

# Josephine County Personnel Policy Manual



*The purpose of these policies is to provide for the requirements of the employer/employee relationship. The personnel policy manual contains general employment rules and information.*

**Adopted:  
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## INTRODUCTION

Josephine County strives to create and maintain a work environment that utilizes the full intellectual capabilities of all its employees, fosters open and continuing communication, and develops teamwork. Our work environment will encourage learning, and challenge all to perform to the best of their abilities.

**Purpose of Policies.** The purpose of these policies is to serve as a guide for the employer/employee relationship. The personnel policy manual contains general employment requirements and information; it is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. Questions concerning the policies should be directed to your supervisor or the Human Resources department. Personnel policies are established pursuant to the following objectives:

- (A) To establish a system of Personnel Administration based on merit, with systematic and equitable principles governing appointment, compensation, tenure, promotion, demotion, transfer, layoff, training, evaluation, dismissal, discipline and other aspects of County employment.
- (B) To establish and maintain a uniform plan for the provision and administration of employee compensation and benefits.
- (C) To develop a program for recruitment, training, and advancement that will contribute to attracting and retaining qualified personnel for County service.
- (D) To provide a method of assuring that County management and employees are properly informed as to their respective mutual employment obligations.
- (E) To provide requirements for proper conduct on the job and satisfactory performance of work.

## CORE VALUES

**People.** We value people. They are the reason for our mission and it is people who will help us fulfill our mission. Our employees are our greatest resource for achieving our mission of service.

**Community.** Josephine County is a special community with unique opportunities which make it a favored place to live. We work proactively to be a positive influence in our community.

**Partnership.** We work cooperatively to build partnerships which broaden our base of planning and action. We provide and promote leadership to develop solutions to issues challenging our community.

**Service.** Our purpose is to provide important and valuable services, of high quality, that build and strengthen our community. Our positive, professional service is central to our purpose and is our cornerstone value.

**Integrity.** The foundation of our mission is our commitment to honest, open and reliable government. We must remain open to challenge, differences and change, while being committed to our shared values. Our integrity comes from our dedication to our pursuit of excellence.

## GUIDING PRINCIPLES

- Flexibility, teamwork, partnership, creativity and continuous improvement are essential to our

continued success. We shall organize our departments to encourage these principles.

- Our community gains value when we make investments in our employees which promote personal growth, ethics, productivity, and commitment. We shall invest in training, encourage learning and develop empowerment to maximize individual contributions to our mission.
- We shall work to enhance the health and safety of our community. Above all, we shall give priority to prevention.
- Josephine County Government is most effective as a unified organization. Coordination, cooperation and collaboration shall be the norm.
- County employees are valued and recognized for their contributions. Mutual respect and striving for excellence enable us to achieve our full potential.
- Trust is essential to our team. To build trust, we shall strive to be trustworthy.

## **MISSION STATEMENT**

- We shall provide services in an open, honest and efficient manner.
- We will encourage public involvement and cooperation to identify needs and solutions for the present and the future.
- We are dedicated to providing positive leadership and quality service.

## **WHAT IS EXPECTED OF YOU AS A COUNTY EMPLOYEE**

You are part of an active effort that is continuously working to make Josephine County a more enjoyable and attractive place in which to live. Your job was created in order to accomplish this goal, and your contributions are needed to help the County function as responsively and efficiently as possible for the benefit of the public.

Service to the public is the reason for our organization's existence. You are expected to give this service to the best of your ability, and to perform your job with a sense of courtesy, cooperation and ownership of your responsibilities.

Because you have been given the public's trust, you must maintain the highest standards of conduct in carrying out your job duties. You must also impartially uphold and carry out all applicable laws and policies. Each citizen must be treated fairly and equally with dignity and consideration. You are expected to conduct yourself in a manner that will foster respect and trust in our organization. The public's interest must always be your primary interest.

Any conflict of interest between your personal concerns and the public's interest must be fully disclosed to your supervisor and/or County Legal Counsel before any transaction occurs. Any questions regarding any conflict of interest should be directed to your supervisor and/or Legal Counsel.

An employee is prohibited from engaging in any conduct that could reflect unfavorably upon County service. Employees must avoid any action that might result in or create the impression of using public employment for private gain, giving preferential treatment to any person, or losing impartiality in



conducting County business. Employees shall not use County time, equipment, supplies, or facilities for private purposes. All County employees are subject to the requirements of the Government Standards and Practices Act, which prohibits using County employment for personal gain.

Lastly, you are expected to adhere to the County's Personnel Policies and County Administrative Policies and Procedures, and to carry out your supervisor's directives. In the absence of such direction, you are expected to use good common sense and sensitivity for public concerns. You are expected to be loyal to our organization's objectives and cooperative with your co-workers. Reliable and regular attendance is expected, and is an essential function of your job.

If you have a suggestion or idea on a work improvement or public concern, you are strongly encouraged to share your ideas with your Supervisor.

## **EMPLOYEE PARTICIPATION**

The Board of County Commissioners encourages communications and the improvement of relationships between the Board and all County employees.

In addition, the Board recognized the role of the department heads, elected officials, and all nonunion employees, and the need of employees to have input in matters concerning their employment. Therefore, the Non-Union Employee Committee is formed as a leadership group which discusses and communicates nonunion employees' ideas and concerns in employment matters to the Board of County Commissioners. The Non-Union Employee Committee consists of seven (7) employees, who are not represented by employee unions, and who are freely elected by the non-union employees. The Non-Union Employee Committee shall keep the Board of Commissioners updated at least annually as to the membership of the committee, and as to any changes in its by-laws.

The Committee may deliberate and make recommendations to the Board of Commissioners to consider such matters as: Annual review and recommendations regarding salaries and benefits; methods to improve communications between employees and the Board of County Commissioners; maintenance of these personnel policies, including receiving input from employees and recommending amendments; employee morale and concerns; and any other employment-related policies, rules, or concerns.

## **GENERAL DEFINITIONS**

Unless otherwise specified in this Policy Manual, the following terms shall have the following meanings:

**"Board of County Commissioners"** or **"Board of Commissioners"** is the governing body of the County, consisting of three persons elected to serve as the executive body of the County.

**"Calendar Year"** is the twelve (12) month period beginning January 1 and ending December 31.

**"Classification"** is a group of positions sufficiently alike in minimum skills, abilities, knowledge, duties, authority and responsibilities that carry similar market value, and therefore the same salary pay grade is applied to all positions in the group.

**"Compensatory Time"** is time earned by an employee for working overtime which is granted as time off from work with pay.

**"Complaint"** is a dispute regarding the application, meaning, or interpretation of these Personnel Rules, or an alleged violation of these Rules. A dispute is not a complaint until the County has received notice as required in the Complaint Procedure of these Rules.

**"County"** means Josephine County, its elected officials, department heads and management employees.

**"Demotion"** is the movement of an employee in accordance with current county policies from a position in one classification to a position in a lower classification.

**"Department"** is an operational subset of the County made up of programs, offices, and/or divisions.

**"Elected official"** is a person elected to County office, who is principally responsible for the discharge of duties provided by law or County charter, or a person appointed to fill the balance of an elected official's term.

**"Emergency"** is an occurrence or circumstance that may greatly impair operations, that could not reasonably be anticipated, and that demands immediate action. Examples include the occurrence of a threat to public health or safety, a natural disaster, being temporarily below minimum staffing requirements for juvenile detention facility, or a temporary unexpected staff absence that would materially impair operations.

**"Employee"** means any person who is serving the County in a paid capacity, including but not limited to full-time employees, part-time employees, temporary or fill-in employees, elected officials, and contract employees.

**"Essential Duties"** are the duties that an applicant or incumbent must be able to perform in order to be qualified for a position.

**"Exempt Employee"** is an executive, administrative or professional employee who is exempt from the overtime pay requirements under the Fair Labor Standards Act.

**"Fill-in Employee"** is an employee hired to perform fill-in or on-call work as needed.

**"Full-time Employee"** is an employee assigned to a regular work schedule consisting of forty (40) hours per week in a duly created, budgeted and authorized position.

**"Full-time Equivalent"** or **"FTE"** is the ratio in which an employee's normal work schedule bears to full-time (40 hours per week or 2,080 hours per year) employment.

**"Human Resources Director"** means the Human Resources Director of Josephine County, or his or her designee.

**"Incumbent"** is the person assigned to and holding a current employment position.

**"Nonexempt Employee"** is an employee who is required to be paid overtime pay for hours worked in excess of 40 hours per week under the Fair Labor Standards Act.

**"Non-Union Employee"** is an employee who is not represented by any union.

**"Paid Leave"** is time away from work with pay, including holidays, sick/personal leave, vacation leave, and leave from time management leave bank, and compensatory time off.

**"Part-time Employee"** is an employee who is regularly scheduled to work less than forty (40) hours per week in a duly created, budgeted and authorized position.

**"Pay Grade"** is the pay range from the entry pay rate through the maximum pay rate assigned to a position as designated on the salary table.

**"Pay Step"** is a specific level within a pay grade.

**"Payroll Anniversary Date"** is an employee's most recent date of hire or position change. If an employee is hired or has a position change on or before the 15th of the month, the payroll anniversary date is adjusted back to the first day of the month in which the employee is hired. If the employee is hired or

has a position change after the 15th of the month, the payroll anniversary date is adjusted forward to the first day of the following month.

**"PERS"** is the Oregon Public Employees Retirement System.

**"Personnel Action"** is any action taken by the County that affects the status of employment, such as appointment, classification, compensation, promotion, transfer, increase or decrease in assigned hours, layoff, or other action.

**"Personnel Manual" or "Personnel Policies"** means this Josephine County Personnel Policy Manual.

**"Position"** is a classified and County adopted job to which an employee may be assigned within a department.

**"Position Series"** is a group of positions with similar skills, abilities, knowledge, duties, and responsibilities. Such positions typically carry the same position title with "I," "II," "III" or "Senior" utilized to denote varying minimum requirements or duties.

**"Probationary Employee"** is an employee who is in the first twelve (12) continuous months of employment with the County.

**"Probationary Period" or "Probation"** is the first twelve (12) continuous months of employment by an employee with the County.

**"Promotion"** is a selection decision by the County to move an employee to a position of progressively higher authority and responsibility, and with a higher pay grade than the employee's current position (i.e., supervisory, lead, or a higher level position in a position series).

**"Public Record"** means any writing containing information relating to the conduct of County business, regardless of physical form or characteristics, and includes records which are confidential or restricted in use or disclosure. "Public Records" shall have the same meaning as that defined in ORS 192.005(5) or 192.410(4), as may be amended.

**"Reclassification"** is a change in a position by raising it to a higher pay grade, reducing it to a lower pay grade, moving it to another classification at the same level, or significantly changing the job duties or responsibility of the position.

**"Sick Leave"** is paid time off for employees who are absent due to personal illness, a death in the immediate family, or emergency needs due to illness of an immediate family member.

**"Supervisor"** refers to an elected official, department head, director, program manager, program supervisor or designee.

**"Temporary County Employee"** is an employee hired only for intermittent, casual-seasonal, temporary on-call, special grant, special project or other temporary work which lasts less than six (6) months in a twelve-month period.

**"Transfer"** is the movement of an employee from one position to another position or the movement of an employee to the same position in a different department.

**"Trial Service Period"** is the first six (6) months of employment following promotion, demotion, transfer or recall after removal.

**"Vacation"** is an employee benefit which provides a time of respite from work, with pay.

**"Workday"** is a period of time beginning at 12:00 a.m. and ending at 11:59 p.m.

**"Workweek"** is a seven-day period beginning at 12:01 a.m. Sunday and ending at 12:00 p.m. (midnight) on Saturday.

## **ARTICLE 1 - POLICY APPLICATION AND ADOPTION**

### **1.1 GENERAL POLICY APPLICATION**

**A. General Policy.** All County employees are required to read, understand and follow these policies as adopted by the Board of County Commissioners. These policies apply to all employees, including all union represented employees when not in conflict with a collective bargaining agreements. In the event of any conflict between these policies and an employee's collective bargaining agreement, the specific provision of the collective bargaining agreement shall prevail. Some subjects described in these policies, such as benefit plan and insurance information, are covered in detail in official policy documents. Employees should refer to these documents for specific information. The specific terms of any official policy documents are controlling.

**B. Exception.** Nothing in these policies is intended to create or imply a contract of employment. These policies do not confer any contractual right, either express or implied, to remain in Josephine County employ. These policies do not guarantee any fixed terms or conditions of employment.

**C. Variances.** The Board of Commissioners alone has the authority to vary or modify the application of these policies when such modification is in the best interest of the County. No elected official, department head, or any other employee or agent of Josephine County, has the authority to change, alter, or vary the terms or conditions of employment set out in these personnel policies. No oral or written statements or representations can change or alter the provisions of these policies. All previously issued personnel rules as well as policies, memos, and representations are superseded as of the adoption date of this policy manual.

**D. Policy Compliance.** All employees are required, as a condition of employment, to comply with these policies. In the event that an employee violates these policies, the employee shall be subject to discipline, up to and including termination of employment. If any provision of this Policy Manual violates any state or federal law, such state or federal law shall control.

### **1.2 DEPARTMENTAL WORK RULES**

All County employees are governed by department work rules, as well as these policies. County departments may develop and maintain work rules, standards, policies and procedures which are appropriate for the operations of that department. Department work rules shall be in writing and shall be made known to the employees of the department. Such work rules, policies, and procedures shall not conflict with these policies. In the event of any conflict between a department work rule and these policies, these personnel policies shall prevail.

### **1.3 ADOPTION, AMENDMENT, OR REPEAL OF PERSONNEL POLICIES**

Revisions to this Personnel Policy Manual shall be conducting in accordance with County Administrative Policy and Procedure A-2: Adoption, Amendment, or Repeal of Policies & Procedures.

## **ARTICLE 2 - EMPLOYMENT PRACTICES AND EQUAL EMPLOYMENT OPPORTUNITY**

### **2.1 NONDISCRIMINATION**

**A. General Policy.** It is the policy of Josephine County to prohibit discrimination against an

applicant for employment or an employee on the basis of race, color, religion, sex, age, national origin, sexual orientation, gender identity, marital status, physical or mental disability, injured worker status, family relationship, veteran status, or other areas protected by state or federal civil rights laws, including but not limited to Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990 (ADA), the Equal Pay Act of 1963, the Fair Pay Act of 2009, the Genetic Information Non-Discrimination Act, the Age Discrimination in Employment Act of 1967, and under State Protected Classes per ORS Chapters 659A and 654. Employment decisions shall not be influenced by an individual's association with a particular protected class. The following requirements shall be strictly followed:

- 1) All aspects of employment, including but not limited to: recruiting, hiring, compensation, classification, benefits administration, training, and promotion shall be conducted without regard to race, color, religion, sex, age, national origin, sexual orientation or gender identity, marital status, physical or mental disability, injured worker status, family relationship, veteran status, military status, victim of domestic violence, sexual assault or stalking status, genetic information, association with members of a protected class, or other areas protected by state or federal civil rights, except when sex or age is a bona fide occupational qualification.
- 2) Pay practices shall ensure equal compensation for individuals who perform substantially equal work, regardless of an individual's class or association with a particular protected class.
- 3) Reasonable accommodation shall be made for the religious beliefs of an employee or prospective employee.
- 4) Retaliation against an employee for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination is prohibited.
- 5) Genetic information including but not limited to information about an individual's genetic tests, information about the genetic tests of a family member, family medical history, or requests for, and receipt of, genetic services by an individual or a family member shall not be used in employment decisions.
- 6) Employees who are victim of domestic violence, sexual assault or stalking shall not be discriminated against in any aspect of employment.

**B. Reporting and Complaint Process.** Employees who have been subject to discrimination should immediately make a report to the Human Resources Office. The Human Resources Director or designee shall investigate the report. Supervisors who receive verbal or written complaints from employees shall report such complaints immediately to the department head or elected official and the Human Resources Office.

**C. Policy Implementation.** This policy shall be distributed to all new County employees at the time of their orientation by Human Resources. Human Resources shall ensure that mandatory employment postings related to equal employment opportunity are posted and accessible to employees. It is the responsibility of department heads and all supervisors of the County to ensure that their departments are in full compliance with this policy.

## **2.2 ACCOMODATING THE DISABLED**

**A. General Policy.** It is the policy of Josephine County to make reasonable accommodations for employees with qualified disabilities in order to provide equal employment opportunities pursuant to Title I and Title V of the Americans with Disabilities Act. For that reason, it is against County policy to discriminate, in any manner, against a qualified individual with a disability.

**B. Definitions.**

**“Disability”** refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment, or is regarded as having such an impairment is a "disabled individual."

**“Individual”** means an employee or volunteer of the County, or an applicant for County employment.

**“Interactive Process”** is an informal, interactive process consisting of discussions between the County and the employee for the purpose of identifying the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.

**“Qualified Individual with a Disability”** means an individual with a disability who satisfies the required skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

**“Reasonable Accommodation”** is a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. A reasonable accommodation may include, but is not limited to: making existing facilities used by employees readily accessible to and usable by persons with disabilities; job restructuring; modifying work schedules; providing additional unpaid leave; reassignment to a vacant position; acquiring or modifying equipment or devices; adjusting or modifying examinations, training materials, or policies; and providing qualified readers or interpreters. A reasonable accommodation may be necessary to apply for a job, to perform job functions, or to enjoy the same benefits and privileges of employment that are enjoyed by individuals without disabilities.

**“Undue Hardship”** means an action that would cause significant difficulty or expense to the County when considered in relation to factors such as the size, nature, structure, and financial resources of the County. Undue hardship includes any action that is unduly costly, extensive, substantial, disruptive, or that would fundamentally alter the nature or operation of the County’s business.

**C. Reasonable Accommodation.** The County shall provide a reasonable accommodation for all qualified individuals with a disability, as requested by such individuals, unless the requested reasonable accommodation causes an undue hardship for the County. The County shall accommodate only a known disability of a qualified individual. If an individual has a disability that is not obvious, it is up to that individual to make the need for a reasonable accommodation known. Qualified individuals with disabilities may request a reasonable accommodation at any time from either their supervisor, their interviewer, or the Human Resources Office. The qualified individual need not specifically request a “reasonable accommodation,” but need only let the supervisor, interviewer, or the Human Resource Office know that some adjustment or change is needed to perform a job because of the limitations caused by the disability. If an employee with a known disability is having difficulty in performing a job, and it appears to be due to the disability, the employee’s supervisor should assess whether additional reasonable accommodations may be necessary. The supervisor may inquire at any time whether the employee needs an accommodation. If an individual requests an accommodation, and the need for the accommodation is not obvious, or if the supervisor or Human Resources Office does not believe that the accommodation is needed, then the supervisor or Human Resources Office may request documentation of the individual’s functional limitations to support the request. The County shall provide reasonable accommodation on a case-by-case basis, depending on the nature and extent of the disability and the requirements of the job. The level of accommodation needed, and ability for the County to provide such an accommodation, shall be determined by entering into an interactive process with the employee in order to determine the nature of the employee’s specific restrictions and to explore all possible accommodations.

**D. Pre-Employment.** The County shall provide an equal opportunity for individuals with a disability to participate in the job application process and to be considered for a job. The County may not make any pre-

employment inquiries regarding an individual's disability, but may ask questions about the ability to perform specific job functions. Any test that screens out or tends to screen out individuals on the basis of disability are prohibited, unless the test is job-related and consistent with business necessity.

**E. Other Employment Practices.** The County shall not discriminate against a qualified individual with a disability because of the disability, in any employment practice, or in any term, condition, or benefit of employment. The County shall not deny an employment opportunity because an individual has a relationship or association with an individual who has a disability. The County shall not participate in any contractual or other arrangement that subjects a qualified individual with a disability to discrimination. The County shall not discriminate or retaliate against any individual, whether or not the individual is disabled, because the individual has opposed a discriminatory practice, filed a discrimination charge, or participated in any way in enforcing the Americans with Disabilities Act. Each job description shall identify essential job functions. The Human Resources Office shall review job descriptions as needed to eliminate any job functions that have become nonessential.

**F. Reporting and Complaint Process.** Any applicant or employee who believes that he or she has been subjected to discrimination, or that a violation of this policy has occurred, should immediately contact the Human Resources Office. The Human Resources Director or designee shall conduct an investigation regarding the complaint.

**G. Confidentiality.** Any information obtained concerning the medical condition or history of an applicant or employee shall be maintained in separate medical files, and shall be treated as confidential information that shall only be disclosed as necessary and in accordance with law.

**H. Policy Implementation.** New County employees shall receive training regarding their rights under this policy at the time of their orientation by Human Resources. Human Resources shall ensure that mandatory employment postings related to this policy are posted and accessible to employees. It is the responsibility of the elected officials, department heads and all supervisors of the County to ensure that their department is in full compliance with this policy. Employees shall contact the Human Resources Office if there are any questions as to the application of this policy.

**I. General.** Those making purchases for the County shall consider the adaptability of the equipment for use by a qualified individual with a disability as one factor in purchasing equipment. Making the facility as accessible as possible to qualified individuals with disabilities shall be considered as one factor when a County facility is to be remodeled.

## **2.3 HARASSMENT**

**A. General Policy.** It is the policy of Josephine County to provide a workplace that is free from harassment and to honor an individual's right to respect and professional conduct in the workplace. Harassment in the form discrimination violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA). Josephine County has a zero tolerance policy regarding harassment in the workplace.

### **B. Definitions.**

**"Discrimination"** is treatment or consideration of, or making a distinction in favor of or against, a person based on race, color, religion, sex, age, national origin, sexual orientation, gender identity, marital status, physical or mental disability, injured worker status, family relationship, veteran status, or other status protected by state or federal civil rights laws.

**"Harassment"** is unwelcome or offensive conduct based on discrimination. Harassment may include, but is not limited to:

Verbal conduct, such as epithets, derogatory comments, threats, jokes or slurs;

Visual conduct, such as derogatory posters, photographs, cartoons, drawings, or gestures;

Physical conduct, such as unwanted touching, blocking normal movement or interfering with work, or assault; or

Retaliation for having reported or threatened to report harassment.

**“Hostile workplace”** is present when an individual’s discriminatory conduct has the purpose or effect of substantially interfering with an employee’s work performance, or creates an intimidating, hostile or offensive work environment.

**“Sexual Harassment”** is unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment may include, but is not limited to:

Verbal harassment, such as epithets, derogatory comments, threats, jokes or slurs;

Physical harassment, such as unnecessary or offensive touching, or impeding or blocking movement, or assault;

Visual harassment, such as derogatory or offensive posters, cards, calendars, cartoons, graffiti, drawings, or gestures; or

Retaliation for having reported or threatened to report sexual harassment.

**C. Workplace Harassment.** Josephine County prohibits harassment of its employees, in any form, by supervisors, managers, department heads, elected officials, co-workers, the public, contractors, suppliers, or vendors. Threats of violence and acts of violence against any persons in the workplace are prohibited.

**D. Sexual Harassment.** Josephine County prohibits sexual harassment of its employees, in any form, by supervisors, managers, elected officials, co-workers, volunteers, the public, contractors, suppliers, or vendors.

