department Director within seven (7) days of receipt of an unacceptable response from Step 1, or if no response at Step 1 was received, within twenty-one (21) days of filing at Step 1. Such appeal shall contain:
 - a. The reason(s) for not accepting the Step 1 response.
 - b. The date of filing.

- c. A copy of the Step 1 filing and the supervisor's response if any.
 - d. The name of the representative, if any.
2. The Department Director shall meet and discuss the matter with the employee/complainant within seven (7) days from receipt of the appeal/complaint and may conduct any other investigation he or she deems necessary. The Department Director's written response must be delivered to the employee/complainant within seven (7) days of the meeting with the employee/complainant, with copies to the appropriate supervisor, and the Human Resources Director.

C. Step 3

1. Appeal of Personnel Actions.

If the Department Director fails to respond within fourteen (14) days of receipt of the appeal, or if the employee is dissatisfied with the Department Director's response, the employee may elevate the appeal to Step 3 by delivering a written appeal to the Human Resources Director within seven (7) days of receipt of an unacceptable response from Step 2, or if no response at Step 2 was received, within fourteen (14) days of filing at Step 2. Such appeal shall contain:

- a. The reason(s) for not accepting the Step 2 response.
 - b. The name of the representative, if any.
 - c. The date of filing at Step 3.
 - d. Copies of all filings and responses along with all supporting documentation.
2. Discrimination/Harassment Complaints. Employees, applicants, and other users of County services filing a complaint of discrimination or harassment must submit either a fully completed Complaint of Discrimination or Harassment form or a signed written statement containing the following information:
 - a. Name, address and phone number.
 - b. Place of employment (if current employee).
 - c. A detailed description of the alleged discriminatory or harassing action.

d. Date action occurred.

e. Desired remedy.

The form or statement should be directed to the Human Resources Director within fourteen (14) days from when the complainant knew or reasonably should have known of the event giving rise to the complaint.

3. The County Administrator will designate an appropriate manager to investigate the appeal/complaint. This investigation may include meeting with the complainant, the supervisor, the Department Director and any other parties involved in the events giving rise to such appeal/complaint.
4. In an effort to resolve the issues giving rise to the appeal/complaint, the County Administrator's designee may offer mediation to the parties involved in an effort to achieve a mutually acceptable resolution to the complaint. If held, mediation shall take place within fourteen (14) days of receipt of the appeal at Step 3 or receipt of the harassment/discrimination complaint. Mediated resolutions shall be reduced to writing and will be binding upon the parties involved.
5.
 - a. Where mediation is not used, the County Administrator's designee shall issue a written decision within twenty-one (21) days of receipt of the complaint. Where mediation was attempted but no mutually acceptable resolution is achieved, the County Administrator's designee shall issue a written decision within 14 days of conclusion of mediation.
 - b. Such decision(s) shall include a description of the problem, findings of fact and the basis for the decision. Copies of the decision shall be sent to the individual filing the appeal or complainant and the applicable Department Director. In such case, the decision at Step 3 shall be final and no further appeal shall be available unless the case involves discipline of suspension, demotion or dismissal, layoff or other involuntary removal from paid employment status.
6. Use of Lane County internal Appeal/Complaint Procedure does not preclude filing of discrimination or harassment charges with a federal or state agency. If such a charge is filed, Lane County will have no obligation to complete any pending investigation or mediation under these APM procedures.

D. Step 4

1. On cases involving discipline of suspension, demotion or dismissal, layoff or other involuntary removal from paid employment status, if no response is received within twenty-one (21) days of submitting the Step 3 appeal or if the employee is not satisfied with the response, the employee may elevate

the appeal to Step 4 by filing a written appeal with the Human Resources Director within seven (7) days of receipt of the response or if no response was received, within twenty-eight (28) days of filing at Step 3. The appeal at Step 4 must be in writing and contain:

