



Marion County
OREGON

Personnel Rules

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Preface

The Marion County Board of Commissioners has adopted these Marion County Personnel Rules as the official personnel/human resources policies and procedures for county employees. The personnel rules are effective February 11, 2016, and supersede the previous personnel rules. If any sections of these rules are contrary to local, state, or federal law, the law will govern. Should any section or portion of these personnel rules be unlawful or unenforceable, all other sections and provisions of the rules shall remain in effect. The county reserves the right at any time to withdraw or amend any portion of these rules as they apply to current or future employees. **Nothing contained herein should be construed to create contractual or vested rights.**

Non-Discrimination

Marion County employs a diverse workforce that reflects the character of its general population to assist in providing effective services to its citizens. Marion County prohibits unequal, disparate treatment of an individual because of race, religion, color, sex, sexual orientation, age, physical or mental disability, marital status, national origin, or any other protected class in accordance with state or federal law. (Also, see [Non-Discrimination Policy](#) in the Marion County Administrative Policies and Procedures.)

Applicability

Classified Service

Employees in the classified service are subject to all of the personnel rules. The classified service includes all employees who are not part of the unclassified service listed below.

Collective bargaining agreements regulate employees represented by the agreements, except in areas where the agreements are silent.

Unclassified Service

The board of commissioners may designate positions in the unclassified service to be subject to all or part of the personnel rules. Employees in the unclassified service are subject to all of the personnel rules except for Articles 4, 5, 8, 9, and 10, unless specific reference is made to an unclassified employee or position. An unclassified employee is an at-will employee and serves at the pleasure of the appointing authority. The unclassified service includes:

- Elected officials or those appointed to fill a vacancy caused by death, resignation, or removal of an elected official;
- Chief administrative officer and deputy county administrative officer;

- Department heads, deputy department heads, undersheriffs and any person in a policy-making confidential position, as determined by the board of commissioners by resolution;
- County counsel, assistant legal counsels, hearings officers, and juris doctors;
- Division commanders appointed by the sheriff under the provisions of ORS Chapters 204 and 206.
- Deputy district attorneys;
- Employees in their capacity as members of commissions and boards;
- Persons employed by contract, including but not limited to those employed to render professional, scientific, technical, or expert services;
- Temporary employees as defined by the personnel rules; and
- Persons employed jointly by the county and some other governmental agency.

Appointing authorities may use the selection process for hiring as outlined in these rules for unclassified positions; however, appointments to positions in the unclassified service are not required to go through the recruitment process.

Any reclassification or elimination of the following regular and interim positions shall not be subject to the provisions of the personnel rules when the reclassification or elimination is made in conjunction with the reorganization of the county's departmental structure at the direction, or with the approval, of the board of commissioners:

- County counsel
- Chief administrative officer and deputy county administrative officer
- Department heads
- Division commanders
- Undersheriff

Responsibility

- The personnel officer is responsible for administering the personnel rules.
- Each elected official, department head, appointing authority, manager, or supervisor is to be familiar with and responsible to administer these rules in a consistent and impartial manner.

- Each department is to maintain access to updated personnel rules in a location or manner that is easily accessible to all employees.
- Human resources will assist departments with interpreting and implementing the rules. Human resources will also monitor the implementation of the rules to promote compliance, consistency, and fairness. Human resources is responsible for dissemination and providing notice of the rules including the interpretation and methods of administration of the rules.
- Each employee is responsible for complying with these rules.

Suspension of Personnel Rules

The personnel officer and the chief administrative officer or deputy county administrative officer jointly have the authority to suspend the personnel rules if a specific provision of the rules in a specific situation would create an undue hardship on the efficient operation of county government. The personnel officer and chief administrative officer or deputy county administrative officer have no authority to suspend a rule in a manner that would cause a conflict with local, state, or federal law.

When suspending a rule, the personnel officer and the chief administrative officer or deputy county administrative officer shall state the rule, duration of suspension, and basis for the decision. The suspension shall not extend beyond 90 days. The personnel officer or the chief administrative officer or deputy county administrative officer will notify the board of commissioners of the suspension and will post notice of suspension on the county internet website or will relay the information using other approved methods of communication.

In the case of an emergency declared pursuant to the Emergency Ordinance of Marion County, any specific provision of the personnel rules may be suspended by the personnel officer and the chief administrative officer or deputy county administrative officer, or if unavailable, by the individual authorized to declare the state of emergency under the Emergency Ordinance. The suspension shall not extend beyond termination of the state of emergency. No rule or provision may be suspended in a manner that would cause a conflict with local, state or federal law.

Article 1: General Provisions

Section 1: Personnel Files

Each appointing authority or designee shall submit the appropriate documentation to human resources to ensure that the county appoints and pays all employees in accordance with the personnel rules.

Human resources will maintain personnel files for all Marion County employees. These records shall be the official records of the county and shall contain official reports, memos, letters, personnel actions, etc., relating to employee performance and employment status.

Personnel files shall *not* contain:

- Medical records
- Conviction or arrest records
- Records of investigation of criminal conduct
- Confidential reports from previous employers
- Information related to an employee's citizenship or immigration status, including I-9 forms
- Other materials that are excluded or maintained separately by federal or state law

The county shall keep medical information, I-9 forms, and confidential reports in separate files and shall regulate those documents as prescribed under state or federal law.

Each appointing authority shall have access to review the personnel files of employees in his or her department. Current or former employees may inspect the contents of their personnel file in the human resources office upon the employee's oral or written request to do so. With written permission from an employee, the employee's official representative may inspect personnel files pertaining to the employee, except for confidential reports from previous employers.

Human resources shall place no information that reflects critically upon an employee in the employee's personnel file unless it bears either the signature or initials of the employee indicating that the employee has seen the document. If the employee has seen the document but refuses to sign or initial it, the supervisor must make a notation that the employee received a copy of the document and refused to sign. The department shall provide the employee with a copy of the document when placing it in the employee's personnel file.

Letters of caution, consultation, warning, admonishment, or reprimand shall not be used in any subsequent evaluation or disciplinary proceeding involving the employee after three years of having been placed in the personnel file, unless there have been

recurrences of a similar nature. After the three-year period, and in the absence of one or more recurrence of a similar infraction, the employee may request that the human resources manager remove the letters. The appointing authority may also submit a request to the human resources manager to remove these letters from an employee's personnel file. Human resources will not remove information of this nature from the personnel file without approval of the human resources manager, and will not remove information of this nature if it pertains to an employee's pay or benefits.

Section 2: Records Exempt from Public Disclosure

Some public records relating to personnel matters are exempt from disclosure. The county will not disclose personnel records unless permitted or required by state or federal law or by order of the court.

Section 3: Employee Addresses

All employees are required to report address and telephone changes to their department representative.

Section 4: Changes to Employee Status and Pay

The department must report to human resources every change to an employee's status or pay. These changes include, but are not limited to:

- Administrative leave
- Appointment
- Change of pay rate
- Demotion
- Dismissal
- Internal appointment
- Layoff
- Leave of absence
- Leave without pay
- Military leave
- Performance evaluation
- Promotion
- Protected Leave
- Reassignment
- Reclassification
- Suspension
- Work week change

Article 2: Classification of Positions

Section 1: Purpose

The purpose of this article is to provide an equitable and logical arrangement of job classifications to facilitate the identification, compensation, and filling of positions.

Section 2: Adoption and Maintenance of the Classification Plan

Marion County shall adopt and maintain a classification plan that organizes positions having similar duties, authority, and responsibility under a common title that allows for similar qualifications and the same pay rate.

The classification title of each position shall be the official title used on personnel actions, payroll records, budget documents, and reports relating to the position. The appointing authority may authorize working titles for internal administration or contact with the public.

The personnel officer shall be responsible for keeping the classification plan current through periodic studies of positions and other appropriate actions. For purposes of this section, the authority of the personnel officer or designee shall include:

- Deleting old classification specifications
- Re-titling classification specifications
- Creating and amending classification specifications
- Reclassifying positions
- Designating units
- Determining eligibility for overtime
- Determining pay ranges

Section 3: Classification Specifications

Human resources shall write and maintain specifications (class specs) for all job classifications in the county service. A class spec is the written description of a classification generally containing a title, EEOC category, FLSA designation, statement of job duties, authority, responsibilities, educational requirements or equivalents, minimum requirements, special skills or training required for the job, and additional requirements determined to be necessary to serve the best interests of the county.

Class specs are descriptive, not restrictive. They do not list the specific job duties of any position and they do not limit the ability of a supervisor or appointing authority to assign work or alter tasks if the duties remain within the general definition of the class. Nothing in the class spec restricts supervisors or appointing authorities when assigning an employee of one class to perform some of the duties of a higher or lower class for a

limited period. Accepting an assignment to perform work in a higher or lower class for a limited period is a requirement of all classes.

Section 4: Allocation of Positions

A. New Positions

The appointing authority or designee must submit a Request for New Position form and essential job duties of the proposed position to human resources for consideration. Human resources will review the request and make a recommendation to the personnel officer.

Human resources will forward the approved new position requests from the Personnel Officer to the budget officer or deputy county administrative officer for budget review. Departments must make requests for new general fund positions during the annual or supplemental budget process. Upon receiving final approval of the new position, human resources will notify the requesting department that the new position has been granted.

B. Reclassification of Existing Positions

Human resources may reclassify positions as the result of several types of action. Human resources may initiate a classification review as a result of an appointing authority or employee requesting a reclassification of a current position, or a department may request a change in a position via the add/delete process to meet organizational needs. (Also, see [Reclassification](#), Article 3, Section 5.C.3.)

1. Human Resources Initiates Classification Review

Human resources will periodically review classifications to determine whether the duties accurately reflect responsibilities and if the compensation is appropriate. Human resources will work with departments to facilitate the review of identified classifications.

2. Appointing Authority/Employee Requests Reclassification

An appointing authority, supervisor, or employee may submit a request to the personnel officer or designee requesting a review of a current position or classification. The appointing authority, supervisor, or employee must submit a Position Description Worksheet outlining the current job duties of the position. The supervisor must complete and sign the supervisor section of the Position Description Worksheet. Human resources will review the form and consider if the information provided warrants a reclassification. If the reclassification is warranted, a Personnel Findings & Recommendations report will be completed by human resources and submitted for review to the personnel officer.

3. Add/Delete Process

If a department requires a position with a different classification based on organizational need, the appointing authority or designee must submit a Request for New Position and essential job duties of the proposed position to human resources. The Request for New Position initiates a request to delete an existing position and create a new position in a different classification.

Human resources will review the essential job duties of the proposed position to determine the appropriate classification and make a recommendation to the personnel officer. If the personnel officer approves the request, human resources will forward the request for budget review and for review by the deputy county administrative officer. If the deputy county administrative officer approves the request, human resources will generate a Request for New Position Approval form and forward to the department.

a. Effect on Incumbent if Lower-Level Position

If an employee occupies a position that will be deleted and the new position will be in a lower classification, human resources will reclassify the employee into the lower classification if the employee meets the minimum qualifications.

If the employee does not meet the minimum qualifications, the department will begin the layoff process. The affected employee is not necessarily the employee whom the department will lay off. (Also, see [Layoff](#), Article 10; and [Reclassification Downward](#), Article 3, Section 5.C.3.c.)

b. Effect on Incumbent if Higher-Level Position

If an incumbent is in the position to be deleted and the new position will be in a higher classification than the employee's current classification, the human resources analyst or human resources manager will determine if the incumbent is acting in capacity at the higher level. If so, human resources will note on the Request for New Position Approval form that the employee is performing the higher-level duties and meets the minimum qualifications. The Request for New Position Approval form is the authorization to the department to reclassify the employee to the new position. (Also, see [Reclassification Upward](#), Article 3, Section 5.C.3.a.)

If the incumbent is not performing the higher-level duties, the department must recruit for the new position and the incumbent may apply for the position. If the department selects the employee, it is a promotion. (Also, see [Promotion](#), Article 3, Section 5.C.2.)

If the department does not select the employee, the county will proceed with the layoff process. The affected employee is not necessarily the employee whom the department will lay off. (See [Layoff](#), Article 10.)

c. Effect on Incumbent if Same Level Position

If an incumbent is in the position to be deleted and the new position will be in a classification with the same pay range as the employee's current classification, the human resources analyst or human resources manager will determine if the incumbent meets the minimum qualifications of the new classification. If so, human resources will reclassify the incumbent to the new classification. If the employee does not meet the minimum qualifications, the department will begin the layoff process. The affected employee is not necessarily the employee whom the department will lay off. (Also, see [Layoff](#), Article 10; and [Reclassification Downward](#), Article 3, Section 5.C.3.c.)

Section 5: Appeal

Any appointing authority or employee may appeal the recommendations of human resources to the personnel officer. Any appointing authority or employee may appeal the decision of the personnel officer to the chief administrative officer. The appointing authority or employee must file the written appeal within ten calendar days of the decision. The appeal must contain a statement indicating reasons for the appeal and, whenever possible, evidence indicating errors or omissions in the personnel officer's findings.

The chief administrative officer shall review the findings and decision of the personnel officer and may hold a hearing if he/she determines appropriate. The chief administrative officer shall either affirm the personnel officer's decision or refer the matter back to the personnel officer for review. The decision of the chief administrative officer is final.

Section 6: Elimination of Vacant Positions

(See [Vacant Positions Termination](#) in the Marion County Administrative Policies and Procedures.)

Article 3: Compensation

Section 1: Purpose

To provide an equitable pay structure and systematic method of pay administration for Marion County employees.

Section 2: Adoption and Maintenance of Compensation Plan

The county shall adopt and maintain a compensation plan that establishes pay ranges for all classifications. Except where statutory authority provides otherwise, the personnel officer shall be responsible for establishing pay ranges for all classified and unclassified positions in county service. Whenever the county modifies pay ranges as the result of the approval of a new collective bargaining agreement, the new pay plan shall be subject to board of commissioners' approval.

The compensation plan shall include a minimum and maximum rate for each classification and the intermediate rates the county considers necessary and equitable. The county may use flat rates in place of pay ranges, where appropriate. The county will base the pay range assigned to each classification on the duties, authority, and differences between it and other classifications. The county will take into account pay rates and benefits paid by other comparable public and private employers. Other factors that may be considered are recruiting and turnover factors, internal/external market equity, and the employer's ability to pay.

Section 3: Allocation of Pay Ranges

The personnel officer or designee has the authority to adjust or establish a pay range or rate based on the following:

A. Periodic Review of Pay Ranges/Rates

The personnel officer shall oversee a periodic review to determine the adequacy of pay ranges/rates based on the factors set forth in Section 2 above. The county may create a pay range/rate because of the creation of a new classification.

B. New Positions

When a department requests a new position, the personnel officer shall review the allocation to determine the appropriate classification and pay range.

C. Negotiated Adjustments

The board of commissioners, through its representatives, shall enter into

negotiations with recognized labor organizations to negotiate pay plan adjustments for bargaining unit positions, based on the factors set forth in Section 2 above.

Section 4: Appeal of Allocation of Pay Ranges

Any appointing authority or employee may appeal the personnel officer's decision to the chief administrative officer or deputy county administrative officer by filing a written appeal within ten calendar days of the date of the personnel officer's signature. The appeal must contain a statement indicating reasons for the appeal and, whenever possible, evidence indicating errors or omissions in the personnel officer's findings.