**E. Harassment by Non-Employees.** Supervisors shall make reasonable attempts to ensure that employees are not subject to acts of harassment from the public or by non-employees.

**F. Complaints and Investigation.** Employees who have witnessed or who have been subject to harassment should immediately report the incident to any supervisor or to the Human Resources Office. Supervisors who receive verbal or written complaints of harassment from employees shall report such complaints immediately to the Human Resources Office. Upon notification of a complaint, the Human Resources Director or designee shall conduct an investigation to determine the facts regarding the complaint. The Human Resources Director or designee shall separately interview the individual making the complaint, the individual identified as the perpetrator, and any witnesses, and shall obtain any other relevant information. After the investigation, the Human Resources Director shall determine whether or not the provisions of this policy have been violated.

**G. Discipline.** Any employee who violates this policy shall be subject to disciplinary action, up to and including termination of employment. Any employee who engages in threats of violence, or carries out acts of violence against any person in the workplace may be subject to immediate termination of employment.

**H. Confidentiality.** All complaints of harassment shall be treated as confidential to protect the privacy of the persons involved. Employees who report harassment or become aware of a complaint are also expected to maintain confidentiality. Investigations shall be kept confidential to the extent practicable and appropriate under the circumstances.

**I. Protection against Retaliation.** Retaliation against any employee who files a harassment complaint, who testifies or provides information about a harassment complaint, or who participates in any manner in the investigation of a complaint is prohibited. Any supervisor or employee who is found to have retaliated against another employee for reporting harassment shall be subject to discipline, up to and including



termination of employment.

**J. Policy Implementation.** This policy shall be distributed to all new County employees at the time of their orientation by Human Resources. Human Resources shall ensure that mandatory employment postings related to this policy are posted and accessible to employees. It is the responsibility of the elected officials, department heads and all supervisors of the County to ensure that their department is in full compliance with this policy. Employees shall contact the Human Resources Office if there are any questions as to the application of this policy.

**K. Training.** All supervisors and employees shall receive training provided by Human Resources on identifying and reporting Harassment and Sexual Harassment once every two years. Supervisors needing assistance in obtaining additional training should contact the Human Resources Office.

## **2.4 NEPOTISM**

**A. General Policy.** It is the policy of Josephine County to prevent favoritism or unequal treatment based on an employee's familial relationship. Employees or advisory board members who are relatives or members of the same household shall not supervise or hold direct or indirect decision making authority over the other, and shall not have direct or indirect authority to hire, fire, promote, demote, appoint, discharge, layoff, discipline, or change working conditions of the other. This policy shall comply with ORS 244.175 and ORS 659A.309, as amended.

### **B. Definitions.**

**"Advisory Board"** means the members of any group which consists of two or more members, with the authority to make decisions for or recommendations to the County on policy or administration, including but not limited to any board, commission, council, committee, subcommittee, ad hoc committee, or advisory group.

**"Relative"** means the spouse or domestic partner of an employee, any child of an employee or of an employee's spouse or domestic partner, and any brother, sister, half-brother, half-sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, or parent of the employee or of the employee's spouse or domestic partner.

**"Member of the household"** means any person who resides with an employee.

**"Volunteer"** means any person who is serving the County in an unpaid capacity, not including unpaid members of Advisory Boards.

**C. Employment or appointment of relative or member of household.** No employee shall exercise authority or control in the appointment, employment, promotion, discharge, layoff, discipline, or demotion of a relative or member of the household. Subject to the **"Change in status during employment"** section of this policy, no elected official, department head or supervisor shall appoint, employ, promote, demote, or transfer an employee to a position where one employee would have supervisory authority over the other. No employee shall participate in any interview, investigation, discussion, or debate regarding the appointment, employment, promotion, demotion, discharge, layoff or discipline of a relative or member of the household. No employee shall appoint, hire, employ, promote, discharge, layoff, discipline, or demote a relative or member of the household to or from a position as a member of an Advisory Board over which the employee exercises authority or control. No Advisory Board member shall be appointed to a position that holds authority or control over a relative or member of the household. An employee may serve as a reference for employment or provide a recommendation for a relative or member of the household to serve as an advisory board member.

**D. Supervision of relative or member of household.** Employees shall be separated by at least two

levels in the chain of supervision from an employee who is a relative or a member of the employee's household. "Two levels in the chain of supervision" means that, within the same line of supervision, there must be at least two (2) employees who are supervisors between employees who are relatives or members of the household. No employee shall influence the work schedule or give input into the performance evaluation or employment decisions involving a relative or member of the household. No employee shall directly supervise a person who is a relative or member of the employee's household if that person is an unpaid member of an Advisory Board of the County that the employee serves or over which the employee exercises authority or control.

**E. Volunteers.** An employee may appoint or discharge a relative or member of the household to or from a position as an unpaid volunteer with the County over which the employee exercises authority or control. An employee may directly supervise a person who is a relative or member of the household if that person serves as an unpaid volunteer. A relative or member of the household serving as an unpaid volunteer may receive reimbursement of expenses with the approval signature of a second supervisor if such reimbursement is ordinarily provided to other similarly situated unpaid volunteers.

**F. Discrimination Prohibited.** The provisions of this policy are not to be construed to limit the hiring, promotion, or employment opportunities of any particular employee or applicant, or group of employees or applicants. This Policy does not prohibit the County from appointing, hiring, employing, promoting, discharging, firing, disciplining, or demoting a person who is a relative or member of the household of a County employee provided that one employee does not have supervisory authority over the other. Discrimination based on the employment of a relative or member of the household is prohibited. The County shall not discriminate against an employee by refusing to hire or employ, or by discharging a family member of the employee, or by discriminating against a family member of the employee in compensation or in the terms, conditions, or privileges of employment. In accordance with ORS 659A.309, the County may refuse to hire or employ a family member of an employee if such employment would place the employee or the family member of the employee in a position of exercising supervisory authority or control over the other.

**G. Change in status during employment.** If, during employment, an employee enters into a familial relationship with another employee such that the employees are in violation of this policy, the employee shall notify their elected official, department head or Human Resources. The County shall then either transfer one employee to another County program or department, or change the supervisory relationship. If the affected employees and their immediate supervisor(s) are unable to reach a satisfactory solution within thirty (30) days from the date of notification from the employee, then transfer or reassignment shall be made upon the direction of the elected official or department head and Human Resources. During those thirty (30) days, the employee in the supervisory position shall not have the authority to appoint, promote, discharge, layoff, discipline, or demote the other, in accordance with this policy.

**H. Change in status due to action by County.** If an action of the County, such as a reduction in force, results in a situation where two relatives or members of the household are in violation of this policy, then the County shall either transfer one employee to another department, or change the supervisory relationship. If the affected employees and their immediate supervisor(s) are unable to reach a satisfactory solution within thirty (30) days from the date of the action of the County, then transfer or reassignment shall be made upon the direction of the elected official or department head and Human Resources. During those thirty (30) days, the employee in the supervisory position shall not have the authority to appoint, promote, discharge, layoff, discipline, or demote the other in accordance with this policy. The County shall seek to remedy any violation of this policy by voluntary transfer to another County department. If an agreement or satisfactory resolution cannot be reached, then the County shall remedy such violation by

involuntary transfer to another County department.

**I. Policy Implementation.** This policy shall be distributed to all new County employees at the time of their orientation by Human Resources. It is the responsibility of the elected officials, department heads and all supervisors of the County to ensure that their department is in full compliance with this policy. Supervisors are responsible for monitoring changes in employee reporting relationship after initial hire to ensure compliance with this policy. Employees are responsible for reporting any changes impacting compliance with this policy immediately to their supervisor. Employees shall contact the Human Resources Office if there are any questions as to the application of this policy.

## **2.5 RETALIATION**

**A. General Policy.** Retaliation by management or co-workers against an employee for filing a complaint or cooperating in an investigation shall not be tolerated. The County shall not tolerate unlawful retaliation against employees for engaging in protected activity. A protected activity is defined as: opposing an unlawful practice prohibited by employment discrimination laws, reporting a safety hazard or violation, or participating in any way in an investigation, proceeding, or hearing of an employment related claim.

**B. Reporting and Complaint Process.** Any employee who believes that he or she has been subjected to retaliation, or that a violation of this policy has occurred, should immediately contact the Human Resources Office. The Human Resources Director or designee shall conduct an investigation regarding the complaint.

## **2.6 WHISTLEBLOWER**

**A. General Policy.** Discrimination or retaliation against employees who report in good faith alleged violations of state or federal laws, rules, or regulations shall not be tolerated.

**B. Reporting and Complaint Process.** Any employee who believes that he or she has been subjected to discrimination or retaliation for whistleblowing, or that a violation of this policy has occurred, should immediately contact the Human Resources Office. The Human Resources Director or designee shall conduct an investigation regarding the complaint.

# **ARTICLE 3 – GENERAL WORK REQUIREMENTS**

## **3.1 SMOKE-FREE WORKPLACE**

**A. General Policy.** Josephine County is committed to providing a smoke-free work environment to protect the health, welfare, and comfort of County employees and visitors, and shall provide a place of employment that is free of tobacco smoke for all employees. Because the use of tobacco is known to cause cancer and other chronic diseases, and because smoking tobacco creates a health hazard to those present in confined places, it is necessary to reduce exposure to tobacco smoke by prohibiting smoking in all public places and places of employment. This policy ensures compliance with Oregon’s Smokefree Workplace Law and Oregon Indoor Clean Air Act (ORS 433.835-433.990).

**B. Definitions.**

**“County Facility”** means any enclosed space that is operated, owned, leased or rented by Josephine County, including but not limited to buildings, portions of buildings, equipment, machinery and motor vehicles.

**“Designated Smoking Area”** means an area designated and posted as a Smoking Area.

**“Place of employment”** means every enclosed area under the control of the County that employees frequent during the course of their employment, including but not limited to: work areas, employee lounges, County-owned vehicles, rest rooms, conference rooms, classrooms, hallways, meeting rooms, elevators, and stairways.

**“Public place”** means any County-owned enclosed area open to the public.

**“Smoking”** means the use of lighted tobacco of any kind, including cigars, cigarettes, and pipes.

**C. General Policy.** Smoking is prohibited within all County Facilities. No person shall smoke, or carry any lighted smoking instrument in any County Facility. No person shall smoke or carry any lighted smoking instrument within 10 feet of the following parts of County Facilities: 1) Entrances; 2) Exits; 3) Windows that open; 4) Ventilation intakes that serve an enclosed area; and 5) Service lines or within 10 feet of a service line that extends outside an entrance. No person shall smoke or carry a lighted smoking instrument within 10 feet of an accessibility ramp that extends beyond 10 feet from the entrance or exit. Employees who choose to smoke shall do so in Designated Smoking Areas on their regularly scheduled breaks or meal periods. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers and the public with regard to this policy. Smokers shall keep Designated Smoking Areas litter-free.

**D. Signs.** The County shall post signs prohibiting smoking. Signs shall use either the "no smoking" symbol (a cigarette with a diagonal slash through it within a circle) and the words "within 10 feet," the words "No Smoking within 10 feet," or both. Signs may be used without specifically including the words "within 10 feet" if the signs specify some other restriction greater than 10 feet or designates the entire premises as smoke free. Signs shall be posted prominently at each entrance and exit to County Facilities. All signs shall be placed at a height and location easily seen by a person entering the building, and shall not be obscured in any way.

**E. Ashtrays and Receptacles.** Ashtrays or any receptacles to be used for smoking or depositing cigarette or tobacco debris are prohibited inside County Facilities, and within 10 feet of any entrances, exits, accessibility ramps that extend beyond 10 feet from an entrance or exit, windows that open, and ventilation intakes that serve an enclosed area of any County Facility.

**F. Designated Smoking Area.** The County may establish smoking areas for use by County employees and the public. Designated Smoking Areas shall be: 1) At least ten (10) feet from entrances, exits, windows that open, and ventilation intakes of County Facilities; and 2) Designated as such by signs.

**G. Enforcement and Violations.** The enforcement of this policy is the responsibility of all County employees. Any County employee who observes an employee or member of the public acting in violation of this policy is encouraged to inform them of the policy violation. Upon notification or personal observation of a violation of this policy by a County employee, the supervisor of the employee shall address that issue with the employee. Violation of this policy may subject an employee to disciplinary action. Violation of this policy, or complaints regarding this policy by persons who are not County employees, shall be reported to an elected official, department head, supervisor, or Human Resources.

**H. Smoking Cessation.** The County shall provide smoking cessation resource information to all employees who request it. Employees and visitors may visit the Tobacco Prevention and Education Program website for information regarding the effects of tobacco use, self-help materials, and resources for cessation. Employees may contact Human Resources regarding the availability of tobacco-related cessation support programs.

**I. Compliance with State Law.** In the event that any provision of this policy conflicts with any term or provision of ORS 433.385 through ORS 433.990 as amended, or OAR 333-015-0025 through OAR 333-015-0090 as amended, the provisions of such Statutes and Rules shall control.

### 3.2 DRUG FREE WORK PLACE

**A. General Policy.** Josephine County is a drug-free workplace. It is the policy of Josephine County to promote employee safety, health and efficiency by ensuring and maintaining a drug free workplace. This policy sets forth the requirements and guidelines to ensure compliance with the Drug Free Workplace Act of 1988 and to establish a worksite free from the effects of drugs and alcohol. All County employees are required to abide by the requirements set forth in this policy.

**B. Definitions.**

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

**“Adulterate”** means to add material to a urine sample to try to change the results of the test.

**“Authorized County Representative”** means a management employee who has been authorized by Human Resources and is trained on the facts, circumstances, physical evidence, physical signs and symptoms, or patterns of performance and behavior associated with alcohol misuse and drug use, in order to determine reasonable suspicion to believe an employee has violated this policy.

**“Collection Site”** is the County designated clinic or facility where applicants or employees must provide specimens of their urine to be analyzed for the presence of drugs.

**“Controlled Substances”** are all forms of narcotics, depressants, stimulants, analgesics, hallucinogens, and cannabis, as defined in ORS 475.005(6), whose sale, purchase, transfer, use or possession is prohibited or restricted by law.

**“County premises”** includes all property owned, rented, leased or controlled by the county including parking lots and adjacent areas. It also includes all County equipment and vehicles, whether located on or off County property.

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

**“Medical Review Officer”** or **“MRO”** is a licensed doctor of medicine or osteopathy with knowledge of drug abuse disorders and drug testing who is responsible for reviewing and verifying drug testing results.

**“On Duty Time”** means all time from the time an employee begins to work or is required to be in readiness to work (reporting time), until the time the employee is relieved from work and all responsibility for performing work (quitting time).

**“Reasonable Suspicion”** is the observation of an employee’s condition or performance that indicates probable alcohol or drug use. This suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.

**“Substance Abuse Professional”** or **“SAP”** is a licensed physician, licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor who has knowledge, training, and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders.

**C. General Policy.** The possession, transfer, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of alcohol or any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on County property, on County time or in other circumstances which may adversely affect County operations or the safety of County employees or others is prohibited. If the use of such substances, or the withdrawal symptoms of such substances, adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or if the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the

influence" for purposes of this policy. All alcohol and drug testing procedures shall conform to all state and federal regulations. As a condition of employment, employees shall abide by the provisions of this policy. Failure to comply with the provisions of this policy will subject an employee to discipline, up to and including termination of employment. Employees in positions regulated by the Department of Transportation must also comply with the provisions of the following administrative policies: Alcohol and Drug Testing Program – Federal Motor Carrier Safety Administration, Department of Transportation (49 CFR 382 and 49 CFR 40, as amended) and Alcohol and Drug Testing Program – Federal Transit Administration, Department of Transportation (49 CFR 655, 49 CFR 40 as amended). Employees who are performing undercover or enforcement activities are exempt from the provision of this policy as long as they are within the scope of their supervisory approved and assigned duties.

**D. Reporting.** Employees must report to their jobs in a condition that will allow them to be mentally and physically alert. Employees must notify their supervisors in advance when their use of prescription or over the counter medications may interfere with the safe and efficient performance of their duties or impair their ability to perform the essential functions of their positions.

**E. Notification requirements for federal contracts and grants under the Drug Free Workplace Act of 1988.** Employees shall inform their supervisor and the Human Resources Director within five (5) days after being adjudicated or convicted for violation of any federal or state criminal drug statute. A conviction or adjudication means entry of a no contest plea; or execution, suspended execution, or suspended imposition of a sentence; or a finding of guilt; or the imposition of a sentence by a judge or jury in a federal or state court. When an employee who is assigned to perform work funded under a federal grant or contract is adjudicated or convicted for violation of any federal or state criminal drug statute, the Department Head must notify the U.S. government agency with which the contract or grant was made within ten (10) days after receiving notice from the employee or other actual notice.

**F. Pre-Hire Testing.** Upon an offer of employment, and prior to final appointment in a position requiring drug testing as a condition of employment, applicants shall be asked to consent to a controlled substance screening test in accordance with this policy. If the applicant refuses to consent to a test, or if testing indicates use of controlled substances, the offer of employment will be retracted, and the applicant will be denied employment with the County. Applicants shall be informed in writing if they are rejected on the basis of test results.

**G. Reasonable Suspicion Testing.** If there is reasonable suspicion that an employee is under the influence of controlled substances or alcohol during work hours, the County may require the employee to undergo testing. No testing shall be performed under this policy without the approval of the Human Resources Director. When reasonable suspicion exists to believe an employee has possession of alcohol or controlled substances on County property, the County may search the employee's work area, including but not limited to lockers, toolboxes, desks, etc. Circumstances which can constitute a basis for determining reasonable suspicion for testing may include but are not limited to: a pattern of abnormal or erratic behavior; information provided by a reliable and credible source; a work related accident; direct observation of drug or alcohol use; presence of the physical symptoms of drug or alcohol use; unexplained significant deterioration in job performance; unexplained or suspicious absenteeism; or employee admissions. Supervisors are required to detail in writing the specific facts, symptoms, and observations which form the basis for their determination that reasonable suspicion exists to warrant the testing of an employee. This documentation shall be forwarded to the Authorized County Representative and the Human Resources Director for review and authorization to test. Employees shall be asked to sign a consent form authorizing the test or search and permitting release of results.

**H. Post-Accident Testing.** The County may require alcohol and drug testing for employees who have

work related accidents when there is reasonable suspicion to believe that the employee was under the influence of drugs or alcohol as determined by the Authorized County Representative and the Human Resources Director. Employees who are tested after accidents shall be tested for alcohol as soon as practicable, within two (2) hours if at all possible, but no later than eight (8) hours after the accident, and shall be tested for drugs as soon as possible, but no later than thirty-two (32) hours following the accident.

**I. Refusal to Test.** Refusal to test shall be considered insubordination and shall be deemed a test failure. Refusal to test shall be cause for immediate termination of employment.

**J. Follow Up, Treatment, and Rehabilitation.** The selection of an appropriate treatment program and appropriate disciplinary action for an employee violating this policy is completely a discretionary decision of the County. The County recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with such dependency can be treated. Depending on individual circumstances and the employee's commitment to rehabilitation, the County may require the employee to enroll in one or more of the following:

1. Employee Assistance Program
2. Education and/or training Program
3. Treatment or Rehabilitation Program

If an employee is required to enroll in a program listed above, continuing employment is conditioned on the following requirements:

1. The employee must present written certification of successful program completion.
2. The employee must satisfactorily complete a drug test.

If the County determines that rehabilitation is required for an employee who has been convicted of a criminal drug offense, that employee will minimally be required to participate in a drug and alcohol abuse evaluation within 30 days of the conviction, and will be required to complete a rehabilitation or treatment program based upon the evaluation. The rehabilitation program must be one that is approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency for such purposes.

**K. Discipline.** The County reserves the right to impose discipline up to and including termination of employment. If a violation of this policy is discovered by the County without voluntary disclosure by the employee, the employee's willingness to seek outside assistance will not excuse the violation and will have no bearing on the determinations of appropriate disciplinary action.

**L. Drug Awareness and Training.** This policy shall be distributed to all new County employees at the time of their orientation by Human Resources. The Josephine County Human Resource Office shall maintain a Drug Free Awareness Program, designed to inform employees about:

1. The dangers of drug abuse in the work place;
2. The County's policy of maintaining a drug free work place;
3. Any available drug counseling, rehabilitation and the County's Employee Assistance Program for drug and alcohol abuse;
4. The penalties that may be imposed upon employees for drug abuse violations.

### **3.3 FITNESS FOR DUTY**

**A. General Policy.** Josephine County is dedicated to providing safe, dependable and efficient services to citizens, and a safe and productive work environment for employees. In order to achieve this, the County is committed to ensuring that its employees are fit for duty and are able to perform the essential duties of their jobs (with or without an accommodation) at all times without posing a health or safety risk to themselves, co-workers or the public.

**B. Policy Implementation.** Employees must report to work capable of safely performing the functions of their job for the duration of their shift. If, at any time, an employee believes they may not be capable of safely

performing their duties, he or she must immediately report the concern to their supervisor. Employees are encouraged to notify a supervisor if they observe a co-worker who may not be fit for duty. In cases when the possibly impaired individual is the employee's supervisor, the employee should notify the next higher level manager or Human Resources. If supervisors observe impaired performance of their employees, they shall discuss the observations with the employee who appears to be unfit for duty and record what they observed. If retraining is appropriate, the supervisor shall make arrangements for retraining. If a medical evaluation appears appropriate, the supervisor shall refer the matter immediately to Human Resources. All employee medical information is confidential, and shall be maintained by Human Resources in a secure file, separate from the personnel file.

### **3.4 EMPLOYEE PARKING**

**A. General Policy.** It is the policy of the Board of County Commissioners to provide adequate parking for the public and for employees' personal vehicles, whenever possible. It is the responsibility of County employees to be aware of and to comply with all applicable regulations pertaining to parking their personal vehicles. All employees are expected to be aware of, and to comply with, any County or Departmental regulations regarding "public only" parking areas. Employees shall adhere to all posted parking limits and requirements.

**B. Designated and Reserved Parking.** Designated County vehicle parking spaces shall be marked as such and are to be used for County-owned vehicles only. Spaces may be assigned to specific County vehicles depending on departmental needs. Reserved parking spaces are allocated to specific County departments by the Board of County Commissioners. Such spaces are then assigned by department heads or elected officials to specific employees' personal vehicles.

**C. Interagency Agreements.** Interagency parking agreements may be entered into with the approval of the Board of Commissioners.

**D. Theft, Loss, or Damage.** The County is not responsible for any theft, loss, or damage to personal vehicles, or the contents thereof, while parked in County owned or maintained parking areas. Employees should lock their cars whenever they are left unattended.

### **3.5 JURY DUTY**

**A. General Policy.** It is the policy of the County to release employees from regularly scheduled work to provide service on a jury, and to ensure that employees do not experience a reduction in income while absent from work due to service on a jury.

**B. Pay and Jury Fees.** The County shall provide full pay to employees for work hours missed due to the performance of jury duty. Employees shall not waive payment of jury duty fees, and shall promptly submit the jury duty fees to their department upon receipt. The jury fees shall then be forwarded to the County Treasurer's Office.