- a. The reasons for not accepting the Step 3 decision.
 - b. Reference to all supporting documentation.
 - c. Relief sought.
 - d. The date of the appeal.
 - e. The signature of the complainant.
2. The appeal and all relevant materials shall be forwarded to the County Administrator within seven (7) days of receipt of the appeal. The County Administrator shall appoint a Personnel Hearings Officer, who shall schedule a hearing within thirty (30) days from the date of the Step 4 appeal.
 3. The Personnel Hearings Officer shall notify the parties of the time, date and location of the hearing at least fourteen (14) days prior to the date of the hearing. Any party who desires a postponement shall upon receipt of the notice of the hearing, promptly make a written request for such postponement, stating the reason for the request in detail. The Personnel Hearings Officer may grant such postponement for good cause.
 4. The Personnel Hearings Officer shall determine the relevance of evidence and shall admit evidence of a type commonly relied upon by reasonable, prudent persons in the conduct of their serious affairs.
 5. The Personnel Hearings Officer has the power to subpoena witnesses and documents and to exclude witnesses while other witnesses are testifying.
 6. The parties shall have the right to consult counsel or to have counsel or another person represent them at the hearing.
 7. Cross-examination of witnesses will be allowed the opposing parties.
 8. The burden of coming forward with the evidence and persuading by a preponderance of the evidence is on Lane County in disciplinary action. The burden of coming forward with the evidence and persuading by a preponderance of the evidence is on the complainant in all other cases.

9. The Personnel Hearings Officer shall use as a standard of review the "reasonable employer test." (This is a recognized, objective test similar to the "reasonable person" standard of care in the tort of negligence.)
10. Documents submitted into evidence for purposes of the hearing shall not become public records unless the records are otherwise deemed to be public records under ORS Chapter 192.
11. The hearing shall be closed to the public unless the employee requests an open hearing in accordance with ORS 192.660. The confidentiality of employees, clients or other nonpublic information shall be maintained.
12. The Personnel Hearings Officer must produce a record of the proceedings, which shall be maintained in the personnel file of the employee following completion of the case.
13. The decision of the Personnel Hearings Officer must be in writing and be made part of the record. The Personnel Hearings Officer shall make a decision that is supported by findings of fact and conclusions of law. The decision shall be conclusive and binding on all parties. The Personnel Hearings Officer may affirm, modify or reverse the decision of the County Administrator's designee but shall have no authority to alter, modify, vacate or amend any lawfully established rule, regulation, policy or procedure. The Personnel Hearings Officer shall not decide on any condition that is not specifically established as a rule, regulation, policy or procedure but shall be specifically limited to decisions of fact and law respecting the uniform application of such rules, regulations, policies or procedures. The Personnel Hearings Officer shall send copies of the decision to the parties or their representative.
14. Remedies shall be limited to reinstatement, back pay and appropriate declaratory and injunctive relief. No special, general punitive damages, attorney fees or costs shall be awarded. Any award of back pay shall be reduced by any amounts an individual has received in unemployment benefits during the applicable time period.
15. Final action by the Personnel Hearings Officer is reviewable only on petition of any party in Writ of Review proceedings (ORS Chapter 34).

VI. General Provisions

- A. When a specific procedure contained within the Administrative Procedures Manual specifies a step other than Step One of this procedure as the correct step for filing an appeal, such appeal must be made to that step within seven (7) days from when the appellant knew or should reasonably have known of the event giving rise to the appeal.

- B. When the appeal involves a decision made outside the employee's department or when the appeal alleges discrimination or harassment, the filing must be made at Step 3 of this procedure within fourteen (14) days from when the employee knew or should reasonably have known of the event giving rise to the appeal/complaint.
- C. All meetings and hearings under this procedure shall be kept informal and private to the extent allowed under Oregon law and shall include only parties of interest.
- D. Employees may have a representative of their own choosing present at any meetings held pursuant to this procedure. However, any and all costs involved in obtaining representation shall be borne by the appellant/complainant.
- E. Failure by the aggrieved party or that party's designated representative to properly observe time limits specified in this procedure, unless a mutually agreed-to extension has been executed in writing, shall cause the appeal to become null and void.
- F. Failure by management to respond within the time limits specified in this procedure, unless a mutually agreed-to extension has been executed in writing, shall be deemed as a denial of the appeal as of the deadline date for response.
- G. Extensions to the time limits shall be permitted under the following circumstances:
 1. The time limits set forth in this article may be extended by mutual agreement.
 2. If the appellant/Complainant, the supervisor or any other directly involved individual is unavailable to properly investigate the incident because of illness or vacation, the time limits specified herein shall be extended by the number of days the individual specified is unavailable.
 3. If the incident(s) giving rise to the potential disciplinary action involve alleged criminal activity, the time limits specified in this article shall commence at the close of any related criminal investigation or legal action.

