

Order #11-24-510



PERSONNEL RULES



Revision Date: November 6, 2024

Introduction

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

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

Every attempt has been made to provide clear and concise information related to the County's employment policies and practices; however, this manual is not intended to be all-inclusive of every situation and presents standard practices and policies typical of our work environment.

This handbook supersedes any prior handbooks or written policies of Lincoln County that are inconsistent with its provisions. It does not, however, substitute for collective bargaining agreement provisions. To the extent that a provision in an applicable law or valid collective bargaining agreement contradicts or is inconsistent with what is in the Personnel Rules, the law or collective bargaining agreement provision controls.

These Personnel Rules should not be considered to be an employment contract nor a guarantee of continued employment with Lincoln County. Lincoln County operates in an at-will employment environment. This means that both the employee and the employer may decide to end an employment relationship at any time, for any reason other than a reason that is made impermissible by civil rights protections. Our at-will provision extends to all employees unless otherwise exempted by a collective bargaining agreement.

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

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

Table of Contents

Introduction.....	i
Table of Contents	ii
Article 1: Definitions	1
Article 2: Statement of Purpose of Rules	6
Article 3: Non-Discrimination and Equal Employment Opportunity	8
A. Lincoln County Statement of Non-Discrimination.....	8
B. Veterans’ Preference in Hiring.....	8
C. Whistleblower Protection.....	8
D. Religious Accommodation	10
E. Domestic Violence	10
F. Retaliation	10
G. Open Door Policy	10
H. No-Harassment Policy	11
Sexual Harassment	11
Other Forms of Prohibited Harassment	12
Complaint Procedure.....	12
Investigation and Confidentiality	12
Protection Against Retaliation.....	13
I. No-Bullying Policy	14
J. Americans with Disability Act (ADA) Accommodation	14
L. Lactation Accommodation	16
Notice	16
Storage.....	16
M. Discrimination Complaints.....	16
Article 4: Terms of Employment.....	17
A. Recruitment	17
B. Public Announcement.....	17
C. Application	17
D. Evaluation of Applicants.....	17
E. Appointments.....	18
F. Notification to Applicants Not Appointed	18
G. Physical examinations	18
H. Full-time positions	18
I. Employment Relationship	18
J. Employee Representation.....	19
K. Departmental or Office Human Resources Regulations.....	19
Article 5: Employment Classifications	20
A. Classified and Unclassified.....	20

B. Classification Status and Benefit Eligibility	20
C. Exempt	20
D. Non-exempt	20
Article 6: Application and Administration of Personnel Rules	21
A. Classified Service Positions	21
B. Unclassified Service Positions	21
C. Elected Officials	21
D. Collective Bargaining Agreements	21
E. Administration of Rules	21
Article 7: New Employees, Promotions and Transfers	22
A. New Employee Orientation	22
B. Trial Service Period	22
Article 8: Employee Performance Ratings	23
A. Employee Performance	23
B. Trial Service, Annual Special Ratings	23
C. Use of Ratings	23
D. Employee Disagreement with Rating	23
Article 9: Administration of Compensation	24
A. Classification Plan, Amendment and Allocation	24
B. Classification Plan Review	24
C. Allocation of New Positions	24
D. Reclassification	24
E. Class Specifications, Interpretation, Use and Qualifications	24
F. Interpretation of Position Specifications	25
G. Use in Allocation	25
H. Minimum Qualifications Statement	25
I. Additional Qualifications Requirements	25
J. Use of Class Title	25
K. Compensation Plan	25
L. Establishment of Salary Ranges	25
M. Adjustment of Salary Ranges	26
N. Effect of Salary Range Adjustments on Incumbent	26
O. Administration of Compensation Plan	26
P. Bilingual Pay	28
Q. Temporary Working Out of Classification	30
R. Special Rule for FLSA Exempt Salaried Employees	31
S. Personnel Action Forms and Procedures	31
T. Personnel Action Forms Administration:	31
U. Appeals	32
V. Board Initiated Action	32
W. Overtime	32
X. Holiday Work	33
Y. Standby Pay	33
Article 10: Benefits Administration	34

A. Medical, Dental, LTD, and Life Insurance	34
B. Optional Insurance Coverage	35
C. County Retirement Plan.....	35
D. Public Employees Retirement System (PERS).....	35
E. Employee Assistance Program (EAP)	35
F. Holidays Observed	36
G. Holiday Pay	36
H. Vacation Leave.....	36
I. Personal Time	38
J. Paid Sick Leave	39
Article 11: Leaves of Absences	42
A. Family and Medical Leave.....	42
B. Oregon Paid Family and Medical Leave	42
C. OMFLA Military Family Leave.....	42
D. Domestic Violence, Harassment, Sexual Assault and Stalking Leave (DVHSAS).....	42
E. OFLA Bereavement Leave.....	43
F. Leave Sharing (formerly Catastrophic Leave).....	43
G. Other Leaves.....	45
H. Leave Administration	46
Article 12: Code of Ethics and Conduct	49
A. Employee Expectations.....	49
B. Workplace Rules and Prohibited Conduct	50
C. Conflict of Interest.....	51
D. Outside Employment.....	51
E. Nepotism Prohibited.....	51
F. Off Duty Conduct/Fraternization.....	51
G. Gifts, Gratuities and Fees	52
H. Prohibited Political Activity	53
I. Fragrance Free Workplace	53
J. Attendance/Hours of Work.....	53
K. Tobacco, Smoke and Nicotine Free County Property- Ordinance #496.....	54
L. Confidentiality	54
M. Misrepresentation.....	54
N. Lost, abandoned or unclaimed property	55
O. Courthouse Parking.....	55
P. Driving on Behalf of Lincoln County.....	55
Article 13: Discipline, Grievances and Appeals	56
A. Corrective Action/Discipline	56
B. Grievance Procedure.....	56
Article 14: Use of County Equipment	58
A. Use of County Owned Vehicles, Equipment and Supplies.....	58
B. Vehicle Use Policy.....	58
C. Lockers and Desks.....	59
D. Computer and Internet Usage	59
E. Telephone Usage and Procedure.....	63

Article 15: Use of Personal Equipment and Communication Devices.....	65
A. Use of Personal Equipment	65
B. Use of Personal Communication Devices (PCD)	65
C. Expectation of Privacy	66
D. County Issuance of Personal Communication Devices (PCD).....	66
E. Social Media	66
Article 16: Expense Reimbursement	68
A. Mileage Reimbursement.....	68
B. Employee Certificates and License Fees	68
C. Motor Vehicle License.....	68
D. Tuition Assistance	68
Article 17: Safety	70
A. Safety Committee.....	70
B. Responsibilities	70
C. County Buildings Security.....	71
D. Workers' Compensation	71
E. Drug and Alcohol Free Workplace.....	71
F. Alcohol and Controlled Substance Testing	73
G. Criminal Arrests and Convictions	73
H. Workplace Violence.....	73
I. Non-County Employee Visiting Worksites.....	75
Article 18: Personnel Files and Public Disclosure	76
A. Personnel Files	76
B. Entry of Materials into Files	76
C. Requests for Records from Non-County Entities	77
D. Contents and Retention.....	77
Article 19: Separation in Good Standing	78
A. Layoff	78
B. Recall from Layoff.....	78
C. Resignation.....	78
D. Retirement	78
Acknowledgement of Receipt of the Personnel Rules	80

Article 1: Definitions

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

Appointing Authority (Appointing Power): Department Directors and Elected Officials with the authority to appoint individuals to a position.

Appointment: All means of selection.

At Will Employee: With the exception of employees subject to collective bargaining agreements, Lincoln County is an employment at-will organization. Under the at-will relationship, both the employer and the employee may choose to terminate the employment relationship at any time, for any reason.

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

Board: The Lincoln County Board of Commissioners, or its designee.

Certified Medical Interpreter (CMI) Designation: Refers to a position whereby medical bilingual proficiency (oral and written) is an essential job function.

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

Classified Employee: A bargaining unit employee who has successfully completed the required Trial Service Period.

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

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

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

Date of Hire: The actual date an employee begins paid service as indicated on the personnel action form.

Day: Calendar day unless specifically noted otherwise.

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

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

Dismissal: Involuntary separation from County employment.

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

Employee: Any individual in County employment who is wholly or partially subject to the Personnel Rules.

Exempt Employee: An employee who is exempt from the overtime provisions of the Fair Labor Standards Act and/or Oregon wage and hour law. Exempt employees are not eligible for overtime pay nor are they able to accrue compensatory time.

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

FMLA: The federal Family Medical Leave Act ("FMLA") provides protected unpaid leave to eligible employees who need time off from work for reasons such as their own serious health condition, the birth of a child, or to care for certain family members with serious health conditions. Other protected leaves are available under FMLA; details on FMLA eligibility and leave can be found in the Lincoln County Family and Medical Leave Handbook and upon request from Human Resources.

FTE: The percent of full-time work for an employee. For example, an employee who works 32 hours per week is a .80 FTE

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

Human Resources Director: The person to whom the Board has delegated responsibility to assist in the administration of the Personnel Rules and to perform other personnel administration duties as assigned.

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

Layoff: Separation from County service because of a shortage of work, funds, materials, abolishment of position or for other reasons not reflecting discredit on an employee.

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

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

OFLA: Oregon Family Leave Act provides protected unpaid leave to eligible employees who need time off from work to care for their child's non-serious or serious health conditions which require home care, for pregnancy disability, and for bereavement. Full details on OFLA can be found in the Lincoln County Family and Medical Leave Handbook or upon request from Human Resources.

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

Open Door Policy: Process available to all employees to raise suggestions or address work-related concerns with a supervisor, Human Resources, County Counsel or any member of the Board without fear of intimidation or reprisal.

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

Oregon Paid Family and Medical Leave (PFML): A program which provides paid leave for the birth or adoption of a child, a serious illness of an employee or an employee's loved one, or if an employee experiences sexual assault, domestic violence, harassment, or stalking. Available to employees who have earned at least \$1,000.00 in the State of Oregon the year before applying for benefits. Also known as the County's equivalent plan. Runs concurrently with FMLA whenever possible.

Part-time Non-Benefited (PTNB): An employee, who either has a planned duration of less than 6 months or averages less than 20 hours per week calculated on a continuous 6-month period. PTNB employees may have a regularly set schedule and/or may only work when called upon at the discretion of the supervisor when the workload of the position so justified without any penalty pay provision for short notice. PTNB employees are subject to termination at will and, except for sick leave under Article 10, are not eligible for benefits. PTNB employees are not members of collective bargaining units. PTNB employees includes seasonal employees. If a PTNB employee does not work for 180 continuous days, the employee will be laid off and notified via USPS.

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

Personnel Rules: Refers to the Articles provided in this Manual.

Position: Any office or appointment.

Position-based Designation: Refers to a position whereby bilingual proficiency (oral and written) is required or desired job function.

Proficiency-based Designation: Refers to the demonstrated language (oral and written) skills of an individual but does not require employment in a designated bilingual position.

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

Regular and Frequent Use: Refers to at least 10% of available time dedicated to the application and use of bilingual skills.

Race: For purposes of County policies, “race” is defined to include physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hair styles. Further, “protective hairstyles” is defined as “hairstyle, hair color or manner of wearing hair, including braids (regardless of whether the braids are created with extensions or styled with adornments, locs and twists)”.

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

Regular Employee: An employee who consistently works 20 hours per week or more. This includes employees with the classification status Regular Full-time and Regular Part-time.

Regular Full-time: An employee who normally works 40 hours or more per week on a regular basis.

Regular Part-time: An employee who works at least 20 but less than 40 hours per week, and who works the same total hours each week on a fixed schedule. A Regular Part-time Employee may not use accrued leave if that would create an overtime situation. A Regular Part-time Employee, who occasionally works more or less than their regular scheduled workweek, but less than 40 hours will be paid at their straight time hourly rate. A Regular Part-time employee is not eligible for daily overtime. A Regular Part-time employee is eligible for employee benefits on a fixed pro-rated basis equal to his or her fixed FTE.

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

Safe Leave: Protected leave through PFMLI for survivors of domestic violence, harassment, sexual assault and stalking.

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

Terminated: Separation from County employment.

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

Trial Service Employee: An employee in the classified service who has not completed the required Trial Service Period as set forth in their applicable collective bargaining agreement (CBA). Trial service employees are subject to termination at will.

Trial Service Period: A working test period as set forth in the applicable CBA during which an appointed employee is required to demonstrate, by actual performance, their fitness for the position. Employees are subject to termination at will during the Trial Service Period.

Unclassified Employee: Any non-bargaining unit employee serving in a policy making, supervisory or confidential position, as may be determined by the Board. Persons appointed to unclassified positions serve at the will of their appointing authority.

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

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

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

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

Article 2: Statement of Purpose of Rules

- A. These rules set forth the policies and procedures to be followed by the County in the administration of its Human Resources Program.
 - 1. These Personnel Rules supersede all previous rules both written and oral and all past practices as of this date.
 - 2. These rules can only be changed by written authorization of the Board.

- B. The Personnel Rules are not a contract and are subject to changes at any time by the Board.
 - 1. This manual contains general statements of County policy and should not be read as including the details of each policy.
 - i. This manual should not be interpreted as forming an express or implied contract or promise of continued employment.
 - ii. Lincoln County may add to the policies in the manual or revoke or modify them from time to time. The County will try to keep the manual current, but there may be times when policy will change before this material can be revised. Significant changes to the rules will be communicated to employees through e-mail, the County Newsletter or memos to County Offices and Departments and posted on the County Helpdesk on the web. Employees are expected to watch for and adhere to the changes in these Rules.
 - 2. Elected Officials, Department Directors and supervisors should refer to the Personnel Rules whenever questions of policy interpretation or implementation arise. Issues needing clarification should be referred to the Human Resources Director.

- C. As used in the Manual:
 - 1. The words “shall” or “will” should be interpreted as mandatory and the word “may” as permissive.
 - 2. The masculine gender should be interpreted to include the feminine gender and non-binary individuals; and
 - 3. “Supervisor” means an individual with the authority to assign, direct, and review the work of subordinate(s).