### **3.6 ABSENCES DUE TO COUNTY EMERGENCIES OR SEVERE INCLEMENT WEATHER**

**A. General Policy.** It is the policy of the County for the Board of County Commissioners to announce any closures of work due to emergency situations or severe inclement weather via public broadcast media. On such days when County departments remain open during severe inclement weather, employees shall contact their supervisors, as soon as possible, when delayed or absent from work to ensure coverage of work responsibilities.



**B. Notification.** The Board of County Commissioners shall announce the scope of any work closure due to emergency or severe inclement weather via public broadcast media and on the County website as soon as possible. Employees should notify their immediate supervisors of any anticipated late arrivals or absences as soon as possible to explain the nature of the situation, the anticipated extent of delay, and to allow for coverage of work responsibilities.

**C. Attendance.** While the County will encourage adherence to rules regarding hours of operation and employee attendance for departments remaining open, it is recognized that adverse conditions may affect individual employees' ability to report to work.

**D. Compensation.** Work time missed due to work closures shall not be considered compensable work hours. Supervisors shall work with employees to determine the most appropriate leave status for any missed work hours (e.g. leave without pay, personal leave days, paid leave, sick leave, vacation time, compensatory time, etc).

### **3.7 ETHICS (CONFLICTS OF INTEREST; GIFTS)**

**A. General Policy.** Service as a public official is a public trust. Public officials, which include County employees, volunteers, and members of advisory boards, shall conduct themselves in an ethical manner, in compliance with Oregon's Government Ethics Laws (ORS Chapter 244). Public Officials shall not use their official position, or the knowledge gained therein, in such a manner that will create a conflict of interest between that person and the County. Public officials shall conduct their personal affairs so as to avoid conflicts between their personal and the interests of the County, as well as to avoid conduct which might adversely affect the exercise of their official judgment.

**B. Definitions.**

**"Actual conflict of interest"** means any action, decision, or recommendation by a public official, the effect of which would be to the private pecuniary benefit or detriment of the public official, the public official's relative, or any business with which the public official or relative is associated.

**"Gift"** means something of economic value given to a public official, or a relative or member of the household of the public official, which is not extended to others who are not public officials, or the relatives or members of the household of public officials, on the same terms and conditions.

**"Honorarium"** means a payment or something of economic value given to a public official in exchange for services including, but not limited to, speeches or other services rendered in connection with an event.

**"Legislative or administrative interest"** means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the action or vote of a public official.

**"Member of the household"** means any person who resides with the public official.

**"Potential conflict of interest"** means any action or any decision or recommendation by a public official, the effect of which could be to the private pecuniary benefit or detriment of the public official or public official's relative, or a business with which the public official or public official's relative is associated.

**"Public official"** means any person who is serving the County, including by not limited to an elected official, appointed official, employee, temporary employee, volunteer, board member, advisory board member, or contractor, irrespective of whether the person is compensated for the services.

**"Relative"** means:

1. The spouse of the public official;
2. The domestic partner of the public official;
3. Any children of the public official or of the public official's spouse;

4. Siblings, spouses of siblings, or parents of the public official or of the public official's spouse;
5. Any individual for whom the public official has a legal support obligation; or
6. Any individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment.

**C. Gifts.** During a calendar year, a public official or a relative or member of the household of a public official may not receive any gifts in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest in County government.

**Exceptions:** The following are not considered "gifts:"

1. Campaign contributions as defined in ORS 260.005;
2. Gifts from relatives or members of the public official's household;
3. An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item, with a resale value reasonably expected to be less than \$25;
4. Informational material, publications or subscriptions related to the recipient's performance of official duties;
5. Admission fees, or the cost of food or beverage consumed by a public official, or a member of the household or staff of the public official when accompanying the public official, at a reception, meal or meeting held by an organization before whom the public official appears to speak or to answer questions as part of a scheduled program;
6. Contributions made to a legal expense trust fund established under ORS 244.209 for the benefit of the public official;
7. Reasonable food, travel or lodging expenses provided to a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official, or a staff member of the public official accompanying the public official, when the public official is representing the County:
  - a. On an officially sanctioned trade-promotion or fact-finding mission; or
  - b. In officially designated negotiations, or economic development activities, where receipt of the expenses is approved in advance;
8. Food or beverage consumed by a public official acting in an official capacity in association with the review, approval, execution of documents or closing of a borrowing, investment or other financial transaction, including any business agreement between the County and a private entity or other public body as defined in ORS 174.109;
9. Waiver or discount of registration expenses or materials provided to a public official at a continuing education event that the public official may attend to satisfy a professional licensing requirement;
10. Expenses provided by one public official to another public official for travel inside this state to or from an event that bears a relationship to the receiving public official's office and at which the official participates in an official capacity;
11. Food or beverage consumed by a public official at a reception where the food or beverage is provided as an incidental part of the reception and no cost is placed on the food or beverage;
12. Entertainment provided to a public official or a relative or member of the household of the public official that is incidental to the main purpose of another event;
13. Entertainment provided to a public official or a relative or member of the household of the public official where the public official is acting in an official capacity while representing the County for a ceremonial purpose.

**D. Prohibited Use of Official Position.** Public officials may not use their official position to obtain

financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

1. **Exceptions:** This section does not apply to:
  - a. Official compensation as determined by the public body that the public official serves;
  - b. Honoraria;
  - c. Reimbursement of expenses;
  - d. An unsolicited award for professional achievement;
  - e. Gifts that do not exceed the limit of \$50 in aggregate value per calendar year received from a source that could reasonably be known to have a legislative or administrative interest.
  - f. Gifts received from a source that could not reasonably be known to have a legislative or administrative interest.
  - g. Receipt of any item, regardless of value, that is not considered a "gift" (see Section 3.7,C - Exceptions).
2. A public official may not solicit or receive, either directly or indirectly, and a person may not offer or give to any public official any pledge or promise of future employment, based on any understanding that the vote, official action or judgment of the public official would be influenced by the pledge or promise.
3. A public official may not attempt to further the personal gain of the public official through the use of confidential information gained in the course of or by reason of holding position as a public official or activities of the public official.
4. A person who has ceased to be a public official may not attempt to further the personal gain of any person through the use of confidential information gained in the course of or by reason of holding position as a public official or the activities of the person as a public official.
5. A person may not attempt to represent a client for a fee before the governing body of a public body of which the person is a member. This subsection does not apply to the person's employer, business partner or other associate.
6. The provisions of this section apply regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed under this policy.

**E. Honoraria.** A public official may not solicit or receive honoraria for the public official or any member of the household of the public official if the honoraria are solicited or received in connection with the official duties of the public official. This section does not prohibit:

1. The solicitation or receipt of an honorarium or a certificate, plaque, commemorative token or other item with a value of \$50 or less; or
2. The solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the public official.

**F. Conflicts of Interest.** When met with an actual or potential conflict of interest, a public official shall notify in writing the supervisor or person who appointed the public official the nature of the conflict, and request that the supervisor or appointing authority dispose of the matter giving rise to the conflict. Upon receipt of the request, the supervisor or appointing authority shall designate, within a reasonable time, an alternate person to dispose of the matter, or shall direct the public official to dispose of the matter in a specified manner.

1. Potential Conflicts of Interest: When met with a potential conflict of interest, an elected public official or an appointed public official serving on a board or commission shall publicly announce the nature of

the potential conflict prior to taking any action on the matter giving rise to the conflict of interest.

2. **Actual Conflicts of Interest:** When met with an actual conflict of interest, an elected public official or an appointed public official serving on a board or commission shall publicly announce the nature of the actual conflict and refrain from participating as a public official in any discussion, debate, or vote on the issue out of which the actual conflict arises.

**Exception:** If the public official's vote is necessary to meet a requirement of a minimum number of votes to take official action, then the public official is eligible to vote, but may not participate in any discussion or debate on the issue out of which the actual conflict arises.

3. **Recording of Notice of Conflict:** When a public official gives notice of an actual or potential conflict of interest, the County shall record the actual or potential conflict in the meeting minutes or in the official records of the public body. In addition, a notice of the actual or potential conflict and how it was disposed of may, in the discretion of the County, be provided to the Oregon Government Ethics Commission within a reasonable period of time.

### 3.8 POLITICAL ACTIVITY BY COUNTY EMPLOYEES

**A. General Policy.** While on the job, during working hours, County employees are prohibited from promoting or opposing any election petitions, candidates, political committees, or ballot measures. Failure to follow County policy and state law on political activity may subject the employee to disciplinary proceedings and civil or criminal penalties.

**B. Definitions.**

**"Advocate a political position"** means to promote or oppose an initiative, referendum, recall petition, candidate, political committee or ballot measure.

**"Impartial"** means equitable, fair, unbiased, and dispassionate.

**C. Prohibited Activities for County Employees.** During working hours, while on the job, employees are prohibited from campaigning for or against any candidate or ballot measure. County employees shall not:

1. Prepare or distribute written material, post website information, transmit emails or make a presentation that advocates a political position;
2. Collect funds, prepare filing forms or correspondence on behalf of candidates or political committees;
3. Produce or distribute a news release or letter announcing an elected official's candidacy, or presenting an elected official's political position;
4. Make outgoing calls to schedule or organize campaign events or other political activity on behalf of an elected official (except that a scheduler may, as part of official duties, take incoming calls about the official's availability and add an event to the official's schedule);
5. Grant unequal access to public facilities to candidates or political committees;
6. Draft, type, format or edit a County Resolution that advocates a political position, except to conform the resolution to a standard format;
7. Prepare or give recommendations to the Board of Commissioners urging which way to vote on such a resolution;
8. Sign a County Resolution that advocates a political position, except if the signature is only ministerial and clearly included to attest that the Board of Commissioners took the vote;
9. Announce the Board of Commissioner's position on such a resolution to the media;
10. Include the Board of Commissioner's position or vote on such a resolution in a newsletter, website, or other publication.

In addition, supervisors shall not direct employees to participate in political activities, including those listed

above. Employees are prohibited from using any county property, whether on or off the job, to campaign for or against any candidate or ballot measure. For example, employees shall not use county paper to prepare signs or fliers in support of or in opposition to any candidate or measure. No employee shall be coerced or required to give money, or any other thing of value, to promote or oppose any candidate or measure. Employees are prohibited from soliciting money for or against any candidate or measure, while on the job during working hours.

**D. Allowable Activities for County Employees.** County employees, while on the job during working hours may:

1. Prepare and distribute impartial written materials or make an impartial presentation that discusses election subjects. Employees shall contact the Office of Legal Counsel or the Secretary of State's Office for assistance prior to releasing any such written materials to the public.
2. Perform standard, regular job duties, such as taking minutes at a public meeting, maintaining public records, opening mail, or inserting a proposed resolution into a Board's agenda packet;
3. Impartially advise employees about the possible effects of a measure, but not threaten them with financial loss to vote a particular way;
4. Address election-related issues while on the job, in a factual and impartial manner, if such activity is legitimately within the scope of the employee's normal duties;
5. As staff of any elected official, handle incoming calls about the official's availability for political events;
6. Prepare neutral, factual information for the Board of Commissioners to use in determining what position to take on an issue (the planning stage of a Board's proposed issue before certified as a measure to a ballot is not subject to ORS 260.432);
7. In a clerical manner, incorporate amendments into a finalized version of the Board of Commissioner's resolution on an issue;
8. Respond to a public records request for information, even if the material advocates a political position;
9. Wear political buttons, unless the employee is providing voter registration services.

Employees may express their personal political views while off the job, during lunch time, or while on a break. No sanction shall be taken against any employee on the basis of the employee's political beliefs or opinions. Employees may engage in any political activity while off the job, as long as such actions are not in conflict with any other state or federal laws. Employees may, on their own, off duty time, send letters to the editor that advocates a political position, and may participate in any other lawful activity.

**E. Prohibited Activities for Elected Officials.** Elected officials shall not request a County employee, whether the employee is on duty or off duty, to perform any political activity. Elected officials shall not have an opinion piece or letter advocating a political position published in a County newsletter, website, or other publication produced, maintained, or distributed by County employees.

**F. Allowable Activities for Elected Officials.** Elected officials may:

1. Advocate a political position at any time, whether on or off duty;
2. Vote with other elected officials to support or oppose a measure, and publicly discuss such a vote;
3. Perform campaign activities at any time, provided that such activities do not involve the acts of any County employees.

**G. Ballot Measures, Fact Sheets, and other Publications.** Employees shall send drafts to the Secretary of State's office or County Legal Counsel prior to publication.

**H. Policy Implementation.** All County elected officials and department heads shall be responsible for following this policy and informing their employees of this policy. Employees with questions or concerns about this policy should contact their supervisor or the Office of Legal Counsel. Every department head and elected official shall post the following notice, as provided by the elections office, in a conspicuous location in their

department:

**ATTENTION ALL PUBLIC EMPLOYEES:**

The restrictions imposed by the law of the State of Oregon on your political activities are that “No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.”

It is therefore the policy of the state and of your public employer that you may engage in political activity except to the extent prohibited by state law when on the job during working hours.

### **3.9 CONFIDENTIALITY**

**A. General Policy.** All County employees and volunteers are required to maintain confidentiality of information gained during the course of their duties. Individuals may, during the course of employment or volunteer services for Josephine County, obtain or be exposed to information which is not available to the general public, which is not public information under the Oregon Public Records laws, or which is confidential under local, state, or federal law. Employees and volunteers are prohibited from divulging or disclosing any confidential information to any person or entity, either directly or indirectly, without first obtaining specific written permission from their supervisor.

**B. Policy Implementation.** In addition to this policy, departments may require employees and volunteers to sign a Confidentiality Agreement further detailing specific requirements pertaining to departmental functions. Departments subject to HIPAA shall develop specific written procedures in compliance with statutes to safeguard confidential medical information.

### **3.10 USE OF COMPUTERS AND OTHER TECHNOLOGY**

**A. Purpose.** The purpose of this policy is to establish County policy and procedures regarding the ownership and control of electronic information; the right to access information contained on the Internet; the appropriate use of the County’s computer and technology resources; the appropriate use of the Internet and e-mail by County employees, volunteers, and other authorized personnel; and the maintenance and storage of records and communications according to the Oregon Public Records Law.

**B. General Policy.** It is the policy of Josephine County that the use of phones, computer and electronic equipment, information, and messaging be used in a manner which conforms to law and appropriate professional and ethical standards. Use of technology shall be conducted in accordance with this policy. This policy applies to all use of County computer equipment, including Internet and e-mail, by employees, volunteers and other authorized users.

**C. Definitions.**

**"Electronic information"** means any information, message, article, letter, software, or other document stored, obtained or transferred by phone or computer equipment.

**"E-Mail" or "Electronic mail"** means any memo, letter, note, report, instant messaging, photograph, sound recording, or other communication between individuals and groups that is stored and/or transmitted in a format that requires an electronic device or a computer to capture and access. "E-mail" refers to the messages and their attachments carried by the computer system.

**"Information Technology Department" or "IT Department"** means the Information Technology

Department of Josephine County.

"**Internet**" means all information and sites accessed or contained on the world wide web.

"**Network**" means the computer network system used by Josephine County.

"**Retention Period**" means the minimum length of time a public record must be retained by law (OAR Chapter 166.)

"**Software**" means updates, patches, freeware, shareware, executable files, applications, or other computer programs.

"**Technology**" means phones, computer systems and software applications authorized to be utilized during employment, or any device which interfaces with these items.

"**User**" means the person authorized to use the computer equipment during employment, including employees, volunteers, department heads, and elected officials.

#### **D. General Use.**

Saving of Work: The Information Technology Department does not back up the local drive and may not be able to recover any information that is lost from the local drive. Users should save their work on their appropriate network server, or by another method, as may be determined by the department.

Passwords: Users should take appropriate measures to ensure the privacy of their passwords. Users shall not share their passwords with anyone or use anyone else's password except as required by the Information Technology Department staff.

Prohibitions: Only "**Users**" shall be allowed access to County technology. Users shall not install, download, or access any software from any source without the prior written permission of Information Technology Department.

Virus Prevention and Protection: Downloading any file, even a document in MS Word, may cause virus problems. If a user receives a file with a virus, the County's virus software will alert the user. If this happens, the user should leave the file unopened, delete the file immediately, and contact the Information Technology Department. While anti-virus protection is helpful, it is not a complete deterrent to virus problems.

#### **E. Ownership and Control of Electronic Information; No Right of Privacy.** There is no right of privacy for any information contained on any County computer or phone.

1. There is no right of privacy for the contents of any e-mail message, phone message, or Internet use at any time. Employees or users of electronic equipment should not consider their use of the network or the Internet private or confidential.
2. The use of a password does not give rise to any right of privacy, and the use of the deletion keystroke or any other attempt to delete does not necessarily mean that a record, communication, or document has been eliminated from the Network.
3. All use of technology by employees is subject to County oversight. Appropriate County personnel have the right to view the contents of an employee's e-mail mailbox, phone records, or records of Internet site access at any time.

**F. Appropriate Use of E-mail and the Internet.** Users shall be professional, courteous, and respectful in their electronic communications. Users shall not refer to others in disparaging or demeaning terms, and are prohibited from making unlawful communications or libelous statements. Users shall be responsible for the data found on their phones and computers just as for written materials found in their desks or filing cabinets. It shall be the responsibility of each employee to utilize the electronic systems as follows:

##### Correct Usage:

1. Use the same level of care when drafting an electronic message as with any other type of message; think before sending the message.

2. Be businesslike, courteous, and civil in electronic communications.
3. Records and electronic messages which are retained should be moved and saved outside the email system, by either: a) printing them out, or by b) storing them on the server or on CD or DVD.
4. Records and electronic messages which are retained should be organized to allow effective retrieval and identification.

Incorrect Usage:

1. Compromising the privacy of other network users.
2. Engaging in any illegal activities or use for commercial purposes or political ventures.
3. Engaging in derogatory personal references, expressions of animosity or bias against groups or organizations.
4. Engaging in offensive material such as obscenity, profanity, or practical jokes.
5. Changing any portion of a previously sent message without authorization.
6. Sending electronic messages under another employee's name without authorization.
7. Engaging in harassing or threatening forms of communication.
8. Engaging in intimidating forms of communication or attempting to coerce an employee to do wrongful acts.
9. Soliciting junk mail or subscribing to newsgroups unrelated to county business.
10. Sending offensive messages, including words or pictures that would be considered offensive or inappropriate in the workplace or that would contribute to creating a "hostile work environment." Examples include, but are not limited to, messages which contain content that could make others feel uncomfortable because of treatment of topics involving sex, race, color, religion, age, national origin, or disabilities.
11. Personal use except in compliance with this policy.

Prohibitions:

1. Internet activities may be monitored by the County. Inappropriate Internet sites, such as pornography and gambling, are strictly prohibited except as assigned for work related purposes (i.e. case monitoring for corrections activities).
2. Electronic messages shall be marked confidential when communicating confidential information or records, including disciplinary reprimands and performance evaluations.
3. Users shall not open, save, send, or execute any electronic message attachments that are not work related. This includes but is not limited to screen savers, greeting cards and animated cartoons. All of these are capable of spreading computer viruses.
4. Users shall not use technology in a manner that violates any law or regulation. Users shall not use cell phones or other hand held devices while operating a motor vehicle.

**G. Personal Use of Technology.** The County does not prohibit personal use of cell phones. Limited personal use of computers while at work, such as sending a brief e-mail message, accessing sites on the Internet, or typing a letter, is acceptable provided that the use is infrequent and brief. The County recognizes that employees occasionally have a need for personal use during regular working hours and that, in today's electronic environment, use of technology for these purposes may be more efficient. The County recognizes that personal use for these limited purposes during regular working hours is less disruptive provided that the use is brief, infrequent, and in compliance with the following guidelines:

1. There is no right of privacy for any electronic record or communication, whether personal or not, on the system or County-issued cell phone;
2. Additional charges or costs associated with personal use of technology shall be borne by the employee (i.e., overage charges for use of cellular phone minutes)



3. Personal communications to social networking sites such as group bulletin boards, chat rooms, instant messaging, personal profile or blogging sites, Facebook, MySpace etc. is prohibited;
4. Employees may not use technology for illegal activities;
5. Employees may not access sites containing pornographic or offensive materials except as assigned for work related purposes (i.e. case monitoring for corrections activities);
6. Downloading software or any information which requires storage on County equipment and which is not related to assigned job responsibilities is prohibited;
7. Unauthorized access to protected resources is prohibited;
8. Printing materials for personal use is prohibited unless payment is made for copies;
9. Sharing of passwords is prohibited; and
10. Use of technology by friends and family is prohibited.

Employees are encouraged to apply good judgment and common sense while using technology. Employees are specifically warned that, in addition to any potential violation of this policy, routine use of technology, with the exception of personal use of cell phones, in order to avoid a financial detriment (including purchase of a computer or subscription to an Internet access provider) may be considered an ethics violation and subject an individual to penalties under the state Government Ethics laws.

**H. Issuance and Maintenance of Cellular Phones.**

1. Upon request from a department head or elected official, Communications may assign cell phones to employees when:
  - a. The employee's job duties require time away from the employee's regular work site, and a cell phone is required to conduct County business in a safe or productive manner;
  - b. The employee's job duties require the employee to be accessible outside of their regularly scheduled work hours or in emergency situations; or
  - c. A department requires a cell phone to be available for use on a rotating or intermittent basis to conduct County business outside of normal work hours or in emergency situations.
2. All County cell phones and service must be provided through Communications. Any requests for upgrades, changes in service, or replacements shall be made by the department head or elected official to Communications by written request.
3. Department heads and elected officials shall review cell phone bills monthly to determine proper billing and appropriate use.
4. Employees shall promptly notify their supervisors of any problems in service, or any lost or stolen cell phones. Supervisors shall promptly notify Communications so that appropriate action can be taken.
5. Disposal of County cell phones shall be in accordance with the applicable cell phone contract, or County policies for surplus property, and shall be processed through Communications.

**I. Maintenance and Storage of Records and Communications.** ELECTRONIC COMMUNICATIONS CONSTITUTE "PUBLIC RECORDS" UNDER OREGON PUBLIC RECORDS LAW (ORS 192.410 ET SEQ.), EVEN IF THE SENDER OR WRITER OF THE E-MAIL DOES NOT INTEND FOR THE E-MAIL MESSAGE TO BE MADE PUBLIC. All e-mail constitutes a "Public Record" and is subject to disclosure and retention requirements under ORS 192.410 and Oregon Administrative Rules, Chapter 166. Electronic records and communications, like other public records, must be available upon request to any member of the public unless the record or communication is exempt by law from disclosure. Employees shall apply the appropriate disclosure and retention rules to electronic records created, sent, and received. Questions concerning public records and records exempt from disclosure, as well as questions concerning records retention requirements, should be directed to the department head, elected official or Legal Counsel.

**Organization:** Users should systematically file and maintain e-mail records for convenient retrieval and retention, and follow any standardized filing rules within the user's department.

**Retention:** E-mail shall be retained for the minimum retention period provided under Chapter 166 of the Oregon Administrative Rules, or other applicable retention periods.