The chief administrative officer or deputy county administrative officer shall review the personnel officer's findings and decisions and may hold a hearing if he/she determines appropriate. The chief administrative officer or deputy county administrative officer shall either affirm the personnel officer's decision or refer the matter back to the personnel officer for further review. The chief administrative officer or deputy county administrative officer's decision is final.

Section 5: Administration of Compensation Plan

When the county bases a classification's compensation on a pay range, the following rules shall govern the use of the range:

A. Rates of Pay

The county shall pay each employee at one of the steps in the pay range for the classification to which human resources has assigned the position. The hourly pay rate for employees in the same classification and on the same pay step will be equal, whether the employees work an eight-hour workday or a seven-and-one-half-hour workday.

B. Entrance Pay

Generally, an appointing authority will appoint, reappoint, or reinstate an employee at the first step in the pay range for the classification. If an appointing authority believes it is necessary to appoint, reappoint, or reinstate an employee above the first step, the appointing authority must submit a Position Review Form to the human resources manager, who will route the form to the personnel officer for approval or denial. The Position Review Form must identify the requested step, include the justification for the higher step, and verify that the department has sufficient funds in the budget.

The personnel officer shall review the merits of the request on the basis of availability of applicants with qualifications for the vacant position, the applicant's qualifications to perform the job, resulting pay relationships with other

employees, the candidate's prior experience, the time available to continue the recruiting process, and budget considerations. The personnel officer's decision is final.

C. Types of Adjustments

1. Merit Increase

The county shall base merit increases on satisfactory service in the employee's work performance. If an employee's overall performance evaluation rating is lower than meets expectations, the appointing authority will not grant a merit increase until the appointing authority deems that the employee's performance meets expectations. This will not change an employee's anniversary date. (See [Performance Evaluation](#), Article 8, Section 2.)

The appointing authority may defer a merit increase if the employee's anniversary date occurs during a period of pay reduction imposed as a form of discipline. Following the end of the pay reduction, the appointing authority may grant the merit increase if the employee's performance has met expectations. This will not change the employee's anniversary date.

If the employee's performance meets expectations, the employee will be eligible for a merit increase on the established anniversary date until the employee has reached the top step of the pay range. For the purpose of this section, the eligibility date shall be the date upon which the appointing authority granted the first merit increase. The county will change the employee's eligibility date due to promotions, reclassifications, or non-continuous service months.

a. Eligibility for Merit Increase

A new employee shall advance one step of the pay range after completing initial trial service, unless the appointing authority appointed the employee at the top step. For new employees in non-represented positions requiring 12 months of initial trial service, they shall advance one step of the pay range after completing six months of continuous county service, unless the appointing authority appointed the employee at the top step. Thereafter, eligibility for advancement to each succeeding step of the pay range shall be after each additional year of satisfactory continuous service at the preceding step, unless otherwise ordered by the board of commissioners. (Also, see [Initial Service Period](#), Article 5, Section 2; and [Performance Evaluation](#), Article 8, Section 2.)

b. Adjustment of Merit Increase Cycle

In the event that an employee is on unpaid leave status for more than ten workdays in a calendar month, the county shall adjust the employee's anniversary date by one month. (Also, see [Anniversary Date](#), Article 5, Section 5.)

2. Promotion

When an employee is promoted to a position in a classification with a higher maximum pay range than the current classification, the employee shall be placed on a step in the new range that will provide a minimum of a 5% increase, or to the minimum of the new range, whichever is higher, unless appointed to the top step. The date of promotion shall establish a new anniversary/evaluation date for subsequent pay increases, and the employee must serve a new trial service period. The employee will be paid longevity pay only if the employee meets the eligibility requirements. (See [Longevity](#), Article 6, Section 3.D.)

3. Reclassification

a. Reclassification Upward

When an employee is reclassified to a position in a classification with a higher maximum pay rate, the employee shall be placed on an actual step in the new range that will provide a minimum of a 5% increase, or to the minimum of the new range, whichever is higher, unless the employee is reclassified to the top step. The date of the reclassification shall establish a new anniversary/evaluation date for subsequent merit increases.

If the reclassification involves an employee currently receiving longevity pay, the county will place an employee on longevity only if the employee meets all the eligibility requirements. (See [Longevity](#), Article 6, Section 3.D.)

If an employee completed initial service before the upward reclassification, the county will not require the employee to serve another initial service period. If the employee did not complete initial service before the upward reclassification, the employee must complete the remainder of the initial service period in the new classification. (Also, see [Initial Service Period](#), Article 5, Section 2.)

When the county reclassifies a represented or Unit 12 employee upward, the employee will not be required to serve a trial service

period if the employee has been performing the higher-level duties for at least six months. If the employee has not been performing the higher-level duties for at least six months, the employee will be required to serve a six-month trial service period. (Also, see [Trial Service Period](#), Article 5, Section 3.)

When the county reclassifies a non-represented employee upward, the employee will not be required to serve a trial service period if the employee has been performing the higher-level duties for at least 12 months. If the employee has not been performing the higher-level duties for at least 12 months, the employee will be required to serve a 12-month trial service period. (Also, see [Trial Service Period](#), Article 5, Section 3.)

b. Reclassification to the Same Pay Range

When an employee is reclassified to a position in a classification with the same pay range, or if human resources re-titles a classification and there are no significant changes to the duties and no change to the pay range, the move is considered to be an administrative change only.

The incumbent employee, whether on initial trial service, trial service, or regular status, will have corresponding status in the new classification. The employee's pay and anniversary/evaluation dates will remain the same.

c. Reclassification Downward

If an employee is reclassified to a position with a lower pay range for reasons that do not reflect discredit on the employee's employment record, the employee's pay rate may remain the same if it is within the pay range of the lower classification. The county will move the employee to the lower pay range at the existing rate of pay. If this move places the employee between steps, the county will place the employee on the next higher step.

If the reclassification involves an employee currently receiving longevity pay, the county will place an employee on longevity only if the employee meets all the eligibility requirements. . (See [Longevity](#), Article 6, Section 3.D.)

If the employee's current pay rate is not within the new lower range, the reduction in wages shall not occur until one year after the effective date of the reclassification. This is redlining or freezing the employee's wages.

If the reduction is more than one pay range, the decrease will occur incrementally. Incremental decreases will occur annually beginning one year from the effective date of the reclassification not to exceed three years. At the end of the third year, the employee's rate of pay will be adjusted downward to the lower pay range. The pay range adjustments will be aligned with the beginning of the pay period closest to the anniversary of the effective date of the reclassification that does not negatively impact the employee.

The delay in reduction of wages shall not apply when human resources reclassifies employees from the following regular or interim positions:

- Chief administrative officer or deputy county administrative officer
- County counsel
- Department heads and
- Division commanders
- Undersheriffs

If an employee completed initial service before the downward reclassification, the employee will not serve another initial service period. If the employee did not complete initial service before the downward reclassification, the employee must complete the remainder of the initial service period. The employee will not serve a new trial service period. (Also, see [Initial Service Period](#), Article 5, Section 2; and [Trial Service Period](#), Article 5, Section 3.)

The incumbent employee, whether on initial service, trial service, or regular status, will have corresponding status in the new classification. The employee's anniversary/evaluation dates will remain the same.

4. Demotion

When an employee chooses to accept demotion or when an employee's supervisor demotes the employee for cause, the county shall place the employee in the new pay range at a step closest to the former rate of pay without resulting in a pay increase. The employee will be placed on longevity only if the employee meets the criteria. The employee's anniversary date will not change because of the demotion. (Also, see [Demotion](#), Article 9, Section 5.E; [Voluntary Demotion](#), Article 4, Section 6.I; and [Longevity](#), Article 6, Section 3.D.)

5. Reassignment

The employee's pay rate will remain the same following reassignment.
(Also, see [Reassignment](#), Article 4, Section 6.F.)

6. Internal Appointment

(See [Internal Appointment/Pay](#), Article 4, Section 6.G.4.)

7. Pay Range Adjustment

In addition to general pay range changes negotiated between the board of commissioners and labor unions, the board of commissioners may adjust pay ranges as it determines necessary to attract and retain competent personnel, or to provide pay equity between the various classifications. When the pay range for a classification is changed, the county shall adjust individual pay rates as determined by the implementation procedure established by the board of commissioners. Such adjustments will not change an employee's eligibility for merit increases.

Pay range adjustments will not change the employee's initial trial or trial service status and the county does not require a new trial service period as the result of a pay range adjustment. Pay range adjustments do not change an employee's evaluation and anniversary date.

a. Pay Range Adjustments Upward

The county will move an employee into the higher pay range at the step with at least the employee's existing rate of pay, which may correspond to a lower step on the new pay range. If this move places the employee between steps, the county will place the employee on the next higher step. The employee's anniversary and evaluation dates will not change.

If the reclassification involves an employee currently receiving longevity pay, the county will place an employee on longevity only if the employee meets all the eligibility requirements. (See [Longevity](#), Article 6, Section 3.D.)

b. Pay Range Adjustments Downward

The county will move an employee into the lower pay range at the step with at least the employee's existing rate of pay. If this move places the employee between steps, the county will place the employee on the next higher step.

If the reclassification involves an employee currently receiving longevity pay, the county will place an employee on longevity only if the employee meets all the eligibility requirements. (*See [Longevity](#), Article 6, Section 3.D.*)

If the employee's current pay rate is not within the new lower pay range, the employee's pay will be redlined and the reduction in wages will not occur until one year after the effective date of the pay range adjustment. The delay in reduction of wages shall not apply to employees in the following regular or interim positions:

- Chief administrative officer or county administrative officer
- County counsel
- Department heads
- Division commanders
- Undersheriffs

c. Pay Range Adjustments to Same Pay Range

The employee's step or pay may remain the same following a pay range adjustment.

8. Lead Worker

If an appointing authority assigns an employee to a full spectrum of lead worker duties, the county shall compensate the employee an additional 5%. Employees whose class spec includes lead worker duties shall not be eligible for this additional compensation.

Lead worker duties comprise of the following:

- Training
- Reviewing work
- Organizing, planning, and scheduling work assignments
- Providing input on employee performance evaluations
- Providing guidance in daily activities
- Providing technical expertise
- Acting as a resource on difficult points of procedure
- Providing assistance to and making recommendations in the hiring process

Employees shall not exercise lead worker responsibilities over employees with whom they have a family, financial, or close personal relationship. (*See [Nepotism](#) in the Marion County Administrative Policies and Procedures.*)

9. Acting in Capacity (Working out of Class)

Any employee temporarily designated to act in the capacity of a position in a classification with a higher pay range than the employee's regular classification will receive a 5 % pay increase, or the minimum step of the higher range, whichever is greater, for hours worked in the higher classification.

The personnel officer's approval is required before a department may place an employee in acting in capacity status. The department must submit a Position Review Form to human resources listing the duties the employee is performing outside their current classification, and validating that the employee meets the minimum qualifications of the classification in which the employee is working. Human resources will forward the Position Review Form to the personnel officer for approval.

Acting in capacity on a full-time continuous basis is limited to six consecutive months. If a department wishes to request an extension, the department must submit a Position Review Form to human resources. The personnel officer must approve the extension before the department may implement it.

Intermittent use of acting in capacity will be tracked hour for hour for non-exempt employees.

10. Longevity Increases

(See [Longevity](#), Article 6, Section 3.D.)

11. Extra-Meritorious Pay Increase

An appointing authority may request a one-step extra-meritorious pay increase for regular status employees in recognition of exemplary service. The appointing authority shall submit a written request to the personnel officer that includes the following:

- Employee's name and date hired by the department
- The current classification of the employee
- The employee's working title, pay rate, pay range, and step, if applicable.
- A brief description of the normal job requirements of the employee and the reasons why the employee deserves an extra-meritorious

pay adjustment. These reasons may include unusual job-related skills and training, exceptional performance, or special work on a complex project.

- The effective date of the extra-meritorious increase (which need not coincide with the employee's regular anniversary date.)

Employees who have reached the top step of their classification pay range are not eligible for an extra-meritorious pay increase.

If the personnel officer denies the request, the appointing authority may appeal the decision to the chief administrative officer or deputy county administrative officer. The appointing authority must file a written appeal within ten calendar days of the denial outlining the reasons for the appeal. The chief administrative officer or deputy county administrative officer shall review the extra-meritorious pay request, the personnel officer's reason for denial, and the appeal statement. The chief administrative officer or deputy county administrative officer shall either uphold the denial or overturn the denial and approve the extra-meritorious pay increase. The decision of the chief administrative officer or deputy county administrative officer is final.

The employee's anniversary date will not change following the extra-meritorious increase even if the appointing authority grants the extra-meritorious increase on a date other than the employee's regular merit increase.

Following an extra-meritorious increase, some employees will be eligible to move to longevity 1 without having served one year on the top step of the pay range. One example would be an employee on step 6 who has ten years of county service. Normally, the employee would move to step 7 and wait for one year before being eligible to move to longevity 1. If the extra-meritorious increase places the employee on step 7 and the employee has ten years of service, the employee will be eligible to move to longevity 1 on the employee's regular anniversary date. (See [Longevity](#), Article 6, Section 3.D.)

12. Cost of Increase

Each appointing authority must certify that sufficient funds are available to cover the cost of pay increases.

13. Holiday Pay

(See [Holidays](#), Article 6, Section 3.A.)

Regular employees who are employed at .5 FTE or higher shall receive one day's pay for each of the recognized holidays on which they perform no work. Employees working less than .5 FTE are not eligible for holiday pay unless they work on the holiday, in which case the county will pay the employees at straight time.

The number of hours for the paid holiday is equal to the number of hours the department would have normally scheduled an employee to work had it not been a holiday. For example, if a department normally schedules an employee to work ten hours on the day the holiday falls, the county will pay the employee ten hours of holiday pay. If a holiday falls on a day the department normally schedules an employee to work eight hours, the county will pay the employee eight hours of holiday pay. The term for this is day for day.

The board of commissioners designates all legal holidays and days of mourning.

a. Authorized Leave on a Holiday

If an employee is on an authorized leave with pay when a holiday occurs, the holiday shall be paid and not charged against sick or vacation leave accumulation. The county shall not pay an employee for holidays occurring during unpaid leave.

b. Weekend Holidays

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

c. Overtime for Holidays

Compensation to overtime-eligible employees who perform work on a holiday is subject to the rule governing overtime compensation. (See [Overtime](#), Article 3, Sec. 5.C.15.)

14. Personal Holidays

(See [Personal Holidays](#), Article 6, Section 3.B.)

15. Overtime

The county shall consider overtime as time worked by non-exempt employees in excess of 40 hours in a workweek. For employees on

schedules of less than 40 hours per week, the county shall consider time worked by the employees beyond their regular schedules as additional time, rather than overtime, until the time exceeds 40 hours per week.

a. Computing Overtime Work

The county shall consider all hours worked, holidays, jury duty and paid sick leave as hours worked when computing overtime hours for overtime-eligible employees.