- D. The purpose of these rules is to achieve for Lincoln County the following objectives:
 - 1. To establish a County system of Human Resources administration based on systematic and equitable principles and scientific methods governing all employee benefits, policies, performance standards and other incidents of County employment.
 - 2. To promote and increase economy and efficiency, improve employee morale and facilitate efforts to attract and retain valuable employees.
 - 3. To establish and maintain a uniform plan of classification and pay based upon the relative duties and responsibilities of positions in County service.
 - 4. To establish and administer a program of recruitment, appointment, training, advancement and tenure based on merit and fitness without regard to sex, race, color, age, religion, national origin, sexual orientation, marital status, membership in other protected groups, association or political affiliation, disability, veteran status, or other status protected by Oregon or federal law.

5. To comply with Federal and State laws with the understanding that employment is subject to proper conduct on the job, the satisfactory performance of work, the necessity for the performance of work and the availability of funds.
- E. These Personnel Rules should be used as an outline of the basic Human Resources policies, practices, and procedures for Lincoln County and are not intended to alter the employment-at-will relationship in any way.
 - F. Some subjects described in these rules such as benefit plan information are covered in detail in official policy documents. Refer to these documents for specific information, since this manual only briefly summarizes those benefits, which are available in the Human Resources Department. Please note that the terms of the written insurance policies or coverage documents are controlling.

Article 3: Non-Discrimination and Equal Employment Opportunity

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

A. Lincoln County Statement of Non-Discrimination

It is the policy of the County to prohibit discrimination against any individual with regard to sex, race, color, age, religion, national origin, sexual orientation, gender expression, gender identity, marital status, military status, association with members of a protected class, membership in other protected groups, association or political affiliation, injured worker status, veteran status, non-supervisory family relationships, disability (except for bona fide occupational qualifications), genetic information, or any other protected class or work relationship relating to terms of employment recognized under Oregon or federal law. Lincoln County maintains, monitors and regularly updates the Equal Employment Opportunity Plan (EEO) to ensure non-discriminatory hiring practices. A copy of the EEO is available on the County website.

Lincoln County supports Oregon's Pay Equity Law and federal and Oregon laws prohibiting discrimination between employees on the basis of a protected class (as defined by Oregon law) in the payment of wages or other compensation for work of comparable character. Employees who believe they are receiving wages or other compensation at a rate less than that at which the County pays wages or other compensation to other employees for work of comparable character are encouraged to discuss the issue with the Lincoln County Human Resources Department.

B. Veterans' Preference in Hiring

Veterans who meet the minimum qualifications for a position may be eligible for employment preference. Lincoln County does not discriminate against individuals based on current or prior military service. Veterans' Preference will be applied throughout the employment screening and selection process in accordance with State and Federal law. Information regarding Veterans' Preference is posted on the County's Human Resources Department website along with other instructions on how to apply for employment with the County.

C. Whistleblower Protection

1: Reporting Improper or Unlawful Conduct- No pay equity

Employees may report reasonable concerns about Lincoln County's compliance with any law, regulation or policy, using one of the methods identified in this policy. Lincoln County will not retaliate against employees who disclose information that the employee reasonably believes is evidence of:

- a. A violation of any federal, Oregon, or local law, rules or regulations by Lincoln County;
- b. Mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health resulting from action of Lincoln County;
- c. A substantial and specific danger to public health and safety resulting from actions of Lincoln County; or
- d. The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, Lincoln County will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of

a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county or metropolitan service district.

2. Employee Reporting Options

Consistent with Lincoln County's Open-Door Policy found in Article 3(G) of the Lincoln County Personnel Rules, an employee who wishes to report potential improper or unlawful conduct should first talk to their supervisor. If they are not comfortable speaking with their supervisor, or are not satisfied with the supervisor's response, they are encouraged to speak with the Human Resources Director, County Counsel, or any member of the Board. Supervisors and managers are required to inform County Counsel about reports of improper or unlawful conduct they receive from employees.

Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

If Lincoln County were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided under Oregon law.

3. Additional Protection for Reporting Employees

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of Lincoln County's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the disclosure must relate to the conduct of a coworker or supervisor acting within the course and scope of his or her employment. The disclosure must have been made to either:

- a. A state or federal regulatory agency;
- b. A law enforcement agency;
- c. A manager with Lincoln County; or
- d. An Oregon- licensed attorney who represents the employee making the report/disclosure.

The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

4. Policy Against Retaliation

Lincoln County will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes they are disclosing information about conduct that is improper or unlawful.

In addition, Lincoln County prohibits retaliation against an employee because they participate in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no Lincoln County employee will be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. Lincoln County may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.

This policy is not intended to protect an employee from the consequences of his or her own misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if Lincoln County determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.

D. Religious Accommodation

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

E. Domestic Violence

Lincoln County does not discriminate against employees who are victims of domestic violence, sexual assault, or stalking. For information on the County's Domestic Violence Leave policy, see page 34.

F. Retaliation

Employees who believe they have been discriminated against or harassed, or who witness or suspect any violation of the policies or statements of non-discrimination in Article 3, should report the matter immediately to any member of management, their immediate Director or Supervisor, the Human Resources Director or County Counsel. If the complaint is in regard to an alleged violation of these policies by the Human Resources Director, the complaint may be directed to the County Counsel or the Board. Lincoln County will not retaliate or take action against employees acting in good faith for filing a complaint or cooperating in an investigation, and will not tolerate or permit retaliation by management, employees or co-workers.

- 1: Lincoln County will not tolerate unlawful retaliation against employees for engaging in protected activity. Federal Laws such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act, and Oregon employment laws, all prohibit retaliation against an employee who engages in protected activity.
- 2: A protected activity is defined differently under each federal or Oregon law that prohibits retaliation. Some examples include: opposing an unlawful practice prohibited by employment discrimination and wage and hour laws, and participating in any way in an investigation, proceeding, or hearing of a complaint of discrimination (filed internally or with an outside Oregon or federal agency).
- 3: Any act of retaliation by a manager and/or coworker may result in serious adverse disciplinary action up to and including discharge. Any staff member may file a complaint with the Human Resources Director or County Counsel if they feel that they have experienced retaliation in any form.

G. Open Door Policy

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

- 1: If an employee believes that s/he has a legitimate work-related concern, the employee is encouraged to first attempt to resolve the issue through discussions with his or her immediate Director or Supervisor as defined in Departmental Communications Policy. If discussion with the employee's immediate Director or Supervisor fails to resolve the concern, or if for any reason the employee does not want to discuss the situation with their Director or Supervisor, the

employee is encouraged to address the concern with the Human Resources Director, County Counsel or any member of the Board.

- 2: This process provides a method for an impartial discussion of an employee's concern. It is intended to resolve the problem and to provide employees with fair and objective review.

H. No-Harassment Policy

It is the policy of Lincoln County to prohibit harassment of any kind or sexual assault in the workplace, or harassment or sexual assault outside of the workplace that violates its employees, volunteers and interns' right to work in a harassment-free workplace. Specifically, Lincoln County prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and sexual assault. Further, all employees are responsible for respecting the rights of other employees and to refrain from engaging in conduct prohibited by this policy, regardless of the circumstances, and regardless of whether others participate in the conduct or did not appear to be offended. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or with Lincoln County Human Resources Department, at any time if they have questions relating to the issues of discrimination or harassment.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during Lincoln County related or sponsored trips (such as conferences or work-related travel), and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of the County's employees. ***Such harassment is prohibited whether committed by Lincoln County employees or by non-employees (including elected officials, members of the community, volunteers, interns, and vendors).***

Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is "welcome"), when:

1. Submission to such conduct is made either implicitly or explicitly 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 unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; comments about an individual's body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling; unwelcome touching or assault; sexually suggestive, insulting, or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about individuals who are gay, lesbian, bisexual or transgender; or discriminatory treatment based on sex.

This is not a complete list.

Other Forms of Prohibited Harassment

Lincoln County's policy also prohibits harassment against an individual based on the individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

Such harassment may include verbal, written or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual's protected class or protected activity, and can include:

- Jokes, pictures (including drawings), epithets, or slurs;
- Negative stereotyping;
- Displaying racist symbols anywhere on County property;
- "Teasing" or mimicking the characteristics of someone with a physical or mental disability;
- Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't have them;
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

This is not a complete list. All employees are expected to exercise common sense and refrain from other similar kinds of conduct.

Complaint Procedure

Employees, volunteers, or interns who have experienced a sexual assault, any harassment, discrimination in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should bring the matter to the attention of the Lincoln County Human Resources Department or County Counsel/Assistant County Counsel, or a supervisor or member of management as soon as possible. Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call). An employee who experiences or witnesses harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that they want it to stop.

Investigation and Confidentiality

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with the County's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, the County will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use Lincoln County's complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any other available law, whether criminal or civil. Although the County cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against Lincoln County the employee must provide written notice

of the claim within 180 days of the act or omission the employee claims has caused them harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

Protection Against Retaliation

Lincoln County prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, harassing or discriminatory conduct, or has participated in an investigation of such conduct.

Employees who believe they have been retaliated against in violation of this policy should immediately report it to the Lincoln County Human Resources Department or County Counsel/Assistant County Counsel or any supervisor or member of management. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

See also the No-Discrimination, No-Retaliation Policy, above.

Other Resources Available to Employees

Lincoln County provides an Employee Assistance Program (EAP) through Canopy to employees and dependents who are enrolled in Lincoln County's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to www.my.canopywell.com. The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

Lincoln County cannot provide legal resources to its employees or referrals to specific attorneys. Employees may contact the Oregon State Bar for more information: <https://www.osbar.org/public/>.

Other Employee Rights

Nothing in this policy is intended to diminish or discourage an employee who has experienced workplace harassment or discrimination, or sexual assault, from talking about or disclosing their experience.

Lincoln County is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the County to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the County regarding their experience and/or employment status, the employee should contact the Lincoln County Human Resources Department. The employee's request to enter into such an agreement must be in writing (email is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If the County and employee do reach an agreement, the County will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about their experience in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the County or making comments that would lower the County in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that the County and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

I. No-Bullying Policy

Lincoln County strives to promote a positive, professional work environment free of physical or verbal harassment, “bullying,” or discriminatory conduct of any kind. Lincoln County, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, “bullying” refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the employee(s). Examples of bullying include:

1. Verbal Bullying: Slandering, ridiculing, or maligning a person or their family; persistent name calling which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
2. Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person’s work area or property.
3. Gesture Bullying: Non-verbal threatening gestures.
4. Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
5. Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on web sites for co-workers, managers or supervisors or elected officials.

Employees who have experienced bullying in violation of this policy, who have witnessed an incident of bullying, or who have credible information about an incident, are expected and should bring the matter to the attention of their supervisor or a member of management as soon as possible. If conduct in violation of this policy is found to have occurred Lincoln County will take prompt, appropriate action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

J. Americans with Disability Act (ADA) Accommodation

Lincoln County is committed to complying fully with the Americans with Disabilities Act (ADA) and Oregon’s disability accommodation and anti-discrimination laws. We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities.

Accommodations

1. Lincoln County will make reasonable efforts to accommodate a qualified applicant or employee with a known disability unless such accommodation creates an undue hardship on the operation of Lincoln County.

Requesting an Accommodation

1. A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases, Lincoln County) and that permits a qualified applicant or employee with a disability to participate in the job

application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

2. Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All requests for accommodation should be made with Human Resources and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of their need for a reasonable accommodation.

K. Pregnancy Accommodation

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact the Lincoln County Human Resources Department to discuss their options for continuing to work and, if necessary, leave of absence options. The County will provide one or more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on the County's operations.

Although this policy refers to "employees," the County will apply this policy equally to an applicant with known limitations caused by pregnancy, childbirth, or a related medical condition.

Requesting a Pregnancy-Related Accommodation

1. Employees who are concerned that their pregnancy, childbirth, or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made with the Lincoln County Human Resources Department and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, information from the employee's doctor may be needed to assist the County and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both the County and employee must monitor the employee's accommodation situation and make adjustments as needed.
2. No Discrimination, No Retaliation. The County prohibits retaliation or discrimination against any employee who, under this policy: (1) asked for information about or requested accommodations; (2) used accommodations provided by the County; or (3) needed an accommodation.
3. Employees who ask about, request, or use accommodations under this policy and applicable Oregon law have the right to refuse an accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee doesn't have a known limitation. Under Oregon law, an employer can't require an employee to use sick leave, OFLA or FMLA if a reasonable accommodation can be made that doesn't impose an undue hardship on the operations of the County. Also, no employee will be denied employment opportunities if the denial is based on the need of the County to make reasonable accommodations under this policy.
4. Leave of Absence Options for Pregnant Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon's sick leave law, the Oregon Family Leave Act, and the Family Medical Leave Act. Speak with the Lincoln County Human Resources Department regarding these options.

L. Lactation Accommodation

1. Lincoln County supports breast feeding mothers by accommodating the mother who wishes to express milk during her workday when separated from her infant. The County will provide reasonable rest periods to accommodate an employee who needs to express milk for her child eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, or if the employee is exempt from overtime laws, the employee is entitled to take a reasonable period each time the employee has a need to express milk.
2. The County will treat the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time the County is required to provide as paid rest breaks and/or meal periods under applicable Human Resources rules or collective bargaining agreements. Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time.
3. If an employee takes unpaid rest breaks, the County may, at the discretion of the employee's supervisor, allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. The County will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this policy.
4. The County will make a reasonable effort to provide the employee with a private location within close proximity to the employee's work area to express milk. For purposes of this policy, "close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. A "private location" is a place, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public.
5. If a private location is not within close proximity to the employee's work area, the County will identify a private location the employee can travel to. The travel time to and from the private location will not be counted as a part of the employee's break period.

Notice

1. An employee who intends to express milk during work hours must give their supervisor reasonable oral or written notice of her intention to do so in order to allow the County time to make any preparations necessary for compliance with this rule.

Storage

1. Employees are responsible for storing expressed milk. Employees may bring a cooler or other insulated food container to work for storing the expressed milk. If an office provides access to refrigeration for personal use, an employee who expresses milk during work hours may use the available refrigeration.

M. Discrimination Complaints

1. Any person who alleges an act of discrimination, harassment or bullying regarding an employment opportunity with the County, or issues relating to accommodations in the workplace, may file a complaint with the Human Resources Director who shall seek to provide a prompt and equitable solution.
2. Should the Human Resources Director be unable to satisfactorily resolve the complaint, the complaint may be presented to the Board.
3. All employees of Lincoln County have the responsibility to follow and carry out the policies outlined in this section.