1. E-mail messages and any attachments which pertain to a program or function should be filed with other records related to that program or function. E-mail and attachments should be stored in their original form, without editing.
2. E-mail may be filed and retained either electronically (on the computer network) or as a hard copy (printed out), or both. The Information Technology Department is responsible for managing and retaining electronic records of all County e-mail saved on network drives.
3. **Hard Copy:** If the e-mail message is printed out as a hard copy, the hard copy should be stored in the paper file or project file to which it relates, and the e-mail message may then be deleted from the computer. The hard copy of the e-mail, and the accompanying file, must then be retained for the required period under OAR Chapter 166. If there are any doubts about the retention period of any e-mail message, print a copy and file it.
4. **Electronic Storage:** E-mail which is retained in its electronic form should be copied onto the appropriate network hard drive, CD, or DVD (not onto a floppy disk), and should be retained as required by OAR Chapter 166.

The Information Technology Department shall be responsible for the retention of email documents pursuant to the Public Records laws for up to three (3) years. The retention of Public Records requiring longer than three (3) years shall be the individual responsibility of each user and Department. Users should not expect that e-mail messages will be retained or stored by the Information Technology Department for a period longer than three (3) years.

**J. Violation of Policy.** Violation of this policy may result in disciplinary action, up to and including termination of employment. Violators may be personally liable for any licensing infringement due to unauthorized use of computer software. Violators may be personally liable for any damage caused by a computer virus from failure to comply with this policy. Violators may be personally liable for any damage caused by the installation of unauthorized software. Violations of this policy may subject an employee to personal penalties under state or federal law.

### **3.11 SOCIAL MEDIA**

**A. Purpose.** County departments may use social media Internet sites and technology to provide information and to interact with the public. "Social media" is broadly defined as Internet-based communications technology that provides immediacy, interactivity, and the sharing of information across multiple platforms. The County encourages the use of social media, where appropriate, to further the goals of the County and the missions of its departments; however, the County has an overriding interest in deciding what is "spoken" on behalf of the County. This policy establishes guidelines for the use of social media by County departments.

**B. General Policy.** The Josephine County's website ([www.co.josephine.or.us](http://www.co.josephine.or.us)) will remain the County's primary and predominant internet presence. Social media may be used to quickly communicate time sensitive information (such as emergency information), and as a communications or outreach tool to reach the widest possible audience.

**C. Authorization and Approval.** Employees must receive approval from the department head or elected official and Information Technology department prior to setting up any social media account on

behalf the County department. Such approval shall be subject to review by the Risk Manager. Content posted shall be restricted to information on upcoming events, public documents, and links to credible sources and websites. Any content to be posted that has been generated by a non-governmental entity (including citizens, businesses or a media outlet) shall be approved by the Risk Manager prior to posting. Social media sites currently approved for use by County departments include:

1. Twitter; and
2. Facebook.

Any other social media sites proposed for County use must be approved by the Risk Manager prior to activation.

**D. Site Maintenance.** Whenever possible, content posted to County social media sites should contain links directing users back to the County's official website for in-depth information, forms, documents, or online services. Designated department staff approved by the Risk Manager shall be responsible for the content and upkeep of social media sites their department may create. All postings are subject to approval by the Risk Manager or designee.

**E. Compliance and Public Records Law.** Use of County social media sites shall comply with all applicable policies, rules, and regulations of Josephine County. County social media sites are subject to state public records laws. Any content maintained in a social media format that is related to County business, including a list of subscribers and posted communication, is a public record. The department maintaining the site shall be responsible for responding completely and accurately to any public records requests related to the County's use of social media. Content related to County business shall be maintained in an accessible format so that it can be produced in response to a public records request. Whenever possible, such sites shall clearly indicate that any content posted or submitted for posting is subject to public disclosure. Users shall be notified that public disclosure requests must be directed to the office of the Board of County Commissioners.

**F. Records Retention.** State records retention laws (ORS Chapter 166) apply to social media formats and content. Departments maintaining a social media site shall retain records on a County server in a format that preserves the integrity of the original record and is easily accessible.

**G. Restrictions.** County social media sites shall include a notice to site users and visitors that the following content will not be allowed on the site:

1. Comments not related to a particular social media thread;
2. Comments in support or opposition to political campaigns of any kind;
3. Profane language or content;
4. Content that promotes, fosters, or perpetuates discrimination of any kind;
5. Sexual content or links to sexual content;
6. Solicitations of commerce;
7. Conduct or encouragement of illegal activity;
8. Information that may tend to compromise the safety or security of the public or public systems; or
9. Content that violates a legal ownership interest of any other party.

Any content removed based on these restrictions shall be retained, including the time and date of the posting and the identity of the poster (if available). Josephine County reserves the right to restrict and remove any content posted on County social media sites that is determined to be in violation of this policy or other applicable law, rule, or regulation.

**H. Confidentiality and Personal Use.** County employees and elected officials are prohibited from disclosing any information on any social media sites that may be confidential or may otherwise compromise the County. Only County social media sites may be used by County employees and elected officials to

conduct County business. County employees and elected officials are discouraged from using personal equipment or personal accounts to post information to County social media sites. County employees and elected officials shall not use personal equipment or personal accounts to post information regarding County business on other social media sites. Personal use of County equipment by County employees, elected officials, or others to access social media sites is prohibited.

### **3.12 EMPLOYEE CONDUCT**

**A. General Policy.** Josephine County employees shall conduct themselves in a professional manner and shall not conduct themselves in a manner that may discredit the County, or in a manner that hinders the effective performance of County functions. The expected standard of conduct for all County employees shall be of the highest standards in both their official conduct and their private conduct insofar as it affects job performance.

**B. Prohibited Acts.** Cause for disciplinary action shall include, but is not limited to the following:

1. Use of Intoxicants or Controlled Substances - Partaking of, or being under the influence of, intoxicants or illegal substances while on duty.
2. Insubordination - Unwillingness or failure to follow directive of supervisor or other administrative authority.
3. Abusive Conduct - Offensive or abusive conduct or language, including sexual harassment, toward the public or toward fellow employees or officers thereof.
4. Use of Public Property - Using, permitting the use of, or unauthorized use of County owned or leased vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or employees in the conduct of official business; or willful damage to or negligence in the care and handling of County property.
5. Abuse of Sick Leave Benefit - Claim of sick leave under false pretenses or misuse of such leave.
6. Inability to Perform the Job - Inattention to duty, tardiness, indolence, carelessness or not doing the work for any other reason.
7. Falsifying Information - Willful giving of false information.
8. Conviction of Crime - Conviction of a crime, which in the County's judgment would render the person unfit to perform in the particular position.
9. Unauthorized Absence - Absence from duty without leave, failure to report after leave of absence has expired or after such leave of absence has been disapproved or canceled by proper administrative authority.
10. Violation of Policy - Willful, or continued violation of any of these Rules, or any other significant rules or regulations.
11. Acceptance of Gifts and Favors - Acceptance of any remuneration in addition to regular compensation of an employee, whether in the form of service, loan, thing or promise, from any person who to their knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the County; or granting of the discharge of duties any improper favor, service or thing of value except as allowed under the Conflict of Interest section of this personnel policy manual.
12. Solicitation of Public for Money, Goods or Services - Solicitation, in an official capacity as an employee of the County, of the public for money, goods, or services not specifically authorized by the Board of Commissioners.

13. Violation of Safety Procedures - All employees are expected to observe the safety related rules and procedures of the County and to call attention to circumstances that may endanger employees or citizens.
14. Wastefulness, Carelessness or Recklessness in the Use of County Resources- The wasteful use of supplies, moving violations in County vehicles, or intentional abuse of property or facilities.
15. Excessive Absenteeism/Tardiness
16. Inefficient Performance of Work - Any employee who fails to meet the minimum performance requirements for his or her position.
17. Moral Turpitude - Verified acts on or off the job that are so vile 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 judgment of the County would render the employee unfit to perform County employment.
18. Horseplay - Employees are expected to conduct themselves in a professional manner throughout the duration of their shift. Horseplay shall not be tolerated at any time.

### **3.13 PERSONAL APPEARANCE**

**A. General Policy.** County employees shall maintain an appearance that is suitable for the requirements of their position. County employees shall maintain standards of clothing, grooming, and hygiene that convey an impression of neatness, competence, and professionalism to citizens of Josephine County. Employees shall not wear any clothing that may present a safety hazard when carrying out the requirements of their jobs. All employees are expected to wear specialized safety clothing or Personal Protective Equipment (e.g. safety glasses, gloves, boots, hats, reflective vests) that are in compliance with applicable legal requirements and County safety rules. If the County requires an employee to wear a uniform, the County shall provide the uniform. Any safety clothing or equipment required to be worn or used by employees shall be furnished and maintained by the County or as specified in applicable collective bargaining agreements.

**B. Policy Implementation.** It is the responsibility of each department head or elected official to ensure that employees maintain a clean, neat appearance and wear appropriate clothing for the requirements of their positions. Any employee whose appearance or clothing is deemed to be below the standards of acceptability conveyed in this policy may be subject to appropriate disciplinary action. Reasonable accommodation shall be made for the religious beliefs of an employee or prospective employee. Individual Departments may further define reasonable guidelines for personal appearance.

### **3.14 EMPLOYEE IDENTIFICATION BADGES**

**A. Purpose.** To assist the public in identifying County employees carrying out work duties and responsibilities, and to promote workplace security.

**B. General Policy.** All employees shall be issued, and must wear, identification badges provided by the County. Identification badges must be worn in a manner that allows identification of an employee by photographic image, name, and position title. Employees forgetting or misplacing their identification badge shall be provided a temporary identification badge.

**C. Policy Guidelines.**

1. Employee identification badges shall be a County-issued badge including, at a minimum, a photographic image, employee name, and position title.
2. All County employees shall be issued an identification badge upon hire. The County will provide a clip, chain, or lanyard for each employee to wear the identification badge.

3. All County employees shall wear their identification badges during work hours and while conducting County business.
4. Employees may select the manner in which to wear the badge; however, the badge must be worn in a location which is clearly visible. If it is unsafe or impractical to wear a badge in a visible location due to the nature of the work being performed, employees may conceal their badges during those times.
5. Supervisors shall retrieve identification badges from employees who are terminated from employment, suspended, placed on administrative leave, or absent for an extended period of time due to any reason.
6. Employees shall report lost or stolen cards to their supervisor as soon as possible. If an employee misplaces, loses, or forgets their identification badges, supervisors will make arrangements for the employee to wear a temporary badge marked "Temporary."
7. Supervisors shall ensure that all temporary County employees are issued an identification badge or wear a badge marked "Temporary."
8. Supervisors and employees shall ensure that all visitors, such as service technicians or consultants, wear a visitor badge marked "Visitor" when allowed access to work areas normally accessible to employees only.
9. Badges shall be updated to reflect current information such as name or position changes. If needed more frequently due to loss, the employee may be charged a \$3.00 fee.

## **ARTICLE 4 – GENERAL EMPLOYMENT**

### **4.1 EMPLOYMENT APPLICATION**

In order to collect pertinent information regarding applicants for county positions, all persons seeking employment with the County, and all employees applying for a different position within the County, shall complete the official employment application. The Human Resources Office shall be responsible for collecting, distributing and retaining all employment applications. Josephine County is not certified by the Bureau of Labor and Industries to employ minors, therefore applications will not be accepted for applicants under 18 years of age.

### **4.2 VETERANS PREFERENCE**

As a public employer, Josephine County provides hiring and promotion preference for veterans and disabled veterans pursuant to Oregon Law.

### **4.3 HIRING**

**A. General Policy.** Josephine County Human Resources shall develop and implement standardized hiring procedures. Human Resources shall oversee the hiring process to ensure that, at a minimum, the following standards are met:

1. Internal position vacancies shall be posted by Human Resources for a minimum of seven (7) days. External postings shall be utilized as appropriate to ensure solicitation of the best qualified pool of candidates.
2. Departmental screening and applicant ranking shall be in accordance with statutory veteran

preference requirements.

3. Standardized and non-discriminatory interviewing techniques shall be used.
4. Reference checks, background and criminal records checks, credential verification, drug testing shall be conducted as required and designated by Human Resources.
5. Verification of other position specific requirements, such as safe driving record and physical fitness assessments shall be conducted as necessary.

**B. Policy Implementation.** Elected officials and department heads are responsible for complying with hiring procedures established by the Human Resources office.

#### **4.4 PERSONNEL ACTIONS**

It is the policy of the County that appropriate documentation, review, and authorization take place for changes affecting employees and individual employment records. All personnel actions including new or changed classification, compensation, position assignment, FTE, and employment status must be submitted in accordance with this policy. A Personnel Action Form shall be submitted to the Human Resources Office for all changes affecting an employee's individual employment record. Personnel actions are not final decisions until authorized in writing by the final signature authority/authorities as set by County Administrative Policies and Procedures. Under no circumstances shall a change be made or an individual hired prior to such authorization. Supervisors are responsible for informing employees of personnel actions prior to the effective date of such action.

#### **4.5 POSITION DESCRIPTIONS**

It is the policy of Josephine County to maintain a uniform system for establishment, review and maintenance of position descriptions. Position descriptions establish the classification, exempt status, union designation, minimum requirements, and essential duties for each position within the County. Position descriptions form the basis for recruiting and hiring qualified individuals, training new employees, and conducting annual performance evaluations. Human Resources shall maintain all active position descriptions using a standardized format. Departments are not authorized to change or convert job descriptions in any way.

#### **4.6 EMPLOYMENT TERMINATIONS**

**A. General Policy.** The provisions of this policy establish guidelines and procedures to ensure that employees leaving County service receive final pay in a timely manner and in accordance with state and federal law, are provided with the option to continue available benefits, return County property in a timely manner, and have an opportunity to provide feedback regarding their employment with the County.

**B. Termination Notice.** Employees are expected to submit a letter of resignation at least two-weeks in advance for voluntary terminations. Employees who fail to report for scheduled work for two (2) consecutive days shall be considered as having abandoned their position and resigned from employment (except as may be protected by applicable law). Such instances shall be treated as a voluntary termination unless the employee provides evidence that the employee was unable to notify the supervisor of the absence by reason of sickness, physical disability, or other legitimate reason beyond the employee's control. The Josephine County Employee Termination Notice must be completed by the Department and sent to the Human Resources Office no later than forty-eight (48) hours prior to the last day the employee will work. Management must notify Human Resources of an employee's last day of work as soon as possible in order to allow time for the Finance Office to

prepare the final paycheck in accordance with the timelines established by state law.

**C. Involuntary Termination.** Involuntary terminations must be reviewed and approved by Human Resources prior to being implemented, and shall be in accordance with County disciplinary policies and applicable collective bargaining agreements.

**D. Termination Requirements.** Employees are required to return all County property on or before their last day worked. Items include, but are not limited to: keys, materials, supplies, tools, uniforms, purchase cards, etc. Employees shall meet with Human Resources to complete necessary paperwork including COBRA continuance application, benefits elections, and other required documentation. All employees leaving Josephine County service will be asked to complete an exit interview form in order to collect information to assist the County in reviewing and improving employee retention and management practices. Terminated employees shall receive their final paycheck according to the timelines established by the Bureau of Labor and Industry as defined by ORS 652.140(2) as amended.

**E. Termination Requirements.** The County may determine that an employee shall not perform work beyond the date in which notice of resignation is provided due to position specific confidentiality, security, or liability considerations. Resigning employees who threaten litigation against the county shall not be allowed to work under any circumstances. When an employee is restricted from work, the employee will receive pay up to the effective date of the resignation, not to exceed two weeks.

#### **4.7 EMPLOYMENT POSTINGS AND BULLETINS**

Human Resources shall ensure that mandatory employment postings are posted and accessible to employees. It is the responsibility of department heads and all supervisors of the County to ensure that each worksite maintains bulletins with current employment postings as provided by Human Resources.

### **ARTICLE 5 - PROBATIONARY AND TRIAL SERVICE PERIODS**

The probationary period is an extension of the hiring process. It provides an opportunity to evaluate the hiring decision and the employee's abilities and prospects for success. The trial service period provides an opportunity to reject any transferred or promoted employee whose work performance fails to meet required work standards or expectations.

#### **5.1 PROBATIONARY PERIODS**

Newly hired employees shall be on probation for the first twelve (12) months of continuous employment. During their probationary period, newly hired employees shall be subject to termination by the County with or without cause, and such termination shall not be subject to the Complaint Procedure provisions in this personnel policy manual. Time spent as a temporary County employee shall not be applied toward an employee's probationary period.

#### **5.2 TRIAL SERVICE PERIOD**

Employees who are promoted, demoted, or transferred to a new position shall serve a trial service period of six (6) months in that position, unless the employee is terminated, demoted, or removed prior to the end of that period. During the first forty-five (45) calendar days of the trial service period, promoted or



transferred employees shall have the right to return to the employees' former position, provided that such return will not pose an undue hardship on the affected departments and is allowed under any applicable collective bargaining agreement.

## **ARTICLE 6 - HOURS OF WORK**

### **6.1 WORKWEEK**

The usual workweek for full-time employees consists of forty (40) hours, with at least two (2) consecutive days off. The workweek commences at 12:00 a.m. Sunday and ends at 11:59 p.m. Saturday.

### **6.2 WORKDAY**

The usual work schedule for full-time employees shall be from 8:00 a.m. until 5:00 p.m. Monday through Friday. Elected officials and department heads may establish other hours of operation for employees, consistent with the service needs of the County. The workday commences at 12:00 a.m. and ends at 11:59 p.m.

### **6.3 CHANGES IN SCHEDULE**

Changes in regular work schedules may be made by elected officials and department heads, provided that affected employees are given adequate notice of such changes. Except for emergency situations, and for the duration of that emergency, notice of a permanent change in a regular work schedule shall be given at least fourteen (14) days in advance.

### **6.4 REST PERIODS**

As scheduling and work load allow, each employee shall be allowed a fifteen (15) minute rest period during each one-half shift of four hours. The time at which rest periods are taken by an employee shall generally be scheduled in the middle of each one-half shift or in accordance with the operating requirements of each department, and shall be considered on-duty time.

### **6.5 MEAL PERIODS**

Each non-exempt employee working a shift totaling six (6) hours or more shall be granted an uncompensated meal period of at least thirty (30) minutes, unless to do so would impose an "undue hardship" on the department pursuant to OAR 839-020-0050. As scheduling and work load allow, exempt employees shall be granted a meal period during each work shift. To the extent consistent with the operating requirements of the department in which the employee works, meal periods shall be scheduled at or about the middle of the work shift.

### **6.6 MEETING ATTENDANCE**

Employees shall attend all assigned work related meetings. Attendance at assigned work related meetings shall be paid time. Josephine County shall not conduct or sponsor meetings involving matters of religious or political opinion. In the event an employee believes a religious or political opinion is to be discussed, he or she may request to be excused from the meeting. As protected by state law, adverse employment

action shall not be taken against an employee for failure to attend a meeting where religious or political opinions are discussed.

## **ARTICLE 7 – OVERTIME AND COMPENSATORY TIME**

An elected official, department head, or other supervisor may require employees to work overtime in order to complete their work, to respond to an emergency, or as required for purposes of efficiency or economy. Non-exempt employees shall not work overtime without prior approval from their supervisor. The County shall attempt to give as much notice as possible of the need to work overtime. In assigning overtime work, the County will consider any unusual circumstances which might cause such an assignment to be a burden upon the employee.

### **7.1 OVERTIME COMPENSATION**

Employees who are classified exempt pursuant to the Fair Labor Standards Act (FLSA) are not compensated for hours worked in excess of forty (40) hours per workweek. Non-exempt employees who are entitled to overtime pay under applicable wage and hour laws will be compensated at one and one-half (1-1/2) times their regular rate for hours worked in excess of forty (40) hours per workweek. Pay for time not actually worked, such as holidays, paid time off, vacation leave, or sick leave, shall not count as "hours worked" for purposes of determining whether an employee is entitled to overtime compensation. All overtime shall be calculated to the nearest fifteen (15) minutes. Exempt employees shall receive compensation at a straight time hourly rate for hours worked over forty (40) while providing service in response to a Board of County Commissioner Declared Emergency when funding is available as determined by the Board of County Commissioners.

### **7.2 COMPENSATORY TIME**

Compensatory time is available to non-exempt employees who are eligible for overtime compensation. Such overtime shall be compensated in the form of compensatory time off in accordance with federal law, unless the County elects to pay cash for such overtime. If the County so elects, cash payment for the overtime shall be made no later than the seventh (7th) day of the month following the pay period in which the overtime is worked. Compensatory time may be accumulated to a maximum of eighty (80) hours.

## **ARTICLE 8 - COMPENSATION PLAN**

The goal of Josephine County is to provide fair and equitable compensation for all employees, and to maintain wage and benefit levels that attract and retain qualified personnel. The County shall maintain a Non-Union Compensation Plan (Appendix A) designating benefits provided to employees who are not represented by a Union. The County shall maintain salary tables with adequate differentials between pay grades, a minimum and maximum pay rate assigned to each grade, and approximately ten (10) intermediate pay steps within each grade. The provisions covered in this article provide a set of standardized rules to be applied to all employees unless otherwise defined by a collective bargaining agreement.

## **8.1 PAY DAYS**

Employees shall be paid monthly wages on or before the seventh (7th) day of the month following the pay period. Effective January 1, 2010 monthly loans (draws) are available only to currently enrolled participants. Such loans shall be made according to the existing payroll policy of Josephine County.

## **8.2 ANNUAL PAY INCREASES**

Annual cost of living increases may be provided to employees as determined by the Board of County Commissioners or by duly ratified collective bargaining agreements.

## **8.3 STEP INCREASES**

Employees are eligible for step increases as follows:

1. Six Month Step: New hires who have completed the first six (6) months of continuous employment in a part-time or full-time position with the County shall receive a one (1) step increase in compensation. The intent behind this six (6) month increase is to assist new County employees in the requirement that they pay six percent (6%) of their gross monthly wages to the Oregon Public Employees Retirement System after six (6) months of continuous employment.
2. End of Probation Step: Upon successful completion of probation, new hires who have completed their first twelve (12) months of continuous employment in a part-time or full-time position shall receive a one (1) step increase in compensation. The employee's Payroll Anniversary Date shall be the effective date of this increase.
3. Annual Step: Part-time and full-time employees shall be eligible for a one (1) step increase in compensation on their Payroll Anniversary Date one (1) full working year after completing probation, and each full year thereafter upon their Payroll Anniversary Date, so long as the employee has achieved at least a minimum of an overall satisfactory evaluation of performance, and until the employee reaches the maximum step of their pay grade.

## **8.4 PROMOTION INCREASE**

When an employee is promoted, that employee shall move to the new salary pay grade and shall be placed at a new salary step which provides a salary increase in an amount equal to or greater than a two (2) step increase in their pre-promotion pay grade. The date of this increase shall then become the employee's Payroll Anniversary Date.

## **8.5 DEMOTION DECREASE**

If an employee is demoted for any reason, that employee shall move to the new salary pay grade and shall be placed at a new salary step that provides a salary decrease in an amount equal to or greater than a two (2) step decrease in their pre-demotion pay grade. The date of this decrease shall then become the employee's Payroll Anniversary Date. If the employee did not complete his or her trial service period, the new salary step shall be at the salary step of his or her old classification.

## **8.6 RECLASSIFICATION UPWARD**

When an employee is reclassified upward, that employee shall move to the new salary pay grade and shall be placed at a new salary step that is closest to, but not less than, the employee's salary step of their pre-reclassification pay grade. The employee's Payroll Anniversary Date will not be reset as a result of a reclassification upward.