No employees shall work overtime unless the appointing authority or designee authorizes it.

b. Notice of Overtime Work

Whenever an appointing authority or designee requires overtime work, he/she shall provide 48-hour advanced notice when, in the opinion of the appointing authority or designee, it is determined that this notice can reasonably be provided.

c. Refusal to Work Overtime

The county shall not discipline any employee for refusing to work overtime when, in the opinion of the appointing authority or designee, another qualified employee is available to perform the work.

d. Overtime Compensation

The appointing authority may offer either cash or compensatory time off for overtime, subject to board policies and funding. Payment shall be based on the employee's rate of pay. Employees may not be required to work overtime if only compensatory time accrual is offered.

e. Payment Date for Overtime Pay

When an appointing authority authorizes cash payment for overtime, the county shall make that payment no later than the next payday following the pay period in which the employee worked the overtime.

f. Exemption from Overtime

Upon recommendation of the personnel officer, the board of commissioners may exempt classifications from overtime compensation based on executive, professional, administrative duties, and computer employees as defined by the provisions of the Fair Labor Standards Act (FLSA) and the Administrative Rules of the Department of Labor or Bureau of Labor and Industries. The compensation plan shall identify overtime-exempt classifications.

g. Overtime Compensation at End of Employment

When an employee leaves county service, the county shall compensate the employee for accrued overtime.

16. Reappointment

(See [Reappointment](#), Article 4, Section 6.C.)

17. Compensation Credit

(See [Compensation Credit](#), Article 6, Section 3.C.)

18. Compensatory Time

(See [Compensatory Time](#), Article 6, Section 3.H.2.)

19. Pager Pay

Employees assigned to pager duty may receive compensation for each week assigned to pager duty, upon approval of the department head. This will be the sole compensation for this pager duty, even when this duty would otherwise be out of the employee's usual classification.

Article 4: Recruitment and Selection

Section 1: Purpose

To provide an open, competitive system of filling positions in the county classified service with the most qualified persons based on job-related factors. All or portions of the following procedures may be followed when filling vacancies in the unclassified service. This article applies to all employees except those in the unclassified service. (*See [Unclassified Service](#), Preface*)

Section 2: Requisition for Recruitment

A. Recruitments for Regular Status Positions

Departments will fill vacancies in positions in the classified service, as provided in these rules. Whenever an appointing authority wishes to fill a vacancy in the classified service, the appointing authority will submit a Requisition for Recruitment to human resources. An appointing authority will ensure that requisitions for the recruitment of applicants are based on vacancies in authorized positions for which funding has been approved, unless the chief administrative officer or deputy county administrative officer approves the recruitment for the purposes of generating a list of qualified applicants for future vacancies.

B. Recruitments to Hire Temporary Employees

Whenever an appointing authority wishes to hire a temporary employee, the appointing authority will submit a Requisition for Temporary Recruitment to human resources.

Section 3: Announcements and Applications

A. Recruitment

Human resources will determine the dates of recruitments for filling current and projected vacancies in the classified service. Human resources will also assist appointing authorities in filling vacancies in the unclassified service, consistent with the Marion County Affirmative Action Plan.

B. Special Qualifications

An appointing authority may request, in writing, that human resources list special experience, training or characteristics necessary for satisfactory performance in a particular position. The recruitment announcement will list these special qualifications.

C. Recruitment Announcement

Job announcements will specify the title, minimum and maximum rates of pay for the classification, duties, required minimum qualifications, required attachments (i.e. exam answers, copies of certificates, transcripts, etc.), final date on which applications will be received, and other pertinent information.

1. Open Competitive Recruitments

Open competitive recruitments will be open to all applicants. There are three types of open competitive recruitments:

a. Standard

The recruitment will be posted on the county website, with a set recruitment period of at least 14 days and may be supplemented by other appropriate means to attract qualified persons for consideration.

b. Open Until Filled

The recruitment will be posted without a closing date and will remain open until sufficient qualified applications are received. Human resources and the hiring manager will periodically review applications to determine a closing date for the recruitment.

c. Open Continuous

The recruitment will remain open indefinitely. This type of recruitment will be used at the hiring department's request when vacancies are frequent. The human resources manager may approve this type of recruitment on a case-by-case basis. As new vacancies occur, human resources will review applications and send an interview list of all qualified applicants to the hiring department.

2. Internal and Active List Recruitments

Internal and Active List Recruitments are restricted to current Marion County initial service, trial service, regular, and temporary employees. The county intends internal recruitments to provide developmental opportunities for current employees who desire a position or career change, regardless of whether the job opportunity resides in their current profession, or represents a reassignment, internal appointment, promotion, or voluntary demotion. In order to qualify as an applicant for an internal

recruitment, the applicant must be an active Marion County employee as of the closing date of the internal or active list recruitment. Internal and Active List Recruitments will be posted on the county website and sent by electronic mail to all county employees at least five working days before the closing date.

3. Recruitments to Hire Temporary Employees

a. Announcements

The hiring department will notify human resources whether a formal announcement for the temporary position is necessary. The hiring department will determine the method and venue of the announcements, with assistance from human resources if desired. Human resources will place such announcements in newspapers or publications for the hiring department if requested.

b. Types of Recruitments

There are three types of temporary recruitments:

Advertised Temporary

Short-term employment to fill a temporary staffing need. Multiple applicants are solicited to fill this type of recruitment.

Relief/On-Call

Ongoing employment to cover vacancies for staff on vacation, sick, or other leave. Multiple applicants are solicited to fill this type of recruitment.

Direct Hire

Direct hire may be used to fill a short-term or relief/on-call need when the hiring department has pre-selected the person(s) it wishes to hire.

D. Filing Applications

Applications are only accepted online. Online applications must be submitted by 11:59 p.m. Pacific Time (PT) on the final filing date listed. Applications filed with the county will become the property of the county. The county may require additional supplemental materials (i.e. background paperwork) for applicants selected to move forward in the hiring process.

E. Disqualified Applications

When disqualifying an application, human resources will send a notice to the applicant explaining the reason for the disqualification.

F. Disqualification of Applicants

At any time during the recruitment process, the county may disqualify applicants from employment consideration for reasons including but not limited to:

- Failure to meet the published qualification requirements for the classification for which application was made
- Inappropriate behavior during the interview process
- Failure to furnish true statements or material facts
- Practice or attempted practice of fraud or deception in connection with filing of an application
- Failure to pass a background check or Department of Motor Vehicles check, drug/alcohol test (See [*Drug and Alcohol Use and Testing Policy*](#) in the *Marion County Administrative Policies and Procedures*), physical examination, or other pre-employment examinations required for the position
- Inability to effectively perform the essential duties of the classification
- Failure of an applicant, after notification, to be present at the time and place designated for any portion of an examination
- Use, or attempted use, of political influence, bribery, threats or intimidation to secure an advantage in testing or appointment
- Prior dismissal from Marion County for cause or resignation in lieu of dismissal

Section 4: Examinations

A. Grading Applications

Human resources, in partnership with representatives from the hiring department, will review the experience, education, training and exam answers, if applicable, to determine a final score for each application.

B. Veteran Preference

Human resources will add appropriate veteran preference points to the application, testing, and interview scores according to the procedure set forth in the Oregon Revised Statutes. (ORS Chapter 408.)

C. Preparing, Scheduling and Conducting Examinations

Human resources will determine the times and locations that examinations are scheduled and may postpone examinations if it serves the best interest of the county. Human resources will prepare and administer all examinations as requested for establishing eligibility lists. Questions on all written and alternative test forms must be job-related.

D. Forms of Examinations

Human resources will work with departments to determine the type of competitive examination the county will administer in order to fairly test and determine an applicant's qualifications to perform the duties of the vacant position. Tests may include, but are not limited to, written examinations, performance tests, experience and education ratings, oral examinations, demonstrations of skill and tests of physical ability to perform the essential job functions, or any combination of tests. Tests may be conducted at any allowed time during the hiring process.

Section 5: Interview Lists

A. Establishment of Lists

When vacancies occur, human resources will establish lists of qualified candidates for the position in the classified service.

B. Types of Lists

1. Open Competitive

Eligibility lists consist of the names of applicants who passed open competitive tests. Human resources will rank candidates by order of their application scores plus any applicable veteran or preference points. This includes recruitments that are designated as open continuous.

2. Internal List

Eligibility lists consist of the names of initial service, trial service, regular and temporary Marion County employees who submitted completed applications, and who met the minimum qualifications for their positions.

Human resources will rank candidates by order of their application scores, plus any applicable veteran or preference points.

3. Active List

Departments may fill a vacant position by accessing an eligibility list previously established for the same classification. This list must not have expired. Before appointing from this list, human resources will post a notification of vacancy for five working days so that the initial service, trial service, regular and/or temporary Marion County employee may submit an application. Human resources must receive applications by 11:59 p.m. Pacific time on the closing date of the recruitment. Employees on the active list may update their applications, however, the most recent application grade will determine placement on the eligibility list.

4. Alternative List

When there is a vacancy in a classification for which the department has already attempted to recruit and there is no eligible list, or if there is an inadequate number of qualified applicants, the personnel officer may authorize human resources to certify names from the eligible list of a higher-level classification in the same classification series.

If there is no appropriate list in the same classification series, human resources may certify a list from a closely related classification for which minimum qualifications, job duties, and examinations are similar to or higher than those required for the class in which the vacancy exists, as determined by the personnel officer.

C. Duration of Lists

1. Open and Internal

Open and internal competitive eligibility lists will be limited to six months from closing date unless the human resources manager grants an extension.

2. Open Continuous/Open Until Filled

Open continuous or open until filled eligibility lists will be limited to 12 months from closing date.

3. Active List

Active lists will be limited to six months from the original recruitment closing date unless the human resource manager grants an extension.

D. Names on Lists

1. Removal of Names from Lists

The personnel officer may temporarily or permanently remove an applicant's name from a list for reasons including, but not limited to:

- An applicant's failure to respond to a written or telephonic inquiry from human resources or an appointing authority relative to availability for appointment. Such written inquiries must include the deadline for an applicant to respond
- An applicant requests removal from the list
- Failure to report for duty as specified by the appointing authority
- Failure to maintain a record of current contact information with human resources
- Willful violation of any of the provisions of these Rules
- In the case of internal lists, separation from county service except while on an active layoff list
- If the human resources manager determines the person is not qualified or not suitable to perform the duties of the classification. Human resources will promptly notify any person whose name is removed from a list for this reason
- Any cause set forth in [Section 3.F](#) (Disqualification of Applicants) of this article

2. Restoration of Names to Eligible Lists

If human resources removes an applicant's name from a list, the applicant may request that human resources restore the applicant to the list. The applicant must file a written request within ten days after the date on which human resources sent the notification, and must justify the requested restoration. Human resources will determine whether to approve the applicant's request.

E. Order and Number of Names Certified

Human resources and representatives from the hiring department will determine the number of names certified to the list. Human resources will place applicant

names on the interview list in alphabetical order. The names certified from an eligibility list will be the names of the top scoring applicants. The list will also include the top three qualified county employees, and any tying scores, if available, less those already on the list in one of the above designations.

F. Notification of Qualified Applicants

1. Department Notification to Applicants

When the hiring department receives the interview list, the department will notify all applicants on the list of their eligibility for interview. Human resources recommends that the department notify applicants at least five days before the interview date, if practical.

2. Availability of Qualified Applicants

Applicants must notify human resources of address, e-mail address, telephone number or other changes that may affect availability for employment.

G. Veteran Preference at Interview

If a veteran is certified to an interview list, human resources will notify the department that there is a veteran on the list. After interviews are completed for interview lists including at least one veteran, the hiring department will contact human resources. Human resources will use one of the following procedures to award veteran preference:

1. If Department Relies on a Scoring System

If the hiring department relies on a scoring system to make its hiring decision and there is a difference of ten or fewer points between the top two candidates, it will contact human resources. Human resources will inform the department as to whether one or more of the finalists is eligible for veteran hiring preference. If one of the finalists is eligible for veteran points, human resources will direct the department to add five or ten points to the veteran's score, depending upon the veteran points for which the applicant qualifies. If the veteran then has the highest score, the department is encouraged to hire the veteran.

2. If Department Does Not Rely on a Scoring System

If the hiring department does not choose to use a scoring system and there is one superlative candidate, the department need not contact human resources. In the case where the top candidates are relatively equal, the hiring department shall contact human resources, who will inform the

department as to whether one of the finalists is a veteran. If so, the hiring department will be encouraged to hire the veteran.

H. Paid Time for Job Interviews

Appointing authorities shall grant full-time and part-time initial service, trial service and regular status employees time off with pay to take any Marion County examination if the examination occurs during the employee's regularly scheduled work hours. Employees shall request time off prior to taking the examination.

I. Action Required/Allowed by Appointing Authority

The appointing authority must notify human resources in writing of the actions taken on applicants. The hiring department must fairly consider all applicants on the list. The following actions by appointing authorities are required:

- Interview each candidate on the interview list using job-related criteria
- Appoint one of the certified candidates or request additional names to replace names of eligible applicants who:
 - Decline or otherwise waive consideration
 - Failed to reply within the specified period to appear for consideration
 - Are determined by the personnel officer to be not satisfactory for valid and pertinent reasons directly connected with the position, based on a written report by the appointing power

In cases where none of the candidates was appropriate for the position, the hiring authority may request the next group of qualified applicants or cancel the recruitment and submit a new Requisition for Recruitment.

Section 6: Appointments

A department may appoint employees only at the beginning of a pay period, unless the human resources manager grants an exception. This includes all types of appointments referenced in this section.

A. New Hires

1. Pay

(See [Administration of Compensation Plan](#), Article 3, Section 5.)

2. Continuous Service Date

(See [Continuous Service Date](#), Article 5, Section 4.A.)

3. Initial Service Period

All new hires must serve a six-month initial service period. Following the six-month period, the employee will accrue vacation leave. (See [Initial Service Period](#), Article 5, Section 2.)

4. Trial Service Period

(See [Trial Service Period](#), Article 5, Section 3.)

5. Performance Evaluation

(See [Performance Evaluation](#), Article 8, Section 2.)

6. Anniversary Date

(See [Anniversary Date](#), Article 5, Section 5.)

7. Leave Benefits

a. Compensation Credit

(See [Compensation Credit](#), Article 6, Section 3.C.)

b. Holidays

(See [Holidays](#), Article 6, Section 3.A.)

c. Personal Holidays

(See [Personal Holidays](#), Article 6, Section 3.B.)

d. Sick Leave

(See [Sick Leave](#), Article 6, Section 3.F.)

e. Vacation Leave

(See [Vacation Leave](#), Article 6, Section 3.E.)

B. Reappointment

As an alternative to making an appointment from an active list, an appointing authority may reappoint a former employee to a position in the classification the employee previously held within the same department. This process is subject to the approval of human resources. The reappointment must occur within 12 months of the date of separation from the county.

1. Pay

Generally, an appointing authority will reappoint an employee at the entrance rate for the classification. If an appointing authority believes it is necessary to reappoint someone above the entrance rate, the appointing authority must submit a Position Review Form to the personnel officer requesting approval. The personnel officer must approve the request before an appointing authority can reappointment someone above the entrance rate.

2. Vacation Leave

An employee may accrue and access vacation leave immediately upon reappointment if the employee was eligible to accrue and use vacation leave before ending employment. (Also, see [Vacation Leave](#), Article 6, Section 3.E.)

3. Continuous Service Date

The county will adjust an employee's continuous service date following reappointment. (See [Adjustment to Continuous Service Date](#), Article 5, Section 4.B.)

4. Vacation Accrual Based on Length of Service

The county will adjust an employee's continuous service date at the time of reappointment. The continuous service date governs an employee's eligibility for vacation accrual based on length of service. Prior service will count towards the 5-, 10-, 15-, and 20-year criteria. (Also, see [Accrual Rates Based on Length of Service](#), Article 6, Section 3.E.2.)