Article 4: Terms of Employment

A. Recruitment

- 1: It is the goal of Lincoln County to fill employment vacancies with the most qualified applicants, whether recruiting internally or externally. Job applicants will be considered on an equal basis for all positions without regard to sex, race, color, age, religion, national origin, sexual orientation, marital status, military status, association with members of a protected class, membership in other protected groups, associations or political affiliations, injured worker status, veteran status, non-supervisory family relationships, disability (except for bona fide occupational qualifications), genetic information, or any other protected class or work relationship relating to terms of employment that is recognized under Oregon or federal law.
- 2: The County recognizes current employees' experience and familiarity with Lincoln County as an important qualification and encourages current employees to apply for openings in which they are interested.
- 3: An employee may, from time to time, be temporarily transferred or assigned to perform work outside of his or her regular job classification, schedule, shift or department. Depending upon the circumstances, when transferred, the employee may be subject to a corresponding wage adjustment.

B. Public Announcement

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

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

C. Application

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

D. Evaluation of Applicants

- 1: Applicants for appointment to positions shall possess the minimum qualifications and other requirements for the classification as stated in the applicable classification descriptions.
- 2: Selection criteria must be job related and evaluations of candidates may be written, oral or physical, in the form of a demonstration of skill or an evaluation of training and experience. Consideration will be given to education, experience, aptitude, capacity, knowledge, character, Bona Fide Occupation Qualification (BFOQ), length and quality of service and other qualifications to determine the relative fitness of the applicants.

- 3: Prior to being offered a County position, each prospective candidate for employment must meet the following contingencies:
 - a: Successfully pass a criminal history and background check.
 - b: Submit to a pre-employment drug screen and test negative, if the prospective candidate for employment will be required to operate a motor vehicle (personal or County-owned) as part of their employment and who will have a client or non-County employee as a passenger; or any other position that the County believes involves work that directly relates to or implicates the safety and security of others (including all safety-sensitive positions).
 - c: Provide documentation necessary to prove that the employee meets the education and/or license requirements for the position.
 - d: Successfully pass a driving record check.

E. Appointments

- 1: When an appointing power has selected a candidate to fill a position, they shall complete a personnel action form and forward it to the Human Resources Director.
- 2: All vacancies in the Classified Service shall be filled as provided in this article, and no appointment will be final until approved by the Board.
- 3: The Human Resources Department shall assist appointing authorities in the recruitment, screening, and selection of employees.

F. Notification to Applicants Not Appointed

The Human Resources Department shall, within a reasonable period of time, notify unsuccessful applicants who were not appointed after an appointment is made.

G. Physical examinations

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

H. Full-time positions

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

I. Employment Relationship

- 1: Employees of Lincoln County are engaged in an "at will" employment relationship, unless otherwise stipulated in a relevant Collective Bargaining Agreement. This means that either the employee or Lincoln County may terminate the employment relationship at any time with or without reason or notice.
- 2: No one other than the County Counsel or Human Resources Director on behalf of the Board has the authority to enter into any employment agreement contrary to the provisions outlined in this Manual and the Manual cannot be altered except in writing and signed by the Board. Lincoln County is also not bound by any oral promises concerning length or conditions of employment.

J. Employee Representation

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

K. Departmental or Office Human Resources Regulations

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

Article 5: Employment Classifications

A. Classified and Unclassified

All positions within the County shall be designated as Classified or Unclassified as follows:

- 1: *Classified Service*: Classified Service includes all positions that are covered by a recognized County Bargaining Unit.
- 2: *Unclassified Service*: Unclassified positions include positions held by:
 - a: County Counsel and Assistant Counsel
 - b: Department Directors and Deputy Department Directors as designated by the Board
 - c: Employment contracts for temporary, part-time, or full-time service to render professional, scientific, technical, or other expert services which are not personal or professional service agreements with independent contractors
 - d: Persons appointed to Part-time NB as defined by these Personnel Rules
 - e: Any person serving in a policymaking, supervisory and/or confidential position as may be determined by the Board.

B. Classification Status and Benefit Eligibility

- 1: The status of each employee's position is placed into distinct classifications for benefits and other employment conditions and to aid in a better understanding of employment relationships within Lincoln County as follows:
 - a: Regular Full-time - Benefits-eligible
 - b: Regular Part-time - Employees will receive a pro-rated benefit contribution based on FTE (unless otherwise specified by law)
 - c: Part-time Non-Benefited (PTNB) - No benefits, unless otherwise provided by law.
- 2: Positions are further classified according to federal and state wage and hour laws into the two additional categories of exempt and non-exempt as is defined in the paragraphs that follow. Management will make the appropriate designation regarding the status for each new position or when a position changes substantially. Employees who are uncertain of their status should ask the Human Resources Department.

C. Exempt

"Exempt" means an employee who is exempt from the overtime pay requirements under federal and state laws. Exempt employees generally include managers, supervisors, and professional staff whose duties and responsibilities allow them to be exempt under federal and state law.

D. Non-exempt

"Non-exempt" means an employee whose job duties do not meet federal/state definitions for "Exempt" status.

Article 6: Application and Administration of Personnel Rules

A. Classified Service Positions

Classified service positions are subject to all Personnel Rules, except as noted in D below.

B. Unclassified Service Positions

- 1: Unclassified service positions are subject to all Personnel Rules except as otherwise provided in these policies.
- 2: Unclassified employees shall serve at the pleasure of their appointing authority.
- 3: Appointed Department Directors continue to work at the will of the Board. The Commissioners may remove any Department Director, at any time, without the necessity of showing cause.

C. Elected Officials

- 1: Elected Officials are governed by rules set forth by applicable laws. They are expected to administer the Personnel Rules for their appointed employees.

D. Collective Bargaining Agreements

Any provision of the Personnel Rules that is inconsistent with a valid collective bargaining agreement shall not apply to those employees subject to such agreement.

E. Administration of Rules

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

Article 7: New Employees, Promotions and Transfers

A. New Employee Orientation

In order to help orient to Lincoln County's operations, and to ensure that new employees quickly have a productive and satisfying employment relationship, all new employees are scheduled for new employee orientation organized by Human Resources on their hire date. The hiring manager will provide a detailed job-specific orientation.

B. Trial Service Period

- 1: The Trial Service Period applies to all positions in the classified service. Non-represented (Unclassified) employees are "at will," so in effect they are always in a "trial service" status.
- 2: The Trial Service Period provides the appointing power with the opportunity to observe the employee's work, to train and aid the employee in adjusting to the position, and to terminate employees with unacceptable performance or for any other reason without the necessity of showing cause, unless the Trial Service Period has been waived by the appointing authority.
- 3: Every person appointed to a position in the classified service shall serve a Trial Service Period as set by the collective bargaining agreement.
- 4: Employees who transfer, or who are promoted, shall follow the trial service rules found in the applicable collective bargaining agreement.
- 5: Dismissal During Trial Service Period
 - a: At any time during a Trial Service Period, an employee may be removed without cause and/or for any reason not prohibited by law by an appointing power.
 - b: Dismissal during a Trial Service Period shall not be grounds for redress under Article 13 of these rules.
 - c: An appointing power may extend the Trial Service Period if allowed by the applicable collective bargaining agreement.
 - d: At the end of the initial Trial Service Period, a decision about employment status will be made. If expectations are not met or demonstrated, and/or KSAs (Knowledge, Skills, and Abilities) are not satisfactory, it is unlikely that employment will be continued.
 - e: Trial service employees may be discharged at any time and for any reason not prohibited by law during this period at the discretion of the County. The employee may resign.
 - f: Completion of the Trial Service Period does not alter the "at will" employment relationship, unless otherwise stipulated in the relevant Collective Bargaining Agreement.

Article 8: Employee Performance Ratings

A. Employee Performance

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

B. Trial Service, Annual Special Ratings

- 1: A rating of trial service employee work performance shall be prepared for each trial service employee before the completion of the Trial Service Period, and at such other times as the supervisor deems appropriate.
 - a: A rating of meeting or exceeding standards indicates the successful completion of the Trial Service Period and regular employee status.
 - b: Established performance standards and goals shall be the basis for every rating.
- 2: An annual rating of work performance shall be completed for each employee near his or her anniversary.

C. Use of Ratings

- 1: Ratings are to be used as a means of communicating with the employee regarding performance standards and goals and in identifying strengths and weaknesses in the performance of assigned duties.
- 2: Appointing powers shall review the rating with the employee and stress both areas of outstanding performance and areas needing improvement.
- 3: Copies of trial service, annual and special ratings shall be filed in the employee's personnel file.

D. Employee Disagreement with Rating

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

Article 9: Administration of Compensation

A. Classification Plan, Amendment and Allocation

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

B. Classification Plan Review

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

C. Allocation of New Positions

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

D. Reclassification

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

E. Class Specifications, Interpretation, Use and Qualifications

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

F. Interpretation of Position Specifications

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

G. Use in Allocation

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

H. Minimum Qualifications Statement

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

I. Additional Qualifications Requirements

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

J. Use of Class Title

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

K. Compensation Plan

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

L. Establishment of Salary Ranges

- 1: There shall be one pay plan, unless designated otherwise by a collective bargaining agreement; each plan shall include for each class a minimum and a maximum rate.
 - a: The eleven-step plan shall include a 10-year longevity rate and a 20-year longevity rate.
- 2: The ranges shall reflect the relative responsibilities of the class, availability of labor, prevailing rates of pay and financial conditions of the County.

- 3: The compensation plan shall provide reasonably competitive ranges of pay for each employment classification.

M. Adjustment of Salary Ranges

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

N. Effect of Salary Range Adjustments on Incumbent

- 1: If a position review process determines that a position should be reclassified to a higher pay range, the employee(s) will be placed in the new salary range at the step nearest to, but not less than, the employee's current salary. In no case will the employee be paid less than the minimum of the new range.
- 2: If the review process results in the position being placed in a lower pay range, no decrease in pay will occur, and the employee will be paid at their current salary rate (a redlined employee) until the new pay range increases to the employee's current level.
- 3: The anniversary date of a re-classed employee will not change.

O. Administration of Compensation Plan

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

- 1: Entrance Salaries
 - a: Normally an employee will be appointed or reinstated at the entrance rate for the class.
 - b: If an appointing power believes it is necessary to make an appointment or reinstatement above the entrance rate, authorization must be obtained from the Human Resources Director before the effective date of hire and prior to the offer of employment. A written explanation for the higher rate of pay must be prepared by the appointing power and presented to the Human Resources Director.
 - c: The Human Resources Director will consider the qualifications of the candidate, availability of applicants and salary relationship with other similar positions in ruling on the request.

- 2: Salary Increases

The adjustment of employee salaries to advance steps of their respective salary ranges shall be governed as follows:

 - a: Salary increases shall be subject to the availability of funding and the collective bargaining process where applicable and annual determination by the Commissioners.
 - b: A new unclassified employee shall be eligible for advancement to the next step of the salary range after six (6) continuous months of satisfactory service in that class. Classified employee eligibility is dependent upon the collective bargaining agreement.
 - c: Regular employees who have served for 12 continuous months following an in-range advancement to the next step shall be eligible for advancement to the next step of the salary range until attaining the final step in their respective range. Generally this is the 12 continuous months from one wage anniversary year to the next.
 - d: PTNB employees, at the discretion of the appointing authority, may be eligible for advancement to the next step of the salary range after working 1040 hours in their current step.

3: Promotions

- a: An employee who is promoted or whose position is re-classed upward is eligible on the date of such promotion or reclassification to go to the step in the new range that is closest to but higher than the employee's current rate of pay or as determined by internal pay equity analysis. The effective date of the wage increase is the first day of month after promotion.
- b: If an appointing power believes it is necessary to make a promotion beyond the step in range that is closest to but higher than the employee's current rate of pay, authorization must be obtained from the Human Resources Director before the effective date of promotion. A written explanation for the higher rate of pay must be prepared by the appointing power and presented to the Human Resources Director.
- c: The Human Resources Director will consider the qualifications of the candidate, availability of applicants and salary relationship with other similar positions in ruling on the request. For Promotions, the anniversary month will change to six months following the effective date of the promotional wage increase.

4: Demotions

- a: An employee who is demoted for any reason shall move to the new salary pay grade and shall be placed at a new salary step that provides an appropriate salary decrease as determined by the appointing authority and internal pay equity analysis.

5: Transfer

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

6: Exceptional Increases

- a: Exceptional increases may be requested by an appointing power.
 - i: The Board may approve an exception to the general rules regarding salary increases if such action is warranted by circumstances and funds are budgeted and available.
 - ii: The wage anniversary month will not change as a result of an exceptional increase.

P. Bilingual Pay

1. Proficiency-based Designation

- a. An employee, whose position is not “designated” as bilingual, may request to take the language proficiency test with the approval of the department head and Human Resources Director.
- b. An employee receiving proficiency-based pay must be willing to use and apply verbal and written language skills as determined through a signed agreement with their supervisor and/or manager.
- c. Employees will be eligible for proficiency-based bilingual pay only if they are fluent in Spanish, American Sign Language, Mam, or another language approved by Human Resources Director in conjunction with the department head.

2. Position-Based Designation

Criteria for Designation:

- a. Public contact with regular and frequent use of bilingual skills.
- b. Bilingual skills are necessary to provide services and essential to successful performance of official functions; and
- c. Position performs in a setting where there is a demonstrated public need for the designation.
- d. The bilingual skillset must be included in the job description as required or desired.
- e. In the event an incumbent moves to a position that is not designated as bilingual or if the bilingual designation is removed, the incumbent will be classified as proficiency based.
- f. Departments may request a bilingual designation review by submitting a completed Bilingual Pay Form. The justification should describe the need for the designation and the nature and frequency of bilingual duties.
- g. The Human Resources Department may designate occupied positions as bilingual. The incumbent must pass the proficiency test(s) for the designation to become effective.
- h. A department may request a bilingual designation be removed from a position and must provide justification to the Human Resources Department describing the reasons for the change.