## **8.7 RECLASSIFICATION DOWNWARD**

When an employee is reclassified downward, that employee shall move to the new salary pay grade and shall be placed at a new salary step that is closest to the employee's salary step of their pre-reclassification pay grade. The employee's Payroll Anniversary Date will not be reset as a result of a reclassification downward.

## **8.8 POSITION TRANSFER**

When an employee transfers to a different position, that employee shall move to the new salary pay grade and shall be placed at a new salary step that is equal to or greater than their pre-transfer pay grade, not to exceed the maximum step of the new salary pay grade. The date of this transfer shall then become the employee's Payroll Anniversary Date. Employees who transfer to fill-in positions shall move to the salary step or flat rate designated to the fill-in position.

## **8.9 INTERIM APPOINTMENT**

Employees appointed to higher level positions on an interim basis shall move to the new salary pay grade for the position which they assume and shall be placed at a step which provides a salary increase in an amount equal to or greater than a two (2) step increase in their pre-interim appointment pay grade. The date of this increase shall become the employee's Payroll Anniversary Date. If, after twelve (12) months of service in an interim appointment, a regular appointment is not made, then the Board of County Commissioners shall either: 1) Extend the employee's interim appointment for a maximum of an additional twelve (12) months; or 2) Appoint the employee to a regular position, unless the interim appointment was made and continues due to federal or state protected rights of another employee, in which case the interim appointment shall continue indefinitely for as long as the other employee has a protected right to return to the position. Upon completion of the interim appointment, employees shall return to their previous positions and previous pay, as if they had occupied it during the interim time period.

## **8.10 RECLASSIFICATION REVIEW**

If an employee is given significant additional responsibility, or significant decreased responsibility, in their current classification, the elected official or department head may request the Human Resources Director to conduct a reclassification review to determine whether a reclassification is appropriate.

## **8.11 WAGE AND BENEFIT SURVEY**

The Human Resources Director will conduct a wage and/or benefit survey of selected and representative non-union classifications every three (3) years. The comparable employers surveyed will include the standard County comparators (based on similar populations) as well as regional employers from the public and private sector. The positions surveyed will reasonably match the County's position descriptions. The criteria to be utilized in determining the classifications selected for the survey shall include: Recruiting and retention

statistics; the length of time and the survey results from the last classification survey; the results of internal wage comparisons between similarly evaluated classifications; and supervisor-employee wage compression data. In order to maintain an effective work force of non-union employees, a base salary differential of 10% above the average of subordinates is a realistic goal, with some limited exceptions, such as for supervision of highly compensated medical or technical personnel.

### **8.12 WAGE ADJUSTMENT**

The Board of County Commissioners will review the results and recommendations from the Wage and Benefit Survey and adjust, where determined appropriate by the Board, non-union employees' compensation in order to maintain fair and equitable compensation levels.

## **ARTICLE 9 - DEFERRED COMPENSATION**

### **9.1 VOLUNTARY DEFERRED COMPENSATION PLAN**

The County offers a Deferred Compensation Plan under Section 457 of the Internal Revenue Code. The County administers the plan in accordance with the adopted Deferred Compensation Plan and selects the investment providers for the Plan. A copy of the Plan is available in the Human Resources Office.

### **9.2 ELIGIBILITY FOR PLAN PARTICIPATION**

All employees who are assigned a FTE level of .5 or greater are eligible to participate in the Deferred Compensation Plan after completion of the first six continuous months of their probationary period. Employees may elect to participate in the Deferred Compensation Plan at any time. The County shall not match any deferred compensation contribution.

## **ARTICLE 10 – HOLIDAYS**

### **10.1 RECOGNIZED HOLIDAYS**

The following days are recognized as holidays by the County:

<u>Holiday</u>	<u>Date Observed</u>
New Year's Day	January 1
Martin Luther King Day	Third Monday of January
Presidents Day	Third Monday of February
Memorial Day	Last Monday in May
Day of Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday of November
Day after Thanksgiving	Friday following 4th Thursday of November
Christmas Day	December 25

Any other day declared by the Board of County Commissioners

## **10.2 HOLIDAY PAY**

Full-time employees shall receive eight (8) hours of pay for each recognized holiday during which the employee performs no work for the County. Part-time employees shall receive holiday pay in a pro rata amount based upon the hours compensated for the month of the holiday. If a holiday is observed on a day that part-time employees are not regularly scheduled to work, part-time employees who are assigned a FTE level of .4 or greater will receive alternate time off on a scheduled workday on a pro rata basis. Part-time employees who are assigned a FTE level less than .4 shall not receive holiday pay or alternate time off.

**A. Weekend Holidays.** If a recognized holiday falls on Sunday, the following Monday shall be observed as the holiday. If a holiday falls on Saturday, it shall be observed on the preceding Friday. If a holiday is observed on an employee's regularly scheduled day off, an alternate day will be observed as the holiday.

**B. Holiday During Paid Leave.** If a recognized holiday occurs during a period in which the employee is on paid leave, including vacation, sick leave or personal leave, then the holiday shall not be charged against such paid leave.

**C. Eligibility.** An employee who does not have any earnings from work or paid leave in a calendar month will not qualify for holiday pay or compensatory time for any holiday that falls within that month.

## **10.3 HOLIDAY WORK**

If an employee is required to work on any recognized holiday, in addition to any holiday pay for which the employee is eligible, the employee shall be credited with alternate time off equal to one and one-half (1-1/2) times the amount of time worked on the holiday.

# **ARTICLE 11 - PAID LEAVE**

## **11.1 LEAVE PROVISIONS**

Leave provisions including accruals, limits, and program specifics are identified in collective bargaining agreements and the Non-Union Compensation Plan.

## **11.2 VACATION SCHEDULING**

Employees may request to use their paid leave either all at once, or at different times throughout the year. Employees shall have the right to request a specific time period for their paid leave, subject to the elected official or department head's approval, considering the scheduling required for public service and the needs of efficient operations.

## **11.3 NOTICE**

When reasonably possible, an employee shall notify his or her supervisor at least thirty (30) minutes before the start of the scheduled work shift if the employee is unable to report to work as scheduled.

## **11.4 UTILIZATION OF LEAVE**

1. Employees requesting time off for personal reasons shall provide their supervisor with as much advance notice as practical and reasonable. Use of leave in excess of three (3) days, for reasons

other than illness or injury, requires advance supervisory approval.

2. An employee may utilize accrued paid leave when he or she is unable to perform his or her work duties by reason of illness or injury, necessary medical or dental care, exposure to contagious disease under circumstances in which the health of the employees with whom the employee associates or members of the public necessarily dealt with by the employee would be endangered by the attendance of the employee, or by illness in the employee's immediate family.
3. Full-time employees are required to take a minimum of forty (40) hours of paid leave in a calendar year. Part-time employees are required to take leave in an amount proportionate to FTE level.

### **11.5 SICK/PERSONAL**

Paid leave is provided by the County to cover illness or injury of the employee or an immediate family member, and time off for personal reasons. An employee may use accrued paid leave when the employee is unable to perform work duties because of illness, injury, necessary medical or dental care, or exposure to contagious disease. Employees may be required to provide a medical release upon returning to work.

### **11.6 BALANCE CONVERSION AT TRANSFER**

Employees who transfer to or from either a bargaining, or a non-represented unit, shall be subject to the policy or collective bargaining agreement of the receiving unit. Accrued hours will be converted as applicable in order to be incorporated into the leave program of the receiving unit. For example, if transferring from a combined paid leave program to a split (vacation/sick) program, the employee shall be allowed to convert paid leave hours to vacation hours up to the maximum vacation accrual limit, with the remaining hours credited to sick leave up to the maximum sick leave limit. Likewise, if transferring from a split (vacation/sick) program to a combined paid leave program the employee shall be allowed to move all hours over to the combined paid leave program up to the maximum allowable. In the event that the receiving program has a lower maximum accrual limit, the employee shall be cashed out for vacation hours in excess of the accrual limit.

## **ARTICLE 12 - FAMILY AND MEDICAL LEAVE**

### **12.1 GENERAL**

Leave may be taken by eligible employees pursuant to the Family Medical Leave Act (FMLA) and Oregon Family Leave Act (OFLA). Employees must make application for Family and Medical Leave at least thirty (30) days prior to the event or as soon as they become aware of the need for such leave. The employee is expected to make application for Family and Medical Leave for FMLA/OFLA qualified absences due to illness or injury beyond three (3) days.

An employee who is qualified for and utilizes leave under the provisions of this section shall have all such leave time counted towards the annual amount allowed under FMLA and OFLA. Unless designated by the employee, leave banks will be reduced in the following order: paid leave, compensatory leave, holiday compensatory leave, frozen paid leave. In the event that leave banks are depleted the employee will be in

approved leave without pay status through the remainder of the qualified leave. The use of paid leave to attend to a family member shall be limited to time qualified under FMLA/OFLA.

## **12.2 BENEFITS AND REINSTATEMENT**

The County shall continue to make the contributions for insurance coverage while the employee is on qualified Family Medical Leave, and the employee shall be required to pay any required employee's portion of premiums for such coverage to stay in effect for the full term of the leave. Upon return from Family Medical Leave, employees will be restored to their position or to an equivalent position with equivalent pay and benefits.

## **12.3 VERIFICATION**

The County may require medical certification(s) to support a request for leave and may require additional medical opinions as allowed under FMLA and OFLA regulations. Fees associated with the completion of the medical certification forms, or additional medical opinion not covered by insurance, shall be paid by the County in accordance with FMLA and OFLA regulations. If the Family and Medical Leave is for the employee, the employee may be required to provide a medical release upon returning to work.

## **12.4 FAMILY AND MEDICAL LEAVE COMPLAINT**

In the event an employee believes their FMLA or OFLA rights have been violated, he or she shall submit the complaint in writing to the Human Resources Office within 30 days of the occurrence.

# **ARTICLE 13 – LEAVE WITHOUT PAY**

## **13.1 LEAVE WITHOUT PAY REQUEST AND APPROVAL**

In instances where a department will not be seriously/adversely affected by the temporary absence of an employee, the elected official or department head, upon the approval of the Human Resources Director, may grant a leave of absence without pay not to exceed six (6) months. Requests for such leave must be in writing, and must establish reasonable justification for approval of the request. Normally, such leave will not be approved for an employee who is accepting other employment. Employees must exhaust all available paid leave before they will be granted an unpaid leave of absence of any type. Employees who are granted sick leave without pay for the remaining period of illness or disability may be required to provide verification of the illness or injury from the employee's health care provider and/or a medical release upon returning to work in compliance with state and federal laws. Employees who are on unpaid leave in excess of three (3) days in a calendar month will be required to pay a prorated health insurance premium, except when on Family Medical Leave or other legally protected status. Failure to obtain approval for leave without pay as provided herein can result in discipline up to or including the termination of employment.

## **13.2 OPERATIONAL/BUDGETARY BEST INTEREST EXCEPTION**

When an elected official or department head determines it to be in the best interest of the County due to budgetary and operational considerations, an employee requesting voluntary leave without pay may be granted such leave not to exceed 90 days upon the approval of the Human Resources Director. During such period of voluntary leave without pay the employee will work or utilize paid leave hours sufficient to cover



withholdings. The County may elect to pay the regular health insurance premiums for this period. The employee will not be required to exhaust all available and accumulated paid leave prior to taking such voluntary leave.

## **ARTICLE 14 - OTHER LEAVES**

### **14.1 MILITARY LEAVE**

Military and Peace Corps leave shall be granted in accordance with state and federal law.

### **14.2 BEREAVEMENT**

Where paid leave is taken due to a death in the employee's immediate family, a maximum of five (5) days of paid leave will be allowed, unless the elected official or department head grants additional time due to unusual circumstances.

### **14.3 WORKERS' COMPENSATION**

Employees may coordinate use of paid leave with accepted workers' compensation claims in order for the employee to receive the difference between payments received under Workers' Compensation and the employee's regular salary (net after taxes). The County shall continue to make the contributions for insurance coverage while the employee is off work due to an accepted workers' compensation claim, and the employee shall be required to pay any required employee's portion of premiums for such coverage to stay in effect for the full term of the leave.

### **14.4 MEDICAL HARDSHIP LEAVE**

Employees may apply for medical hardship leave by submitting to Human Resources a written request with a health care provider's written statement certifying that the prolonged serious health condition of the employee or immediate family member will continue after the employee is projected to have exhausted all accumulated paid leave. Hardship leave is not intended to cover intermittent leave under the Family and Medical Leave Act, nor is it intended to cover any period of time preceding the date of the request for hardship leave. Upon the approval of the request for hardship leave, the County may allow no more than two (2) separate periods of leave, each totaling at least one (1) calendar week for full-time employees. Employees may not be allowed more than 480 total paid hours every two (2) years. Part-time employees shall be allowed a pro-rata share based upon the employee's FTE level. Approval of hardship leave shall be subject to availability of donations of paid leave from other County employees to cover the medical hardship leave. Human Resources shall collect donations of paid leave from other County employees. Human Resources may disclose to employees the forecasted length of time for the hardship leave, and an end date for accepting donations, but all information relating to the employee's medical condition shall be confidential. Leave shall be donated in increments of eight (8) hours. Donated leave will be credited on an hour for hour basis to the Leave account of the employee to whom it is donated. Employees who receive such donated leave shall only be credited with such amounts as required to continue compensation during the period of hardship leave. Excess contributions of paid leave shall be returned to the employees who donated paid leave in the proportion of the contribution by the donating employees and the use by the hard-shipped employee. The end date for accepting hardship leave donations shall be three (3) weeks after

the date of request. Hardship leave applicants are not to solicit employees for donations, and employees donating leave may ask that their donations be kept confidential.

#### **14.5 DOMESTIC VIOLENCE LEAVE**

Employees who are victims of domestic violence, sexual assault or stalking, or who are parents of victims (minor children), may be eligible for domestic violence leave as provided under Oregon Family Leave Act. Employees must apply for such leave through Human Resources. Eligible employees may be granted a reasonable leave of absence if the employee or the employee's minor child or dependent needs time off to deal with issues of domestic violence, sexual assault, or stalking. Employees may use available paid leave to cover the absence.

#### **14.6 FAILURE TO RETURN FROM LEAVE**

Any employee who has been granted a leave of absence and who, for any reason, fails to return to work upon the expiration of the leave shall be considered as having resigned from employment with the County. The employee's position shall then be considered vacant, unless the employee furnishes evidence that the employee was unable to return due to a legally protected status.

### **ARTICLE 15 - BENEFITS**

Josephine County strives to provide competitive, equitable and cost-effective benefits for employees in recognition of the influence employment benefits have on the economic and personal welfare of employees. Policies, provisions and procedures that govern the benefit programs apply to all benefits-eligible employees. Summary Plan Descriptions for Josephine County benefit programs are distributed to new employees at orientation and are available in the Human Resources Office. The benefit programs are explicitly defined in legal documents, including insurance contracts, official plan texts, and trust agreements. In the event of a conflict between these documents and this policy, the plan documents shall govern.

#### **15.1 HEALTH BENEFITS**

Medical, dental and vision insurances are provided to eligible employees and dependents. Employee premium costs and plan coverage limits vary based on benefit eligibility requirements and union status. Full-time employees shall be mandatorily enrolled in all benefit plans that are established and rated based on group participation, and may choose to enroll in voluntary insurance plans made available by the County.

#### **15.2 LIFE INSURANCE, DISABILITY AND ADD**

Life, disability and ADD insurances are provided to eligible employees and dependents. Employee premium costs and plan coverage limits vary based on benefit eligibility requirements and union status.

#### **15.3 SECTION 125 PLANS (Flexible Spending Accounts)**

Eligible employees may participate in the County Flexible Spending Accounts (Section 125 Plans) for medical reimbursement and dependent care. Contributions made by employees are voluntary and in

accordance with the plans developed by the County as provided by the Internal Revenue Code. The County does not make contributions to these accounts.

#### **15.4 SUPPLEMENTAL INSURANCE BENEFITS**

The County may, from time to time, offer additional supplemental insurance benefits or programs in which employees may voluntarily participate. The type of benefit, allowable participation, and administration of such benefits is within the discretion of the Board of County Commissioners.

#### **15.5 MEMBERSHIP AND GROUP CONSUMER PLANS**

The County may, from time to time, make available membership or group consumer plans which may benefit employees through their voluntary participation. Employees may request such plans to the Human Resources Director by submitting a petition with the signatures of at least twenty-five (25) employees in support of the plan. The Board of County Commissioners reserves the right to approve or deny the request for implementation of such plans.

### **ARTICLE 16 – RETIREMENT**

#### **16.1 PERS**

All County employees are required to pay six percent (6%) of their gross monthly wages to the Oregon Public Employees Retirement System after six (6) months of continuous employment. Eligibility and participation requirements are set by PERS, and participation is not optional. Further details are provided in the PERS Handbook, available at the Human Resources Office, or at the PERS website, <http://oregon.gov/PERS/>.

#### **16.2 RETIREE BENEFITS**

Employees who retire from the County, or their spouses, may elect to continue their medical insurance coverage at their own expense until they reach Medicare eligibility or obtain other coverage.

### **ARTICLE 17 - PERFORMANCE AND PROFESSIONAL DEVELOPMENT**

#### **17.1 TRAINING AND PROFESSIONAL DEVELOPMENT**

Josephine County encourages all employees to take advantage of opportunities for professional development and improvement. Josephine County recognizes the importance of employee training in achieving its service objectives. The County has both a right and a duty to ensure that employees are sufficiently trained to carry out their existing functions to appropriate standards. The County's focus on the provision and maintenance of services to the highest standard requires an active commitment to provide training to all employees. The approval of an employee's request to attend a training or professional development course is at the discretion of the employee's department head or elected official. Employees who receive approval are expected to use a county purchase card to cover the approved costs of course registration fees, course materials, and/or required travel. Copies of all pertinent training certificates, agendas, course outlines and/or certificates shall be forwarded to the Human Resources Office for inclusion in the employee's personnel file.

## **17.2 PERFORMANCE EVALUATION**

Every employee shall receive a performance evaluation using the official County evaluation form at least annually, regardless of the employee's pay grade step. Supervisors are responsible for evaluating employees in a manner that improves and enhances employee performance. The performance evaluation process is intended to be participatory, involving employee input, thereby contributing to the growth and improvement of Josephine County.

## **17.3 PERFORMANCE MANAGEMENT, CORRECTIVE ACTION AND DISCIPLINE**

**A. General Policy.** It is the policy of Josephine County to promptly identify and correct problems with employee behavior, performance and conduct, as well as violations of County policies and work rules. When appropriate, clarification of work expectations and guidance in performance improvement will take place through employee-supervisor discussions. When necessary, action that the County deems appropriate to the nature of the offense or violation will be taken, up to and including termination of employment. It is County Policy to apply the principles of progressive discipline and corrective action, where appropriate, to correct unacceptable behavior, conduct and performance that interferes with accomplishing the mission, operations, action plans, goals and/or objectives of the County. The policy is not intended to convey any additional procedural and/or legal rights to employees, nor is it intended to provide any rights beyond those established in a collective bargaining agreement or otherwise provided by law. This policy does not apply to at-will employees.

**B. Guidelines/Procedures.**

1. Where the County deems appropriate, the principle of progressive discipline and corrective action shall be utilized. Specific warning and reasonable opportunity to correct the problem shall generally be given to an employee prior to the imposition of further discipline. However, the variety and complexity of behavior and performance issues, does not always permit a set system of progressive discipline and corrective action steps applicable to every situation. The seriousness of the sustained allegation(s) will be reviewed on a case-by-case basis and then a determination will be made on whether or not progressive discipline and corrective action will be followed.
2. Collective bargaining agreements may contain additional procedures not applicable to all employees. Supervisors must consult with the appropriate labor contracts and contact the Human Resources Department if questions arise concerning employee rights and investigative procedures.
3. Supervisors shall make reasonable attempts to ensure that all discussions regarding employee performance is conducted in a private and confidential manner.

**C. Union or Co-Worker Representation.** Employee counseling and letters of instruction are not considered discipline, and there is no requirement for union or co-worker representation during a supervisor-employee meeting on the subject. Documented verbal warnings, written warnings, suspensions, salary reductions, demotions and dismissals are considered discipline and the employee may request the presence of a union representative, or a co-worker representative, depending on union membership status.

**D. Employee Counseling and Letters of Instructions.** Generally, employee behavior, conduct and/or performance problems can be resolved and corrected with a brief discussion of the issues between the supervisor and the employee. Supervisors should consider this approach as the first step when the circumstances warrant.

**E. Work Improvement Plans.** One way for supervisors to correct behavior, conduct and performance problems, and/or violations of County policies and work rules is to utilize a Work Improvement Plan. The Work Improvement Plan can be utilized in conjunction with discipline. A Work Improvement Plan is a written document that is signed by the supervisor and the employee. The plan may identify job related skills and performance that needs correction within a reasonable time frame. The plan may include references to previous occurrences and/or warnings, and specific standards or goals that are measurable. The plan may include specific training or corrective plans that are required of the employee. The plan is to be reviewed on an ongoing basis to determine if correction is occurring, and is to be used during performance reviews.

**F. Disciplinary Action.** Employees shall not be disciplined for insufficient cause. Discipline shall be timely, appropriate to the offense, and generally progressive in nature. If a department head, elected official or other supervisor has reason to discipline an employee, he or she shall make reasonable efforts to impose such discipline in a confidential manner that will not unduly embarrass the employee. Any disciplinary actions imposed on an employee may be adjusted through the Complaint Procedure provided in these policies. When disciplinary action is contemplated, the supervisor shall give the employee an opportunity to respond to the charges before taking final disciplinary action. When disciplinary action involving an economic impact is considered, such as demotion, pay reduction, or dismissal, the supervisor shall give the employee notice of the contemplated action and an opportunity to respond before taking final disciplinary action. Human Resources should be consulted to assist the supervisor in the personnel investigation process and to determine the appropriate level of discipline.

**G. Personnel Investigations.** A thorough personnel investigation of serious allegations shall be conducted by the immediate supervisory in order to provide an objective process for identifying inappropriate behavior, conduct or performance problems, a protection of employees wrongly accused, and a protection for complainants, and a procedure to limit civil liability of the County from false or exaggerated claims. When the scope of the investigation is determined to exceed what can reasonably be investigated by the immediate supervisor, assistance by a department head or elected official, or Human Resources, can be provided. In such instances, an investigative report conducted by someone other than the immediate supervisor will be completed. The employee shall be notified in writing of the results of the investigation. If the determination is dismissal, a notice shall be sent by certified or registered mail with a return receipt, or hand delivered to the employee. If a criminal allegation is discovered or received against a Josephine County employee, both the Human Resources and the Sheriff's Offices must be contacted for information on the appropriate investigatory process to follow.

**H. Duty Status Options During Investigation.** Duty status options may be imposed during the disciplinary investigation of serious allegations. Changes in duty status are neither punitive nor suggestive of a presumed outcome of the disciplinary investigation. If a decision is made to make a change in duty status, the details of the change will be communicated to the employee in writing. The following are duty status options:

Regular Duty Status: No change in present employment status.