5. Restoration of Sick Leave

Upon reappointment, the county will restore all of an employee's previous sick leave credit. *(Also, see [Sick Leave](#), Article 6, Section 3.F.)*

6. Anniversary/Evaluation Date

The county will adjust an employee's anniversary/evaluation date by one month for each calendar month during which the employee was off the county payroll for more than ten workdays.

The county bases an anniversary cycle on 12 months of service. The county will add the continuous months from the last anniversary date worked by an employee before separation to the continuous months worked after reappointment. When these months equal 12 months, the employee will be eligible for a performance evaluation/merit increase. The county will establish a new anniversary date. *(Also, see [Anniversary Date](#), Article 5, Section 5 and [Continuous Service](#), Article 5, Section 4.)*

7. Initial Service Period

If the employee did not complete initial service before voluntary separation from county service, the employee must complete the remainder of the initial service period following reappointment.

8. Trial Service Period

If the employee did not complete trial service before voluntary separation from county service, the employee must complete the remainder of the trial service period following reappointment. The county will adjust the employee's trial service period by one month for each calendar month that the employee was off the county payroll for more than ten workdays. If the employee completed trial service before separation from county service, no new trial service period is required. *(Also, see [Trial Service Period](#), Article 5, Section 3.)*

9. Personal Holidays

The employee will accrue and access personal holidays upon reappointment if the employee was eligible to accrue and use personal holidays before the end of employment. If the appointing authority reappoints an employee within the same calendar year as the employee left county service, the employee will not accrue personal holidays until the next calendar year. *(Also, see [Personal Holidays](#), Article 6, Section 3.B.)*

10. Previous Service

A reappointed employee retains previously accrued service. The county bases an employee's service on the employee's continuous service date, which the county will adjust by adding one month for each calendar month or partial calendar month in which the employee was off the county payroll for more than ten workdays. (See [Service Adjustments](#), Article 11, Section 4.)

11. Unclassified Employees Reappointed to Classified Service

The county shall restore any lieutenant or sergeant appointed to the unclassified service as a division commander to his or her status as lieutenant or sergeant in the classified service after termination of service as a division commander. There shall be no loss of benefits unless the sheriff terminated the lieutenant or sergeant as a division commander under circumstances that would have constituted cause for termination in the classified service.

Employees who held regular or trial service status in the classified service and are promoted or transferred to a position other than an elected position in the unclassified service may be reappointed in a position in the classified service in the same manner as described in this article.

C. Promotion

A department may promote an employee only at the beginning of a pay period, unless the human resources manager grants an exception.

1. Anniversary/Evaluation Date

The employee's evaluation date changes at the time of promotion. (See [Anniversary Date](#), Article 5, Section 5.)

2. Leave Benefits

There is no change to the employee's vacation and sick leave benefits following promotion. (See [Forms of Leave](#), Article 6, Section 3.)

3. Continuous Service Date

There is no change to an employee's continuous service date following promotion.

4. Pay

Following a promotion, the county will grant an employee a minimum of a 5 % increase and place the employee on step, or move the employee to step 1 of the new pay range, whichever is higher.

5. Initial Service Period

If an employee completed initial service before promotion, no new initial service period is required. If an employee did not complete initial service before promotion, the employee must complete the remainder of the initial service period in the new position. (Also, see [Initial Service Period](#), Article 5, Section 2.)

6. Trial Service Period

Following a promotion, the employee must serve a new trial service period in the new classification. The trial service period is six months for represented and Unit 12 employees and 12 months for non-represented employees. (See [Trial Service Period](#), Article 5, Section 3.)

7. Compensation Credit

Payroll will adjust an employee's compensation credit if an employee who is eligible to receive compensation credit promotes into a unit that has more compensation credit workweeks. (See [Compensation Credit](#), Article 6, Section 3.C.)

8. Longevity

If the promotion involves an employee currently receiving longevity pay, the county will place an employee on longevity only if the employee meets all the eligibility requirements. (See [Longevity](#), Article 6, Section 3.D.)

D. Temporary Employees

Human resources will screen applications for temporary employment to assure that the candidates meet the minimum qualifications for the position. A department may hire a temporary employee only at the beginning of a pay period, unless the human resources manager grants an exception. (See [Temporary Employees](#), Article 11, Section 3.)

E. Reassignment

A reassignment occurs when an employee moves from one position to another

position in the same classification and department without going through the recruitment process.

The appointing authority or employee may initiate the move. An employee who seeks reassignment must submit a written request to the appointing authority. If more than two employees request reassignment to the same position, the appointing authority will decide which employee to reassign. The appointing authority may choose to conduct interviews to find the best fit for the job.

A department may reassign an employee only at the beginning of a pay period, unless the human resources manager grants an exception.

1. Anniversary/Evaluation Date

The employee's anniversary and evaluation dates will not change as the result of a reassignment (*Also, see [Anniversary Date](#), Article 5, Section 5 and [Performance Evaluation](#), Article 8, Section 2.*)

2. Continuous Service Date

The employee's continuous service date does not change as the result of a reassignment. (*See [Continuous Service Date](#), Article 5, Section 4.A.*)

3. Compensation Credit

There is no additional waiting period for eligible employees to access compensation credit following reassignment. Employees who are eligible to receive compensation credit may access compensation credit once they have served six continuous months of county service.

If an eligible employee's FTE changes as the result of the reassignment, payroll will adjust the amount of the employee's compensation credit, based on the new FTE at the time of use. (*Also, see [Compensation Credit](#), Article 6, Section 3.C.*)

4. Pay

An employee's pay will remain the same following reassignment.

5. Sick Leave

The employee is eligible to use sick leave as it accrues following reassignment. (*Also, see [Sick Leave](#), Article 6, Section 3.F.*)

6. Vacation Leave

There is no additional waiting period following reassignment. If the employee served six continuous months of county service in the previous position, the employee is eligible to use vacation leave in the new position. (Also, see [Vacation](#), Article 6, Section 3.E.)

7. Personal Holidays

There is no waiting period following reassignment. If the employee did not use his/her personal holiday(s) in the previous position, the employee is eligible to use personal holiday(s) in the new position. (Also, see [Personal Holidays](#), Article 6, Section 3.B.)

8. Initial Service Period

If the employee completed initial service before the reassignment, the county will not require the employee to complete a new initial service period. If the employee did not complete initial service before reassignment, the employee must complete the remainder of the initial service period in the new position. (Also, see [Initial Service Period](#), Article 5, Section 2.)

9. Trial Service Period

The county will not require the employee to serve a new trial service period following reassignment. (Also, see [Reassignment During Trial Service](#), Article 5, Section 3.F.)

F. Internal Appointment

An internal appointment occurs when an appointing authority, either within the same or different department, selects a current employee via the recruitment process to fill a different position in the same classification or same pay range.

A department may appoint an employee only at the beginning of a pay period, unless the human resources manager grants an exception.

1. Anniversary/Evaluation Date

The employee's anniversary date will not change as the result of an internal appointment. (Also, see [Anniversary Date](#), Article 5, Section 5 and [Performance Evaluation](#), Article 8, Section 2.)

2. Continuous Service Date

The employee's continuous service date does not change as the result of an internal appointment. (See [Continuous Service Date](#), Article 5, Section 4.A.)

3. Compensation Credit

There is no additional waiting period following an internal appointment. An eligible employee may access compensation credit after having served six continuous months of county service.

If an employee's FTE changes as the result of the internal appointment, payroll will adjust the amount of the employee's compensation credit, based on the new FTE at the time of use. (Also, see [Compensation Credit](#), Article 6, Section 3.C.)

If an employee changes departments as the result of the internal appointment, unused compensation credit will move with the employee to the new department.

If the employee changes departments within the same fiscal year in which the employee accessed compensation credit, no new compensation credit will be accrued until the next fiscal year. (Also, see [Compensation Credit](#), Article 6, Section 3.C.)

4. Pay

An employee's pay will remain the same following an internal appointment.

5. Sick Leave

An employee will be eligible to use sick leave as it accrues following an internal appointment. (Also, see [Sick Leave](#), Article 6, Section 3.F.)

6. Vacation Leave

There is no additional waiting period following an internal appointment. If an employee served six continuous months of county service in the previous position, the employee will be eligible to use vacation leave in the new position. (Also, see [Vacation Leave](#), Article 6, Section 3.E.)

7. Personal Holidays

There is no waiting period following an internal appointment. If an employee did not use his/her personal holiday(s) in the previous position, the employee will be eligible to use personal holiday(s) in the new position. (Also, see [Personal Holidays](#), Article 6, Section 3.B.)

8. Trial Service Period

An employee must serve a new trial service period following an internal appointment. (See [Trial Service Period](#), Article 5, Section 3.)

9. Initial Service Period

If an employee did not complete initial service before the internal appointment, the employee must complete the initial service period in the new position. (See [Initial Service Period](#), Article 5, Section 2.)

G. Job Share

Subject to the approval of the appointing authority, employees may participate in a job share position. Employees must submit a written request to the appointing authority, who will review the request and determine the employee's qualifications, the impact of the proposed job share on the department's service delivery, and the percent of time to be worked by each employee in the job share position.

If the county assigns one employee in the job share an FTE of .5 or more, that employee will accrue the benefits for the position. The employee assigned an FTE of less than .5 will not be entitled to benefits other than social security, workers' compensation, unemployment, and retirement.

The two employees must develop a contract that designates who will accrue the position's total benefits. Changes to the contract may only be made during the annual Marion County open enrollment period or if agreeable to both parties, in the event of a qualifying family status change as stated in the Marion County Benefit Plan Rules. The total cost of a job share position shall not exceed one full-time position. The department must attach a copy of the employees' contract to each of the Personnel Action Forms that appoint the employees to the job share position. The department must also submit copies of the contract to employee benefits and to payroll.

1. Pay

(See [Administration of Compensation Plan](#), Article 3, Section 5.)

2. Continuous Service Date

(See [Continuous Service Date](#), Article 5, Section 4.A.)

3. Trial Service Period

(See [Trial Service Period](#), Article 5, Section 3.)

4. Performance Evaluation

(See [Performance Evaluation](#), Article 8, Section 2.)

5. Anniversary Date

(See [Anniversary Date](#), Article 5, Section 5.) (Also, see [Merit Increase](#), Article 3, Section 5.C.1.)

6. Leave Benefits

a. Compensation Credit

(See [Compensation Credit](#), Article 6, Section 3.C.)

b. Personal Holidays

(See [Personal Holidays](#), Article 6, Section 3.B.)

c. Sick Leave

(See [Sick Leave](#), Article 6, Section 3.F.)

d. Vacation Leave

(See [Vacation Leave](#), Article 6, Section 3.E.)

e. Holidays

(See [Holidays](#), Article 6, Section 3.A.)

H. Voluntary Demotion

A voluntary demotion occurs when a department selects an employee via the recruitment process to fill a vacant position with a lower pay range.

A voluntary demotion may also occur when an employee requests to move to a vacant position within the same department without going through the recruitment

process. An employee may submit a written request to the appointing authority asking to demote to a vacant position in a classification with a lower pay range. The employee must be qualified for the position. If the appointing authority concurs with the employee's request, the appointing authority may approve the request. The department does not have to open competitively recruit to fill the position.

A voluntary demotion may only be effective the beginning of the pay period, unless the human resources manager grants an exemption. (Also, see [Demotion](#), Article 9, Section 5.E.)

1. Anniversary Date

An employee's anniversary date will not change as the result of a voluntary demotion. (Also, see [Anniversary Date](#), Article 5, Section 5.)

2. Compensation Credit

There is no additional waiting period for an eligible employee to access compensation credit following a voluntary demotion. Eligible employees may access compensation credit once they have served six continuous months of county service.

If an eligible employee voluntarily demotes within the same fiscal year in which the employee accessed compensation credit, no compensation credit will be accrued until the next fiscal year. If an eligible employee demotes into a unit with fewer compensation credit workweeks, payroll will reduce the employee's compensation credit benefit.

If an employee's FTE changes as the result of the voluntary demotion, payroll will adjust the amount of compensation credit, based on the employee's FTE at the time of use. (Also, see [Compensation Credit](#), Article 6, Section 3.C.)

3. Evaluation Date

An employee's evaluation date will not change as the result of voluntary demotion. (Also, see [Performance Evaluation](#), Article 8, Section 2.)

4. Pay

If an employee voluntarily demotes to a position within the same department, the employee's pay remains the same if it fits within the lower pay range. If the employee's pay rate is outside the lower pay range, the

county will move the employee to the top step of the pay range. (*Also, see [Demotion](#), Article 3, Section 5.C.4*)

If an employee voluntarily demotes to a position within a lower pay range in another department, the county will place the employee on the first step of the pay range. If an appointing authority wishes to appoint an employee at a step higher than the first step, the appointing authority may submit a Position Review Form to human resources requesting a higher step. An employee will not receive a pay increase as the result of a voluntary demotion. (*Also, see [Demotion](#), Article 3, Section 5.C.4.*)

An employee can only move to longevity if the employee meets the eligibility criteria. (*Also, see [Longevity](#), Article 6, Section 3.D.*)

5. Sick Leave

An employee may use sick leave as soon as it accrues following voluntary demotion. (*Also, see [Sick Leave](#), Article 6, Section 3.F.*)

6. Vacation Leave

There is no additional waiting period for vacation leave following voluntary demotion. If an employee served six continuous months of county service in the previous position, the employee is eligible to use vacation leave in the new position. (*Also, see [Vacation Leave](#), Article 6, Section 3.E.*)

7. Personal Holidays

There is no waiting period for personal holidays following voluntary demotion. If an employee did not use his/her personal holiday(s) in the previous position, the employee may access personal holidays in the new position. (*Also, see [Personal Holidays](#), Article 6, Section 3.B.*)

8. Initial Service Period

If an employee served the initial service period before the voluntary demotion, no new initial service period is required. If the employee did not complete initial service before voluntary demotion, the employee must complete the remainder of the initial service period in the new position. (*Also, see [Initial Service Period](#), Article 5, Section 2.*)

9. Trial Service Period

The county does not require a new trial service period for employees who voluntarily demote within their classification series. The trial service

period for employees who voluntarily demote outside of their classification series is six months for represented and Unit 12 employees and 12 months for non-represented employees. (Also, see [Trial Service Period](#), Article 5, Section 3.)

I. Demotion in Lieu of Layoff

(See [Voluntary Demotion in Lieu of Layoff](#), Article 10, Section 6.)

J. Injured Worker Reassignment

The county may reassign an employee who has sustained an on-the-job injury or illness and is unable to perform the essential functions of his/her position. The reassignment will be to a classification within the same or lower pay range. (Also, see [Injured Worker](#) in the Marion County Administrative Policies and Procedures.)

K. Double-Filled Position

An appointing authority may employ two employees in the same position as a double-fill for the following purposes:

- Short-term transitioning of employees to train a new employee
- The pending creation of a position

Employees who double-fill positions must meet the minimum qualifications of those positions and must be appointed in accordance with applicable recruitment and appointment rules, policies, or collective bargaining agreements.

The double-fill method of filling positions shall not exceed six months in duration, and departments must demonstrate the ability to cover the increased costs related to double-filling the position.

The department shall complete a Position Review Form requesting approval to double-fill a position and shall forward it to human resources for processing. The personnel officer and chief administrative officer or deputy county administrative officer must approve double-filling the position before a department can implement the double-fill.