VII. Interpretation and Clarification

Any questions relative to the intent or application of these procedures should be directed to the Human Resources Director who shall have the responsibility for implementing and interpreting this procedure.

Lane County
 Authorized: 
 County Administrator

2/2/2012
 Effective Date

ADMINISTRATIVE PROCEDURES MANUAL

Lane
County



Chapter 3
Section 62
Issue 1 3/31/95
Date

SUBJECT: ATTENDANCE

I. Purpose

The purpose of this administrative procedure is to establish a standard policy and process for attendance at work. Related Procedures: LM 2.265; APM 3-34

II. Scope

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit written proposals to the County Administrator, supporting the justification. Exceptions will take effect upon written approval of the County Administrator.

III. Amendment

The County Administrator may amend this procedure.

IV. Policy and Procedure

A. Workweek/Hours of Work

1. The workweek for all County employees begins at 10:00 p.m. on Friday and ends the following Friday at 9:59 p.m. A different workweek for law enforcement personnel may be established in accordance with the provisions of Section 207(K) of the Fair Labor Standards Act.
2. The hours of business for all County offices shall generally be from 8:00 a.m. to 5:00 p.m. on every workday, or for specified offices as determined by the County Administrator, except as provided herein.

B. Flexible/Variable Work Hours

Flexible or variable work schedules for employees may be established by department directors. Department directors shall review all applicable labor contracts to verify that a work schedule is consistent with existing contract provisions, the Fair Labor Standards Act Standards Act and Oregon Revised Statutes. See Chapter 3, Section 42, for further information.

C. Shift Schedules

In addition to the normal hours of business, the County may schedule employees to work on other work shifts as part of the employee's normal work schedule. These shifts may be in the afternoon, evening, and early morning, as well as on weekends and holidays.

D. Adverse Weather

When a nonexempt employee is unable to report to work or reports late to work because of adverse weather conditions, the employee may elect to charge that time against accrued compensatory time or time management leave or to take leave without pay.

E. Exempt Employee

An exempt executive, administrative or professional employee as defined by the FLSA who regularly receives a predetermined amount of compensation each pay period that constitutes all or part of the employee's compensation, which amount is not subject to reduction because of variations in the number of days or hours worked unless one of the following exceptions is met:

1. The employee is absent from work for a day or more for personal reasons, other than sickness or accident.
2. The employee is absent for a day or more occasioned by sickness or disability and a deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for loss of salary occasioned by both sickness and disability.
3. The County imposes penalties in good faith for major safety violations.

V. Interpretation and Implementation

Any questions relative to the intent or application of this procedure should be directed to the HRMS Director, who is delegated the responsibility for interpreting and implementing this procedure.

Authorized: _____
County Administrator Effective Date

ATTACHMENT I

Vacation Accrual

1. Employees filling permanent or temporary full-time positions budgeted or approved in excess of six (6) months shall normally accumulate vacation leave according to the following schedules:
 - a. For All BGU 01, 02, 03, 05, 06, 13, and 14 Employees: See current labor contracts.
 - b. For All 09/05, 10, 11, and 12 Employees within the Department of Public Safety and the County Sheriff: A new employee having completed six (6) full calendar months of employment in full-time status shall be credited with sixty (60) hours of vacation leave.

Thereafter, vacation shall be accumulated at the following rates:

<u>Months of Service</u>	<u>Days (Hours) Vacation Per Year</u>	<u>Vacation Accumulations</u>
7-60 mos. (0-5 yrs.)	15 (120 hrs.)	4.615 hrs./pay period
61-120 mos. (5-10 yrs.)	17-1/2 (140 hrs.)	5.385 hrs./pay period
121-180 mos. (10-15 yrs.)	20 (160 hrs.)	6.154 hrs./pay period
181-240 mos. (15-20 yrs.)	22-1/2 (180 hrs.)	6.923 hrs./pay period
241 mos. & over (20 yrs. & over)	25 (200 hrs.)	7.692 hrs./pay period