Modified Duty Status/Administrative Reassignment: An employee may be assigned alternative duties or a different shift during an investigation.

Duty Stationed at Home: An employee may be assigned to work from home during an investigation. When placed on this status the following conditions will apply: Work hours, unless otherwise specified, are from 8 am to 5 pm, Mondays through Fridays, with weekends and holidays off. The employee shall remain at his or her residence during work hours unless otherwise directed, and shall receive advance authorization to leave the residence on a case-by-case basis (this would include leaving the residence

for lunch and extending the work hours). The advance authorization is not necessary if there is an emergency, but the employee shall notify his or her supervisor as soon as practicable. Peace officers shall not exercise officer authority and shall promptly surrender badges and commission cards.

**Administrative Leave:** An employee may be placed on paid administrative leave and be restricted from performing any work when the nature of an investigation requires a separation from employment in order to limit potential risks and/or liability to the County, or to ensure that an unbiased investigation is completed.

**I. Types and Levels of Disciplinary Action.** The types of discipline which may be taken under this policy include: Documented Verbal Warning, Written Warning or Reprimand, Suspension, Salary Reduction, Demotion, and Dismissal.

**J. Dismissal Procedure.** When dismissal is contemplated, the supervisor shall receive prior approval from the Human Resources Director and then shall deliver, to the employee, a notice indicating that dismissal is being considered. The pre-dismissal notice will state the allegations against the employee and such supporting facts that are necessary to inform the employee of the nature of the allegations and that dismissal is being considered. The pre-dismissal notice will include the date, time and place of the employee's opportunity to refute the charges or present mitigating circumstances. As a general guideline, the date of the pre-dismissal meeting shall not be sooner than three (3) calendar days, and not later than 14 (fourteen) calendar days, following the date of notice to the employee. An alternative reasonable time may be mutually agreed upon. If the employee fails to offer any refutation of the charges, or present mitigating circumstances, either by not appearing at the pre-dismissal meeting or not responding to the charges in writing, a decision shall be made without input from the employee. Failure of the employee to appear, or to respond in writing, shall not be construed as an admission or a denial of any charges and shall have no bearing on any other rights of the employee. If new facts are discovered during the pre-dismissal meeting, the new information shall be taken into account before a final discipline decision is made. As a general guideline, after considering the employee response, if any, the supervisor shall determine the appropriate action within 21 calendar days after the completion of the pre-dismissal meeting.

**K. Documentation.** All disciplinary actions shall be delivered to the employee in writing, who will be asked to sign for the receipt of the document. The employee's signature indicates acknowledgment of receipt of this document, and does not indicate the employee's agreement or disagreement with the content of the document. An original signed copy of the disciplinary action must be sent to the Human Resources Office for inclusion in the employee's personnel file.

**L. Appeal of Disciplinary Action.** Employees may appeal a disciplinary action in the following manner:

1. **Notice of Appeal:** Notice of appeal of any disciplinary action must be provided by the employee, in writing, to the Human Resources Director no later than ten (10) days after the date the discipline is imposed. The notice of appeal shall include the following information:
  - a. A statement of the dispute, and the facts upon which it is based;
  - b. The remedial action requested by the employee;
  - c. A statement of the reasons why the remedial action is appropriate;
  - d. A statement of any policies, procedures, law, or rules which the employee believes have not been followed and which should be followed.
2. **Representation:** The employee may, at any time during an appeal of a disciplinary action, appear or be represented by a representative at the employee's choice and expense.
3. **Appeal Meeting:** The employee shall meet with the Human Resources Director to discuss the appeal. The meeting shall take place within twenty (20) days after receipt of the Notice of Appeal.
4. **Human Resources Director Findings:** If the Human Resources Director finds there is sufficient

evidence to support the disciplinary action, or that the disciplinary action was reasonable and consistent with policy, then the Human Resources Director may affirm the disciplinary action. If the Human Resources Director finds that there is insufficient evidence to support the disciplinary action, or that the disciplinary action was not reasonable and consistent with policy, then the Human Resources Director shall modify the disciplinary action or determine an appropriate remedy.

5. Final Decision: The decision of the Human Resources Director shall be documented and shall include findings of fact, and shall be the final decision of the County.
6. Confidentiality: The notice of appeal and all matters pertaining to disciplinary actions shall be kept confidential by the Human Resources Director and the elected official or department head.

#### **17.4 AT-WILL EMPLOYMENT**

##### **A. Definitions.**

“**At-Will Employees**” are non-union employees in supervisory or management level positions who report directly to an elected official; Deputy District Attorneys; and the office support staff of the Board of County Commissioners.

**B. General Policy.** Notwithstanding the policies regarding Complaint Procedures, at-will employees serve at the pleasure of the elected official who appointed them.

1. An elected official may dismiss an at-will employee for any lawful reason so long as procedural due process is followed. If such dismissal is without just cause, then the County shall pay severance pay in an amount equal to three (3) months' salary at the date of termination. The at-will employee will be required to sign a waiver of rights to litigation concerning matters of employment in order to receive this severance payment.
2. If the Board of County Commissioners is concerned about the unsatisfactory job performance or conduct of an at-will employee of an elected official, then after an affirmative vote of three (3) Commissioners, the Board of County Commissioners and the elected official will meet and discuss the allegations with the Human Resources Director, with the intent of developing a course of action to ensure that the employee's conduct or performance is corrected to a level a reasonable person would perceive as appropriate and proper.

**C. Severance Pay Restrictions.** At-will employees who are dismissed for any reason during their probationary period are not eligible for severance pay. At-will employees are not eligible for severance pay if their dismissal is based on just cause as determined by the County. A lay-off is not considered a dismissal; laid off employees are not eligible for severance pay.

#### **ARTICLE 18 – REDUCTIONS IN FORCE/ LAYOFF**

**A. General Policy.** Employees may be laid off from their positions or reduced in assigned work hours due to reorganization, lack of work, curtailment of funds, or other non-disciplinary reasons. In the event of reduction in force or layoff, the County shall make reasonable efforts to inform employees of their options, to assist them in making their transition, and to minimize negative impacts on the employees and their families. Before implementing a reduction in force or layoff, the elected official or department head shall consider the needs of the County regarding the types of positions and the special knowledge and skills necessary to accomplish the goals of the department. The elected official or department head shall then determine the number of positions, classifications, programs or other organizational units

affected, and notify Human Resources.

**B. Layoff Determination and Procedure for Non-Union Employees.** In the event of a layoff of non-union employees, the elected official or department head and the Human Resources Director, and Legal Counsel, will review and document the determination of employees to be removed, taking into consideration the following factors, in decreasing order of importance:

1. The qualifications of the employees in each classification affected, considering the special skills or expertise of each employee, the needs of the Department, and the probable transition time for an employee to be capable of performing the requirements of these positions.
2. The quality of performance and relative merit of each employee in the classifications affected, considering their most recent performance evaluation, or by a special evaluation as determined by the elected official or department head, the Human Resources Director, and Legal Counsel.
3. The length of employment with the County of each employee in the classifications affected.

Probationary employees shall receive the first layoff notices by classification, followed by those employees identified for reduction or layoff by the elected official or department head, the Human Resources Director, and Legal Counsel. Except in cases of unexpected emergencies, the elected official or department head shall, as early as possible and in no case less than fifteen (15) calendar days prior to the effective date of layoff, provide written notification to the identified employee(s) of their pending removal, the effective date, their complaint rights, and any other available options. The procedure, evaluations, and decisions of the elected official or department head, the Human Resources Director, and Legal Counsel shall be documented in writing, and shall be maintained for three (3) years from date of layoff. The documentation shall include the rationale for identifying those laid off.

**C. Reduction in Work Hours.** Except in cases of unexpected emergencies, the elected official or department head shall, as early as possible and in no case less than fifteen (15) calendar days prior to the effective date of the reduction in assigned work hours, provide written notification to the identified employees including the effective date of the change.

**D. Displacement or Bumping.** Union employees may exercise displacement and bumping rights in accordance with their collective bargaining agreement. Non-union employees may displace or bump union employees if allowed under the union employee's applicable collective bargaining agreement. Union employees may not displace or bump non-union employees.

**E. Recall Eligibility.** Probationary employees are not eligible for recall. Non-probationary employees who have been laid off shall be placed on a County recall list for a period of fourteen (14) months. The County shall recall an employee from the list when a vacancy in the employee's prior position arises. Upon application of the employee, laid off employees shall be considered for recall into vacant County positions not previously held by the employee, provided that the employee possesses the qualifications, performance record, aptitude, ability to perform the work, and the ability to meet the minimum requirements for the position as defined in the job description. When necessary, the Human Resources Director shall determine the recalled employee's qualifications, performance record, aptitude, and ability to perform the work through discussions with the applicable Supervisor and a meeting with the employee.

**F. Registration.** Employees on layoff must register in person or by mail with the Human Resources Office, signifying their availability for recall, by providing their current address and telephone number, at least once every ninety (90) calendar days, or within ten (10) days of any change in their address or telephone number, during the period of layoff. Failure to so register, or to respond within five (5) working days after delivery or attempted delivery of a Notice of Recall to the last address on file with the County, shall terminate such employee's recall rights. Employees on layoff who have been offered



recall, and who have voluntarily refused such recall, shall be removed from the recall list.

**G. Reinstatement from Layoff.** Employees shall not accrue seniority and benefits during layoff. Upon recall, employees shall be entitled to restoration of their seniority in effect as of the date of layoff and shall begin accruing additional seniority on their return to work date. The payroll anniversary date for recalled employees shall be adjusted accordingly. Recalled employees shall have restored to them all leave accruals that were not paid out upon layoff. A recalled employee must comply with PERS requirements in order to reinstate his or her prior status under PERS.

## **ARTICLE 19 - PERSONNEL FILES**

### **19.1 GENERAL POLICY**

Personnel files shall be maintained by the Human Resources Office. Supervisors and employees are responsible for submitting pertinent information to ensure that personnel files are complete and accurate. Human Resources shall properly maintain personnel files in a confidential manner.

### **19.2 FILE MAINTENANCE**

All employee personnel files shall be maintained in the Human Resources Office. Documents pertinent to the employee's record shall be forwarded to the Human Resources Office in a timely manner. Such documents include training records, performance evaluations, certifications or licenses required for the employee's position, letters of commendation, and disciplinary actions. Performance information tracked in supervisor logs and notes shall be utilized to complete, and shall be incorporated into, the annual performance evaluation. Employees shall provide notice of change of address, name, and dependent information to Human Resources within fourteen (14) days of the occurrence in order to ensure accuracy of their personnel records. Employees shall provide changes in contact information to their immediate supervisor within fourteen (14) days of the occurrence. All files containing records for terminated employees shall be promptly forwarded to the Human Resources Office. Personnel files shall be retained in the Human Resources Office in accordance with state and federal records retention requirements.

### **19.3 CONFIDENTIALITY OF PERSONNEL RECORDS**

Records involving protected status or personal medical information shall be maintained by Human Resources in a confidential file separate from the personnel file. Supervisory files containing copies of documentation maintained in the personnel file, or logs and notes pertaining to an employee's performance record, may be maintained by individual supervisors in a secure and confidential manner, but such documentation shall be incorporated into the official personnel file in the event that disciplinary action ensues. Records pertaining to I-9 verification and victims of domestic violence are considered confidential and shall be maintained by Human Resources in a confidential file separate from the personnel file.

### **19.4 ACCESSING PERSONNEL FILES**

Employees and designated union members who are representing an employee on grievance or contract matters shall have reasonable access to that employee's personnel records during business hours. A subpoena or a signed authorization to release records shall be required in order for any other non-

employee to gain access to a personnel file, with the exception of legal representation for Josephine County. Personnel files may be accessed in the Human Resources Office by supervisors only in the course of performing their job functions. Personnel files requested by members of the public pursuant to a Public Records Request may be released only upon the consent and advice of the Human Resources Director and/or County Legal Counsel, and may be redacted as necessary to maintain confidentiality and to comply with state and federal law. Employees shall be notified by Human Resources when records contained in their personnel file are released as a Public Record. Copies may be obtained at the expense of the requesting party, with the exception of one (1) free copy to each employee or their exclusive bargaining representative per calendar year.

## **ARTICLE 20 - EMPLOYEE RECOGNITION**

### **20.1 SERVICE AND RETIREMENT**

- A. Years of Service Pins.** Employees receive a service recognition pin at the completion of 5, 10, 15, 20, 25 and 30 years of service.
- B. Piece of the Rock.** Employees retiring with at least ten (10) continuous years of service to the County receive a 'piece of the rock' crafted from marble used in the County Courthouse and embellished with the County seal and personalized engraving.

### **20.2 LUMP SUM AWARD**

A department head or elected official may recommend in writing to the Board of County Commissioners a lump sum award for an employee in his or her department. The written recommendation must include how the cash award will affect the department's authorized budget. The award shall be based on the employee's achievement of one or more of the following:

1. Accomplishment of significant, measurable goals and objectives that made a recent substantial improvement in a department's efficiency or effectiveness;
2. Completion of an unforeseen critical project or complicated assignment which required substantial time, effort and determination to successfully complete;
3. Recommendation of a cost saving suggestion that resulted in substantial dollar savings; or
4. Consistent, outstanding daily performance over at least a full twelve-month period of time.

### **20.3 MERIT AWARD PLAN**

The purpose of the County's Merit Award Plan is to recognize employees who exemplify excellence in public service. Those employees who exceed expectations in meeting the County's Mission Statement may be nominated for a Merit Award.

- A. General.** All current employees, with the exception of temporary employees, are eligible to receive recognition under the terms of this policy. Each fiscal year, an amount of money may be set aside for the Merit Award Plan. Copies of the Merit Award Plan and Merit Award Nomination Forms are available in the Human Resources office.

Nominations: Any person may nominate an eligible employee for a Merit Award. The nomination must be the result of work-related efforts. Groups or teams of employees may be nominated. Efforts related to productivity improvement, cost savings, and service improvement will be given priority.

Selection Process: Decisions regarding any awards shall be made after review by Human Resources, the department head, and the Merit Award Committee.

Merit Award Committee: Nominations for the merit award will be screened by a Merit Award Committee composed of a minimum of five (5) department heads and one (1) elected official. The Human Resources Director will serve as chair of the Merit Award Committee. Nominations will be reviewed annually by the Merit Award Committee for meritorious acts of the nominated employees during the preceding 12 months.

**B. Program Implementation.** In order to qualify for a Merit Award an employee or a team of employees who is nominated must also meet these minimum necessary requirements: 1) Actions should have been made as a result of the employee's or team of employees' own initiative; and 2) Action should be above and beyond normal responsibilities and expectations. Other factors to be considered include: 1) Suggestions or work efforts that contribute to the County's fiscal condition and/or quality of services; 2) Acts of heroism; 3) Acts of extraordinary effort and/or community service; 4) Self-improvement/professional development that benefits the County; or 5) Other efforts which go beyond normal expectations, are made for the benefit of others, and which contribute to the public service of the County.

**C. Program and Review:** Merit recommendations for department heads and elected officials shall be forwarded directly to the Board of County Commissioners. Upon complete review of the Merit Nominations the Merit Award Committee may recommend the following to the Board of County Commissioners: 1) Awards of Merit and Excellence - \$1,000 Savings Bond; 2) Awards of Honorable Achievement - \$100 Savings Bond; or 3) Recognition of Nomination - Certificate of Gratitude. Team awards will be divided evenly among team members, unless directed otherwise by the Board of County Commissioners. The Merit Award Committee shall make a recommendation on the number and level of merit awards. The Merit Committee's recommendation shall be made to the Board of Commissioners, who shall then make final decisions on Merit Awards. All nominations and awards shall be made part of the employee's permanent personnel file.

## **ARTICLE 21 – USE OF VEHICLES**

### **21.1 GENERAL POLICY**

It is the policy of Josephine County to ensure that all County employees and authorized volunteers who operate a County owned motor vehicle, or a personal vehicle while used on official County business, are qualified to drive and drive safely. This policy refers to both County-owned and privately owned motor vehicles, and to all County employees and volunteers.

### **21.2 VEHICLE OPERATION ELIGIBILITY**

When driving is a condition of employment, the employment offer shall be made contingent upon satisfactory proof of an acceptable driving history. No vehicle, while on County business, shall be operated by an improperly licensed driver or by a driver with an unacceptable driving record as defined within this policy. No driver, while on County business, shall operate their privately owned vehicle without the minimum amount of state required private party insurance on their privately owned vehicle. Human Resources shall have the responsibility to manage and direct driver qualification

requirements. It is the responsibility of each supervisor to see that all employees whose job classification or volunteer responsibilities require driving a motor vehicle as an essential job duty have fulfilled the **requirements** of this policy. Use of County vehicles for personal gain, for non-county business, or for use beyond the scope and course of employment, is prohibited, and may subject employees to violations of the Government Ethics laws as well as potential County disciplinary action, up to and including termination of County employment.

### **21.3 EMPLOYEE DRIVER QUALIFICATIONS**

- (A) New hires and current employees must have an acceptable driving record to qualify for, or to retain, a position that requires driving a motor vehicle as an essential job duty. A prospective employee from out-of-state must possess a valid Oregon driver's license within thirty (30) days of obtaining employment with Josephine County.
- (B) An acceptable driving record is present when the driver possesses a valid Oregon driver's license, except as modified below:
  - 1. When specific driving record requirements exist for safety sensitive positions.
  - 2. When criminal record or driving record requirements are mandated by contract or other regulations.
- (C) A County Risk Manager, department head or elected official may approve employees and volunteers using their own personal automobiles on County business, provided that each employee or volunteer carries the state minimum required insurance coverage. The employee's insurance coverage shall be primary coverage, and the County's insurance shall be secondary coverage.
- (D) Property damage or theft to an employee's private 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's insurance policy and are not reimbursable by the County.
- (E) Final candidates for County positions that require driving shall provide the County with a copy of their own DMV certified driving record. Final candidates who do not provide the required record will not be considered for employment in positions that involve driving. The County will not reimburse applicants for the cost of the driving record.
- (F) At the annual performance evaluation, or more frequently if determined necessary by the elected official, department head, or the Human Resources Director, the following shall take place:
  - 1. Driving records shall be discussed with employees whose essential job duties require operating a motor vehicle.
  - 2. Supervisors shall obtain a current copy of the employee's proof of insurance on the employee's privately owned vehicle(s) if the employee operates their privately owned vehicle(s) on County business.
- (G) Employees who have a position that requires driving for the County shall immediately inform their supervisor of any change in driving status that affects the employee's ability to perform their duties including the following;
  - 1. If they receive, whether on or off the job, a restriction or revocation of driver's license, or any other change in their driving status.
  - 2. If they cease to have the required level of insurance on their privately owned vehicle(s) operated on County business.

## 21.4 SAFETY AND SECURITY

- (A) All drivers of vehicles and equipment on County business will exercise reasonable caution and care while operating the vehicle or equipment. Operators of County vehicles or equipment shall refrain from any acts that would prevent safe operation of vehicles or equipment, such as eating, drinking beverages, use of cell phones, etc.
- (B) Smoking while operating or riding in County vehicles or equipment is prohibited.
- (C) Safe driving practices include taking steps to ensure the driver's total concentration and safe operation of vehicles, such as determining clear directions before departing, and not operating a vehicle when the driver's ability to react is impaired. Employees shall not drive when excessively tired. Drivers shall obey all traffic laws, and comply with all registration and licensing requirements.
- (D) All drivers and passengers of vehicles shall wear safety belts as required by Oregon law. It is the responsibility of the driver to see that all passengers comply. All airbags shall be fully operable, and under no circumstances should a manual override switch be used to turn off the airbags, unless there is a documented medical exception (i.e, pregnancy).
- (E) Operation of a motor vehicle on County business, whether privately or County owned, while consuming or under the influence of alcohol or controlled substances, is strictly prohibited.
- (F) Employees who use medications or substances that may impair the employee's ability to operate a motor vehicle must report such work restrictions to the supervisor prior to operation of a vehicle. Employees may be asked to provide proof of the restriction from driving and the duration for which the impairment is expected to last.
- (G) Employees shall take reasonable care not to park County vehicles in front of establishments which may cause public concern, unless for the express reason of conducting County business (e.g. health inspections, law enforcement). Employees shall not use County vehicles while on or off duty to patronize establishments which may cause public concern.
- (H) County vehicles shall be parked in a secure manner, and in as secure an area as possible. When not in use, the vehicle shall be locked.
- (I) Employees shall not relinquish control of a County vehicle to a non-authorized individual unless an emergency exists.
- (J) When adverse weather makes driving conditions hazardous, supervisors should reassign or reschedule drivers until such conditions have abated. This provision does not apply to police and emergency personnel, or to the Public Works employees, who are specifically assigned to clear roads and right of way hazards created by adverse weather.
- (K) Pets are not allowed in County vehicles. This prohibition does not apply to service dogs and activities relating to the Animal Control Department.
- (L) Only authorized passengers are allowed to ride in County vehicles and other vehicles while in use for County business. Authorized passengers include:
  - 1. County employees conducting County business;
  - 2. Officer and agents representing the County;
  - 3. Volunteers acting on behalf of the County;
  - 4. Vendors and contractors working on behalf of the County;
  - 5. Participants in official County business, training, tours and programs;
  - 6. Representatives of other governmental agencies working with County;
  - 7. Clients, inmates, and those in custody of the County;

8. Anyone with prior authorization by the department head or elected official with authority to grant such approval.
- (M) Employees shall not modify County vehicles in any manner without prior authorization from County Fleet.
- (N) Employees and volunteers must read and acknowledge that they have read the Josephine County Vehicle Operation Policy prior to operating any vehicle on County business. It is the responsibility of the department head or elected official to assure this has been done and that documentation exists in the employee/volunteer's file.

## 21.5 ACCIDENTS

Each County vehicle shall contain an accident kit including, but not limited to, procedures to follow in the event of an accident, a first aid kit, a fire extinguisher, and insurance information.

**A. Accident Action Steps.** In the event of an accident involving another vehicle(s), the employee operating the vehicle shall take the following steps:

1. Stop at once.
2. Protect the scene. Turn on four (4) way hazard lights. Set out warning devices if available.
3. Ascertain if anyone is injured. Call 9-1-1 if an emergency response unit is needed for ambulance and medical care.
4. Call the local police to come to the scene of the accident regardless of fault, estimated dollar value of accident, etc.
5. Notify supervisor and the Risk Manager as soon as possible.
6. Gather preliminary information. The Accident Report Guide kept in the County vehicle glove compartment or storage box will assist in collecting this information (the Guide also contains the County's insurance information). The Guide can also be used later to complete the formal incident report. Drivers using their personal vehicles should also keep copies of this Guide. Write down:
  - a. Name, address and driver's license number of other drivers involved;
  - b. The make, model, year, license number and insurance company of the other vehicles;
  - c. Name, phone number and address of witnesses;
  - d. License plate numbers of potential witnesses (e.g. persons who stop at the accident scene).
7. Conduct a visual inspection of other driver's vehicle noting new vs. old damage. If a camera is available, take photographs of the vehicles, accident scene, etc.
8. **Do not admit liability at the accident scene.** Do not discuss the accident with anyone other than an identified police officer. Information given to other drivers and to the police should be: your name, address, employer, the name of the County insurance company and the insurance policy number found in the vehicle glove compartment or storage box. If the other driver believes that the employee is at fault, only advise them to contact County Risk Management to file a report.
9. If the County vehicle is rendered inoperable at the accident, notify the Fleet Supervisor, as soon as possible, for instructions about towing. Do not have it towed unless it is specifically directed by police officers at the scene.
10. If unsure if the vehicle can be safely driven, park it in the nearest secure location and notify County Fleet Supervisor as soon as possible. When a County vehicle is involved, it must be brought to the County Fleet Shop so that the damage can be assessed by the Supervisor. The

County Fleet Supervisor is the final authority in assessing whether a County vehicle is safe to continue to drive for County business.