Double-filling a position is not a job share. (Also, see [Job Share](#), Article 4, Section 6.H.)

L. Under-Fill Position

An employee may under-fill a position in a trainee-level classification within the same classification series. For a limited period, a department may under-fill a

position as a training opportunity to prepare an employee for promotion to a higher-level classification within the same classification series. A department will create the higher-level position in the budget and will fill the position with a trainee-level employee. An employee may under-fill a position only until the employee has met the criteria to auto-promote to the higher-level position.

The personnel officer may make exceptions based on departmental needs. Departments must request exceptions by submitting a Position Review Form to the human resources manager, who will route it for approval.

M. Auto-Promotion

An auto-promotion can occur only within a classification established and identified as part of a training program and is not subject to the recruitment process. A department may auto-promote an employee only at the beginning of a pay period, unless the human resources manager grants an exception.

Only an employee under-filling a higher-level position may auto-promote. Before under-filling a position, the appointing authority must outline the criteria for the auto-promotion, including training requirements and timelines.

Once the employee in the trainee-level classification completes trial service and meets the minimum qualifications and performance requirements of the higher-level classification, the appointing authority will promote the employee to the higher-level classification.

The appointing authority or designee will draft a memo stating that the employee has met the criteria to auto-promote. The appointing authority or designee will submit the memo to human resources, along with a Personnel Action Form promoting the employee. The employee will be subject to all rules and policies that relate to promotion. (See [Promotion](#), Article 3, Section 5.C.2.)

If the employee does not meet the criteria for the auto-promotion, the appointing authority or designee will dismiss the employee or begin the layoff process. The personnel officer may make exceptions due to extenuating circumstances.

N. Developmental Assignments

A developmental assignment allows an employee to gain new skills and abilities. Regular employees may apply for a developmental assignment into a vacant position within their own department. The assignment must be to a higher classification. An employee is not required to meet the minimum qualifications of the classification and the employee will receive no additional pay. Developmental assignments are not restricted to the employee's current bargaining unit.

Management must establish developmental assignments for at least one month

and for a maximum of six months, but either management or the employee may terminate the agreement at any time. While on a developmental assignment, the employee will perform the duties of that position, not the duties of the employee's regular position. Any extension of the developmental assignment beyond six months requires personnel officer approval.

The beginning of a developmental assignment must align with the beginning of a pay period.

The department shall complete a developmental assignment agreement and a Position Review Form requesting approval for a developmental assignment and shall forward it to human resources for processing.

Article 5: Initial/Trial Service, Continuous Service, and Anniversary Date

Section 1: Purpose

To provide a working test period during which an employee in a classified position is required to demonstrate by conduct and actual performance of job duties that the employee is qualified and fit for the employee's position. This article applies to all employees except those in the unclassified service (*See the Personnel Rules Preface Section for positions exempt from this section*).

The initial trial service period is six months. The trial service period is six months for represented and Unit 12 employees and twelve months for non-represented employees.

For benefit information related to new employee (initial trial service) and current employee (trial service) who start a new position please see Article 6: Benefits and the Marion County Benefit Plan Rules of Eligibility.

(Also, see [Merit Increase](#), Article 3, Section 5.C. and [Performance Evaluation](#), Article 8, Section 2.)

Section 2: Initial County Trial Service Period

All new Marion County employees appointed to a position must serve a six-month period of initial county trial service that begins with the employee's hire date.

At the end of the initial county trial service period, the appointing authority shall evaluate the employee's performance. If the employee's performance evaluation rating is at least meets expectations, the employee will be removed from initial county trial service. .

The employee's department must submit a Personnel Action Form and the employee's performance evaluation to human resources in order for an employee to complete initial county trial service and be granted regular status. For non-represented employees, departments must submit a Personnel Action Form and the employee's performance evaluation to human resources at the end of the first six consecutive months of service with the county. At the completion of the entire initial county trial service period a Personnel Action Form shall be completed indicating end of initial county trial service. Unless provided for under the provision of protected leave, employees on initial county trial service will not be granted a leave of absence without pay that exceeds ten workdays.

The county will adjust an employee's initial county trial service period by adding one month for each calendar month during which the employee was on unpaid status. (*Also, see [Continuous Service](#), Article 5, Section 4.*)

Section 3: Trial Service Period

A. Reason for Trial Service

A current employee in a classified position must serve a trial service period during which an appointing authority is able to observe the employee's work, train and aid the employee in adjusting to the position, and remove any employee whose performance or fit to the position fails to meet the required standards.

B. Evaluation of Performance During Trial Service

During the trial service period, an appointing authority will evaluate an employee's work, work habits, dependability, and willingness and ability to satisfactorily perform the job duties.

The employee's department must submit a Personnel Action Form and the employee's performance evaluation to human resources in order for an employee to complete trial service.

C. Leave Without Pay During Trial Service

The county will adjust an employee's trial service period by adding one month for each calendar month during which the employee was on unpaid status for more than ten workdays. (Also, see [Continuous Service](#), Article 5, Section 4.)

Section 4: Change in Classification and/or Position During Initial Trial Service or Trial Service Period

A. Internal Appointment During a Trial Service Period

An employee selected via the recruitment process as an internal appointment must serve a new trial service period. (Also, see [Internal Appointment](#), Article 4, Section 6.G.)

B. Reassignment During a Trial Service Period

An employee reassigned before completion of trial service must serve the remainder of the trial service period in the latter position. (Also, see [Reassignment](#), Article 4, Section 6.F.)

C. Promotion During a Trial Service Period

An employee must serve a new trial service period following promotion. (Also, see [Promotion](#), Article 3, Section 5.C.2.)

D. Reclassification During a Trial Service Period

An employee reclassified to a classification with a higher pay range must serve a new trial service period unless the employee has been performing the higher-level duties for at least six months for represented and Unit 12 employees and 12 months for non-represented employees. An employee reclassified to a classification with the same or lower pay range does not have to serve a new trial service period. (Also, see [Reclassification](#), Article 3, Section 5.C.3.)

Section 5: Failure to Pass Initial Trial Service or Trial Service

A. Failure to Pass Trial Service

For new hire employees, it is recommended that an appointing authority dismiss an employee during the initial trial service period if the employee's evaluation rating is less than meets expectations.

A current employee who is on trial service because of a promotion, internal appointment, or reclassification who fails to qualify in the new position for reasons other than misconduct, and who was a regular employee immediately before the position change, will be reinstated to the employee's former position, unless that position no longer exists or is no longer vacant.

If the former position no longer exists or is no longer vacant, the appointing authority may dismiss the trial service employee. Before dismissal, the appointing authority shall consult with human resources.

B. Dismissal During Trial Service

An appointing authority may dismiss an employee at any time during an employee's trial service period if, in the opinion of the appointing authority, the employee is unable or unwilling to satisfactorily perform the duties of the job. The appointing authority may also dismiss an employee if the employee's work habits, conduct, or dependability does not merit continuance. Before dismissal, the appointing authority shall consult with human resources.

Section 6: Continuous Service

Continuous service is county service unbroken by an absence without pay of more than ten workdays in a calendar month.

A. Continuous Service Date

Generally, the continuous service date is the first day of employment for all employees hired after the implementation of Marion County's Oracle system on January 1, 1999.

The county bases the continuous service date for employees hired before the implementation of the Oracle system on the time of the month in which the employee was hired. In this case, the continuous service date for an employee hired on the first of the month is the employee's actual hire date. The continuous service date for an employee hired mid-month is the first of the month following the employee's hire date.

B. Adjustment to Continuous Service Date

The county will adjust an employee's anniversary/evaluation date by adding one month for each calendar month during which the employee was on unpaid leave status for more than ten workdays. The county will not adjust the continuous service date for employees on unpaid military leave, workers' compensation, or approved protected leave.

C. Effect on Vacation Accrual

(See [Vacation Leave](#), Article 6, Section 3.E.)

D. Effect on Longevity

(See [Longevity](#), Article 6, Section 3.D.)

E. Following Reappointment

(See [Continuous Service Date/Reappointment](#), Article 4, Section 6.C.3.)

F. Recall from Layoff

(See [Recall from Layoff](#), Article 10, Section 7.)

Section 7: Anniversary Date

An employee's anniversary date is the date upon which the last appointment, promotion, or reclassification occurred and the date upon which an employee is normally eligible for a merit increase. The anniversary date usually coincides with the employee's evaluation date.

A. New Employees

The anniversary date for new employees, whether full-time or part-time, is generally six months from the hire date. At that time, if the employee's performance evaluation rating is at least meets expectations, the county will advance the employee to the next step in the pay range and will establish a new anniversary date. The employee will usually be eligible for merit increases

annually thereafter until the employee reaches the top step of the pay range. (Also, see [Merit Increase](#), Article 3, Section 5.C.1.)

If an appointing authority places an employee on the top step of the pay range at the time of hire, no further anniversary date is established. The employee's next pay increment will be to longevity 1. (Also, see [Longevity](#), Article 6, Section 3.D.)

B. Following Promotion

Following an employee's promotion to a classification with a higher pay range, the county will establish a new anniversary date for the employee. (Also, see [Promotion](#), Article 3, Section 5.C.2.)

C. Recall from Layoff

The county shall establish a new anniversary date for a laid off employee who is recalled from layoff. The county bases its anniversary cycle on 12 months of county service. The county adds the continuous months from the employee's last anniversary date before layoff to the continuous months worked after recall. When these months equal 12 months, the employee will be eligible for a performance evaluation/merit increase and the county will establish a new anniversary date. (Also, see [Recall from Layoff](#), Article 10, Section 7.)

D. Reappointment

(See [Reappointment/Anniversary Date](#), Article 4, Section 6.C.6.)

E. Following Unpaid Leave

The county will adjust the anniversary date by adding one month for each calendar month during which an employee is on unpaid status for more than ten workdays. The county will not adjust the anniversary dates for employees on unpaid military leave or workers' compensation, but will adjust the anniversary dates for employees who are on unpaid protected leave status.

F. Following Reclassification Upward

The county will establish a new anniversary date for employees reclassified to a position in a classification with a higher pay range. (Also, see [Reclassification Upward](#), Article 3, Section 5.C.3.a.)

G. Following Reclassification Downward

The county will not adjust the anniversary date for employees reclassified to a position in a classification with a lower pay range. (Also, see [Reclassification Downward](#), Article 3, Section 5.C.3.c.)

H. Following Reclassification to Same Pay Range

The county will not adjust the anniversary date for employees reclassified to a position in a classification with the same pay range. (Also, see [Reclassification to Same Pay Range](#), Article 3, Section 5.C.3.b.)

I. Following Pay Range Adjustment

The county will not change an employee's anniversary date after human resources has made a pay range adjustment to an employee's job classification. The county will move the employee into the new pay range at the employee's existing rate of pay and place the employee on step. An employee will be eligible to move to the next step on the employee's regular anniversary date. If the pay range adjustment places an employee between steps, the county will move the employee to the next higher step. If the employee's current pay rate is below the first step of the higher pay range, the employee will be moved to step 1 of the higher range. (Also, see [Pay Range Adjustment](#), Article 3, Section 5.C.7.)

Article 6: Benefits

Section 1: Purpose

Marion County provides elected officials and non-represented regular employees the benefits listed below. To be eligible for benefits, employees must be assigned an FTE of .5 or higher. Employees assigned an FTE of less than .5 are not eligible for benefits. Eligibility requirements for specific employee benefits are outlined in the *Marion County Employee Rules of Eligibility*. The board of commissioners may grant additional or alternative benefits.

Section 2: Insurance/Retirement Benefits

A. Medical Insurance

The county will pay a portion of the premium for a medical insurance program. Part-time employees with an FTE of .5 or higher generally receive full medical benefits. (Also, see [*Job Share*](#), Article 4, Section 6.H.)

B. Dental Insurance

The county will pay a portion of the premium for a dental insurance program. Part-time employees with an FTE of .5 or higher generally receive full dental benefits. (Also, see [*Job Share*](#), Article 4, Section 6.H.)

C. Life Insurance

The county will pay the premium for term life and accidental death and dismemberment insurance coverage.

D. Long-Term Disability

The county will pay the premium for long-term disability insurance coverage.

E. Optional Insurance Programs

Employees who participate in optional insurance programs authorized by the board of commissioners may do so at their own expense through payroll withholding. Employees on non-paid leave status must make their own arrangements with employee benefits to continue insurance benefits at their own expense, subject to the contract terms and conditions between Marion County and the insurance carriers.

F. Employee Assistance Program (EAP)

The county will pay for an Employee Assistance Program that provides for confidential counseling sessions for benefits-eligible employees and their covered dependents, subject to the limitations of the EAP plan.

G. Retirement

1. PERS/OPSRP

The county will maintain membership in the Public Employees Retirement System (PERS) and the Oregon Public Service Retirement Plan (OPSRP). Subject to provisions of Oregon law, the county will contribute 6% of eligible employees' wages to be credited to the employees' Individual Account Program (IAP).

The employee shall have no option to receive the amount withheld and contribute directly instead of having it paid by the county to the IAP.

Subject to the provisions of Oregon law, the county will participate in the sick leave conversion program under PERS.

2. 401(k) Employee Savings Plan

The county will establish and maintain 401(k) accounts for eligible employees and will contribute an amount, approved by the board of commissioners, into an employer account in the employee's name. The county contribution of base pay is 7.5% for elected officials (Units 1 and 11) and department heads (Unit 10), and 2.5% for management and supervisors (Units 2 & 13). The county invests account contributions with a financial provider approved by the board of commissioners. Employees have the option to contribute to an elective contributions account at their expense through payroll withholding.

Unit 12 employees and employees represented by a collective bargaining agreement are not eligible for 401(k) accounts.

3. 457 Deferred Compensation Plan

Employees have the option to participate at their expense in the Marion County sponsored 457 Deferred Compensation Plan. Retirement plan rules of eligibility are outlined in the *Marion County Benefit Plan Rules*.

Section 3: Forms of Leave/Pay

A. Holidays

The following holidays are recognized and observed as paid holidays for regular or trial service employees:

- New Year's Day (January 1)
- Martin Luther King's Birthday (Third Monday in January)
- President's Day (Third Monday in February)
- Memorial Day (Last Monday in May)
- Independence Day (July 4)
- Labor Day (First Monday in September)
- Veteran's Day (November 11)
- Thanksgiving Day (Fourth Thursday in November)
- Christmas Day (December 25)

(Also, see [Holiday Pay](#), Article 3, Section 5.C.13.)

B. Personal Holidays

Regular and trial service employees with an FTE of .5 or higher are entitled to two personal holidays each calendar year. Employees must take these two workdays off in full-day increments. The length of the workdays for the personal holidays is equal to the number of hours the appointing authority would have regularly scheduled the employee to work. For example, if an appointing authority schedules an employee to work eight hours and the employee takes that day off as a personal holiday, the county will pay the employee for eight hours. If an appointing authority normally schedules an employee to work ten hours and the employee takes that day off as a personal holiday, the county will pay the employee for ten hours. This term for this is day for day.

Employees accrue personal holidays on January 1 of each year and must use them by December 31 of the calendar year in which the holiday is earned. Employees shall schedule personal holidays in the same manner as vacation leave and may not carry personal holidays forward into the following year.