2. Vacation leave will continue to accumulate during vacation leave taken and any other approved paid leave.
3. An employee may accumulate vacation leave to a maximum of two hundred eighty (280) hours or twice the annual vacation leave, whichever is greater. The maximum allowable accrual will be prorated on authorized hours for part-time employees. An employee who has acquired the maximum allowable accumulation of vacation leave may continue to accumulate vacation leave for the balance of the calendar year in which the maximum accrual was reached, provided, however, that the employee take sufficient vacation leave to reduce the accumulation to the maximum allowable prior to March 31 of that year or forfeit the excess.
4. Employees shall be required to take a minimum of one (1) week of accumulated vacation per year.
5. Any employee who is about to lose vacation credit because of accrual limitations may request permission to take vacation leave to prevent loss of such time. Such action taken by the employee shall not constitute a basis for disciplinary action or loss of pay.

Attachment II

Lane County Time Management Program

1. PURPOSE

It is the purpose of the Lane County Time Management Program to provide nonrepresented employees, except within the Department of Public Safety, with a leave-with-pay program that is easily understood, responsive to individual needs, and easy to administer. NOTE: Public Safety employees in "Bargaining Unit/Subgroup" 0902 are included in this program.

2. SCOPE

This program covers all such nonrepresented employees. Those employees covered by the provisions of this program shall not be eligible for separate leave benefits covering the following:

- a. Sick leave (nonoccupational illness or injury leave)
- b. Family emergency
- c. Vacation leave
- d. Personal day
- e. Compensatory time (except as provided by the Fair Labor Standards Act)

3. LEAVE-WITH-PAY PROVISIONS

- a. Employees entering the Time Management Program will be credited with their existing compensatory time balance and with their existing sick leave accrual up to a maximum of ten (10) days, and these credits will be transferred into the Time Management Program. Exempt employees (including new employees) will earn leave, based on full-time service, in accordance with the following schedule:

<u>Months of Service</u>	<u>Earned Leave</u>	<u>Earned Leave Accumulation</u>
0-48 months (0-4 years)	31 days/year	9.538 hours/pay period
49-108 months (4-9 years)	35 days/year	10.769 hours/pay period
109-168 months (9-14 years)	39 days/year	12.000 hours/pay period
169-228 months (14-19 years)	43 days/year	13.231 hours/pay period
229 months and over (over 19 years)	47 days/year	14.462 hours/pay period

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Nonexempt employees will earn leave, based on full-time service, in accordance with the following schedule:

<u>Months of Service</u>	<u>Earned Leave</u>	<u>Earned Leave Accumulation</u>
0-48 months (0-4 years)	26 days/year	8.000 hours/pay period
49-108 months (4-9 years)	29 days/year	8.923 hours/pay period
109-168 months (9-14 years)	32 days/year	9.846 hours/pay period
169-228 months (14-19 years)	35 days/year	10.769 hours/pay period
229-288 months (19-24 years)	38 days/year	11.692 hours/pay period
289 months and over (over 24 years)	41 days/year	12.615 hours/pay period

- b. For permanent part-time employees, all reference to time accrual or usage in the Time Management Program shall be prorated according to the percentage of full-time equivalency authorized for the position.
- c. An employee's existing vacation accrual at the time of entering the Time Management Program will be preserved in a separate balance. Any vacation balance greater than twice the employee's annual vacation accrual rate or 280 hours (whichever is greater) will be transferred to the Time Management Program. For this purpose, the vacation accrual rate for each employee will be that which exists as of the initiation of the Time Management Program. Employees with an existing vacation balance have the option of charging leave to either the vacation balance or the time management balance.
- d. During the course of the year, absence from work for any reason other than on-the-job illness or injury covered by Workers' Compensation or paid holiday shall be charged against accrued earned leave. Earned leave shall accrue whenever an employee is on pay status with the County. Employees do not accrue earned leave when on leave without pay. Exemptions are granted for executive, administrative or professional employees based on the definitions contained in the Fair Labor Standards Act. An exempt employee regularly receives a pre-determined amount of compensation each pay period that constitutes all or part of the employee's compensation, and that amount is not subject to reduction because of variations in the number of days or hours worked. Exceptions for certain absences are specified in Section 34, IV, I, and shall be charged against accrued earned leave.
- e. If a nonoccupational illness or injury exceeds ten (10) consecutive workdays, the County will provide compensated time off at the regular rate of pay for that period preceding commencement of the long-term disability benefit [ninety (90) calendar days]. The first ten (10) consecutive workdays shall be charged against accrued earned leave or shall be

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leave without pay if the employee does not have sufficient earned leave to cover the absence. For this purpose, a workday is defined as any day when any use of earned leave (or leave without pay if insufficient earned leave exists) occurs for a nonoccupational illness or injury.