3: Qualified Medical Interpreter (QMI) Designation

Criteria for Designation:

- a. Public contact with regular and frequent use of bilingual skills;
- b. QMI skills are necessary to provide services and essential to successful performance of official functions; and
- c. Position performs in a setting where there is a demonstrated public need for the designation.
- d. The QMI requirement must be included in the job description as required or desired.
- e. In the event an incumbent moves to a position that is not designated as QMI or if the QMI designation is removed, the incumbent will be classified as proficiency based.

- f. Departments may request a QMI designation review by submitting a completed Bilingual Pay Form. The justification should describe the need for the designation and the nature and frequency of QMI duties.
 - g. The Human Resources Department may designate occupied positions as QMI. The incumbent must pass the proficiency test(s) for the designation to become effective.
 - h. A department may request a QMI designation be removed from a position and must provide justification to the Human Resources Department describing the reasons for the change.
4. Certified Medical Interpreter (CMI) Designation
- Criteria for Designation:
- a. Public contact with regular and frequent use of bilingual skills;
 - b. CMI skills are necessary to provide services and essential to successful performance of official functions; and
 - c. Position performs in a setting where there is a demonstrated public need for the designation.
 - d. The CMI requirement must be included in the job description as required or desired.
 - e. In the event an incumbent moves to a position that is not designated as CMI or if the CMI designation is removed, the incumbent will be classified as proficiency based.
 - f. Departments may request a CMI designation review by submitting a completed Bilingual Pay Form. The justification should describe the need for the designation and the nature and frequency of CMI duties.
 - g. The Human Resources Department may designate occupied positions as CMI. The incumbent must pass the proficiency test(s) for the designation to become effective.
 - h. A department may request a CMI designation be removed from a position and must provide justification to the Human Resources Department describing the reasons for the change.
5. Testing
- a. The methods used to test proficiency will be determined by the Human Resources Department.
 - b. Proficiency testing will be administered by the Human Resources Department via a third-party testing site. Testing may include standardized written competency tests and an oral examination.
 - c. Applicants for Position-Based designation must meet the required position qualifications prior to taking proficiency test(s).
 - d. Applicants and Candidates must achieve a score of “Intermediate High” or “Advanced Low” on the bilingual proficiency test to receive bilingual pay.
 - e. Candidates who fail the proficiency test(s) may retake the test after six (6) months.
6. Compensation
- a. Full-time Proficiency-Based designations shall receive compensation at a flat rate of \$55 on the first and second pay period of each month.
 - b. Full-time Position-Based designations shall receive compensation at a flat rate of \$70 on the first and second pay period of each month.

- c. Full-time QMI-Based designations shall receive compensation at a flat rate of \$105 on the first and second pay period of each month.
- d. Full-time CMI-Based designations shall receive compensation at a flat rate of \$130.0 on the first and second pay period of each month.
- e. Part-time employees shall receive compensation in an amount proportionate to that of a full-time employee.
- f. The amount of compensation will be pro-rated for any leave without pay status during the month.
- g. An employee with two or more language designations will receive an additional \$25 on the first and second pay period of each month.

7. Administration

The Human Resources Department is responsible for administering the Bilingual Pay Policy, including approval of the bilingual position designations and proficiency testing and certification. Human Resources will maintain a list of all bilingual staff and their designation.

Q. Temporary Working Out of Classification

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

R. Special Rule for FLSA Exempt Salaried Employees

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

S. Personnel Action Forms and Procedures

- 1: All personnel actions shall be requested using forms provided by the Lincoln County Human Resources Department.

T. Personnel Action Forms Administration:

- 1: Director or Elected Official Action
 - a: All personnel action requests shall be approved or denied by the Human Resources Director based on their interpretation and application of existing rules.
 - b: Upon approval or denial of the request, the personnel action form will be returned to the appropriate Department Director or Elected Official.

- c: This procedure will not apply to Special Merit Increases or personnel actions affecting Department Directors and staff reporting directly to the Board or to personnel actions concerning Elected Officials. Those requests shall be reviewed by the Human Resources Director and sent to the Board with a recommendation for approval or denial.
- d: Board approval may be required, at times, for Personnel Actions as determined by the Human Resources Director.

U. Appeals

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

V. Board Initiated Action

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

W. Overtime

- 1: Overtime work may be required as deemed necessary by the supervisory authority.
- 2: All overtime work must be approved in advance by the supervisory authority and is subject to the following:
 - a: Overtime is defined as time physically worked in excess of 40 hours per workweek.
 - b: Vacation leave, sick leave, holidays, and compensatory time taken do not count as hours worked in an employee's workweek for overtime computation.
 - c: Positions exempt from overtime shall not receive any form of overtime compensation.
 - d: Supervisors shall assign to each employee regular work duties and responsibilities, which can normally be accomplished within the established workweek.
 - e: All work performed on a holiday shall be in accordance with Article 9 Section W.
 - f: When an employee is transferred to or appointed to another department or office, accumulated overtime/compensatory time must be used or be paid before or during the transfer.
- 3: Overtime accumulated pursuant to this Article shall, at the discretion of the County, be either:
 - a: Paid to the employee at one and one-half times the employee's regular rate of pay, OR
 - b: Credited to the employee as compensatory time off at the rate of time and a half.
 - c: In calculating work performed pursuant to this Article:
 - i: Overtime shall be computed to the nearest quarter hour.

- ii: Work performed shall consist only of time the employee is actually working for the County.
- 4: d: Compensatory time may be used to “top off” wages when the employee is using approved PLO. Overtime exempt non-represented employees in the Health and Human Services Department who are assigned to perform on-call crisis duty shall be compensated in the same manner as overtime exempt represented employees in the Health and Human Services Department.
- 5: Compensatory Time Limitation
 - a: Employees in departments or offices that do not operate 24 hours a day, seven days a week shall accumulate no more than 80 hours of compensatory time. No Elected Official or Department Director shall modify this limitation. Accruals over the 80-hour limit are not permitted. The 80-hour maximum is the total allowed after computation at time and one-half.
 - b: Employees in departments or offices that operate 24 hours a day, seven days a week may accumulate up to 120 hours of compensatory time for overtime worked. The 120-hour maximum is the total allowed after computation at time and one-half.
- 6: Exceptions to Overtime Compensation
 - a: The Board may exempt certain classifications from overtime compensation on the basis of the nature of conditions of employment.
 - b: Exempt classes are designated in the County Pay Schedules.
 - c: Exempt employees will not be granted compensatory time.

X. Holiday Work

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

Y. Standby Pay

- 1: Overtime eligible employees assigned to serve on standby duty beyond their regularly scheduled workday or work week shall be paid at the rate of \$1.75 for each full hour of required standby duty.
- 2: Employees on standby duty who are called in to work shall be compensated a minimum of two hours for each occasion they are called in.
- 3: Employees will not receive compensation for active work and standby duty for the same time period.
- 4: This article does not apply to employees exempt from overtime, and employees subject to a collective bargaining agreement.
- 5: Employees who carry pagers but are not restricted from pursuing personal activities while wearing a pager are not eligible for standby pay.

Article 10: Benefits Administration

A. Medical, Dental, LTD, and Life Insurance

- 1: Unless otherwise stipulated in applicable Collective Bargaining Agreements, the County will pay on behalf of each Regular Full-time benefit-eligible employee ninety percent (90%) of the monthly premium cost of a County selected medical, vision, orthodontia, and dental coverage. Employees shall be responsible for ten percent (10%) of the monthly premium, which shall be collected through payroll deduction. Such payments shall be made through the County's Section 125 Plan in equal amounts on a pay period basis.
- 2: Unless otherwise provided in a collective bargaining agreement or under law, the County will pay the full premium of a \$40,000, 24-hour life and AD&D insurance plan for each benefit-eligible employee.
- 3: The County will pay the full premium for a long-term disability (LTD) policy for each benefit-eligible employee.
- 4: Selection of the carriers for these plans and determination of coverage and other benefits shall be made by the County. Summary Plan Descriptions and details of this benefit are available during Open Enrollment and from the Human Resources or Finance Department.
- 5: New employees hired into benefit eligible positions are eligible for the above insurances beginning the first day of the month following their respective hire date.
- 6: Regular Part-time employees who work twenty (20) hours per week or more shall have the County's share of health costs prorated in direct proportion to their position's Full Time Equivalent (FTE), with the exception of the County paid life and AD&D insurance. The County will pay the full life and AD&D insurance premium for benefit eligible employees (20 or more hours per week), for the County-paid life & AD&D insurance policy. A Regular Part-time employee who opts to receive benefits that they are eligible for will pay a proportionate premium amount, based on full time equivalency, which will be paid through payroll deduction, in addition to any insurance co-pay that may be required for the coverage chosen.
- 7: When an employee's established Full Time Equivalency (FTE) is increased or decreased, all benefits shall be calculated based on the employee's most recent established FTE reflected on the latest Personnel Action Form on file in the Finance Department. An employee's benefit status may also change if, after three (3) consecutive paychecks an employee works less than their regular work schedule and does not have accrued leave to cover missed work hours.
- 8: PTNB employees are not eligible for health benefits.
- 9: Benefit-eligible employees have the option of choosing both or either medical or dental; they may opt out of medical and choose dental coverage only; or waive dental and choose medical only coverage.
- 10: An employee on a partial month leave without pay, will be required to have a prorated amount of the County's contribution withheld based on the following calculation:
 - a: $\text{Number of LWOP days in month} \times \text{Actual} = \text{Amount of Premium Salary Withheld}$ Number of workable days in month.
- 11: In accordance with Oregon Law, same sex domestic partners are eligible for health and dental insurance. To apply for these benefits, a new employee or an existing employee who enters into a domestic partnership must provide a Certificate of Domestic Partnership to the Human Resources Department. Federal and state tax law mandate that employees pay taxes on all domestic partner benefits.

B. Optional Insurance Coverage

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

C. County Retirement Plan

- 1: The County provides a defined contribution 401(k) retirement plan for all regular employees. The current County contribution to the retirement plan is 11% of each eligible employee's gross salary.
- 2: Retirement benefits are subject to the terms of the County Retirement Plan. Refer to the Employee Retirement Reference Book for a summary of the plan.
- 3: The County will continue the existing or comparable employee retirement program.
- 4: Employee participation begins the first day of employment.
- 5: Selection of a carrier, vendor, plan features and investment options for this plan shall be made by the County.
- 6: County Retirement Plan participants are eligible for retirement at age 55.

D. Public Employees Retirement System (PERS)

- 1: The County will continue to participate in PERS as it applies to law enforcement employees, or others required by law, or its successor or its equivalent.
- 2: Refer to the PERS website for a copy of the PERS Handbook for PERS members.
- 3: PERS Public Safety members are eligible for retirement at age 50.

E. Employee Assistance Program (EAP)

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

F. Holidays Observed

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

New Year's Day	January 1
Martin Luther King Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving	4th Thursday in November
Day after Thanksgiving ³	The Fourth or fifth Friday of November
Christmas Day	December 25
- 2: Road Department employees receive the day before Thanksgiving, and do not receive the Martin Luther King Jr. holiday.
- 3: Non-reps, receive the Day after Thanksgiving as do FOPPO, and LCEA General pursuant to their collective bargaining agreements.
- 4: Weekend Holiday
 - a: When a holiday falls on Sunday, the succeeding Monday shall be observed as the holiday.
 - b: If a holiday falls on Saturday, the preceding Friday shall be observed as the holiday.
 - c: Whenever a holiday falls on an employee's scheduled day off during the workweek, the employee shall observe the day as a holiday and re-schedule his day off with supervisor approval within the same workweek the holiday occurs.

G. Holiday Pay

- 1: Full time employees will receive eight (8) hours pay for each of the holidays listed above on which they perform no work.
- 2: Part time employees working 20 hours per week or more shall receive holiday pay on a prorated basis.
- 3: Holiday During Leave
 - a: If an employee is on authorized leave with pay when a holiday occurs, the holiday shall be paid and not charged against sick or vacation leave earnings.
 - b: Holidays occurring during leave without pay shall not be compensated.
- 4: Eligibility For Holiday Pay
 - a: To be eligible for holiday pay, the employee must work the last scheduled workday before and the first scheduled workday after the holiday, or be on authorized leave with pay.
 - b: Regular part-time employees whose regular work schedule is 20 or more hours per workweek will receive proportional compensation for holidays.
 - c: Pay for Regular Part-time employees is based their current FTE.
 - d: PTNB employees are not eligible for holiday pay.
 - e: For work performed on holidays, compensation is governed by Article 9 Section V, Overtime.

H. Vacation Leave

- 1: Full Time Employees
 - a: Full time employees, except for appointed Department Directors, Assistant Directors, and Non-Represented Staff in Ranges 20 and above, after having served in County service for six continuous months, shall be credited with 51.96 hours of vacation leave.

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

	Total Hours Vacation Per Pay Period	Work Hours Per Week	Maximum Accrual
After 6 months continuous service through the 5 th year	4.00	40.0	192 hours
After 5 th year of continuous service through the 10 th year	4.92	40.0	240 hours
After 10 th year of continuous service through the 15 th year	5.85	40.0	288 hours
After 15 th year of continuous service through the 20 th year	6.77	40.0	336 hours
After 20 th year of continuous service onward	7.69	40.0	384 hours

2: Regular Part-time employees working 20 or more hours per week accrue vacation leave in an amount proportionate to that which would be accrued under Regular Full-time employment based on their FTE.

3: PTNB employees shall not earn vacation.

4: Continuous Service

- a: Continuous service for vacation leave credit shall be service unbroken by separation from County employment.
- b: Time spent by an employee on military leave, Peace Corps duty, leave resulting from a job incurred injury, sick and vacation leave, authorized education leave, or Family Medical Leave shall be included as continuous service.
- c: Time spent on other types of authorized leave will not count as part of continuous service, unless required to do so by law.
- d: Employees recalled from lay off shall be entitled to credit for months of continuous service prior to layoff if the employee returns within 12 months of the lay-off date.

5: Scheduling Vacations

- a: Staffing schedules shall be established by appointing powers to provide vacation leave for employees at regular periods.
- b: Employees may take vacation leave at the time scheduled.
- c: Schedules will be amended by the appointing powers to meet emergencies.
- d: In establishing vacation schedules, appointing powers shall give due consideration to the vacation requests of individual employees within limits of work requirements of the office and department.
- e: Employees who have completed six months of continuous service may utilize earned vacation leave credit as it accumulates, subject to the approval of the appointing power.
- f: Vacation leave may be used to “top off” wages when the employee is using approved PFMLI.