C. Compensation Credit

Compensation credit is available only to employees hired prior to July 1, 2008. Employees working .5 FTE or more in a regular position shall receive compensation credit to be taken as leave time or as additional pay at the employee's option. Employees working less than .5 FTE do not accrue compensation credit. Compensation credit is accrued July 1 and employees must use compensation credit within the fiscal year (July 1 – June 30).

1. Accrual Rates

Accrual rates for employees are:

- Units 1 and 10 = four workweeks
- Units 2 and 13 = three workweeks
- Unit 12 = the same number of workweeks as negotiated between MCEA and Marion County

The board of commissioners may adjust the number of weeks available to employees.

Eligible employees who are on unpaid leave on July 1 do not accrue compensation credit for the new fiscal year until the employees return to work.

2. Adjustment Following Unit Change

If an eligible employee moves into a unit that accrues more compensation credit, the employee will accrue the additional compensation credit at the time of the unit change.

If an eligible employee moves into a unit that accrues fewer weeks of compensation credit, and the employee's existing balance is more than is allowed for this unit, payroll will adjust the employee's balance downward to the number of units allowed. Payroll will adjust the balance based on the amount of accrued compensation credit at the time of the unit change.

Before moving to a unit that has fewer weeks of compensation credit, an eligible employee may take the difference between the two units as payout or leave. For example, if an employee in Unit 2 has three weeks of accrued compensation credit and will be moving into Unit 12, where only two weeks' accrual is allowed, the employee can take one week of compensation credit as either leave or pay prior to the unit change. If the employee does not use the additional week of compensation credit before the unit change, payroll will adjust the employee's compensation credit balance to two weeks at the time of the unit change. If the Unit 2 employee takes one week of compensation credit before the move to Unit 12, the employee will move into Unit 12 with two weeks of accrued compensation credit and payroll will make no further adjustment.

3. Pay or Leave Time

Employees may elect to schedule leave or ask for compensation in increments as small as one day.

If an employee has compensation credit remaining at the end of the fiscal year, the employee may request payment for the balance. The employee must include the remaining compensation credit hours on a timecard during a pay period that will result in a paycheck dated no later than the end of the fiscal year in which the compensation credit was accrued.

4. FTE

An eligible employee shall receive compensation credit based on the employee's FTE at the time of use. If an employee changes FTE, payroll will adjust the employee's balance of compensation credit.

5. Eligibility for Use

Employees who are eligible to receive compensation credit may access compensation credit following six continuous months of county service.

6. End of Employment

The county will pay unused compensation credit on the final paycheck if the eligible employee has completed six continuous months of county service.

7. Following Internal Appointment

(See [Internal Appointment/Compensation Credit](#), Article 4, Section 6.G.3.)

8. Following Reassignment

(See [Reassignment/Compensation Credit](#), Article 4, Section 6.F.3.)

9. Opting Out

Employees hired July 1, 2008, or later do not receive compensation credits. In lieu of receiving compensation credits, new employees receive a higher rate of pay generated by rolling the value of the compensation credits into the base rate of pay.

Effective July 1, 2009, employees hired before July 1, 2008, may make a one-time, permanent election to opt-out of compensation credits in return for the higher pay rate. Once enrolled in this program, an employee may not return to receiving compensation credits and pay at the lower salary schedule.

D. Longevity

Longevity is pay based on length of county service. Elected officials do not receive longevity pay.

1. Continuous Service Date

The county bases eligibility for placement on longevity on the employee's continuous service date. (Also, see [Continuous Service Date](#), Article 5, Section 4.A.)

2. Eligibility for Longevity 1

To qualify for longevity 1, an employee must have served ten years of county service and must have been on the top step of the current pay range for at least one year.

Effective July 1, 2005, longevity 1 adds 5% to the top step of the employee's pay range.

3. Eligibility for Longevity 2

To qualify for longevity 2, an employee must have served 15 years of county service and must have been on longevity 1 of the current pay range for at least one year. Effective July 1, 2005, longevity 2 adds 10.25% to the top step of the employee's pay range.

4. Eligibility for Longevity 3

To qualify for longevity 3, an employee must have served 20 years of county service and must have been on longevity 2 of the current pay range for at least one year. Effective September 12, 2016, longevity 3 adds 12.75% to the top step of the employee's pay range.

5. Possible Exceptions to Eligibility for Longevity

There are some instances when an employee is not required to wait a full year before moving to longevity 1, longevity 2, or longevity 3.

Exceptions may sometimes occur following a pay range adjustment, extra-meritorious pay increase, promotion or upward reclassification.

a. Pay Range Adjustment

If the result of a pay range adjustment is the top step of the new pay range, the employee will be eligible to move to longevity 1 on the employee's regular anniversary date if the employee has met

the ten-year county service requirement as of the employee's anniversary date.

If the result of a pay range adjustment is between the top step of the new pay range and longevity 1, the employee shall be placed on longevity 1 if the employee has met the ten-year county service requirement as of the date of the pay range adjustment.

If the result of a pay range adjustment is longevity 1 of the new pay range, the employee will be eligible to move to longevity 2 on the employee's regular anniversary date if the employee has met the 15-year county service requirement as of the employee's anniversary date.

If the result of a pay range adjustment is between longevity 1 and longevity 2, an employee shall be placed on longevity 2 if the employee has met the 15-year county service requirement as of the date of the pay range adjustment.

If the result of a pay range adjustment is between longevity 2 and longevity 3, an employee shall be placed on longevity 3 if the employee has met the 20-year county service requirement as of the date of the pay range adjustment.

(Also, see [Pay Range Adjustment](#), Article 3, Section C.7)

b. Extra-Meritorious Pay Increase

If an extra-meritorious pay increase places an employee on the top step of the new pay range, the employee will be eligible to move to longevity 1 on the employee's regular anniversary date if the employee has met the ten-year county service requirement as of the anniversary date.

If the employee completes the ten-year county service requirement prior to the regular anniversary date, the employee will be eligible to move to longevity 1 as of the ten-year county service date. (Also, see [Extra-Meritorious Pay Increase](#), Article 3, Section 5.C.11 and [Continuous Service Date](#), Article 5, Section 4.A.)

c. Promotion

If the 5% pay increase is between the top step of the pay range and longevity 1, the employee shall be placed on longevity 1 if the employee has met the ten-year county service requirement as of the date of the promotion.

If the 5% pay increase is between two longevity rates, the employee shall be placed on the higher longevity rate if the employee has met the county service requirement for the higher longevity rate as of the date of the promotion.

(Also, see [Promotion](#), Article 3, Section 5.C.2.)

d. Upward Reclassification

If the 5% pay increase is between the top step of the pay range and longevity 1, the employee shall be placed on longevity 1 if the employee has met the ten-year county service requirement as of the date of the upward reclassification.

If the 5% pay increase is between two longevity rates, the employee shall be placed on the higher longevity rate if the employee has met the county service requirement for the higher longevity rate as of the date of the upward reclassification.

(Also, see [Reclassification Upward](#), Article 3, Section 5.C.3.a.)

E. Vacation Leave

The county shall credit regular or trial service employees working .5 FTE or more with vacation leave after the employees have completed six continuous months of county service. Employees working less than .5 FTE do not accrue vacation leave. Employees will not accrue vacation leave while on unpaid status.

1. Beginning Accrual Rates

Accrual rates are 4.000 hours for full-time employees who work a 40-hour workweek and 3.75 hours for full-time employees who work a 37.5-hour workweek. The county prorates accrual rates for part-time employees who work .5 FTE or more, based on the employees' FTE.

2. Accrual Rates Based on Length of Service

The amount of vacation leave for full-time employees, which is accrued each bi-weekly pay period, increases with years of county service as follows, beginning with the third year:

40-hour Workweek

3 years of service = 14 days/year or 4.308 hrs/pay period
5 years of service = 16 days/year or 4.924 hrs/pay period
10 years of service = 18 days/year or 5.539 hrs/pay period

15 years of service = 21 days/year or 6.462 hrs/pay period
20 years of service = 24 days/year or 7.384 hrs/pay period

37.5-hour Work Week

3 years of service = 14 days/year or 4.039 hrs/pay period
5 years of service = 16 days/year or 4.616hrs/pay period
10 years of service = 18 days/year or 5.193 hrs/pay period
15 years of service = 21 days/year or 6.058 hrs/pay period
20 years of service = 24 days/year or 6.924 hrs/pay period

The county prorates the amount of vacation leave for part-time employees as related to years of county service.

3. Continuous Service

Continuous service, for the purpose of determining eligibility for vacation accrual based on length of service, is service unbroken by separation from the county service, except for employees recalled from layoff, time spent on military leave, an authorized leave of absence with pay, any qualifying protected leave, or a leave without pay resulting from a job-incurred injury.

The county shall adjust an employee’s continuous service date by one month for each calendar month or partial calendar month that an employee is on unpaid leave status for more than ten workdays.

4. Part-Time Employees

Regular part-time employees working .5 FTE or more accrue vacation leave based on the employees’ FTE.

5. Exempt Employees

Exempt employees who miss more than half of their assigned daily work shift for vacation purposes are required to use vacation leave to cover the absence.

Department heads, elected officials or their designees may use their discretion in allowing exempt employees to take some time off without using leave to make up for some hours worked in excess of 40 hours per week. This leave is at the sole discretion of the department head, elected official or designee and employees should not expect this to occur with any regularity. Any leave of this nature will be tied to special situations,

such as budget preparation and hearings, open enrollment or other special situations that fall outside of the norm for that position.

6. Scheduling Vacations

Employees must submit vacation requests in advance. Supervisors will review the requests and give due consideration to the desires of individual employees, as well as the operational needs of the department. Appointing authorities may amend vacation schedules to meet work emergencies or to grant requests of individual employees.

If two or more employees request to take vacation during the same period and the matter cannot be resolved by agreement of the parties concerned, the employee with the most seniority with the county shall be granted vacation time. An appointing authority shall not give this seniority consideration more than once every two years.

7. Maximum Accumulation of Vacation Hours

An employee shall not accumulate more than 250 hours of vacation leave. An employee who is at or near the maximum accrual may notify the appointing authority five days in advance of their need to use accrued vacation leave. The appointing authority will allow the use of accrued vacation to reduce the leave balance and ensure further vacation accrual. This action shall not constitute a basis for disciplinary action. Requests made less than five days in advance may be denied subject to the operational needs of the department.

8. Vacation Following Internal Appointment/Reassignment

When an appointing authority selects an employee through the recruitment process as an internal appointment, or when an appointing authority reassigns an employee, the new appointing authority shall assume the employee's vacation leave balance. If an employee was eligible to take vacation before the internal appointment or reassignment, the employee will be eligible to take vacation following the internal appointment or reassignment. If an employee had not yet met the eligibility criteria for taking vacation prior to the internal appointment or reassignment the employee must meet the criteria in the new department before being eligible to use vacation.

9. Vacation Following Reappointment

An employee may accrue and access vacation leave immediately upon reappointment if the employee was eligible to accrue and use vacation

leave before ending employment. (Also, see [Reappointment](#), Article 4, Section 6.C.)

10. Vacation at the End of Employment

An employee who terminates during the initial six months of employment will not be entitled to cash compensation in lieu of vacation leave. An employee who separates from Marion County after serving six consecutive months will be entitled to cash compensation at the employee's hourly rate at the time of termination.

11. Vacation in Lieu of Sick Leave

An employee who has insufficient sick leave and who remains off work due to an illness not covered by family medical leave may request to use vacation leave to cover the absence. The employee must request to use vacation before exhausting sick leave. The appointing authority or designee retains the authority to grant or deny an employee's request to use vacation leave while the employee is ill. (Also, see [Sick Leave Utilization](#), Article 6, Section 3.F.4.)

F. Sick Leave

Employees, in regular positions, who work .5 FTE or more, accrue sick leave. Employees who work less than .5 FTE do not accrue sick leave. Sick leave accrues upon hire and employees may access it as soon as it accrues. The county has no cap on the amount of sick leave an employee may accrue. Employees will not accrue sick leave while on unpaid status. (See also [Protected Leave](#) in the *Marion County Administrative Policies and Procedures*.)

1. Accrual Rates

The sick leave accrual rate for full-time employees who work a 40-hour workweek is 3.693 hours per bi-weekly pay period. The sick leave accrual rate for employees who work a 37.5-hour workweek is 3.462 hours per bi-weekly pay period

2. Part-Time Employees

Part-time employees who work .5 FTE or more shall accrue prorated sick leave based on the employees' FTE.

3. Exempt Employees

Exempt employees who miss more than half of their assigned daily work shift for sick leave purposes are required to use sick leave to cover the absence.

4. Sick Leave Following Move to Another Department

When an employee promotes, voluntarily demotes, or when an appointing authority selects an employee as an internal appointment and the employee moves to another department, the new appointing authority shall assume the employee's sick leave balance.

5. Sick Leave Utilization

An employee may utilize accrued sick leave when the employee is unable to work due to illness injury, pregnancy, or for medical or dental care of the employee or the employee's immediate family. An employee may utilize sick leave in increments as small as the county payroll system will allow. *(See #7 below for definition of immediate family member).*

Absence to provide care to an ill family member shall be limited to the time the employee's presence is actually required unless the absence is covered under protected leave. *(See [Protected Leave](#) in the Marion County Administrative Policies and Procedures.)*

An appointing authority may require evidence that an employee is under a doctor's care if the employee's sick leave exceeds five consecutive workdays. Such evidence may be a certification from the employee's health care provider indicating that an illness or injury prevents the employee from working.

An employee is not automatically entitled to use vacation leave, personal holidays, compensatory time, or compensation credit for sick leave purposes. If an employee has exhausted or will exhaust all accrued sick leave, the employee must request in writing to management to use any other accruals for such absences.

6. Required Medical Exam

In the event that the County requests or requires an employee to undergo a medical examination by an independent medical provider, the county will pay any expenses not covered by insurance.

7. Immediate Family Members

For the purpose of this section, immediate family members includes spouse, parents, child, sister, brother, grandparents, grandchildren,

domestic partner and equivalent in-laws. This also includes other relatives who reside in the employee's household.

8. Bereavement Leave

The county will allow an employee to use accumulated sick leave for each death of an immediate family. (See [Immediate Family Members](#), #7 above.)

The amount of sick leave authorized for bereavement leave shall be the amount required under state and/or federal protected leave laws. If the employee does not qualify under the protected leave policies, they may take a maximum of five work days. (See [Protected Leave in the Marion County Administrative Policies and Procedures](#).)

9. Vacation Leave Donations

In accordance with county policy, an employee who is on protected leave and unable to return to work due to their own serious illness or injury which is life threatening or requires a lengthy convalescence, may request donated vacation leave (See [Leave Donation Program](#) in the Marion County Administrative Policies and Procedures.)

10. Sick Leave Without Pay

Before exhausting all accumulated sick leave, an employee shall submit a written request to the appointing authority requesting sick leave without pay. Upon an employee's request, the county shall grant sick leave without pay for one period not to exceed 60 calendar days.

An employee is eligible to exercise this option only once in a 12-month period, based on a calendar year, and must take the days off consecutively. Upon returning to work, the appointing authority shall return the employee to the former position and shift in that week's schedule. The employee shall notify the county before returning to work. If the event qualifies as a protected leave, then the appointing authority shall follow all required protective leave laws, policies, and guidelines. (See [Protected Leave in the Marion County Administrative Policies and Procedures](#).)