- f. If a non-occupational illness or injury exceeds ten (10) consecutive workdays or if an employee has insufficient earned leave, the employee shall be expected to substantiate the illness or injury to the satisfaction of the County.
- g. The employee's earned leave shall not be charged in the event of illness or injury when such illness or injury is covered by Workers' Compensation. If an employee agrees voluntarily to sign over to the County any Workers' Compensation check for lost salary for the first ninety (90) calendar days of the employee's on-the-job illness or injury, the employee shall be paid at the normal rate for those absences occurring because of the on-the-job injury or illness for a period not to exceed ninety (90) calendar days following the illness or injury.
- h. An employee may accumulate earned leave, excluding the previous vacation balance, if any, to a maximum of twice the annual time management accumulation. On March 31 of each year, any employee credited with accrued leave greater than twice the annual accumulation shall forfeit that amount above the maximum accumulation. An employee who has acquired the maximum allowable accumulation of earned leave may continue to accumulate earned leave for the balance of the year in which the maximum accrual was reached, provided that the employee take sufficient earned leave to reduce the accumulation to the maximum allowable prior to the following March 31 or forfeit the excess.
- i. Upon an employee's termination, after six (6) months of service all of the employee's vacation balance, if any, and one-half (1/2) of all accumulated time management leave shall be paid to the employee at the current rate of pay.
- j. In the event of an employee's death after six (6) months of service all accumulated earned leave shall be paid to the employee's designated beneficiary at the current rate of pay.
- k. During the first five (5) years of employment, employees shall be required to take a minimum of two (2) weeks of accumulated earned leave per year. Thereafter, employees shall be required to take a minimum of three (3) weeks of accumulated earned leave per year.
- l. Employees shall, whenever possible, request time off in advance. Use of such leave must be scheduled between the employee and the County. When an employee is sick or an

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emergency requires his or her presence elsewhere, the employee must notify the supervisor as soon as possible.

- m. After six (6) months of continuous employment, employees may sell back accrued earned leave to the County subject to the following restrictions:
 - i. Funding must be available to pay for the request.
 - ii. The maximum number of earned leave hours that can be sold for cash compensation in a calendar year is the lesser of the number of leave hours taken in the same calendar year or eighty (80) hours.
 - iii. The earned leave hours must be scheduled or used prior to the sale of any accrued earned leave hours.
- n. During the last three (3) years prior to retirement, employees may sell up to 200 hours per year of their annual leave accrual at the current rate of pay. Extensions of an employee's scheduled retirement date notwithstanding, no employee will be entitled to this benefit in more than three (3) years. Note: This paragraph is not subject to any of the limitations expressed in paragraph m. of this policy.

- Approved
- Not Approved

Authorized: _____
County Administrator Effective Date

This on-line version of the Administrative Procedures Manual
is a copy of the original signed by the County Administrator on
3/31/95.



ADMINISTRATIVE PROCEDURES MANUAL

Lane
County



Chapter 3
Section 63
Issue 1 3/4/02
 Date

SUBJECT: BREAST-FEEDING IN THE WORKPLACE

I. Purpose

The purpose of this procedure is to establish a standard guideline for setting up a breast-feeding room, and to establish breast-feeding friendly practices for worksite support for those County employees wishing to breast-feed upon return from maternity leave.

II. Scope

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit a written proposal to the Management Services (MS) Director, supporting the justification. Exceptions will take effect upon written approval of the County Administrator.

III. Amendment

This procedure may be amended by the County Administrator.

IV. Guidelines

Lane County values and supports breast-feeding mothers in the workplace. We recognize the benefits to infants and children from breast-feeding, to mothers who do breast-feed and to employers who support breast-feeding friendly practices.