6: Accumulation of Vacation Credit

- a: The maximum accumulation of vacation leave for any employee shall be as provided in Section H of this Article.
- b: An employee whose accrued vacation time is within 40 hours of their maximum accrual limitation, may, by notifying their appointing power five days in advance, request time off to prevent reaching the maximum.

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

7: Transfer of Credit

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

8: Vacation Pay at Termination

- a: If an employee serves six continuous months and is separated from County service, the employee shall be entitled to cash compensation for accrued vacation leave.
- b: The Board will not provide compensation in lieu of paid time off for accrued vacation leave; provided, however, that at the Board's sole discretion, the Board may cash out a portion of an employee's vacation leave when there is a significant reduction in pay involved in a voluntary transfer.

9: Vacation Leave Sell-Back

- a. Employees who have used at least eighty (80) hours of vacation leave in the previous calendar year, may choose to sell back forty (40) hours of accrued vacation leave in lieu of time off, provided the employee maintains a vacation balance of at least forty (40) hours following the payout.
- b. This option may be exercised once annually.
- c. To receive compensation in lieu of time off, the employee must submit a completed Request to Sell Vacation form to Payroll by no later than December 31st. Payment shall be included on the second payroll in January.
- d. The County may refuse to pay employees under this provision if notice is not provided by the employee by the required date.

I. Personal Time

Personal time is for Department Directors, Assistant Directors, and Non-Represented Staff in Ranges 20 and above.

- 1: In recognition of the complexity of responsibilities involved in managing County Departments, as well as the professionalism of appointed Department Directors, Assistant Directors, and Non-Represented Staff in Grades 20 and above, the County adopts the concept of "Personal Time" to replace time generally accrued as vacation, sick leave and personal days for the following positions:
 - All Appointed Directors
 - All Assistant Directors
 - All Non-Represented Staff in Grades 20 and above
- 2: Personal Time shall be accrued at the rate of 10.16 hours per accrual period for Regular Full-time employees; it will be prorated for Regular Part-time employees working at least 20 hours a week.
- 3: Any Lincoln County accrued sick leave existing at the time an employee is appointed to a position that receives PTO will be retained in an extended illness bank to be used in the event of hospitalization or any illness requiring more than five (5) consecutive days of absence.
- 4: Maximum accrual of Personal Time will be 528 hours.
- 5: 100% of any amount accrued up to 528 hours will be paid upon termination for any reason.
- 6: PTO leave may be used to "top off" wages when the employee is using approved PFMLI.

J. Paid Sick Leave

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

1: Accumulation

- a: All Regular Full-time employees, except appointed Department Directors, Assistant Directors, and Non-Represented positions in ranges 20 and above, shall accrue sick leave at the rate of 3.7 hours for each continuous accrual period of service up to a maximum accrual of 1440 hours.
- b: Regular Part-time employees working 20 hours or more per week accrue sick leave proportionate to the amount that would be accrued under Regular Full-time employment based on their FTE.
- c: A PTNB employee begins to accrue sick leave on the first day of employment. Paid sick leave may be used as it is accrued. Paid sick leave shall accrue at the rate of one hour for every 30 hours worked. Maximum accrual for PTNB employees is 80 hours. Sick leave is to be used in .25-hour increments. Any unused sick leave will not be cashed out upon separation from employment.
- d: Except for the County retirement provision in these Personnel Rules, no compensation for accrued sick leave will be allowed for an employee when separated from County service.
- e: Sick leave shall not accrue during any period of leave of absence without pay, unless the employee is on approved FMLA, OFLA, or PFMLI leave.

2: Utilization

- a: Employees will use their sick leave allowance when unable to perform their work duties by reason of illness or injury, pregnancy, parental leave, medical or dental care, exposure to contagious disease under circumstances where the health of the other employees or the public would be endangered by the employee's attendance. An employee may also use sick leave if the employee, or their minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).
- b: Employees may also use sick leave for their family members; specifically, for the diagnosis, care, or treatment of a mental or physical illness, injury or health condition or need for preventive medical care.
 - i. "Family member" means the eligible employee's grandparent, grandchild, spouse, or registered same-gender domestic partner, and the domestic partner's child or parent; the employee's stepchild, parent-in-law or a person with whom the employee was or is in a relationship of in loco parentis; and the employee's biological, adoptive or foster parent or child.
- c: Employees using sick leave as a result of a death of a "Family member" (as defined above) will request appointing power approval for their leave as outlined in Article 11 of these rules.
- d: Use of sick leave will run concurrently with leave designated under the FMLA and the OFLA where allowed by law.
- e: Use of qualifying sick leave will be considered protected leave up to the amount allowed under FMLA, OFLA and other applicable laws and statutes governing the use of sick leave.
- f: Sick leave may be used to "top off" wages when the employee is using approved PFMLI.

3: Transfer

- a: When an employee is transferred, or appointed to another department or office, sick leave credit shall remain in effect and will become the responsibility of the new department or office.
- 4: Integration With Sick Leave (Workers' Compensation Time-Loss)
 - a: Salary supplemented by the County for a leave covered by Workers' Compensation will be paid from accrued sick leave on a daily basis in accordance with Article 17, Section D.
 - b: Sick leave is accrued until all sick leave is exhausted.
 - c: Employees may elect not to take this supplement by written notification to the Finance Department. The employee is then placed on leave without pay.
 - d: No further sick leave is paid or accrued until the employee returns to work.
- 5: Employee Notification of Absence
 - a: Employees who are ill and unable to report to work shall notify their immediate supervisor within thirty minutes of their normal reporting time and shall follow individual department guidelines.
 - b: An employee must contact their supervisor daily while on sick leave unless an extended period of sick leave has been prearranged with Human Resources or when off work on protected leave. The employee shall inform their supervisor of any change in the duration of sick leave as soon as practicable.
 - c: If an employee fails to provide proper notice or make a reasonable effort to schedule leave in a manner that is only minimally disruptive to the organization and operations, the County may deny the use and legal protections of sick leave.
 - d: Supervisors will inform the Human Resources Department of the nature of an employee's request for sick leave for more than 3 days to determine if the employee qualifies for Family and Medical Leave.
- 6: Re-Employment
 - a: An employee re-employed following a separation shall have sick leave credits accrued but not used during the previous employment restored if the employee returns within 180 days of the separation.
- 7: Sick Leave Buy Back
 - a: The County will allow non-represented employees with 10 years' continuous service to sell a portion of their accrued sick leave, up to \$1000, chargeable to their accrued sick leave, based on their hourly rate of pay. This option may be exercised every 5 years thereafter with the option of selling up to \$500, chargeable to their accrued sick leave based on their hourly rate of pay, provided that a minimum of 80 hours of sick leave are retained in the bank following the sell back.

If an employee dies while employed by the County, 100% of the employee's accrued sick leave will be awarded in accordance with County policy in effect at the time of the employee's death.
- 8: Sick Leave Documentation
 - a: If an employee takes more than three consecutive scheduled workdays as sick leave, Lincoln County may require reasonable documentation showing that the employee was absent for an approved reason. Reasonable documentation includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault or stalking.
- 9: Sick Leave Abuse
 - a: If Lincoln County suspects sick leave abuse, including but not limited to repeated use of unscheduled sick leave or repeated use of sick leave adjacent to weekends, holidays, vacations and paydays, Lincoln County may require documentation from a healthcare

provider on a more frequent basis. Employees found to have abused sick leave as described here may also be subject to discipline, up to and including termination.

Article 11: Leaves of Absences

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

A. Family and Medical Leave

Please refer to the Lincoln County Family and Medical Leave Handbook.

B. Oregon Paid Family and Medical Leave

Please refer to the Lincoln County Family and Medical Leave Handbook.

C. OMFLA Military Family Leave

- 1: During a period of military conflict, as defined by the statute, eligible employees with a spouse or domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces ("Military Spouse"), and who has been notified of an impending call or order to active duty (or who has been deployed), is entitled to a total of 14 days of unpaid leave per deployment after the Military Spouse has been notified of an impending call or order to active duty and before deployment and when the Military Spouse is on leave from deployment. The entitlement ends once 12 weeks of OFLA leave is utilized for any purpose in a one-year time period. The leave may be taken as a block of time or intermittently.
- 2: Benefits and return to work rights are administered in compliance with FMLA and OFLA and County Personnel Rules.

D. Domestic Violence, Harassment, Sexual Assault and Stalking Leave (DVHSAS)

- 1: In accordance with the Oregon State Domestic Violence Leave law and PFML, Lincoln County allows victims of domestic violence, criminal harassment, sexual assault, or stalking to take reasonable leave from work for legal or law-enforcement assistance, medical treatment, or counseling.
- 2: Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.
- 3: Employees must give their supervisor and the Human Resources Director as much advance notice as reasonably possible of the need for this leave. Employees who do not qualify for PFML Safe Leave will be required to first use their available leave balances; otherwise, this leave will be un-paid.
- 4: The County may require verification from an employee who is requesting domestic violence leave. If so, an employee may provide one or more of the following:
 - a: A police report indicating the employee or employee's dependent was a victim.
 - b: A court order providing protection to the victim.
 - c: Documentation from a health care provider, advocate, clergy, or attorney.
 - d: An employee's written statement that the employee or employee's dependent is a victim and needs assistance. Family relationship may be determined by birth certificate, court document, other similar record, or a statement from the employee.

- 5: Employees who are victims of domestic violence, harassment, sexual assault, or stalking may be entitled to a reasonable safety accommodation that will allow the employee to more safely continue to work, unless such an accommodation would impose an undue hardship on Lincoln County. Please contact Human Resources immediately with requests for reasonable safety accommodations.

E. OFLA Bereavement Leave

1. Employees may use a maximum of two weeks of leave for death related purposes per family member and no more than 4 weeks total in a year. The leave is unpaid; however, employees will be allowed to use accrued sick leave to cover the absence. "Family Member" is defined as
 - Spouse or domestic partner (opposite or same gender)
 - Child (biological, adopted, stepchild, or foster child), spouse or domestic partner's child, or the child's spouse or domestic partner
 - Parent (biological, adoptive, stepparent, foster parent, or legal guardian), the parent of a spouse or domestic partner, or parent's spouse or domestic partner
 - Sibling or stepsibling or their spouse or domestic partner
 - Grandparent or grandparent's spouse or domestic partner
 - Grandchild or grandchild's spouse or domestic partner
 - Anyone related by blood or affinity whose close association is the equivalent of a family relationship
2. The employee must provide notice of the leave to Human Resources as soon as possible after receiving notification of a Family Member's death, and the leave must be completed within 60 days of the date that the employee receives notice of the death. The time off will be deducted from the employee's available time under OFLA.
3. The County reserves the right to request non-medical verification of the need for the leave.
4. Death related purposes include:
 - a: Attending the funeral or alternative to a funeral for a family member,
 - b: Making arrangements necessitated by the death of the family member, or
 - c: Grieving the death of the family member.

F. Bereavement Leave

In the event of a death in the employee's immediate family, the employee shall be granted necessary paid time off to grieve or make funeral and estate arrangements, attend and travel to and from the funeral to a maximum of forty (40) hours per incident. Leaves taken under this section will run concurrently and within the time periods of bereavement leave provided by the Oregon Family Leave Act (OFLA). The total time granted for this Section shall not exceed eighty (80) hours per calendar year for any employee. Leave is prorated based on budget FTE. For the purpose of this Section an employee's immediate family shall be defined as the employee's spouse, domestic partner, parents, children, siblings, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, stepparents, stepchildren and step grandchildren. Bereavement leave shall be at the employee's regular rate of pay and shall be accounted for separately. Such leave shall not accumulate from year to year and must be approved by the Department Director. Use of accrued sick, compensatory time, vacation, and/or PTO will be authorized to extend bereavement leave, consistent with OFLA.

G. Leave Sharing (formerly Catastrophic Leave)

1: General Provisions

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

2: Conditions For Receiving Leave Donations

- a: An employee who receives any donated leave time must exhaust all available earned leave (personal leave, vacation leave, sick leave, compensatory time, etc.) before using any donated leave.
- b: An employee who receives any donated leave time while receiving benefits through PFMLI will only be able to use the donated leave to "top off" their PFMLI benefits only after all other accruals have been exhausted.
- c: The recipient employee must file, with the Human Resources Department, a medical certificate from their health care practitioner verifying eligibility under these criteria.
- d: Donated hours shall not be processed in an amount greater than that which is approximately necessary to cover the employee's next occurring pay period.

- e: If otherwise qualifying under this Article, shared leave shall be used to provide paid Family Medical Leave/Bereavement Leave that would otherwise be unpaid but may not extend the length of Family Medical Leave/Bereavement Leave entitlement.
 - f: Donated leave may not be used to extend employment beyond the point that it would otherwise end by operation of law, rule, or regulation. For example, if an employee would have otherwise been terminated due to layoff or other reasons, donated leave may not be used to extend employment.
 - g: An employee who uses donated leave continues to accrue personal holidays, vacation, sick leave and holidays.
 - h: If an employee is otherwise eligible for County paid health benefits, the employee will continue to receive those benefits while receiving donated leave.
- 3: Conditions For Making Leave Donations
- a: Donations must be made in increments of whole hours.
 - b: Donors must sign a declaration that their donation is voluntary and is intended as a gift and has been made without coercion, compensation or for other consideration.

H. Other Leaves

- 1: Jury Duty, Court or Legislative Appearances
- When an employee is called for jury duty on a scheduled workday, the employee shall continue to receive their pay, however except as provided below, the employee must transfer all compensation received for the performance of such duty to the County. Compensation monies, when returned, are to be submitted to the County Treasurer. Overnight or weekend expenses compensated because of this leave as well as mileage expense shall be retained by the employee.
- a: Employees who are excused from jury service or court appearance before the end of their workday shall immediately report their availability for assignment to their supervisor.
 - b: Employees are excused from work for appearances before a court, legislative committee, judicial or quasi-judicial body as a witness in response to a subpoena or other direction by proper authority when such appearances are in connection with the employee's official duties. Reimbursement procedures outlined in 1 above will apply.
- 2: Military Leave
- The County is committed to protecting the job rights of employees called to military duty. In accordance with federal and state law, and upon proper notice from the employee, the County will provide up to 15 paid days per calendar year (consistent with the defined workday of the employee) of allowable Military leave. The Human Resources Department shall maintain and make available to all employees a detailed protocol to implement the County's Military leave procedures consistent with law.
- 3: Leave Without Pay (LWOP)
- a: Appointing Authorities may authorize a leave without pay (LWOP) for up to 29 consecutive calendar days for any reason except outside employment if County business will not be jeopardized and if the employee is reasonably expected to return. An Appointing Authority may not authorize an LWOP for more than 29 consecutive calendar days for the same employee more than one time during a calendar year without approval from the Board.
 - b: LWOP for 30 or more consecutive calendar days may be granted by the Board, if the employee is reasonably expected to return, and if the leave does not result in an undue hardship for the County and its operation.