An appointing authority shall not grant sick leave without pay until an employee has exhausted all sick leave or other forms of leave approved for sick leave use by the appointing authority, or unless an appointing authority has denied the leave per Sick Leave Utilization. (See [Sick Leave Utilization](#), Article 6, Section 3.F.4.)

11. Sick Leave Following Reinstatement or Recall from Layoff

When the county reinstates an employee following a hearing or recalls an employee from layoff the county shall restore the employee's sick leave accrued during the employee's previous employment.

12. Sick Leave Following Reappointment

The county shall restore an employee's previous sick leave credit when an appointing authority reappoints an employee. (*Also, see [Reappointment](#), Article 4, Section 6.C.*)

13. Sick Leave Notification

An employee who is ill and unable to report to work shall make a reasonable effort to notify the employee's supervisor no later than 30 minutes after the scheduled reporting time. In case of a continuing illness, the employee shall keep the immediate supervisor advised on a daily basis of the employee's inability to report to work.

14. Sick Leave Investigation

The county may disallow the use of sick leave if an employee is abusing sick leave.

If a supervisor believes that an employee is using sick leave for reasons other than the employee's own illness, the illness of an immediate family member, injury, pregnancy, necessity medical or dental care or other qualified protected leave, the supervisor may initiate an investigation by contacting human resources to discuss the details of the allegations.

If human resources agrees with the supervisor's assessment, then human resources will begin an investigation using necessary county resources and staff.

The county will conduct all sick leave investigations in a manner that will provide the necessary operational information while protecting the privacy of the employee. As part of the investigation, the county will contact the employee and ask the employee to provide information to address the county's concerns.

Upon completion of the investigation, human resources will relay the findings to the appointing authority.

15. End of Employment

When an employee separates from county service, the county will not compensate the employee for unused accrued sick leave.

G. FMLA/OFLA

Marion County will adhere to federal and state laws governing family medical leave. (Also, see [Family Medical Leave Policy](#) in the Marion County Administrative Policies and Procedures.)

H. Other Leave Types

1. Administrative Leave (Paid)

The county may place an employee on administrative leave following a consultation between the appointing authority and human resources. An employee must remain available during work hours while on administrative leave. An appointing authority shall not use administrative leave as a sanction. (Also, see [Administrative Leave](#), Article 9, Section 4.A.)

2. Compensatory (Comp) Time

A non-exempt employee may occasionally work in excess of the hours scheduled in a regular workweek. This requires prior approval from the appointing authority. The appointing authority will determine if the extra hours will be included in the employee's pay or whether the time is accrued as compensatory time. The employee must schedule compensatory leave in the same manner as vacation. There is a 40-hour accrual cap on compensatory time. Compensatory time must be taken as leave or pay within one year of accrual. When an employee terminates employment, the employee shall be paid for compensatory time at the hourly rate the employee was receiving at the time of separation.

3. Workers' Compensation

The county will withhold a contribution from the wages of each employee, as required by ORS 656.506.

The claim for an employee who suffers an occupational injury or illness will be administered in accordance with ORS 656 and Marion County's Injured Worker Policy and Procedures. (See [Injured Worker Policy](#) in the Marion County Administrative Policies and Procedures.)

4. Temporary Interruption of Employment

(See [Reduced Staffing and/or Temporary Closure of County Offices](#) in the Marion County Administrative Policies and Procedures.)

5. Military/Peace Corps Leave

The county shall grant military and Peace Corps leave in accordance with Oregon Revised Statutes and federal law.

6. Jury/Court Duty

The county shall grant an employee a paid leave of absence for:

- Service with a jury (regular and trial service employees only)
- Attendance in court, legislative committee or judicial or quasi-judicial body in connection with an employee's officially assigned duties, including the time required going from and returning to the work place

An employee excused from jury service or a court appearance before the end of the workday shall report immediately to the employee's supervisor. The employee may retain payment for mileage but must remit all jury and witness fees to the county.

Employees shall be granted time off for appearance in response to a subpoena before a court, legislative committee or judicial or quasi-judicial body on a matter not related to their official duties. Employees will use accrued leave if available.

7. Leave of Absence Without Pay

An appointing authority may authorize unpaid absences or extensions of absences not to exceed one year in instances where an employee's temporary absence will not hinder the county's operations. An employee's request for leave must be in writing and must establish reasonable justification for approval of the request. If the appointing authority denies the leave, the employee may appeal to the chief administrative officer or deputy county administrative officer within ten days of the denial. The chief administrative officer or deputy county administrative officer's decision is final.

An employee granted leave without pay must exhaust all accrued vacation leave before commencing leave without pay.

8. Failure to Return from Leave

The county shall consider an employee to have resigned the employee's position when an employee granted a leave of absence fails, for any reason, to return to work at the expiration of the leave.

If an employee wishes to request an extension of the leave of absence without pay, the employee must make the request before the leave of absence expires and must do so by furnishing evidence of the employee's inability to return to work because of sickness, physical disability, or other legitimate reasons beyond the employee's control. Otherwise, the county shall declare the position vacated.

9. Absence Without Leave

The county shall deem an absence of an employee from duty, not approved by the appointing authority, as absence without leave. This includes any absence for a single day or for any part of a day. An appointing authority may discipline an employee for being absent without leave. Absence without leave of three or more consecutive working days may result in the county declaring the position vacant and the appointing authority terminating the employee.

Article 7: Training

Section 1: Purpose

It is the intent of Marion County to create a positive work environment where employees are informed, productive, valued, and respected. It is also the intent of the county to link individual employee goals with departmental and organizational goals. The county takes a preventive approach to liability concerns through awareness training, policy distribution, skill building, and role clarification. It is intended that with a clear understanding of roles, responsibilities, and expectations, employees shall be successful and productive.

Section 2: Training Activities

The county encourages and promotes training and development opportunities for employees and supervisors to help the county achieve its mission and goals, and to improve departmental and individual efficiency and effectiveness. The human resources offers training opportunities that support the growth and development of all Marion County employees. Human resources also assists departments in meeting their training needs.

Training activities may include on-the-job training, department-specific training, one-on-one coaching, group facilitation, mentoring, computer-based learning, and conferences.

Employees must obtain supervisor approval before registering for training sessions that occur during work hours.

Section 3: New Employee Orientation

The county provides an orientation to familiarize new employees with the mission and vision of Marion County and inform them of county wide policies and procedures. New employee orientation is mandatory for all new employees. The county will generally schedule countywide orientation every other week. The county expects new employees to attend orientation before starting work in their hiring departments.

Following new employee orientation, new employees will report to their hiring departments. The departments will provide the employees with an orientation to the departments and new positions. Most employees must complete this orientation within the first 15 days on the job.

All new employees must complete a checklist and sign off on key Marion County policies and training received at new employee orientation.

Section 4: Management Development

All managers and supervisors are required to complete a managerial assessment within the first 12 months of employment or promotion, and before completing trial service. Human resources will use the managerial assessment to assist the appointing authority or designee to develop individual management development plans. The plan will be included as part of the performance evaluation. Human resources will annually offer a supervisory training class for new supervisors or others as deemed appropriate by the appointing authority and human resources.

Section 5: Mandated Training

Marion County may mandate training for new and existing staff and will communicate that information to staff as appropriate

Section 6: Authorized Training, Travel and Conference Attendance

Employees must obtain prior approval from the appointing authority to attend a conference or training. In order to receive reimbursement for food, lodging, and travel expenses, employees must comply with Marion County policy. Out of country travel on county business requires prior authorization from the County Administrative Officer or Deputy County Administrative Officer. *(Also, see [Reimbursement of Miscellaneous Travel Expenses](#) in the Marion County Administrative Policies and Procedures.)*

Section 7: Tuition Aid and Educational Assistance

(See [Tuition Payments](#) policy in the Marion County Administrative Policies and Procedures.)

Article 8: Performance Evaluation Process

Section 1: General Policy

It is Marion County's policy to review the work of each employee in the classified service to assure that the employee is meeting the performance expectations for that particular position. The employee performance evaluation is a constant process that takes place with or without a written performance evaluation. The role of the supervisor is to support an employee's effort to maximize the employee's potential. The evaluation process should be flexible, objective, and consistent. The process should review the past, analyze the present, and plan for the employee's future.

The review shall include an evaluation of an employee's work performance, which includes acknowledgement of accomplishments, a review of work performance problems that occurred during the previous year, and the establishment of performance goals for the coming year. This article applies to all employees except those in the unclassified service. (See [Unclassified Service](#), Preface.)

Section 2: Performance Evaluation

The personnel officer, in consultation with the appointing authorities, shall establish a system designed to fairly evaluate employee work performance. The evaluation will also outline ways to improve employee performance. The appointing authority shall prepare and record evaluations for all employees at least annually.

A. Initial Service Period/Merit Increase

A performance evaluation is required when an employee completes initial service and when an employee is eligible for a merit increase. The employee and supervisor must sign the evaluation. If the employee refuses to sign the evaluation, the supervisor must write on the evaluation that the employee refused to sign. The supervisor shall submit the evaluation to human resources in accordance with established due dates. A Personnel Action Form shall also be submitted to human resources to remove the employee from initial service, and/or grant the employee a merit increase if the employee has met the criteria. (Also, see [Merit Increase](#), Article 3, Section 5.C.1.)

It is recommended that an appointing authority dismiss an initial service employee if the employee's performance evaluation rating is less than meets expectations.

B. Completion of Trial Service With No Merit Increase

When an employee is due to complete trial service and no merit increase is due, the supervisor shall submit a memo to the employee's personnel file declaring

whether the employee has met the criteria for passing trial service. The supervisor shall submit this memo to human resources with the Personnel Action Form removing the employee from trial service if the employee has met the criteria.

C. Annual Evaluation With No Merit Increase

Once an employee reaches the top step of the pay range, the employee is not eligible for further merit increases; however, the appointing authority must complete an employee performance evaluation annually thereafter. A memo to the employee's personnel file is not sufficient.

Section 3: Procedure

A. Supervisor Review

Supervisors shall meet individually with each employee to evaluate the employee's work performance at least once per year. The appointing authority shall give the employee a copy of the evaluation at the time of the evaluation.

In the event that two or more departments share an employee, the primary department shall be responsible for the evaluation, with appropriate input regarding performance from the other department(s). The primary department is the department with the primary funding source. In the event two departments equally share the position, the primary funding source is the department that has the position in its budget and receives reimbursement from the other department.

If an employee changes supervisors, the supervisor with the longer period of supervision over the employee is responsible for taking the lead in the evaluation.

B. Appointing Authority Review

An appointing authority shall review all performance evaluation forms and, when necessary, shall meet with the employee or supervisor to discuss problems with the evaluation score. Any comments made by the appointing authority are part of the evaluation form, which the appointing authority shall supply to the supervisor and the employee.

C. Evaluation Completion

An appointing authority shall complete the evaluation during the pay period in which the anniversary date occurs. If the employee is also eligible for a merit increase, the department will submit a Personnel Action Form to human resources, along with the evaluation form and an updated Essential Job Functions form. The county will not process merit increases without the accompanying performance evaluation.

Section 4: Failure to Meet Expectations

An appointing authority will not grant an employee a merit increase if the employee's overall performance evaluation rating is lower than meets expectations (*See [Merit Increase](#), Article 3, Section 5.C.1.*)

Section 5: Use of Performance Evaluation

The performance evaluation shall be part of the employee's personnel file and may be used for determining promotion, demotion, internal appointment, reassignment, layoff, merit increase, disciplinary action, satisfactory completion of trial service and other purposes.

Section 6: Employee Disagreement With Performance Evaluation

Performance evaluations are a permanent part of an employee's personnel file and are not subject to grievance. If an employee disagrees with the performance evaluation, the employee may file a response with the supervisor or with human resources citing reasons for the disagreement. Human resources will file the responses in the employee's personnel file. Employees must file responses no later than 30 days after the employee signs the performance evaluation, or no later than 30 days after the employee refused to sign the evaluation, as noted by the supervisor.

Article 9: Discipline and Appeal

Section 1: Employees' Standard of Conduct

The expected standard of conduct for all Marion County employees shall be to act in the public interest as opposed to individual interests. In order to render the best possible service to the public and to reflect credit on Marion County service, the county deems high standards of conduct essential. The county shall base employment on good conduct and satisfactory performance of duties. This article applies to all employees except those in the unclassified service. (See [Unclassified Service](#), Preface.)

Section 2: Discipline

The county shall impose disciplinary measures to correct employee conduct. These measures shall be progressive in nature until, or unless, separation from county service is considered appropriate. Appointing authorities shall take appropriate and timely disciplinary action in dealing with employee misconduct. Disciplinary action shall be for cause.

Progressive discipline does not preclude an appointing authority from eliminating or foregoing steps, when appropriate, due to the nature, severity, or accumulation of misconduct.

Section 3: Cause for Disciplinary Action

Any conduct or action that reflects discredit upon Marion County or a Marion County employee, or is a direct hindrance to the effective performance of county functions, shall be cause for disciplinary action. Improper action by an employee includes, but is not limited to, the following:

- Commission of a felony
- Commission of a misdemeanor that is related to the position held by the employee
- Insubordination or disloyalty
- Inefficiency or incompetence
- Inattention to duty, tardiness, indolence, carelessness, or damage to or negligence in the care and handling of county property
- Improper or unauthorized use of county vehicles, equipment or supplies
- Claim of sick leave under false pretenses or misuse of sick leave

- Absence from duty without authorized leave
- Misconduct in the performance of duties as an employee
- Violation of the county or department policies
- Sexual harassment or sexual misconduct with a subordinate or client
- Willful giving of false information or withholding information with intent to deceive
- Willful violation of any provisions of ordinances or rules adopted by the board of commissioners, or any provisions of departmental rules

Section 4: Manner of Imposing Disciplinary Action

If disciplinary action is taken, it shall be done privately so as not to embarrass the employee before other employees or the public. Generally, supervisors will inform an employee when the employee is the subject of an investigation. For all forms of disciplinary action, the supervisor shall follow all department procedures established by the appointing authority, and shall keep the appointing authority fully informed of any action taken.

A. Administrative Leave (Paid)

The county may place an employee on administrative leave during the period of time in which the employee may respond to allegations of misconduct, or for any other reason the appointing authority deems to be in the best interest of the county. The appointing authority must notify the employee in writing when placing an employee on administrative leave. This written notification shall outline the conditions of administrative leave. An appointing authority shall not use administrative leave as a sanction. (*Also, see [Administrative Leave](#), Article 6, Section 3.H.1.*)

B. Due Process Notification

Written notification to the employee must contain:

- A statement citing improper conduct, inadequate performance, or other cause for discipline engaged in by the employee
- A statement that dismissal, demotion, reduction in pay, or suspension without pay is being considered as a possible sanction for the stated improper conduct, inadequate performance, or other cause
- A statement listing the time frame in which the employee may choose to

respond to the statement of cause and discipline under consideration

C. Imposing Discipline

Before dismissing, demoting, suspending an employee without pay, or reducing an employee's pay, the appointing authority must:

- Notify the human resources manager and legal counsel.
- Notify the employee in writing that the appointing authority is dismissing, demoting, suspending an employee, or reducing the employee's pay. The notification must state the effective date of the action.
- Generate a Personnel Action Form, signed by the appointing authority, and if possible, the employee. The appointing authority must submit the Personnel Action Form and a copy of the notification to human resources as soon as possible.
- Submit the employee's final timecard and pay request to payroll for processing if the appointing authority is dismissing an employee.