V. Procedure

1. A nursing mother may breast-feed her child in the Department of Management Services in the Public Services Building. Management Services has designated this room to be available to County employees. A nursing mother can either breast-feed her infant during scheduled breaks and lunch, or pump breast milk for later feedings. A sign-up sheet for using the PSB Breast-feeding Room will be posted on the Intranet under Management Services.

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2. For all off-site locations, reasonable efforts will be made to accommodate breast-feeding mothers, as needed, according the guidelines below. A breast-feeding mother in an off-site location should communicate her need to her supervisor. A room need not be reserved exclusively for this purpose, but may be a meeting room, extra room, or a private office made available to the mother 2-3 times a day.

3. Guidelines for a room:

This room is a private area containing a comfortable chair, a cupboard where a breast pump can be stored, and electrical outlets. This room has a lock on the door and is situated where other workers will not be disturbed. A sink for hand washing is located nearby.

4. Breast-feeding women will provide their own containers and storage.
5. The breast-feeding woman shall be allowed a flexible schedule for nursing or pumping to provide the best milk to her child.

For time above and beyond normal lunch and breaks, Time Management must be used or the employee can come in a little earlier or leave a little later to make up the time, as arranged in advance and approved by the supervisor.

6. The Department of Management Services will promote the benefits of breast-feeding and the availability and use of this room to all County departments.
7. The Department of Health and Human Services – WIC program will make information available to all County employees.

To access WIC, please contact 682-4606. At the time of your call advise WIC that you are a County employee requesting breast-feeding information.

Authorized: _____
County Administrator Effective Date

This on-line version of the Administrative Procedures Manual is a copy of the original signed by the County Administrator on 3/4/02.



ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 64
Issue 1 9/12/2012
 Date

SUBJECT: VOLUNTEER INJURY PROTECTION PLAN

I. Purpose

The purpose of this Plan is to facilitate the use of volunteers for the efficient operation of County government while limiting financial risk to the County by absorbing some of the risk of injury that would fall on the volunteer, and in turn the volunteer releases Lane County from liability risk.

Lane County does not provide Volunteer Injury Workers' Compensation Coverage. However, this Injury Protection Plan (hereinafter "Plan") covers injuries of authorized volunteers. It is limited only to injuries sustained as a result of an accident while performing volunteer duties.

If a volunteer is injured in a private vehicle, the vehicle owner's insurance is responsible for the volunteer's medical bills. If at any time the County should acquire Workers' Compensation Coverage, that coverage shall be primary.

If any provision in this policy is contrary to law, the law prevails.

II. Scope

This procedure applies to all authorized volunteers of Lane County government.

III. Amendments

This procedure may be amended by the County Administrator.

IV. Administrative Procedures

A. General. The purpose of this chapter of the APM is to implement:

1. Policies and procedures with respect to medical coverage of injuries sustained by volunteers while in the service of Lane County.
2. The effective date of September 6, 2012.

B. Definitions

1. “*Volunteer*”: A person appointed to perform official County business duties without remuneration or valuable personal benefits of any kind. Volunteers are provided with assigned duties in writing and work under direction and control of County staff. A volunteer has no right or expectation of continued service and has no right to grieve working conditions or treatment. Volunteers do not hold the same rights as employees.

C. Terms and Conditions.

1. This Plan is not remuneration for the work volunteers do for Lane County. In exchange for the protection of this Plan, volunteers must agree to limit the County’s potential liability by signing the waiver included in the Conditions of Service for Lane County Volunteers. The approved release and waiver is a prerequisite and condition of coverage. It must be signed prior to injury.
2. Only volunteers that have signed the *Conditions of Service for Lane County Volunteers* and *Partial Waiver and Release of Rights* (see sample at Appendix A, attached) are covered.
3. Covered volunteers must notify their supervisor and Risk Management of any injury as soon as possible and in no case later than five working days following the accident.
4. A covered injury is an injury to a covered volunteer that is caused directly and solely by an accident occurring during, and arising out of, the performance of official County business duties assigned by County staff. The Maximum Amount that may be paid to or for any person for all injuries from any covered accident is \$25,000. Further terms, conditions, and sub-limits are as follows.
 - a. Medical Expense: We will pay up to \$10,000 for actual, reasonable, and necessary medical expenses that are the direct result of a covered injury, and from no other cause. The expenses must be incurred in the 12 months following the covered accident.
 - b. Accidental Death, Dismemberment, and Disability: Permanent Total Disability must be the direct result of a covered injury and no other cause. The disability must commence within 30 days of the accident. The person must have been totally disabled for 12 straight months and then found to be permanently and totally disabled. A disability will be deemed total if the person cannot do