- c: Before an employee is granted LWOP, they must first exhaust all accrued vacation leave, sick leave (if applicable), compensatory time and any other leave available to them, unless employee is also receiving PFMLI benefits.
 - a. Employees receiving PFMLI benefits are not required to “top off” and would be granted LWOP without having exhausted their accruals.
 - d: Employees in need of LWOP must request the leave in writing and must establish reasonable justification. If requesting leave for medical purposes, the employee will be required to provide information from a health care provider that supports the employee’s request for leave and the length of that leave.
 - e: An extended LWOP may affect benefit eligibility. The employee should consult with Human Resources or Finance prior to taking LWOP.
 - f: Employees must contact Finance to make arrangements for any payroll deductions including but not limited to insurance premiums.
- 4: Unauthorized Absence Without Leave
- a: Absence of an employee from duty, including an absence for a single day or part of a day, not authorized by a specific grant or leave of absence by the appointing power shall be deemed to be an absence without leave.
 - b: Such absence shall be without pay, and the employee will be subject to disciplinary action.
 - c: Absence from duty, without authorization, for three consecutive days is considered a voluntary termination.
- 5: Administrative Leave
- a: Employees may be placed on Non-Disciplinary Administrative Leave, with pay, if the appointing authority, with the approval of the Human Resources Director or their designee, feels the employee should be relieved of duties or removed from the workplace pending an investigation into a workplace issue. Non-Disciplinary Administrative Leave, generally, is intended for issues that are not expected to lead to disciplinary actions.
 - b: Employees may be placed on Disciplinary Administrative Leave, with pay, if the appointing authority, with the approval of the Human Resources Director or their designee, feels the employee should be relieved of duties or removed from the workplace pending an investigation into a workplace issue that may lead to disciplinary action.
 - c: Employees placed on either Non-Disciplinary or Disciplinary paid leave must remain available during their normal working hours. Failure to do so may lead to disciplinary action.
- No administrative leave shall extend beyond thirty (30) calendar days unless approved by the Human Resources Director and the Board.

I. Leave Administration

- 1: Leave Authorization And Computation
- a: No leave of absence with or without pay shall be granted unless a leave request form is submitted by the employee and signed by the appointing power in accordance with these Personnel Rules.
 - b: Approval of leave shall be obtained in writing before the beginning of the leave period unless in the case of a medical emergency.
 - c: No payment for any leave of absence will be made until the leave has been properly approved.
 - d: Appointing powers shall indicate sick leave, vacation and leaves of absence charged to each employee's leave or compensatory time accumulations as appropriate.
- 2: Temporary Interruption of Employment

- a: Any temporary interruption of employment because of adverse weather conditions, shortage of supplies or for other unexpected or unusual reasons beyond the control of the employee, not to exceed 10 days, shall not be considered a lay-off if, at the termination of such conditions, employees are to be returned to employment.
- b: Such interruptions of employment may be charged to accrued vacation leave or compensatory time. If the employee has no accrued vacation leave or compensatory time, it may be recorded as leave without pay.
- c: All County decisions regarding whether to open or close County facilities or to interrupt work shall be made by the Board. If a quorum of the Board is not available, then the decision shall be made by officials in the order listed: Chair of the Board, another Commissioner in the Chair's absence, County Counsel or other Board designee. The County retains the right to designate facilities, operations and specific employees as essential. Those employees shall be required to report to work, shall not receive overtime if other County facilities or operations are closed unless otherwise required under these rules, the law, or the applicable collective bargaining agreement, and shall not be subject to the provisions of this section or of the applicable collective bargaining unit agreement.
- d: County decision to close: If the County decides to close all or some County facilities or departments, it will contact the radio stations and other media of such closure. Employees, with Department Head approval, who elect to work despite a closure, or who are directed to work, shall receive normal compensation only unless established overtime provisions apply.
- e: Decisions made during a work day: Should the County decide to close all or some County facilities during the work day (defined as 8:00 am to 5:00 pm for all County facilities except 24 hour/ 7 day a week operations such as the Juvenile Detention/Shelter, in which case after the designated shift has started), an impacted employee who reported to work and remained at work at the time of the decision shall be paid for the remainder of their work shift.
- f: Decisions made prior to workday (prior to 7:30 am Monday through Friday or ½ hour prior to the start of a shift for operations outside that time frame): If the County notifies media prior to 7:30 am Monday through Friday of a closure employees shall not be paid regardless of whether they reported for work (unless directed to do so). The employee may use accrued vacation leave or comp-time or personal time or leave without pay or as provided in the relevant CBA.
- g: Employees on flex schedules shall be deemed to receive notice based on a regular 8:00 am to 5:00 pm schedule and shall not be entitled to individualized notice. A flex time employee reporting to work shall be paid for work performed up to the start of the regular shift, but thereafter shall be treated as other employees noticed under Section e above.
- h: County Deemed Open for Operation: If the County does not close operations but there are adverse weather conditions or other unexpected or unusual situations as determined by the County:
 - i: An employee who chooses not to report to work or chooses to leave work prior to the end of a shift due to adverse weather conditions or other unexpected or unusual situation as determined by the County, may use accrued vacation leave or comp-time or personal time as applicable under the applicable CBA or take leave without pay. Adverse weather means conditions applicable across a wide area of the county causing objectively reasonable concerns with travel.
 - ii: With Department Head approval, an employee may flex their work schedule due to adverse weather conditions or other unexpected or unusual situations as determined

by the County, to work another time or make up for work missed due to the conditions or inclement weather. Notwithstanding other flex rules or language to the contrary, work under these circumstances shall be made up within the workweek. Scheduling and approval of this flex make up work shall be at the sole discretion of the Department Head.

3: Failure to Return From Leave

- a: Any employee who has been granted leave of absence and who, for any reason, fails to return to work at the expiration of said leave of absence, shall be considered as having resigned, and the position shall thereupon be declared vacated, unless the employee, prior to the expiration of the leave of absence, furnishes acceptable evidence of inability to return to work by reason of sickness, physical/mental disability or other factors beyond the control of the employee.

Article 12: Code of Ethics and Conduct

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

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

Examples of impermissible behavior, as described in Article 12 B below, are not intended to be all inclusive. Any similar behavior or violation of County policies and/or rules set by the Board or any conduct considered inappropriate or unsatisfactory shall subject the employee to corrective action up to and including termination.

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

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

A. Employee Expectations

Employees are expected to adhere to the following:

- 1: Conduct themselves in a positive manner acting at all times in the best interest of Lincoln County.
- 2: Perform their duties with honesty, accuracy, thoroughness and timeliness.
- 3: Adhere to the Oregon Ethics Laws.
- 4: Perform assigned duties efficiently and in compliance with the standards set by the appointing authority, Human Resources, the Board or the County.
- 5: Avoid situations that may compromise their reputation or integrity.
- 6: Comply with the ethical standards of any licenses or certifications that they hold.
- 7: Treat all persons in a courteous and respectful manner.
- 8: Cooperate with coworkers to promote professional interests and concerns.
- 9: Refrain from misconduct in the performance of duties.
- 10: Refrain from behavior or conduct that is offensive, disrespectful, or contrary to the County's best interests.
- 11: Refrain from bullying.
- 12: Abide by all County safety policies, departmental safety rules and security regulations.

- 13: Utilize County vehicles and/or equipment properly and only with authorization.
- 14: Refrain from inattention to duty, tardiness, laziness, carelessness or damage to or negligence in the care and handling of County property.
- 15: Report to management suspicious, unethical, or illegal conduct by co-workers, vendors or members of the public.
- 16: Cooperate with investigations by providing honest information.
- 17: Maintain a professional appearance and conduct themselves in a manner which is appropriate for an employee in public service.

B. Workplace Rules and Prohibited Conduct

This list of prohibited conduct is illustrative only; other types of conduct injurious to security, personal safety, employee welfare, and Lincoln County's operations, some of which are described elsewhere in this Handbook, may also be grounds for discipline, up to and including termination.

- 1: Exploit relationships with community members for personal advantage.
- 2: Fight with or assault any coworker or member of the public as outlined in County Workplace Violence Policy.
- 3: Behave in a manner that interferes with operations, discredits the County, or is offensive or disrespectful to consumers, co-workers, community partners, or vendors.
- 4: Disclose confidential information outside of public disclosure requirements and law.
- 5: Practice, condone, facilitate, or collaborate with any form of discrimination on the basis of sex, race, color, age, religion, national origin, sexual orientation, marital status, military status, association with members of a protected class, membership in other protected groups, association or political affiliation, injured worker status, veteran status, non-supervisory family relationships, disability, or any other protected class or work relationship relating to terms of employment recognized under Oregon or federal law.
- 6: Condone or engage in harassment, intimidation, retaliation, or bullying toward the public or Lincoln County employees.
- 7: Use profanity or abusive language.
- 8: Behave in a manner that is offensive or disrespectful toward others or behave in any manner that is contrary to the County's best interests.
- 9: Be dishonest.
- 10: Report to work under the influence of alcohol, illegal drugs or narcotics, or using, selling, dispensing, or possessing illegal drugs or alcohol or any substance which affects job performance while on County property or while working.
- 11: Steal, destroy, deface, or lose County property.
- 12: Misuse sick leave or claim sick leave under false pretenses, or use any leave for reasons other than what the leave is designated for.
- 13: Be absent from duty without authorized leave.
- 14: Verified acts, on or off the job, that are egregious, such that the local community would consider them as highly offensive and gross violations of normal human norms of conduct. This includes acts of depravity and certain criminal offenses, which in the judgement of the County would render the employee unfit to perform County employment.
- 15: Falsify or alter County records, or withhold information with intent to deceive when completing County documents to include, but not limited to: application for employment; clinical or medical paperwork; timesheets, expense reports and/or financial documents.

- 16: Give false information or withhold information with intent to deceive when participating in investigations.
- 17: Possess firearms or other weapons on County property or while working unless as a requirement of employment.
- 18: Refuse to follow supervisor's instructions concerning a job-related matter or participate in any form of insubordination.
- 19: Fail to abide by safety rules or policies.

C. Conflict of Interest

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

D. Outside Employment

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

E. Nepotism Prohibited

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

F. Off Duty Conduct/Fraternization

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

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

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

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

G. Gifts, Gratuities and Fees

Gifts, gratuities, loans, fees or any other items of value may not be solicited by County personnel nor accepted either directly or indirectly, if the acceptance could be considered to influence directly or indirectly the actions of said personnel, or any other person, in any matter of County business. Elected Officials and Department Directors will make the final determination as to the appropriateness of any gift offer. Such acceptance must be made in accordance with this policy and Oregon law.

H. Prohibited Political Activity

- 1: No person shall attempt to coerce, command or require a County employee to give money, service, or other thing of value to aid or promote any political committee or to aid or promote the nomination or election of any person to public office.
- 2: No County employee shall solicit any money, influence, service or any other thing of value or otherwise or promote any political committee or the nomination or election of any person to public office while on the job during working hours.
- 3: Nothing in this section is intended to restrict the right of a public employee to express personal political views during non-working hours or while not on County property.
- 4: Employees shall comply with all other State and Federal laws regarding political activity.

I. Fragrance Free Workplace

- 1: Some individuals react adversely to fragrances and may develop headaches or other physical problems when exposed to fragrances in the workplace. Employees must refrain from wearing perfumes and/or any other scented products to work. Employees who report to work wearing offensive fragrances shall be asked to leave and not return until they are fragrance free. Time away from work to alleviate the offending fragrance will not be paid time.

J. Attendance/Hours of Work

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

Notwithstanding any other term of these Personnel Rules, employees who are overtime eligible are not required or authorized to use for County business any personal communication device, or other equipment, whether owned by the employee or issued by the County, outside the normal working hours for the employee. Use of these devices or equipment for County business outside of normal working hours, must be specifically authorized by the employees' appointing authority. See also Article 15 for more information about Personal Communication Devices.

K. Tobacco, Smoke and Nicotine Free County Property- Ordinance #496

- 1: Use of tobacco, smoke, and/or nicotine products is prohibited on County properties. No employee shall carry any lighted smoking or vaping instrument or use a tobacco, smoke, or nicotine product on any leased or owned Lincoln County property. There are no designated areas for the use of tobacco, smoke, and/or nicotine product use or exceptions to this policy outside of the cultural exemption related to the American Indian Religious Freedom Act and the areas identified in LCC 7.580 relating to certain enumerated parks and waysides.

L. Confidentiality

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

M. Misrepresentation

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

N. Lost, abandoned or unclaimed property

- 1: The County will maintain a county lost, abandoned or unclaimed procedure in accordance with law. Any County employee who finds money, goods or other personal property shall immediately notify their supervisor, giving information concerning:
 - a: The time and place the property was found.
 - b: The circumstances under which the property was found.
 - c: Whether the owner of the property is known.
- 2: The property shall be given to the supervisor who shall consult with County Counsel's office on the necessary procedures to dispose of the property.

O. Courthouse Parking

- 1: Employees, while on duty, shall not park in any parking space abutting the main courthouse building, except as authorized pursuant to subsection (3) of this section.
- 2: Only authorized persons shall park in any parking space designated for loading or for disabled persons.
- 3: Only authorized persons shall park in any parking space specially designated for a particular individual or department by the Board of Commissioners.

P. Driving on Behalf of Lincoln County

In order to maintain an efficient and orderly operation of motor vehicles, Lincoln County requires that any employee operating a motor vehicle for any purpose must abide by the Vehicle Operators Booklet.