**B. Accident Reporting Requirements.** Every accident, regardless of scope, involving a County vehicle, County employee, County volunteer, or other vehicle operated on County business will follow these procedures:

1. Complete and submit an accident form to the Oregon Driver and Motor Vehicle (DMV) Division within seventy-two (72) hours of the accident if the accident occurs in areas open to the public for use of motor vehicles and:
  - a. There is more than \$1500 damage to your vehicle, as determined by the County Fleet Supervisor;
  - b. There is more than \$1500 estimated damage to property other than a vehicle;
  - c. Someone is injured (no matter how minor);
  - d. Someone is killed; or
  - e. Any vehicle is towed due to damages from the crash.

**Note:** When in doubt, employees should file a DMV report.

2. Complete and submit the County Incident Report form within 24 hours. Report forms are available in each department/office and the Finance Office.

## **21.6 USE OF COUNTY VEHICLES**

(A) Employees are prohibited from driving County vehicles home at the end of a work day without the consent of the County Risk Manager, department head or elected official. Consent may be given under one of the following circumstances:

1. Emergency Response Status - When a department function requires an employee, or a limited number of employees, to be placed in an 'emergency response' status. The 'emergency response' designation only occurs in those departments where there is:
  - a. An immediate need to respond to urgent situations and operational emergencies that occur on a frequent basis, and
  - b. A timely response is necessary in order for the department to provide necessary and critical services to preserve life and property.
  - c. When an employee is assigned to a specific operational emergency as a part of their employment. When the specific operational emergency ends, or when the services of the employee are no longer needed, the employee is then prohibited from driving the County vehicle home.
  - d. An 'emergency response' designation is not defined as having a vehicle available at home for an employee to return to the regular work site during these urgent emergency situations.
2. Temporary Work Site - When an employee is required to travel directly from their residence, to a temporary, specific work site without first going to their regular work site.
3. Out-of-Town Travel - When an employee will be attending an out of town meeting, conference, or training which requires departure before regular work hours or which requires the employee to return after regular work hours.

(B) Departments that have placed specific employees in an 'Emergency Response' status shall include this information in their annual budget program narrative. The narrative report shall include the positions designated as 'Emergency Response,' the total number of employees so assigned, and the reason(s) for the designation.

(C) In general, non-law enforcement employees who are placed in an 'Emergency Response' status and who use County vehicles for travel home at the end of a workday are subject to taxable fringe benefits under

Internal Revenue Service reporting regulations.

## **ARTICLE 22 - COUNTY BUSINESS TRAVEL**

### **22.1 GENERAL TRAVEL POLICY**

It is the intent of the County Business Travel policy to: Apply to all employees in every County Department and Office; Provide consistent, County-wide business travel criteria and standards; Establish economical cost control procedures to minimize transportation costs and maximize the efficient use of County vehicles; Provide accountability and monitoring of business travel expenses and mileage reimbursements; To set forth the County's policy regarding employee travel for training and professional development during the course and scope of employment; Ensure compliance with Internal Revenue Service (IRS) business travel reimbursement regulations and guidelines.

- (A) The County will pay for the travel expenses of County employees who are authorized to travel for the purposes of conducting County business. Employees shall use a County purchase card for business travel if assigned a purchase card. Other forms of payment for business travel include reimbursement for an employee's authorized travel expenses or a travel advance based on the "per diem" rate and one way mileage if employee vehicle is authorized for use. Advance request is payable within ten days of the travel date.
- (B) Travel must serve the public interest, and be both reasonable and necessary in conducting County business.
- (C) The County shall not reimburse travel costs for persons not employed by the County unless the travel is approved in advance by the Chief Financial Officer, department head or elected official, and the person is a member of a County board, a volunteer, a committee member or is involved with a County contract. The reimbursement shall be based on actual costs, with proof of receipts, and may not exceed the per diem allowed.
- (D) The use of County business travel for personal gain, for non-county business, or for use beyond the scope and course of employment, is prohibited, and may subject employees to violations of the Government Ethics laws as well as potential disciplinary action up to and including termination of employment. Employees shall not receive travel awards such as coupons, discounts, credit card rebates, frequent flyer miles, tickets and vouchers while on County business. Any and all such travel awards must be turned into the Finance Office.
- (E) Department heads and elected officials are authorized to establish additional business travel policies directly related to their departments. Department travel policies and procedures shall not conflict with any County Business travel policy.

### **22.2 PURCHASE CARDS**

County employees who have been assigned a County Purchase Card shall use the card for all County travel expenses. The actual cost of meals paid for by a County Purchase Card shall be deducted from the per diem amount on the travel reimbursement form. Employees shall not use the County Purchase Card to purchase gasoline when using their private vehicle for County business.



### 22.3 LODGING

Lodging is allowable on County business trips requiring overnight stays at a single rate, unless the room is shared by another County employee and one employee pays the bill and requests the reimbursement. Employees shall choose reasonably priced hotels/motels that are conveniently located to the purpose of the County business travel. Reimbursement for lodging will be based upon the following:

- (A) Lodging the night before a conference or meeting will be allowed if the employee will need to leave home for travel more than two hours before the start of their regular work day to reach their destination. For purposes of this policy, a workday is defined as 8:00 A.M. to 5:00 P.M. or as set by Union contract.
- (B) The maximum amount of reimbursement for commercial lodging shall be the establishments' government or commercial rate, whichever is less, for single occupancy. Reimbursement for conference lodging at the site of the conference shall be permitted in excess of the government or commercial rate if such rates are not available. Receipts must accompany travel expense reports and claims for reimbursement.
- (C) Employee shall request exemption from room taxes as may be allowed for government employees.
- (D) A non-commercial lodging credit (in lieu of other lodging reimbursements) is allowed. This credit is set at a flat rate of \$30.00 per day from the first full day of travel. Examples of non-commercial lodging include lodging at a private residence, RV park, camp ground, etc.
- (E) If lodging is provided as part of any conference package, no reimbursement will be paid to employees.

### 22.4 MEALS

**A. Local Travel.** Meal reimbursement for meetings which are located 50 miles or less from the employee's usual worksite will not be allowed.

**B. Non-Local Travel.** Meal reimbursement for meetings which are located over 50 miles away from the employee's usual work station will be allowed on a per diem basis at the following amounts:

Breakfast	\$ 7.00
Lunch	\$11.00
Dinner	\$23.00
Incidentals	\$ 5.00

The total maximum meal per diem per day shall be \$46.00, or the amount as set by the Federal Per Diem for Oregon and Oregon Cities (whichever is greater), unless otherwise set by County Resolution. Exceptions to the meal reimbursement for per diem will be made when:

1. Meals are included as part of the meeting, conference or training;
2. The official program of the meeting includes a scheduled meal with a charge higher than the County's per diem rate;
3. For out-of-state travel, when there is a set Federal Per Diem established (per City) and the Federal Per Diem meal reimbursement is higher than the County per diem rate;

Any requests for a higher per diem reimbursement must be accompanied by receipts clearly stating the circumstances involved. The County will not reimburse meal costs for persons not employed by the County unless approved in advance by the Chief Financial Officer, department head or elected official, and the person is a member of a County board, a volunteer, a committee member or is working on a County contract. The reimbursement will be based on actual costs with proof of receipts and may not exceed the per diem allowed.

## **22.5 MEAL REIMBURSEMENTS AND AUTHORIZATION**

- (A) Employees shall use the County Purchase Card for meal purchases. The actual cost of meals will be deducted from the per diem amount on the travel reimbursement form.
- (B) In order to claim reimbursement for breakfast, the required departure time (from home) must be two or more hours prior to the start of the regular work day.
- (C) In order to claim reimbursement for lunch, the employee must be involved in overnight travel.
- (D) In order to claim reimbursement for dinner, the employee must arrive home at least two hours after the end of the regular work day (5:00 P.M.). The late arrival must be due to uninterrupted travel. If an employee stops or is delayed for any reason other than County business, the employee will not be eligible for Dinner reimbursement for that day.
- (E) Meal allowances not connected with overnight travel are taxable income to employees and are not considered payments under an 'accountable plan'. These reimbursements are subject to withholdings for payroll taxes.

## **22.6 LOCAL TRAVEL**

Local travel is defined as one way travel within the State of Oregon of 50 miles or less. Department heads or elected officials must approve any local travel by employees conducting County business. County employees who are not otherwise assigned a County vehicle for official use may:

1. Obtain a County vehicle through the County Fleet Program; or
2. Use personal vehicles for local travel within Josephine and Jackson Counties.

For personal vehicle use, actual mileage will be paid at the IRS mileage rate in effect at the time of travel. In lieu of actual mileage, employees may use the standard round trip mileage for expense claims.

## **22.7 TRAVEL REIMBURSEMENTS**

Routine local personal vehicle mileage expenses shall be reimbursed on a monthly basis, based upon the current mileage rate in effect at the time of travel. Requests for local mileage reimbursement for the previous month must be submitted by the first Friday of the month following the month for which reimbursement is requested. Reimbursement requests must be submitted on the Finance Office Local Mileage and Expense Detail Form. The Form must be filled out completely, and include supporting information about the purpose of trip, authorizations, meeting agendas, and certificates of attendance. Incomplete requests will be returned to the employee without being processed.

## **22.8 IN-STATE TRAVEL**

In-state travel is defined as one way travel within the State of Oregon of 51 miles or more. The employee's department head or elected official, or the Chief Financial Officer, must pre-approve all In-state travel by employees conducting County business, for any reason. Travel requiring more than two (2) overnight stays by a County Commissioner for County purposes requires prior approval of the Board of County Commissioners. The following vehicle policies apply to In-State travel:

- (A) Fleet Assigned Vehicles: If a department has fleet assigned vehicles it is generally more economical to use these vehicles for travel, rather than a rental vehicle. Departments that have been assigned fleet vehicles must annually analyze the cost effectiveness of using these fleet assigned vehicles as opposed to rental vehicles.
- (B) Rental Vehicles: If the department does not have assigned vehicles:

1. The County shall pay for the car rental costs and gasoline expenses.
  2. When two or more employees are attending the same conference or meeting, they shall be required to travel together. If more than four employees are traveling to the same event, a larger vehicle upgrade may be approved. If, for any reason, employees decide not to travel together, only one vehicle rental will be allowed. The department head or elected official will decide whether a vehicle upgrade is allowed and which employee will be provided with the rental vehicle.
- (C) Personal Vehicles: Prior written approval must be obtained from the Chief Financial Officer, department head or elected official in order for an employee to use a personal vehicle. Without prior approval, reimbursement will not be allowed.
1. When an employee is granted permission to use a private vehicle for travel, the County will reimburse the employee at the current IRS mileage rate for one way travel.
  2. The employee must carry the minimum amount insurance required on their vehicle under Oregon law. The employee's insurance shall be primary coverage, and the County's insurance shall be secondary.
  3. Property damage or theft to the employee's vehicle repairs, maintenance or operating costs, personal injury protection and uninsured or underinsured motorist coverage are not available under the County's insurance program or reimbursable by the County.

## **22.9 OUT-OF-STATE TRAVEL**

**A. Approval.** Out-of-state business travel should generally be a rare occasion. All approved and authorized out-of-state business travel expenses must have a clear public purpose and serve the public interest. All overnight out-of-state travel must be carefully reviewed in advance for necessity and appropriateness by the department head, elected official, or Chief Financial Officer before the business travel is approved in writing.

**B. Commissioner Travel.** Out-of-state travel for County purposes by any County Commissioner requires the prior approval of the Board of County Commissioners. Before any reservation or travel arrangement is made that will encumber the County, including the use of an individual County Commissioners Purchase Card, prior approval is required by the majority of the Board. The Chief Financial Officer shall be provided a copy of the approval in advance of such out-of-state travel. The County will pay for actual expenses of the approved out-of-state travel. Expenses for meals and lodging will be reimbursed in accordance with the policies for such reimbursement in accordance with this Manual. The policies in the 'In-State Travel' section regarding the use of fleet assigned vehicles, rental vehicles, and personal vehicles also apply in most instances to authorized and approved out-of-state travel.

## **22.10 AIR TRAVEL**

Coach class air travel for County business will be an allowable expense. Economy plus or business class air travel, or similar upgrades, for County business, will be an allowable expense for any direct flight that exceeds three (3) hours in length. First class air travel for County business will not be an allowable expense. Airfares to be paid by the County must be cost effective and take into account the lowest available fare, total length of flight, travel plan, number of intermediate stops, etc. Costs for non-air travel arrangements shall not exceed the air fare amount the County would have paid. When the scheduling of a conference or meeting is such that travel over a Saturday, preceding or following, allows the purchase of an airline ticket with a price discount equal to or greater than the cost of any additional lodging and meals for the

employee, the additional days would not be considered personal and the costs are allowable.

#### **22.11 OTHER ALLOWABLE COUNTY BUSINESS TRAVEL EXPENSES**

- (A) Taxis, shuttle buses and public transit are reimbursable when use is necessary to conduct County business.
- (B) Parking meters and parking lot or garage fees are reimbursable. Optional valet parking is not reimbursable.
- (C) With the approval of the elected official or department head approving travel, business telephone calls and faxes, office supplies, postage and other reasonable and necessary business expenses are reimbursable. Internet access for reviewing and sending County e-mail should be obtained through an internet service provider using a number local to the travel destination. Hotel/motel long distance charges for this purpose should be avoided.
- (D) Expenditures of a personal nature are not allowable. Examples of these non-reimbursable expenses include: mini-bar and amenities charges; laundry service, room movies, or fees for social events at a conference or meeting (e.g. golf, sightseeing, or spousal/guest entertainment).
- (E) Transportation costs chargeable to the County must be for the most direct route reasonably available. When an employee combines official County travel with holiday, weekend, vacation or other personal travel, transportation must be by the employee's personal vehicle only, and must be pre-approved as outlined in this policy. Reimbursements will be made only for those costs necessary for the County's business portion of the trip.

#### **22.12 REIMBURSEMENT REQUIREMENTS**

All required forms and supporting documentation must be delivered to the Finance Office, using the approved forms and procedures in place at that time. Incomplete requests for reimbursement will be returned to the employee.

#### **22.13 TRAVEL FOR EMPLOYEE TRAINING AND DEVELOPMENT**

It is the policy of Josephine County to encourage training and professional development for the benefit of the County. Training and professional development includes, but is not limited to, attending and participating in meetings, seminars, conferences, and training courses which are directly related to County services and operations, and which serve to assist employees in improving their job performance. Employee participation in training or professional development shall be subject to prior written approval by the Chief Financial Officer, department head or elected official.

### **ARTICLE 23 - SAFETY AND HEALTH**

#### **23.1 SAFETY PROGRAM**

**A. General Policy.** Josephine County is committed to providing employees with a safe work environment. To accomplish this goal, management and employees must diligently promote safety. The County, through its Safety Committee(s) develops and implements the safety rules contained in the Josephine County Safety Policy Manual. Supervisors are responsible for educating employees as to hazards of the workplace, and for training employees as to such hazards and the proper and safe method to

perform job tasks. Human Resources is responsible for the oversight and management of the county-wide safety programs. Departments are encouraged to develop department-specific Safety Committees and programs to assist in the overall safety efforts of Josephine County.

**B. Employee Requirements.** Employees are required to perform job responsibilities using the highest standard of care and good judgment. Employees must follow all safety rules and regulations at all times, including the use of protective clothing and equipment, attendance at all required training sessions, and following the directions of warning signs and the direction of supervisors.

## **23.2 WORKPLACE VIOLENCE**

Josephine County recognizes the importance of a safe workplace for employees, members, customers, vendors, contractors, and the general public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. 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.

Should situations occur which present a risk of harm to employees and others, all employees have an obligation to report any incidents that pose a risk of harm to employees or others, or which threaten the safety, security or financial interests of the County. Employees should make such reports directly to their immediate supervisor, elected official or department head, or to Human Resources.

All information related to the reports, including the name of the reporting employees, will be kept as confidential as possible under the circumstances. Human Resources shall notify the reporting employee of any action taken in response to the report.

The County may conduct an investigation of a current employee where the employee's behavior raises concerns about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others. An employee investigation may include investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voice mail systems and computer systems.

The County may provide reasonable safety accommodations for an employee who is a victim of domestic violence, sexual assault, or stalking, if the employee requests it, and if it does not impose an undue hardship on the affected department. Examples of reasonable accommodations may include, but are not limited to: transfer, reassignment, modified schedule, leave without pay, changed work telephone number, changed work station, installed lock, implemented safety procedure, or other adjustment to a job structure, workplace facility or work requirement.

## **23.3 WORKERS' COMPENSATION AND INJURY REPORTING**

Employees are insured under the County's workers' compensation insurance for injuries and illnesses received while performing work for the County. Josephine County uses an external claims adjuster to process employee claims, and to determine the compensability of a claim.

**A. Accident and Injury Reporting.** All job-related injuries or illnesses must be reported to the employee's supervisor, department head or elected official immediately, regardless of severity, using the Employee Incident/Injury Report form. **Employees who plan to seek medical treatment must also complete the state required 801 Form** to be submitted immediately to Human Resources. In the case of

serious injury, the 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 the employee and could subject the County to fines and penalties. Detailed reporting requirements are described in the Josephine County Safety Manual.

**B. Return-to-Work After Work Related Injury.** The Return-to-Work program provides guidelines for returning employees to work at the earliest possible time after an on-the-job injury or illness. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable employees to return to their regular job in a reasonable period of time. Program policies are described in the Josephine County Safety Manual.

## **ARTICLE 24 - EQUIPMENT**

### **24.1 GENERAL EQUIPMENT**

**A. Personal Protective Equipment.** The County shall provide and maintain, at its expense, coveralls, rain gear, aprons, rubber boots, gloves, or other suitable protective clothing for employees who work with materials that will soil clothing beyond normal home laundry capabilities.

**B. Uniforms.** The County will provide uniforms, or an allowance for uniforms, for those employees who are required to wear a uniform. Any safety equipment or clothing required to be worn or used by employees shall be furnished and maintained by the County.

**C. Tools.** The County will provide those tools (or an allowance for such tools) that are required by employees to perform their assigned duties. Such tools shall remain the property of the County. Employees may not remove such tools from their work site without the prior authorization of their supervisor. Employees are prohibited from using County tools for personal use.

## **ARTICLE 25 - COMPLAINT PROCEDURE**

**A. Purpose.** The County encourages open and frank communications between its employees and supervisors regarding employment concerns, to try to resolve such concerns in a direct manner. By approaching employment problems and concerns in a positive way rather than as adversaries, such matters should normally be readily resolved between the employee and the supervisor. However, in the event that an employee believes a violation of policy has occurred and, after reviewing the matter with the supervisor, the employee is unable to informally resolve that issue, then the following procedure shall be available to the employee so that the complaint may be resolved as quickly and fairly as possible.

**B. Procedure.** If, after discussing the matter verbally with the employee's immediate supervisor, the matter remains unresolved, and the employee believes that a formal complaint is necessary, then the employee shall provide a written statement of the complaint with the immediate supervisor within fourteen (14) calendar days from the date of the occurrence or the discussion with the supervisor. The complaint must include:

1. The circumstances surrounding the complaint, and from which the complaint arose;
2. The date of the occurrence of the alleged violation of County policy;
3. The particular policies which are claimed to have been violated; and

4. The remedy or correction sought.

**C. Response.** The supervisor shall respond to the complaint in writing no later than fourteen (14) calendar days after the complaint is received. If the complaint remains unresolved after the receipt of the immediate supervisor's reply, the employee may, within seven (7) calendar days after receipt of the supervisor's response, submit the written complaint to the next higher authority. That authority shall respond to the employee's complaint in writing within fourteen (14) calendar days of receiving the complaint. If the complaint remains unresolved after the receipt of the higher authority's reply, the employee may, within seven (7) calendar days after receipt of the response, submit the complaint to the employee's department head or elected official. The department head or elected official shall have a meeting with the employee to discuss the complaint. The department head or elected official shall respond to the employee's complaint in writing within fourteen (14) calendar days of receiving the complaint. If the complaint remains unresolved after receipt of the response by the department head or elected official, the employee may, within seven (7) calendar days after receipt of the response, submit the complaint to the Human Resources Director. The department head or elected official shall have a meeting with the employee and the Human Resources Director to discuss the complaint. The Human Resources Director shall respond to the employee's complaint in writing within fourteen (14) calendar days of receiving the complaint. If the complaint remains unresolved after receipt of the response by the Human Resources Director, the employee may, within seven (7) calendar days after receipt of the response, submit the complaint to the Board of County Commissioners. The Board of County Commissioners shall then notify the employee, the department head or elected official, and the Human Resources Director of the receipt of the complaint. Within thirty (30) days of receipt of the complaint, the employee, the department head or elected official, and the Human Resources Director may submit their written positions to the Board. Upon receipt of the written positions of the parties, the Board may affirm, modify or reverse the action or decision which is the subject of the complaint by written findings and order. The Board shall make its written decision within fourteen (14) days from the date of the last written submission.

**D. Non-Response.** If, at any time during the Complaint Procedure, a supervisor does not respond to the written complaint within the specified time, the complaint shall be deemed denied and may be appealed to the next step within the applicable time limit. If the employee does not appeal to the next step within the specified time limit, it shall be considered waived or resolved. The time limit at any step may be extended by mutual agreement of the employee and the applicable supervisor.

## **APPENDIX A: NON-UNION COMPENSATION PLAN**

### **SECTION 1 – PLAN PURPOSE AND ADMINISTRATION**

#### **1.1 GENERAL PURPOSE**

The general purpose of the non-union compensation plan is to achieve the following goals:

- (A) To establish and maintain a uniform plan of compensation based upon the relative duties and responsibilities of positions in County government.
- (B) To develop a program of recruitment, training, advancement, and tenure that will make a career in the County government attractive to persons who possess both ability and integrity.

#### **1.2 PLAN ADOPTION**

This Plan relating to the compensation of non-union employees has been adopted by the Board of County Commissioners by Resolution. This Plan becomes effective on the date designated by the Board, and shall be distributed to all affected employees and made available in all County departments and divisions.