all of the substantial and material duties of his or her customary type of work. A disability is permanent and total if the person is not expected to be able to do any work for which he or she is qualified at time of injury by reason of education, experience, or training.

- c. The portion of the Maximum Amount remaining after payments under Medical Expense shall pay for accidental death, dismemberment, and disability. We will pay for loss of life or loss of member as a direct result of a covered injury, and from no other cause, within one year of the accident:

Loss Payment

Life	The remainder of the Maximum payment
Permanent Total Disability	The remainder of the Maximum payment
Two or more members	The remainder of the Maximum payment
One member	The remainder, up to one-half Maximum Payment

Member means hand, foot or eye. Loss of a hand or foot means complete severance through or above the wrist or ankle joint or total loss of function. Loss of an eye means the total, irrecoverable loss of sight in the eye. If a covered person suffers more than one loss from an accident, we will only pay for the loss with the larger benefit.

- d. Order of Coverage. If any of the following coverages apply to a covered injury, they apply in the order shown here.
1. The volunteer's own group medical coverage.
 2. Any automobile coverage provided by the owner's or driver's insurer (or self-insurance where applicable) on any private or public vehicle not owned by Lane County.
 3. Any other applicable and collectible insurance that purports to be a primary coverage.
 4. This Plan.

None of these will pay a cost for which one of the prior coverages is responsible. Additionally, no one may "double dip" and no one may choose among the coverages.

- e. Exclusions. We will not pay for loss or cost caused by or resulting from:
1. Anything not arising out of the volunteer's prescribed duties, or done at the direction and control of the County.
 2. Anything a volunteer does that is in direct violation of specific work rules, directions, policies, or procedures.

3. Suicide, attempted suicide, or whenever a volunteer injures himself or herself on purpose, while sane or insane.
4. War or acts of war, whether or not declared.
5. Taking part in a felony.
6. Any disease or infection except infection directly caused by an accidental cut or wound or by the handling of agency clients, victims, or their clothing, belongings, or bodily fluids.
7. Dental treatment, except as a result of direct injury to sound natural teeth.
8. Replacement of eye glasses; or eye examinations for the correction of vision or fitting of glasses unless the covered injury causes impairment of sight.
9. An injury for which the volunteer is entitled to benefits under any Workers' Compensation Act or Law or any similar legislation.
10. Hernia.
11. Alcoholism or any drug or narcotic habit.
12. Injuries to students performing unpaid service related to their academic programs.
13. This Plan is for accidents only. We will not pay for loss caused by or resulting from illness, disease, cumulative micro-trauma, mental stress, mental illness, or bodily infirmity.

- f. Right of Recovery and Contribution; Method of Payment. This Plan is not insurance. Insurers may not claim contribution from this Plan; it is an agreement between a volunteer and the County that the County will make the described payments to or for the volunteer. No other party may make any claim for payments under this Plan except the covered volunteer or his or her estate.

We may pay a claim in any reasonable form or manner. We may pay service providers directly. We may pay the claimant directly. We may pay the custodial parent of a minor.

- g. Hardship Exceptions. We may, in our sole discretion, in cases of extreme hardship, make exceptions to the provisions if we find it in the interest of the County to do so. However, the stated maximum amount shall not be exceeded.

Authorized:



County Administrator

9/13/2012

Effective Date

Appendix A

The following is a sample; please use the form located on the intranet at [Employee Info tab >Workers Comp & Safety > Conditions of Service for Lane County Volunteers](#)

Conditions of Service for Lane County Volunteers

As a volunteer you need to understand the extent to which you are covered for liability or personal injury while working for Lane County. Please read the following carefully and sign below.