Article 13: Discipline, Grievances and Appeals

A. Corrective Action/Discipline

Employees are expected to perform to the best of their abilities at all times. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an act that is inappropriate. When performance or conduct does not meet Lincoln County standards, Lincoln County will determine whether it will terminate the employee's employment or provide the employee a reasonable opportunity to correct the deficiency through progressive discipline (such as, in no particular order, verbal warnings, written warnings, suspensions without pay, and demotions). The corrective action process will not always commence with a verbal counseling or include a sequence or steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including termination) on the first or subsequent offense.

In lieu of terminating employment of an employee for serious violations of Lincoln County policies, procedures and rules and for other inappropriate behavior or conduct, Lincoln County may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement. Lincoln County may also choose to send the employee to training or an education opportunity.

In all cases, Lincoln County retains sole discretion to determine the nature and extent of any discipline based upon the circumstances of each individual case. Accordingly, Lincoln County reserves the right to proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when Lincoln County deems such action appropriate. Lincoln County retains the right to terminate any employee's employment at any time and for any reason, with or without advance notice or other prior disciplinary action (other than those employees who are subject to a collective bargaining agreement or contract of employment).

B. Grievance Procedure

1: Policy

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

2: Procedure

- a: The employee may proceed individually or select a representative to act in their behalf.
- b: The employee shall discuss the matter frankly and openly with the immediate supervisor.
- c: If the immediate supervisor is unable to satisfactorily resolve the matter, either individually or in consultation with the department head or elected official, within 10 working days of

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

Article 14: Use of County Equipment

A. Use of County Owned Vehicles, Equipment and Supplies

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

B. Vehicle Use Policy

- 1: It is the policy of Lincoln County to ensure that all operators of motor vehicles on Lincoln County's behalf are qualified to drive and that they drive safely.
- 2: This applies to County employees and both County-owned and leased (hereafter "County vehicles") or private party vehicles.
- 3: Appropriate licensing, knowledge of County safe driving rules and a safe driving record shall be required of all operators of vehicles on the County's behalf.
- 4: When driving is a condition of employment, continued employment will be predicated on maintenance of required licenses and compliance with the County's safe driving policies found in Article 12 Section P. Loss of required license may be grounds for suspension or termination of employment.
- 5: Operation of a County vehicle or private vehicle on the County's behalf without proper license or in an unsafe manner shall be grounds for discipline up to and including termination of employment.
- 6: The County retains the right to determine:
 - a: The mode of transportation utilized by County employees.
 - b: The number, type and availability of County vehicles.
 - c: The process for determining who will be authorized to drive any vehicle on behalf of the County.
- 7: Personal vehicle use must be authorized by an appointing authority or appropriate supervisor for all County employees and may be required for all positions requiring a driver's license in the job description.
 - a: Personal vehicle use will likely occur when a County vehicle is not assigned to, or is unavailable, within the employee's department; when a motor pool fleet vehicle is not available; or when it is more convenient and/or cost effective to use a personal vehicle.
 - i: New hires will be informed of the requirement; departments or offices will be informed in advance of any substantial changes in fleet availability in order to plan for changes in personal vehicle requirements.
 - ii: All persons driving any vehicle on the County's behalf shall be required to sign an acknowledgment form provided by Fleet Services that the person is aware of this vehicle use policy and other applicable fleet, office, or departmental rules.

- 8: In the event an employee uses a personal vehicle for County authorized business, liability coverage for third party claims is provided under the County auto insurance policy. The insurance coverage by the County is secondary; the insurance coverage under the personal vehicle is primary.
 - a: Property damage or theft to the employee's vehicle (collision and comprehensive insurance), repairs, maintenance or operating costs, personal injury protection and uninsured or underinsured motorist coverage are not available under the County insurance policy or reimbursable by the County and must be provided by the employee, if desired.
 - b: Employees must still provide insurance required under Oregon law to lawfully operate a private vehicle.
 - c: Individual employees shall be responsible responding to alleged traffic and parking violations (which result in citations) incurred while a County car is checked out or a personal vehicle is used for County business, and for paying for any fines and assessments which result from the violations. Individual employees shall report said moving violations to the appointing authority within five (5) days returning to the workplace.
- 9: This policy is supplemented by the Lincoln County Fleet Services Operator's Booklet, Departmental Rules, this Article of the Lincoln County Personnel Rules and the rules established by the Oregon Bureau of Labor and Industries (BOLI) if there is any conflict between these documents, this policy and the BOLI rules shall prevail.

C. Lockers and Desks

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

D. Computer and Internet Usage

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

- 1: Application
 - a: This policy applies to the use of any and all telephone, computer hardware, software, Internet, and e-mail, including all types of electronic documents (together referred to as "computer facilities") provided by Lincoln County.
 - b: Use of publicly owned equipment is a privilege and not a right. Authorized County Officials may access, monitor, or inspect any and all documents and messages created, sent or received using County equipment or software. Such access includes messages and files located on fixed or removable electronic storage media.
 - c: Any person who violates the County policies is subject to appropriate sanction including the loss of use, or limits on use, and disciplinary action up to and including termination.
 - d: This policy applies regardless of the location of equipment, software, or document if used for County purposes.

e: This policy is in addition to, and not in lieu of, other policies concerning use of personal equipment and/or the Internet by Lincoln County employees.

2: Policy

- a: Permission. Use of computer facilities must be authorized by the supervising authority and implemented through the Information Technology Department.
- b: Every connection provided by County funds must be approved by the Information Technology Department.
- c: All documents created, and messages created, sent, or received, are the property of Lincoln County, and should be considered public information.
- d: Employees using computer facilities are representing Lincoln County. Employees are responsible for ensuring that any use is ethical, effective, and lawful.
- e: Security. While Lincoln County is the owner of all data created on, by, or for uses, it is each department or office's responsibility, in conjunction with the Information Technology Department, to ensure that equipment, data, files and programs are adequately protected against unauthorized access. The Information Technology Department will configure all County computer equipment. Employees shall not alter the configuration.

3: Enforcement.

- a: The County will investigate any alleged abuses, unlawful activity, and use that violates County policy. As part of that investigation, the County may access any or all of the electronic files of its employees.
- b: If the investigation indicates that computer privileges, County policy or law have been violated, the County may limit the access of employees found to be using computer systems improperly, and take disciplinary action up to and including termination of employment.
- c: Further, the County may refer flagrant abuses to law enforcement authorities.
- d: Information provided by individual employees in the course of an investigation will be treated as confidential and only be provided to those who have a need for the information, or when it is required in the course of investigating the complaint, except as otherwise required by law to be disclosed.

4: Employee Responsibility.

When using Google Drive or other locations not on the County's network:

- a: Any data placed in Google Drive or other approved off network locations will also be stored on the County's network where it can be backed up for disaster recovery.
- b: Data that is subject to archive requirements will be independently archived in compliance with procedures set by the employee's department or the State Archives Division.
- c: Public Records Law provisions apply to data wherever it is located. Any data subject to public records requests will be separately maintained to provide access to such data.
- d: No data that is subject to HIPAA protections, contains personally identifiable information, or has confidentiality or other legal restrictions, shall be placed on Google Drive or other off network locations.
- e: When accessing County systems and or County associated web-based applications: Unless specifically mandated by job responsibilities, Collective Bargaining Agreement or approved in advance by a supervisor, employees may not access county owned electronic communication devices, networks or work related web based computer software applications during off duty hours.

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

5: Workplace Monitoring

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

6: Unauthorized Use of Computer Facilities

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

resource which should not be abused or wasted. Be considerate of fellow workers if you must share computer resources. Employees shall avoid monopolizing systems and connect time, and other computer resources. Using the County's computer facilities to store personal data and to play computer games is not permitted.

7: For Profit Activities

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

8: Harassment

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

9: Electronic Mail / Public Records

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

criminal prosecution. This includes unauthorized access to protected or confidential information of the County.

- ix: Transmitting unprofessional communications or using County connections for unsolicited advertising for personal gain is strictly prohibited.

10: Personal Use of Computer Facilities

- a: Lincoln County encourages its employees to use Internet for research, education, and communications, provided the use is solely for County-related business.
- b: Incidental use of county computer systems for personal reasons is permitted. Examples of incidental use might include, visiting major news sites, or checking the weather. Incidental use does not include checking any email other than your Lincoln County email account, streaming video, streaming audio, or downloading coupons. Users may not do anything that compromises county network security or uses excessive bandwidth.
- c: Personal limited use of the County e-mail system is permitted in conformance with County policy, provided such use creates no additional cost to the County. Such communications are authorized consistent with policy governing the use of County telephones.
- d: Personal use of the County e-mail system is allowable during work time only if: The use is essential and brief, the use cannot reasonably wait until non-work time, and the Administrative Authority has not prohibited the type of use.
- e: Messages created, sent, or received by employees using County computer facilities, equipment, and/or networks are, and remain, the property of Lincoln County. They are neither private nor confidential, and may be subject to disclosure under Oregon's public records law.
- f: The purpose of this list is to provide guidelines for limited personal use of the County's e-mail system, but is not all inclusive. Examples of allowable use:
 - i: Sharing duty-related information.
 - ii: Dinner arrangement with family or friends in a location where a member of the department or office will be attending a meeting, training, or other employment related activity.
 - iii: The purpose of this list is to provide guidelines for limited personal use of the County's e-mail system, but is not all inclusive. The following items are examples of prohibited use of the County's electronic messaging system:
 - Participating in non-business chat rooms.
 - Participating in active messaging.
 - Gossip.
 - Creation or spread of rumors.
 - Any comment personally attacking any public employee or elected official.
 - Sharing of offensive jokes, slurs, etc. (Refer to harassment policy)

E. Telephone Usage and Procedure

- 1: Public perception of Lincoln County relies primarily on the first impressions of its employees, both through in-person contact and by responding to telephone calls. County employees answering the telephone must maintain a polite business-like demeanor to foster a professional image of the County.
- 2: The Oregon Government Ethics Commission (OGEC) addresses the personal use of publicly owned telephones and cellular phones.
- 3: When answering telephone calls originating from outside the work site, employees will identify their affiliation with Lincoln County and with their department or office. Employees are

reminded that they should always identify themselves when calling on County business. The OGEC can impose civil penalties for violations.

- 4: Use of County or any publicly owned phone is restricted to official business.
- 5: On occasion, personal calls may be necessary, but they should be limited to emergencies or essential personal business and must be brief.
- 6: Personal long distance calling from public agency telephones is prohibited by the OGEC, even if reimbursed.
- 7: If a personal long distance phone call is necessary, the employee must use a regular telephone and a personal calling card or call collect, and employee must bear the total cost of the call.
- 8: Reimbursement of long-distance charges is not sufficient to avoid disciplinary action, up to and including termination.

Article 15: Use of Personal Equipment and Communication Devices

A. Use of Personal Equipment

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

B. Use of Personal Communication Devices (PCD)

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

C. Expectation of Privacy

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

D. County Issuance of Personal Communication Devices (PCD)

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

E. Social Media

- 1: Use of Social Media
 - a: For purposes of this policy, "social media" includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with Lincoln County, as well as any other form of electronic communication.
 - b: Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of co-workers, or otherwise adversely affects our citizens or people who work on behalf of Lincoln County or Lincoln County's legitimate business interests may result in disciplinary action up to and including termination.
- 2: Prohibited Postings
 - a: Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate Lincoln County's no-harassment and no-discrimination policies and that include discriminatory remarks, harassment, or threats of violence or similar inappropriate or unlawful conduct.
 - b: Do not create a link from your blog, website or other social networking site to a Lincoln County -owned or -maintained website without identifying yourself as a Lincoln County employee.
 - c: Express only your personal opinions. Never represent yourself as a spokesperson for Lincoln County. If Lincoln County is a subject of the content you are creating, be clear and open about the fact that you are a Lincoln County employee, and make it clear that your views do not represent those of Lincoln County or its employees or elected officials.

3: Encouraged Conduct

- a: Always be fair and courteous to co-workers, the citizens we serve, Lincoln County's employees and elected officials, and suppliers or other third parties who do business with Lincoln County. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open-Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, Lincoln County employees or elected officials, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or County policy.
- b: Maintain the confidentiality of Lincoln County's confidential information. Do not post internal reports, policies, procedures or other internal, Lincoln County -related confidential communications or information. (See "Confidential Lincoln County Information" policy, below.)

4: Request for Employee Social Media Passwords

- a: Lincoln County's supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant for employment to disclose or to provide access through the employee's or applicant's username and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a username and password that would otherwise allow a supervisor/manager to access a private email account not provided by Lincoln County.
- b: Nothing in this policy prohibits Lincoln County Human Resources Department or County Counsel from requiring an employee to produce content from his or her social media or internet account in connection with a Lincoln County -sponsored investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

Article 16: Expense Reimbursement

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

A. Mileage Reimbursement

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

B. Employee Certificates and License Fees

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

C. Motor Vehicle License

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

D. Tuition Assistance

- 1: Lincoln County supports employees who desire to continue their education to secure increased responsibility and growth within their professional careers. In keeping with this philosophy, the county has established a reimbursement program exclusively for tuition expenses only incurred through approved bona-fide institutions of learning. If you are an unclassified Regular employee and have completed one-year (12 months) of service, and your work record has been clear of any pending disciplinary actions, you are eligible for participation in this program so long as the courses are job-related.
- 2: Subject to annual budget appropriations and approval from Department Heads, the County will reimburse up to a maximum of up to one thousand dollars (\$1,000) per year. The amount of reimbursement is dependent upon the grade you receive (A=100%, B=90%, C=80%) no reimburse for anything less than a "C." For classes taken on a Pass or No-Pass basis, the reimbursement will be paid at 90% for Passing, 0% for a No-pass). Classes must be under the auspices of an accredited program that either offers growth in an area related to the employee's current position or might lead to promotional opportunities. This education may include college credit courses, continuing education unit courses, seminars and certification tests. For non-graded programs, a certificate must be awarded in order to be reimbursed. Certificate only programs will be reimbursed at the ninety percent (90%) level. Mileage, books, hotel rooms, meals and other incidental costs are not eligible for reimbursement.

Procedures

To receive tuition reimbursement, employees should follow the procedures listed here:

- The employee must provide their manager with information about the course for which they would like to receive reimbursement.