#### **1.3 PLAN AMENDMENT**

The Non-Union Employee Committee, department heads and elected officials, and/or the Board of County Commissioners may recommend that this Plan be modified or amended in the following manner:

- (A) The proposed amendment shall be referred to the Non-Union Employee Committee, the department heads and elected officials, the Board of County Commissioners, and the Human Resources Director, who shall review and comment on the proposed amendment, and, where possible, make a joint recommendation regarding the adoption of the proposed amendment.
- (B) A recommendation on the adoption of any proposed amendment shall be made to the Board of Commissioners within thirty (30) days, unless an extension of time is sought and received from the Board of Commissioners.
- (C) Upon receipt of the recommendation on the adoption of the proposed amendment, the Board shall take action as deemed appropriate.
- (D) Notwithstanding this section, the Board of County Commissioners may, under the powers vested in the Home Rule Charter for Josephine County, declare a budgetary emergency by Resolution or Order, and, in such event, is not bound by these procedural steps to amend the Non-Union Compensation Plan.

#### **1.4 PLAN APPLICATION**

This Plan is NOT A CONTRACT OF EMPLOYMENT. No representative of the County other than the Board of County Commissioners has any authority to enter into any agreement modifying or supplementing the provisions of this Plan, and any such agreement must be in writing and signed by at least two (2) members of the Board of County Commissioners. The Board of County Commissioners expressly reserves the right to change, substitute, interpret, and discontinue the rules and benefits described in this Plan



after notice to employees, in accordance with Section 1.3 above.

These rules and regulations apply to all non-union employees of Josephine County who occupy non-elected positions.

## **SECTION 2 – INSURANCE BENEFITS**

### **2.1 ELIGIBILITY**

Full-time non-union employees are eligible for medical, dental, vision, life and long-term disability insurance benefits provided by the County. Coverage is available the first day of the month following completion of one full month and one partial month of employment, or two full calendar months of employment, whichever is earlier.

Part-time non-union employees who were hired on or before December 31, 2001 and who remain employed at least half-time (.5 FTE) are, eligible for medical, dental, vision, and life insurance benefits provided by the County. Part-time non-union employees who were hired on or after January 1, 2002 are not eligible for any medical, dental, vision, or life insurance benefits through the County.

### **2.2 COUNTY AND EMPLOYEE HEALTH INSURANCE CONTRIBUTIONS**

The County's contributions toward payment of health insurance benefits are subject to change according to the costs of insurance and the County's ability to pay. As of January 1, 2011 the County pays a maximum of \$813.89 per month for the costs of the premiums for medical and dental insurance for full-time non-union employees. Effective January 1, 2005 the County pays one-half of the total costs of the premiums for medical insurance for eligible part-time non-union employees.

### **2.3 COUNTY CONTRIBUTION INCREASES**

Effective January 1 of each calendar year the County contribution cap shall be increased by the same percentage as the Medical Rate of the US CPI-W effective for the September to September period preceding each January. The US CPI-W Medical Rate to be utilized will be the CPI-W for Urban Wage Earners and Clerical Workers for the West - Size B/C that are not seasonally adjusted. The County's contributions toward payment of medical, dental and vision insurance benefits are subject to change. The Board of County Commissioners shall review and determine, prior to January 1st of each calendar year, if an alternative increase will be approved for non-union employees effective January 1st.

### **2.4 LIFE INSURANCE**

The County provides one hundred percent (100%) of the cost of group life insurance for eligible non-union employees of the County. The group life insurance for full-time non-union employees is \$50,000 per employee, and \$5,000 for each of their eligible dependents.

### **2.5 LONG TERM DISABILITY INSURANCE**

The County provides one hundred percent (100%) of the cost of long term disability insurance for eligible non-union employees. This coverage provides two-thirds, or 66 2/3 % of the employee's wages as a result of disability following a ninety-day waiting period.

**2.6 SECTION 125 PLANS (Flexible Spending Accounts)**

Full-time and part-time non-union employees who are employed at least half-time (.5 FTE) are eligible to participate in Flexible Spending Accounts (Section 125 Plans) for medical reimbursement and dependent care. Contributions made by employees are voluntary and in accordance with the plans developed by the County as provided by the Internal Revenue Code. The County does not make contributions to these accounts.

**SECTION 3 – PAID LEAVE**

**3.1 PAID LEAVE ACCRUAL**

Upon completion of the first six (6) months of employment, full-time non-union employees shall be credited with forty-eight (48) hours of paid leave, and part-time non-union employees shall be credited in a pro-rata amount based on the number of hours compensated during the first six (6) months of employment. Thereafter, full-time non-union employees shall accrue paid leave in accordance with the following schedule:

Months of Completed Continuous Service	Paid Leave Hours Accrued per Month	Total Paid Leave Hours Accrued per year
1-6 months	8 hours/month	48 hours
7 - 24 months	17.5 hours / month	210 hours / year
25 - 60 months	19.5 hours / month	234 hours / year
61 - 120 months	21.5 hours / month	258 hours / year
121 - 180 months	23.5 hours / month	282 hours / year
More than 180 months	25.5 hours / month	306 hours / year

Part-time non-union employees who are assigned a FTE level of .4 or greater shall accrue paid leave in a pro rata amount based upon the hours compensated for the month. Employees may not use or be compensated for paid leave until it is earned. Part-time non-union employees who are assigned a FTE level less than .4 shall not accrue paid leave.

**3.2 ACCRUAL WHILE ON LEAVE WITHOUT PAY**

An employee shall not accumulate paid leave during any month in which leave without pay is in excess of three (3) days, or in which any suspension without pay is in excess of three (3) days.

**3.3 MAXIMUM ACCRUAL**

An employee's maximum paid leave accrual shall not exceed 1400 hours. Exempt employees who are absent from work for a full work day shall use paid leave to cover the absence.

### **3.4 PROBATIONARY EMPLOYEES**

Probationary employees shall not be eligible to use paid leave until completion of six (6) months of continuous employment. A request for a loan of up to forty-eight (48) hours may be made due to illness or injury of the employee or a member of the employee's immediate family, or due to death in the employee's immediate family. Upon completion of six (6) months of employment the loan will be charged against accumulated paid leave. If employment is terminated prior to completion of six (6) months of employment, the loan shall be repaid at termination.

### **3.5 VACATION SCHEDULING**

Employees may take their paid leave either all at once, or at different times throughout the year. Employees shall have the right to request a specific time period for their paid leave, subject to the department head or elected official's approval, considering the scheduling required for public service and the needs of efficient operations.

### **3.6 RECRUITMENT**

For recruiting and retention purposes, department heads and elected officials may recommend that a non-union employee begin at any level of the Months of Completed Continuous Service in the schedules set out in Section 3.1 above. This recommendation will go to the Human Resources Director and to the Board of County Commissioners for final approval.

### **3.7 PAY AT TERMINATION, SEPARATION, OR RETIREMENT**

Probationary employees who are terminated or separated from employment prior to completing their probationary period shall not be entitled to any cash compensation in lieu of paid leave. Non-probationary employees who are terminated or separated from employment for any reason shall be entitled to cash compensation for one hundred percent (100%) of accrued paid leave up to 300 hours. In the event of the death of an employee, compensation for accrued paid leave shall be paid in the same manner that salary due to the decedent is paid. Upon retirement from County employment, fifty percent (50%) of all accrued paid leave up to a maximum of 1100 hours shall be reported to PERS and included as PERS subject compensation in accordance with PERS regulations.

## **SECTION 4 - TIME MANAGEMENT LEAVE**

### **4.1 GENERAL**

Time Management Leave is no longer available to County employees. This Section applies to employees who were hired on or before the date of the adoption of these Rules, and who have accrued Time Management Leave.

### **4.2 MAXIMUM ACCRUAL**

Non-Union employees shall have any accrued Time Management Leave documented by the Human Resources Department as follows:

(A) Employees whose date of hire is on or after July 1, 2002 may accumulate up to 1040 hours of Time

Management Leave.

- (B) Employees whose date of hire is on or before June 30, 2002 may accumulate up to 1500 hours of Time Management Leave.
- (C) Employees who have received time management merit awards on or before August 30, 2005 shall be entitled to cash compensation of one hundred percent (100%) of the amount of hours in the employee's time management merit award leave bank.

#### **4.3 SELL-BACK**

Employees are not eligible to sell back any accrued Time Management Leave to the County in exchange for compensation, except as set forth in Section 4.5 of these Rules.

#### **4.4 TIME MANAGEMENT LEAVE COMPENSATION AT TERMINATION OR SEPARATION**

**A. Probationary Terminations.** Employees who are hired before the date of the adoption of these Rules and who are terminated or separated from employment prior to completing six (6) continuous months of their probationary period shall not be entitled to cash compensation for any accrued Time Management Leave.

**B. General Terminations.** Regular employees whose date of hire is on or before June 30, 2002 and who are subsequently terminated or separated from employment for reasons other than retirement shall be entitled to cash compensation at one-hundred (100%) percent of the first 900 hours of accrued Time Management Leave, and for a minimum of sixty-five (65%) percent of accrued Time Management Leave for any remaining hours. Regular employees whose date of hire is on or after July 1, 2002 and who are subsequently terminated or separated from employment for reasons other than retirement shall be entitled to cash compensation at one-hundred (100%) percent of up to 300 hours of accrued Time Management Leave. The remaining hours of Time Management Leave shall not be compensated.

**C. Retirement.** Employees who retire from County employment shall be entitled to cash compensation at one-hundred percent (100%) of the first 900 hours of their accrued Time Management Leave. Any remaining Time Management Leave will be paid as follows:

1. Employees with more than five (5) years of continuous employment with the County shall be paid seventy-five percent (75%) of any remaining accrued Time Management
2. Leave Employees with more than ten (10) years of continuous employment with the County shall be paid eighty-five percent (85%) of any remaining accrued Time Management Leave.
3. Employees with more than fifteen (15) years of continuous employment with the County shall be paid ninety-five percent (95%) of any remaining accrued Time Management Leave.
4. Employees with more than twenty (20) years of continuous employment with the County shall be paid one hundred percent (100%) of any remaining accrued Time Management Leave.

**D. Longevity Award.** Employees who were hired on or before August 30, 2005 and who have at least twenty-five (25) years of continuous employment with the County shall be paid one hundred percent (100%) of any accrued Time Management Leave plus an additional 125 hours for longevity.

**E. Death or Permanent Disability.** In case of death or permanent disability, compensation for any accrued Time Management Leave hours shall be paid to the employee or their heirs.

#### **4.5 ACCRUED TIME MANAGEMENT LEAVE CONVERSION**

Employees who have accrued Time Management Leave may convert or exchange their accrued Time Management Leave in any combination of the following:

- (A) Employees may retain their accrued Time Management Leave and receive cash compensation in return upon retirement or termination.
- (B) Employees may, at any time, sell back up to fifteen (15) hours of their accrued Time Management Leave on a monthly basis, at the rate of one hundred percent (100%) of the employees' hourly wage.
- (C) Employees may, at any time, sell back all or any part of their accrued Time Management Leave at the rate of seventy-five percent (75%) of the employees' hourly wage as a lump sum amount.
- (D) Employees may, at any time during each calendar year, place up to \$3,500.00 of their accrued Time Management Leave into a deferred compensation plan, at the rate of one hundred percent (100%) of the employees' hourly wage.
- (E) Employees may retain their accrued Time Management Leave and use it as paid time off, including vacation, sick leave, or personal leave, upon approval from the employee's Administrative Director or Elected Official.

#### **4.6 TIME MANAGEMENT MERIT AWARDS**

Non-union employees who have received time management merit awards shall be entitled to cash compensation of one hundred (100%) percent of the amount of hours in the employee's time management merit award leave bank upon retirement or termination of employment.

### **SECTION 5 – COMPENSATION**

Each January 1st, the compensation for non-union employees in all pay grades shall increase by 100% of the US CPI-W for the November to November period preceding January with a maximum of 4% and a minimum of 0% unless otherwise determined by the Board of County Commissioners. In determining whether non-union pay increase adjustment will be withheld, the Board shall consider such factors including but not limited to: The County's economic condition and ability to pay; recent changes in the regional cost of living; health insurance costs; wage and benefit survey results; wage compression due to union employee wage increases; and employee recruiting and retention statistics.

### **SECTION 6 – SUPERVISORY AND MANAGEMENT INCENTIVE PLANS**

**Definition:** Supervisor and Management employees are individuals who hold non-union positions designated as supervisory or management in the employee's adopted position description.

#### **6.1 INCENTIVE LEAVE FOR SUPERVISORY AND MANAGEMENT EMPLOYEES**

In lieu of Section 3.1, non-union supervisory and management employees shall accumulate paid leave as follows: Upon completion of the first six (6) months of employment, full-time non-union employees shall be credited with forty-eight (48) hours of paid leave, and part-time non-union employees shall be credited in a

pro-rata amount based on the number of hours compensated during the first six (6) months of employment. Thereafter, full-time non-union employees shall accrue paid leave in accordance with the following schedule:

<u>Months of Completed Continuous Service</u>	<u>Paid Leave Hours Earned</u>	<u>Total Paid Leave Hours Accrued</u>
1-6 months	8 hours / month	48 hours
7-24 months	21.5 hours / month	258 hours / year
25-60 months	23.5 hours / month	282 hours / year
61-120 months	25.5 hours / month	306 hours / year
121-180 months	27.5 hours / month	330 hours / year
More than 180 months	29.5 hours / month	354 hours / year

Part-time non-union supervisory and management employees shall accumulate paid leave in accordance with Section 3.1.

**6.2 LONGEVITY LEAVE**

Full-time non-union supervisory and management employees who have been a supervisor or manager for a period of five (5) years or more, without a break in continuous service as a supervisor or manager with the County, shall accumulate an additional two (2) hours of paid leave per month for each year up to ten (10) years.

Full-time non-union supervisory and management employees who have been a supervisor or manager for a period of ten (10) years or more, without a break in continuous service as a supervisor or manager with the County, shall accumulate an additional four (4) hours of paid leave per month for each year thereafter.

**6.3 LONGEVITY LEAVE CONVERSION**

Full-time non-union supervisory and management employees who have been a supervisor or manager for a period of fifteen (15) years or more, without a break in continuous service as a supervisor or manager with the County, will cash in paid leave in an amount up to twenty (20) hours, one (1) time per calendar year on the pay day preceding the end of the calendar year, so long as there is a remaining minimum balance of no less than 300 hours.

Full-time non-union supervisory and management employees who have been a supervisor or manager for a period of twenty (20) years or more without a break in continuous service as a supervisor or manager with the County, will cash in paid leave in an amount up to forty (40) hours, one (1) time per calendar year on the pay day preceding the end of the calendar year, so long as there is a remaining minimum balance of no less than 300 hours.

**SECTION 7 – LUMP SUM AWARDS**

A department head or elected official may recommend in writing to the Board of County Commissioners a lump sum award for an employee in his or her department. The written recommendation must include how the cash award will affect the department's authorized budget. The award shall be based on the

employee's achievement of one or more of the following:

- (A) Accomplishment of significant, measurable goals and objectives that made a recent substantial improvement in a department's efficiency or effectiveness;
- (B) Completion of an unforeseen critical project or complicated assignment which required substantial time, effort and determination to successfully complete;
- (C) Recommendation of a cost saving suggestion that resulted in substantial dollar savings; or
- (D) Consistent, outstanding daily performance over at least a full twelve-month period of time.

**NON UNION Salary Table**  
**January 1, 2011**

<b>GRADE</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>STEP 4</b>	<b>STEP 5</b>	<b>STEP 6</b>	<b>STEP 7</b>	<b>STEP 8</b>	<b>STEP 9</b>	<b>STEP 10</b>	<b>STEP 11</b>	<b>STEP 12</b>
<b>NU1</b>	1,880.89 10.85	1,993.74 11.50	2,043.59 11.79	2,094.68 12.08	2,147.04 12.39	2,200.72 12.70	2,255.74 13.01	2,312.13 13.34	2,369.93 13.67	2,429.18 14.01	2,489.91 14.37	2,552.16 14.72
<b>NU2</b>	1,974.93 11.39	2,093.43 12.08	2,145.77 12.38	2,199.41 12.69	2,254.40 13.01	2,310.76 13.33	2,368.52 13.66	2,427.74 14.01	2,488.43 14.36	2,550.64 14.72	2,614.41 15.08	2,679.77 15.46
<b>NU3</b>	2,073.68 11.96	2,198.10 12.68	2,253.05 13.00	2,309.38 13.32	2,367.12 13.66	2,426.29 14.00	2,486.95 14.35	2,549.12 14.71	2,612.85 15.07	2,678.17 15.45	2,745.13 15.84	2,813.76 16.23
<b>NU4</b>	2,177.37 12.56	2,308.01 13.32	2,365.71 13.65	2,424.85 13.99	2,485.47 14.34	2,547.61 14.70	2,611.30 15.07	2,676.58 15.44	2,743.50 15.83	2,812.08 16.22	2,882.38 16.63	2,954.44 17.05
<b>NU5</b>	2,286.23 13.19	2,423.41 13.98	2,483.99 14.33	2,546.09 14.69	2,609.74 15.06	2,674.99 15.43	2,741.86 15.82	2,810.41 16.21	2,880.67 16.62	2,952.69 17.04	3,026.50 17.46	3,102.17 17.90
<b>NU6</b>	2,400.55 13.85	2,544.58 14.68	2,608.19 15.05	2,673.40 15.42	2,740.23 15.81	2,808.74 16.20	2,878.96 16.61	2,950.93 17.02	3,024.70 17.45	3,100.32 17.89	3,177.83 18.33	3,257.27 18.79
<b>NU7</b>	2,520.57 14.54	2,671.81 15.41	2,738.60 15.80	2,807.07 16.19	2,877.24 16.60	2,949.17 17.01	3,022.90 17.44	3,098.48 17.88	3,175.94 18.32	3,255.34 18.78	3,336.72 19.25	3,420.14 19.73
<b>NU8</b>	2,646.60 15.27	2,805.40 16.19	2,875.53 16.59	2,947.42 17.00	3,021.11 17.43	3,096.63 17.87	3,174.05 18.31	3,253.40 18.77	3,334.74 19.24	3,418.10 19.72	3,503.56 20.21	3,591.15 20.72
<b>NU9</b>	2,778.93 16.03	2,945.67 16.99	3,019.31 17.42	3,094.79 17.85	3,172.16 18.30	3,251.47 18.76	3,332.75 19.23	3,416.07 19.71	3,501.47 20.20	3,589.01 20.71	3,678.73 21.22	3,770.70 21.75
<b>NU10</b>	2,917.88 16.83	3,092.95 17.84	3,170.27 18.29	3,249.53 18.75	3,330.77 19.22	3,414.04 19.70	3,499.39 20.19	3,586.87 20.69	3,676.55 21.21	3,768.46 21.74	3,862.67 22.29	3,959.24 22.84
<b>NU11</b>	3,063.77 17.68	3,247.60 18.74	3,328.79 19.20	3,412.01 19.69	3,497.31 20.18	3,584.74 20.68	3,674.36 21.20	3,766.22 21.73	3,860.37 22.27	3,956.88 22.83	4,055.80 23.40	4,157.20 23.98
<b>NU12</b>	3,216.96 18.56	3,409.98 19.67	3,495.23 20.17	3,582.61 20.67	3,672.17 21.19	3,763.98 21.72	3,858.08 22.26	3,954.53 22.82	4,053.39 23.39	4,154.73 23.97	4,258.60 24.57	4,365.06 25.18



<b>NU13</b>	3,377.81 19.49	3,580.48 20.66	3,669.99 21.17	3,761.74 21.70	3,855.78 22.25	3,952.18 22.80	4,050.98 23.37	4,152.26 23.96	4,256.06 24.55	4,362.46 25.17	4,471.52 25.80	4,583.31 26.44
<b>NU14</b>	3,546.70 20.46	3,759.50 21.69	3,853.49 22.23	3,949.83 22.79	4,048.57 23.36	4,149.79 23.94	4,253.53 24.54	4,359.87 25.15	4,468.86 25.78	4,580.59 26.43	4,695.10 27.09	4,812.48 27.76
<b>NU15</b>	3,724.03 21.49	3,947.48 22.77	4,046.16 23.34	4,147.32 23.93	4,251.00 24.53	4,357.27 25.14	4,466.21 25.77	4,577.86 26.41	4,692.31 27.07	4,809.62 27.75	4,929.86 28.44	5,053.10 29.15
<b>NU16</b>	3,910.24 22.56	4,144.85 23.91	4,248.47 24.51	4,354.68 25.12	4,463.55 25.75	4,575.14 26.40	4,689.52 27.06	4,806.75 27.73	4,926.92 28.43	5,050.10 29.14	5,176.35 29.86	5,305.76 30.61
<b>NU17</b>	4,105.75 23.69	4,352.09 25.11	4,460.89 25.74	4,572.42 26.38	4,686.73 27.04	4,803.90 27.72	4,923.99 28.41	5,047.09 29.12	5,173.27 29.85	5,302.60 30.59	5,435.17 31.36	5,571.05 32.14
<b>NU18</b>	4,311.03 24.87	4,569.70 26.36	4,683.94 27.02	4,801.04 27.70	4,921.06 28.39	5,044.09 29.10	5,170.19 29.83	5,299.45 30.57	5,431.93 31.34	5,567.73 32.12	5,706.92 32.93	5,849.60 33.75
<b>NU19</b>	4,526.59 26.12	4,798.18 27.68	4,918.14 28.37	5,041.09 29.08	5,167.12 29.81	5,296.29 30.56	5,428.70 31.32	5,564.42 32.10	5,703.53 32.91	5,846.12 33.73	5,992.27 34.57	6,142.08 35.44
<b>NU20</b>	4,752.92 27.42	5,038.09 29.07	5,164.04 29.79	5,293.14 30.54	5,425.47 31.30	5,561.11 32.08	5,700.14 32.89	5,842.64 33.71	5,988.71 34.55	6,138.42 35.41	6,291.88 36.30	6,449.18 37.21
<b>NU21</b>	4,990.56 28.79	5,289.99 30.52	5,422.24 31.28	5,557.80 32.06	5,696.75 32.87	5,839.16 33.69	5,985.14 34.53	6,134.77 35.39	6,288.14 36.28	6,445.34 37.19	6,606.48 38.12	6,771.64 39.07
<b>NU22</b>	5,240.09 30.23	5,554.49 32.05	5,693.36 32.85	5,835.69 33.67	5,981.58 34.51	6,131.12 35.37	6,284.40 36.26	6,441.51 37.16	6,602.55 38.09	6,767.61 39.04	6,936.80 40.02	7,110.22 41.02
<b>NU23</b>	5,502.09 31.74	5,832.22 33.65	5,978.02 34.49	6,127.48 35.35	6,280.66 36.24	6,437.68 37.14	6,598.62 38.07	6,763.59 39.02	6,932.68 40.00	7,105.99 41.00	7,283.64 42.02	7,465.73 43.07
<b>NU24</b>	5,777.20 33.33	6,123.83 35.33	6,276.93 36.21	6,433.85 37.12	6,594.70 38.05	6,759.56 39.00	6,928.55 39.97	7,101.77 40.97	7,279.31 42.00	7,461.29 43.05	7,647.82 44.12	7,839.02 45.23
<b>NU25</b>	6,066.06 35.00	6,430.02 37.10	6,590.77 38.02	6,755.54 38.98	6,924.43 39.95	7,097.54 40.95	7,274.98 41.97	7,456.85 43.02	7,643.28 44.10	7,834.36 45.20	8,030.22 46.33	8,230.97 47.49