Tort Liability

You will be protected from civil liability for injuries or damage to the person or property of others, subject to the following general conditions:

1. You are working on a task for Lane County assigned by an authorized supervisor;
2. You limit your actions to the duties assigned;
3. You perform your assigned tasks in good faith, and do not act in a manner that is reckless or with the intent to unlawfully inflict harm to others; and
4. You have a current Volunteer form on file with Risk Management.

The conditions and limits of this protection are as stated in the Oregon Tort Claims Act, ORS 30.260-300.

Motor Vehicle Liability

If you use a personally owned vehicle in the course of your duties, you are required to have automobile liability insurance to provide your primary coverage for any accidents involving that vehicle. Lane County provided auto liability coverage may apply on a limited basis only after your primary coverage limits have been used. If you use a Lane County owned vehicle, you are covered by the County's Self-Insurance program.

Volunteer Injury Workers' Compensation Coverage is not provided. However, the County has an injury protection plan to cover injuries of authorized volunteers. It is limited to only injuries due to an accident while performing volunteer duties. If you are injured in a private vehicle, the owner's insurance is responsible for your medical bills. If the County should acquire Workers' Compensation Coverage, that coverage shall be primary.

Reporting Responsibility

Any time you are involved in any accident or exposed to a potential liability situation while performing assigned duties, you must inform _____ (name/title of supervisor) and Risk Management (541) 682-3971 or e-mail _____ within no more than 5 working days.

Assigned Duties (describe below or attach additional sheet. Forms can't be accepted without this information)

Total Volunteer Hours _____ Estimated total hours for this activity within this fiscal year (1 July - 30 June). A new form must be completed each year for volunteer service that continues into the next fiscal year, when volunteering for a different activity, or when duties change.)

I HAVE READ AND UNDERSTAND THE ABOVE DUTIES AND CONDITIONS OF VOLUNTEER SERVICE.

Please print legibly:

Name	Signature
Address	Telephone
City, State, Zip	Date
In case of emergency notify	Emergency Contact Telephone
Supervisor Name	Supervisor Telephone/E-Mail
Supervisor Signature	Date

READ AND COMPLETE THE REVERSE SIDE OF THIS DOCUMENT

**Partial Waiver and Release of Rights
Under the Oregon Tort Claims Act
ORS 30.260-300**

Name _____ Phone _____

Street Address _____

City _____ State _____ Zip _____

Please Read Carefully

As an authorized volunteer of Lane County, I understand that the County will provide limited medical and accidental death, dismemberment and disability coverage for me in the event I suffer injury due to an accident while performing volunteer duties. In exchange for the coverage, I, for myself, my heirs, executors, administrators and assigns, release and forever discharge Lane County from any and all demands or claims for damage or injury, from any cause of suit or action, known or unknown, that I may have against Lane County, and/or its officers, agents or employees, and from all liability under the Oregon Tort Claims Act, ORS 30.260-300, for any and all harm or damage to my health in any manner resulting from or arising out of my volunteer activities.

This release does not extend to or waive any rights I may have under the Oregon Tort Claims Act, ORS 30.260-300, to defense and indemnification from any demand, claim, suit or action brought against me, or liability I may be subject to, or arising out of my authorized volunteer activities.

In the event that I am injured while performing volunteer activities for Lane County, I will notify my supervisor and Risk Management and apply for injury coverage benefits.

Signature: _____ Date: _____

PARENT OR GUARDIAN'S AUTHORIZATION FOR MEDICAL CARE AND CONSENT TO AGREEMENT

Please Read Carefully

I, as parent or legal guardian hereby grant permission for _____, to perform volunteer work for Lane County.

In the event of an emergency, accident, or illness, I authorize Lane County and its employees to administer emergency medical care to my child and/or, if deemed necessary, to secure emergency medical services and incur expenses for which I may be responsible for payment.

My signature below hereby represents that I have read, understand, and consent to this agreement.

Signature (Legal Guardian signature required if volunteer is under age 18 years)

Date

Printed Name

Telephone

*Please send completed form to Risk Management
County Administration, 125 E. 8th Avenue, Eugene OR 97401
Phone: 541-682-3971; Fax: 541-682-4616
E-Mail: LCRISKMG@co.lane.or.us*

READ AND COMPLETE THE REVERSE SIDE OF THIS DOCUMENT