- The pre-approval section of the tuition reimbursement form should be completed and all the appropriate signatures obtained prior to enrolling.
- The employee must then take the form to Human Resources, and a copy will be added to the employee's file. The employee will maintain the original until they have completed the course. The employee can then enroll in the course.
- After completion of the course, the employee should resubmit the original tuition reimbursement form with the reimbursement section filled out, including appropriate signatures, as well as receipts and evidence of a passing grade or certification attached.
- The Human Resources department will then coordinate the reimbursement with the Finance department.

Article 17: Safety

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

The Board endorses the Oregon Safe Employment Act and administrative rules implementing that law, including any future amendments to the Act and rules, as the Safety Process at Lincoln County. The Board also endorses the establishment of a Safety Committee under the guidance of the County Counsel's Safety and Risk Management Program in order to effect and monitor the methods used to promote the Safety Process in Lincoln County.

A. Safety Committee

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

B. Responsibilities

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

C. County Buildings Security

Employees who are issued Key Cards to access County Buildings will be required to read and sign an acknowledgment that they understand the access policies. Violation may lead to loss of keyed access privileges and further discipline. Employees must immediately turn in Key Cards whenever requested to do so by Human Resources, County Counsel's office or their immediate supervisor.

D. Workers' Compensation

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

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

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

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

E. Drug and Alcohol Free Workplace

- 1: No employee shall manufacture, distribute, possess, use or be under the influence of a controlled substance or alcohol while on duty, while on County owned property or while operating County owned equipment. The prohibition of this subsection does not apply to controlled substances possessed or used in accordance with the prescription from a physician

licensed under the laws of the State of Oregon or off duty at County premises such as parks and fairgrounds that allow consumption of alcohol.

- 2: If the appointing authority or supervisor of an employee has reasonable grounds to believe that an employee is under the influence of a controlled substance or alcohol in violation of this policy, the supervisor may require the employee to submit to a chemical test of the employee's breath, blood or urine. An employee, while on duty, while on County owned property (except as noted in Paragraph E.1 above) or while operating County owned equipment, shall be deemed to have given consent to a chemical test of the employee's breath, blood and/or urine for the purpose of determining whether the employee is under the influence of a controlled substance or alcohol.
- 3: Except as otherwise provided or defined in a collective bargaining agreement, "reasonable grounds" means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol, or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:
 - a pattern of abnormal or erratic behavior;
 - information provided by a reliable and credible source;
 - direct observation of drug or alcohol use;
 - presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
 - unexplained significant deterioration in individual job performance;
 - unexplained or suspicious absenteeism or tardiness;
 - employee admissions regarding drug or alcohol use; and
 - unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.
- 4: Except as otherwise provided in a collective bargaining agreement that applies to the employee, an employee is "under the influence of a controlled substance or alcohol" for purposes of this policy if a chemical analysis of the employee's breath, blood or urine shows any detectable level of a controlled substance or alcohol.
- 5: Employees undergoing prescribed medical treatment with a prescription drug or over-the-counter medication that will impair behavior or work performance, should report such fact to their supervisor. For purposes of this drug policy, being under the influence of medical or recreational marijuana is not allowed. The employee is not required to inform the supervisor what medication(s) they are taking. The County has the right to reassign duties or to place an employee on temporary leave of absence if the employee is unable to properly and safely perform his or her duties. In the event an employee needs to take a prescription drug or over-the-counter medication while at work, they should keep the medication in its original container so that it can be properly identified.
- 6: The County may use drug or alcohol testing as part of its investigation of an altercation, accident, (or near-miss incident), employee's irrational/inappropriate behavior, or on-the-job driving under the influence (DUI) as provided by law.
- 7: If it is determined that any employee has violated any provision of this Drug and Alcohol Free Workplace policy, or has refused to submit to a chemical test of the employee's breath, blood or urine, as required by this policy, the employee is subject to disciplinary action up to and including the possibility of discharge from County employment.

F. Alcohol and Controlled Substance Testing

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

G. Criminal Arrests and Convictions

- 1: Employees must promptly and fully disclose to their supervisor on the next working day:
 - a: All drug or alcohol related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on Lincoln County property, or in a Lincoln County vehicle.
 - b: All arrests, citations, convictions, guilty pleas or no contest pleas that result from crimes involving the theft or misappropriation of property, including money.
 - c: All arrests, citations, convictions or violations of any law that will prevent the employee from performing the essential functions of his or her position.
- 2: Reporting an arrest or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis.
- 3: Employees who are unavailable to report for work because they have been sent to jail or prison may not use any accrued paid time to cover the absence, and may be subject to disciplinary action, including termination.

H. Workplace Violence

- 1: Purpose
 - a: The safety and security of Lincoln County employees, customers, vendors, contractors, and the general public are of vital importance. Therefore, threats and acts of violence made by an employee or member of the public against another person's life, health, well-being, family, or property will be dealt with in a zero tolerance manner by Lincoln County.
 - b: The Oregon Occupational Safety and Health Administration (OR-OSHA) requires employers to provide employees with a safe place of employment, free from recognized hazards that are causing or are likely to cause death or serious harm to employees.
- 2: Definitions
 - a: Zero Tolerance: Employees who display any violence in the workplace or threaten violence in the workplace are subject to disciplinary action up to and including the possibility of termination of employment. Members of the public who display any violence in the workplace or threaten violence in the workplace shall be reported to law enforcement officials.
 - b: Violence: Physically harming another, shoving, pushing, harassment, intimidation, coercion, brandishing weapons, and/or communication of threats or talk of violence in written, electronic, physical, or verbal form.
- 3: General Policy
 - a: The following is prohibited by Lincoln County:

- i: Any act or threat of violence made by one or more person(s) against another.
 - ii: Any act or threat of violence, including, but not limited to, intimidation, coercion, harassment or retaliation.
 - iii: Any act or threat of violence which endangers the safety of employees, customers, vendors, contractors, or the general public.
 - iv: Any act or threat of violence made directly or indirectly by words, gestures, or symbols.
 - v: Except as provided below in 3b., use or possession of a weapon on any County property, including County owned or maintained parking areas, except as required for the performance of job duties.
- b: While certain employees of Lincoln County may be required as a condition of their work assignment to possess or are permitted to carry, as authorized by law, firearms, weapons, or other dangerous devices, it is Lincoln County policy that those authorized employees are to use them only in accordance with departmental or office operating procedures and all applicable State and Federal laws.
- c: Employees are expected to report, to their supervisors, any behaviors that compromise this policy and the County's ability to maintain a safe work environment.
- 4: Policy Guidelines/Procedures
- a: Report threats of violence
 - i: Each employee of Lincoln County and every person on Lincoln County property is encouraged to report incidents of threats or acts of violence of which they are aware.
 - ii: In cases where the individual is a County employee, the report should be made to the individual's immediate supervisor, a management level or supervisory employee, if the immediate supervisor is not available, or to the Lincoln County Counsel, Board of Commissioners, or Lincoln County Human Resources Department.
 - iii: Each supervisor shall promptly refer the matter to the Board or to the Human Resources Department.
 - iv: Concurrently, with the initiation of any investigation leading to a proposed disciplinary action, the County shall report the incidents of threats or acts of violence to the appropriate law enforcement agency.
 - v: In cases where the reporting individual is NOT a County employee, the report should be made to the appropriate law enforcement agency. Nothing in this policy alters any other reporting obligation established in these Personnel Rules, or in State, Federal or other applicable law.
- 5: Investigation Procedure
- a: A confidential investigation will be conducted immediately. Anonymity and confidentiality for the employee reporting the threat or act will be maintained to the degree possible.
 - b: Where investigations confirm the allegations, appropriate corrective action will be taken as provided in these Personnel Rules, up to and including the possibility of termination of employment.
 - c: All employees are expected to cooperate with the investigation. Failure to cooperate with an investigation may lead to disciplinary action including dismissal.
 - d: Information provided by individual employees in the course of the investigation will be treated as confidential and only provided to those who have a need for the information or when it is required in the course of investigating the complaint.
 - e: Providing false information in the course of the investigation is grounds for discipline up to and including dismissal.

f: If the complaint involves non-county person(s), County Counsel's office shall be consulted. Any investigation and further action involving non-county persons shall be conducted under the direction of County Counsel's office.

6: Retaliation

The County prohibits retaliation against any individual who, in good faith, reports workplace violence or who participates in an investigation of such reports. Any such action is a serious violation of this policy, and like workplace violence, retaliation against persons assumed to have participated in an investigation may be subject to disciplinary action.

I. Non-County Employee Visiting Worksites

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

Article 18: Personnel Files and Public Disclosure

A. Personnel Files

- 1: The Human Resources Director in the Human Resources Department will maintain a personnel file for each employee of Lincoln County.
- 2: This personnel file, and the information contained therein, is the official employment record of each individual employee.
- 3: Appointing authorities will promptly forward all appropriate documents to the Human Resources Director for inclusion into the employee's file.
- 4: Appointing authorities shall retain photocopies as a matter of convenience.
- 5: Appointing authorities, who choose to maintain files of convenience within their department or office, shall merge such files with the employee's official personnel file maintained in the Human Resources Department not more than thirty days following the termination or discharge of any employee.
- 6: Generally, information in the personnel files will be treated as exempt from public disclosure as provided in ORS Chapter 192.
 - a: Information which cannot be treated as confidential under the law includes:
 - i: Name
 - ii: Job title
 - iii: Salary
 - iv: Dates of employment with the County
 - b: Other information in the files may be subject to public disclosure by order of a court or tribunal of competent jurisdiction or by Oregon's public records laws.
- 7: Employees may review their files during regular working hours and in accordance with ORS 652.750.
- 8: At the request of the employee, copies of materials included in such files will be furnished, the cost of which shall be borne by the employee at the current rate established by the County.
- 9: By signed authorization, an employee may extend the right to review to the employee's official representative. An employee may also pay for and ask the County in writing to ship a copy of their personnel file to a designated representative.
- 10: A supervisor will have access to the files of subordinate employees or employees of other departments or offices who are being considered for transfer.
- 11: The Human Resources Director and designee will have access to all personnel files for the purpose of carrying out necessary personnel duties.
- 12: The Board and County Counsel shall have access to all personnel files.
- 13: All medical information shall be kept in a separate file and shall only be available for those that need to know.

B. Entry of Materials into Files

- 1: The Human Resources Director shall routinely place or have placed all official documents relating to an employee in that employee's personnel file. Such materials include:
 - a: Personnel Action Forms
 - b: Performance appraisals
 - c: Letters of hire
 - d: Application form for initial employment
 - e: Other materials deemed relevant to an individual's employment history as determined by the Human Resources Director, or as required by Oregon law.

- f: No materials that reflect critically upon an employee shall be placed in an employee's personnel file without the employee's knowledge.
- 2: Appointing authorities may submit materials to be included in an employee's personnel file to the Human Resources Director for review.
- 3: The Human Resources Director must approve all non-routine materials submitted for inclusion in an individual's file.
- 4: The employee must be given an opportunity to sign all submittals of materials that reflect critically upon the employee as proof they have seen the material. If an employee refuses to sign, the supervisor will make note of the refusal, and the materials will be included in the personnel file.
- 5: An employee may submit a written rebuttal to any materials entered into their file, which they feel reflects poorly on their employment history with the County. Such rebuttal shall be attached to the materials objected to and shall be part of the file so long as such material remains in the file.

C. Requests for Records from Non-County Entities

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

D. Contents and Retention

Records will be retained in accordance with the Oregon Secretary of State Records Retention Schedule.

Article 19: Separation in Good Standing

A. Layoff

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

B. Recall from Layoff

- 1: Unclassified employees have no right to recall from layoff.
- 2: It shall be the laid off employee's responsibility to maintain a current address and telephone number where they may be contacted for recall.
- 3: Any laid off employee offered a position with the County shall notify the County of acceptance of the offer within five business days of receipt of the offer.
- 4: The employee must be able to report to work within 15 days or the employee will forfeit all recall rights.
- 5: Upon recall, an employee shall have all previously accrued sick leave and seniority reinstated but shall not receive credits for the layoff period if the employee returns within 12 months of the layoff date.
- 6: Layoff Status Employees who are called back from layoff or who are reemployed by the County in a Regular Full-time or Regular Part-time classification status will be eligible for benefits according to policy.

C. Resignation

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

D. Retirement

- 1: County Retirement Plan participants are eligible for retirement at age 55.
- 2: PERS Public Safety members are eligible for retirement at age 50.
- 3: Employees who have reached the age of 50 and who retire from the County may elect to continue the group medical insurance coverage, at the expense of the retiree, unless the employee is eligible to be covered by the insurance plan of a succeeding employer. This benefit continues until eligibility for Medicare is reached, or until premium payments are discontinued.

- 4: Each employee who was hired prior to March 1, 2023, who retires under the terms and conditions of the County retirement plan will be paid an amount of money equal to 50% of such employee's accumulated sick leave as of the date of retirement and with the verification of the Retirement Plan Administrator that the method of payment selected by the employee is legal. Employees hired on or after March 1, 2023, will not receive sick leave compensation upon retirement or separation from County employment.

Acknowledgement of Receipt of the Personnel Rules

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

1. I have received a copy of the Lincoln County' Personnel Rules (effective July 17, 2024) or I have viewed a copy of the Personnel Rules (effective July 17, 2024) located on the County Help Desk.
2. I understand that I am responsible for becoming and remaining familiar with the policies, procedures, requirements, and other information contained in both these Rules and on the County Help Desk and for compliance with the expectations contained therein.
3. The policies, procedures, requirements, and other information contained in this Manual may be modified or deleted, and others may be added, at any time as approved by the Board of Commissioners. I have an obligation to be aware of any of these changes.
4. I understand that I will receive notice of any significant change(s) in the Personnel Rules.
5. These Rules supersede all prior statements or policies of Lincoln County which conflict or may conflict with it. I understand that any conflicting prior statement or policy is superseded, unless that statement or policy is included in a collective bargaining agreement of which I am subject to.
6. These Rules do not represent a contract. Neither the statements of Lincoln County policies, procedures, requirements, and other information, nor any representations made by any management representative at the time of hire or at any time during employment, are to be interpreted as a contract between Lincoln County and any employees, unless expressly so stated in writing signed by the County Commissioners.

Employee Signature

Date

Employee Name (Please Print)