Section 5: Types of Disciplinary Action

Disciplinary action shall include, but is not limited to, oral and written reprimand, suspension (unpaid), pay reduction, demotion, and dismissal. Letters of reprimand remain in the employee's personnel file for at least three years. Only the human resources manager may authorize removal of these letters. (*Also, see [Personnel Files](#), Article 1, Section 1.*)

The appointing authorities may note in the employee's performance evaluation any behavior and performance issues referenced in disciplinary actions.

Human resources shall place no information that reflects critically upon an employee in the employee's personnel file unless it bears either the signature or the initials of the employee indicating that the appointing authority showed the employee the document. If the appointing authority showed the employee the document, but the employee refused to sign or initial it, the supervisor must make a notation that the supervisor provided a copy to the employee, but that the employee refused to sign it. The department shall provide the employee with a copy when the department places this type of document in the employee's personnel file.

A. Oral Reprimand

An oral reprimand is verbal notification of discipline from the appointing authority or designee to an employee stating that the appointing authority is disciplining the employee because of specified activities or conduct inappropriate

for the workplace. The appointing authority will also give notification that continuation thereof will result in more severe discipline, up to and including discharge. When a supervisor administers an oral reprimand, the supervisor shall make a brief record of the warning for the department's file, but the warning shall not become part of the employee's official personnel file.

B. Written Reprimand

A written reprimand is official written notice from an appointing authority to an employee that the employee's failure to take immediate and sustained corrective action will result in a more severe form of disciplinary action. Human resources shall place a copy of the written reprimand in the employee's official personnel file.

C. Pay Reduction

The county may reduce an employee's pay for a limited period as a sanction in lieu of suspension, usually after an oral or written reprimand. The county will place an employee on a step in the pay plan following a pay reduction, with the reduction period not to exceed one year.

An employee is not eligible to receive a cost-of-living adjustment, a longevity pay increase or a merit increase during the period of pay reduction. At the end of the pay reduction, the county will restore the employee's pay step and will include any cost-of-living and/or longevity increase granted during the pay reduction. The county will not issue the employee retro pay for the period of the pay reduction.

If an employee's anniversary date occurs during the period of pay reduction, the supervisor shall determine whether the employee is eligible for a merit increase at the end of the period of pay reduction. This decision does not change the employee's anniversary date. (See [Merit Increase](#), Article 3, Section 5.C.1.)

D. Suspension (Unpaid)

A suspension is a form of discipline used when oral and written reprimands have not achieved the desired results. A supervisor can use suspension sooner, based upon the nature and severity of the misconduct. The supervisor, with the approval of the appointing authority, may suspend an employee for disciplinary reasons for a period not to exceed 30 days. The supervisor must notify the employee in writing of the reasons for the suspension. An employee will not acquire credit for service during a period of suspension of more than ten workdays in a calendar month.

1. Effect on Anniversary Date

(See [Anniversary Date Following Unpaid Leave](#), Article 5, Section 5.E.)

2. Effect on Continuous Service Date

(See [Adjustment to Continuous Service Date](#), Article 5, Section 4.B.)

3. Effect on Use of Leave Accruals

Employees are not allowed to use vacation leave, sick leave, personal holidays, compensatory time, or compensation credit while on suspension. Employees on suspension will not accrue sick or vacation leave during the suspension period.

E. Demotion

An appointing authority may use demotion as a form of discipline when the conduct does not warrant discharge or when it is believed that the employee has potential to correct the conduct. This action shall not cause the displacement of another employee. (Also, see [Voluntary Demotion](#), Article 4, Section 6.I.)

1. Effect on Anniversary and Evaluation Dates

An employee's anniversary and evaluation dates will remain the same following demotion. (See [Anniversary Date](#), Article 5, Section 5.)

2. Effect on Continuous Service Date

An employee's continuous service date will remain the same following demotion. (See [Continuous Service Date](#), Article 5, Section 4.A.)

3. Effect on Use of Leave Accruals

An employee may access leave accruals as they could before the demotion. (See [Forms of Leave](#), Article 6, Section 3.)

4. Effect on Pay

Unless the appointing authority reduces an employee's pay as a form of discipline, the county shall place a demoted employee on a step in the new pay range closest to the employee's former pay rate without resulting in a pay increase.

If the employee's pay does not fit within the lower pay range, the county will decrease the employee's pay at the time of demotion. The county will move an employee to longevity only if the employee meets the criteria for longevity. (See [Longevity](#), Article 6, Section 3.D and [Demotion](#), Article 3, Section 5.C.4.)

F. Dismissal

An appointing authority may dismiss any regular employee for cause if the employee is under the appointing authority's jurisdiction.

Section 6: Appeal Process

An employee with regular status, who is the subject of disciplinary action, may appeal in writing, to the chief administrative officer or deputy county administrative officer, any disciplinary action of economic consequence, including pay reductions, unpaid suspensions, demotions and dismissal, within ten business days of the action. The written appeal must state the reasons why the employee believes the discipline was excessive or without cause. The chief administrative officer or deputy county administrative officer will review the appeal and issue a final written decision.

Article 10: Layoff

Section 1: Layoff

An appointing authority may lay off an employee because of the elimination of the position, shortage of funds or work, substantial changes in duties, or other changes in the organization. The appointing authority may assign the laid off employee's duties to other employees who hold positions in appropriate classifications. Suspension without pay or termination is not a layoff. This article applies to all employees except those in the unclassified service. (See [Unclassified Service](#), *Preface*.)

Any department contemplating eliminating a position and laying off an employee must contact human resources as early as possible, but in no event not less than 30 days prior to the proposed layoff date.

Section 2: Identifying the Position to be Laid Off

The department must identify the position to be eliminated. The employee in the identified position is not necessarily the employee the department will lay off. Layoffs are department-specific and do not affect employees within the same classification in other departments.

Section 3: Order of Layoff

When a department must lay off employees, the department will identify the positions to be eliminated. If there is more than one position from which to choose, the department, in no particular order, will base the decision on the following factors:

- Job skill level
- Ability
- Experience
- Education
- Training
- Work performance
- History of discipline and/or corrective actions
- Knowledge of program, department and organization
- Special skills or certifications

Seniority may be considered when the qualifications and abilities of employees are relatively equal.

The department may transfer affected employees into vacant positions at the same or lower pay range for which the affected employees are qualified.

Section 4: Employee Notice of Layoff

The appointing authority shall notify the employee in writing of a pending layoff at least 15 days before the effective date. The notice must state the reason and effective date of the layoff. The appointing authority must send a copy of the notification to human resources.

Section 5: Voluntary Demotion in Lieu of Layoff

Any regular or trial service employee who is facing layoff may file a written request with the appointing authority for demotion in lieu of layoff. The employee cannot displace another employee, but may demote to a vacant position in the same department. The employee must be qualified to perform the lower-level duties. A demotion in lieu of layoff shall align with the beginning of a pay period, unless the human resources manager grants an exception.

Employees who wish to demote in lieu of layoff may demote into represented positions with appointing authority approval and within the terms of the collective bargaining agreement for that position, including deference to recall rights of previously laid off represented members.

If the appointing authority agrees with the request, they shall give the employee written approval. If more than one employee requests to demote into a vacant position, the appointing authority will decide who may demote.

If the appointing authority does not agree with the request, the appointing authority shall give the employee written notification stating the reasons for the denial. The employee may request that the personnel officer review the reasons for denial.

A. Anniversary Date

(Also, see [Voluntary Demotion](#), Article 4, Section 6.I and [Anniversary Date](#), Article 5, Section 5.)

B. Compensation Credit

(Also, see [Voluntary Demotion](#), Article 4, Section 6.I and [Compensation Credit](#), Article 6, Section 3.C.)

C. Anniversary/Evaluation Date

(Also, see [Voluntary Demotion](#), Article 4, Section 6.I and [Performance Evaluation](#), Article 8, Section 2.)

D. Pay

(Also, see [Voluntary Demotion](#), Article 4, Section 6.I and [Longevity](#), Article 6, Section 3.D.)

E. Sick Leave

(Also, see [Voluntary Demotion](#), Article 4, Section 6.I and [Sick Leave](#), Article 6, Article 3.F.)

F. Vacation Leave

(Also, see [Voluntary Demotion](#), Article 4, Section 6.I and [Vacation](#), Article 6, Section 3.E.)

G. Personal Holidays

(Also, see [Voluntary Demotion](#), Article 4, Section 6.I and [Personal Holidays](#), Article 6, Section 3.B.)

H. Trial Service Period

The trial service period for employees who demote outside of their classification series is six months for employees in Unit 12 and 12 months for all other non-represented employees.

Section 7: Recall From Layoff

Laid off employees or employees demoted in lieu of layoff are eligible for recall to the department and to the classification held before the layoff or demotion. All recall rights for laid-off employees or employees demoted in lieu of layoff shall be limited to 12 months following layoff or demotion. Departments shall notify all eligible employees of their recall rights and shall recall employees in order of service, based on years and months, before filling vacancies by other means.

A. Pay

When an appointing authority recalls an employee, the county shall pay the employee at the same pay rate as when the department laid off the employee. If any increases to the pay range occurred during the period of layoff, the county will adjust the employee's pay rate accordingly.

B. Anniversary Date/Evaluation Date

(See [Recall from Layoff, Anniversary Date](#), Article 5, Section 5.C.)

C. Continuous Service Date

The county will adjust an employee's anniversary/evaluation date by adding one month for each calendar month during which the employee was off the payroll for more than ten workdays. (Example: If the county laid-off an employee June 30 and recalled the employee August 23, the county will adjust the employee's continuous service date. If the employee's previous continuous service date was September 1, 1998, the county will adjust it by two months, to November 1, 1998, because the employee was off the county payroll more than ten workdays in July and August.) (Also, see [Continuous Service Date](#), Article 5, Section 4.A.)

D. Vacation Leave

If the recalled employee was eligible to take vacation leave before the layoff, the employee is eligible to take vacation leave following recall. (See [Vacation Leave](#), Article 6, Section 3.E.)

E. Vacation Accrual Based on Length of Service

An employee's continuous service date affects the employee's eligibility for vacation accrual based on length of service. If the county adjusts a recalled employee's continuous service date, the county will also adjust the date on which the employee receives added vacation leave. (Also, see [Vacation Accrual Based on Length of Service](#), Article 6, Section 3.E.2.)

F. Personal Holidays

If an employee was eligible to take personal holidays before the layoff, the employee will be eligible to take personal holidays following recall. (See [Personal Holidays](#), Article 6, Section 3.B.)

G. Trial Service Period

If the recalled employee was serving a trial service period before layoff, the employee must serve the remainder of the trial service period following recall. The county will adjust the employee's trial service period by one month for each calendar month or partial calendar month in which the employee was off the county payroll for more than ten workdays. If an employee was a regular employee at the time of layoff, there will be no additional trial service period following recall. (Also, see [Trial Service Period](#), Article 5, Section 3.)

H. Sick Leave Restoration

The county will restore all sick leave credit accrued before the layoff when an employee is recalled.

I. Compensation Credit

If an eligible employee used the compensation credit benefit before layoff, or if the county paid the employee for the compensation credit at the time of layoff, the county will not grant the employee additional compensation credit if the appointing authority recalls the employee within the same fiscal year as the layoff. If an appointing authority recalls an employee after the start of the new fiscal year, the employee accrues full compensation credit at the time of recall. *(Also, see [Compensation Credit](#), Article 6, Section 3.C.)*

J. Service Adjustments

A recalled employee retains credit for previous service.

Article 11: Miscellaneous

Section 1: Overpayment to County Employees

An employee shall return any overpayment resulting from wages, reimbursements, benefits, or other types of payments to Marion County. The county shall use all legally available means of recovery. This includes, but is not limited to, payroll withholding, collection efforts, and correcting adjustments.

Section 2: Part-time Employees

Part-time employees are employees appointed by an appointing authority to fill budgeted positions and whose daily or weekly hours are less than the hours established for full-time positions. (Also, see [Job Share](#), Article 4, Section 8.H.)

A. Insurance

(See [Insurance](#), Article 6, Section 2.)

B. Employee Assistance Program (EAP)

(See [Employee Assistance Program](#), Article 6, Section 2.F.)

C. Retirement Benefits

(See [Retirement](#), Article 6, Section 2.G.)

D. Anniversary/Evaluation Date

(See [Anniversary Date](#), Article 5, Section 5.)

E. Compensation Credit

(See [Compensation Credit](#), Article 6, Section 3.C.)

F. Holidays

(See [Holidays](#), Article 6, Section 3.A.)

G. Personal Holidays

(See [Personal Holidays](#), Article 6, Section 3.B.)

H. Sick Leave

(See [Sick Leave](#), Article 6, Section 3.F.)

I. Vacation Leave

(See [Vacation Leave](#), Article 6, Section 3.E.)

Section 3: Temporary Employees

There are three types of temporary employees:

- a. **Seasonal:** An employee assigned to work an average of 20-40 hours per week not to exceed four consecutive months.
- b. **On-call/relief:** An employee assigned to work an average of no more than 20 hours per week over 52 weeks. There are no guaranteed hours or schedules.
- c. **Temporary assignment:** An employee assigned to fill a vacancy in a budgeted position due to sick leave, vacation leave, military leave, shift work, workers' compensation injury, recruitment, or qualified protected leave; or to work on a short-term special project or assignment.

Temporary employees are not eligible to receive benefits. (See [Benefits](#), Article 6.)

Applicants for temporary employment must submit applications to human resources. Human resources will screen the applications to ensure that the applicant meets the minimum qualifications of the job classification. (Also, see [Temporary Employees \(Job Applications\)](#), Article 4, Section 6.D.)

A department may only hire a temporary employee at the beginning of a pay period unless the human resources manager grants an exception. Temporary employment is limited to 975 hours based on a 37.5-hour workweek or 1,040 hours based on a 40-hour workweek, commencing from July 1 each year and no more than 1,560 hours during a calendar year.

No temporary employee shall work in the classified service for more than the stated number of hours in any 12-month fiscal year period unless the personnel officer grants an extension of temporary hours. A temporary employee may work more than 12 months, provided the employee does not exceed the yearly allocation of hours. Temporary employees may work for one or more departments, provided the combined work hours do not exceed the yearly allocation of hours for temporary employment.

A department may reassign a temporary employee from one classification to another classification if the employee meets the minimum qualifications of the new classification. Before a department may reassign a temporary employee, the employee must submit a new application to human resources. Temporary employees may work in one or more classifications, provided the combined work hours do not exceed the allocation of hours for temporary employment.

An appointing authority may request an extension of temporary hours by submitting a written request to the personnel officer. If the position in question is included in a collective bargaining agreement, then the provisions of the collective bargaining agreement will govern any exemption. The decision of the personnel officer is final. The granting of a request to extend the yearly allocation of hours for a temporary employee does not grant the employee regular or trial service status.

Temporary employees generally will receive cost-of-living increases if they work in a classification linked to a bargaining unit that receives a cost-of-living adjustment. Collective bargaining agreements do not cover temporary employees, even if the temporary employees work in classifications represented by a bargaining unit unless clearly outlined within the collective bargaining agreement. Therefore, the county does not pay temporary employees retroactively for cost-of-living adjustments. Temporary employees will receive a pay increase beginning with the pay period in which the county reflects the cost-of-living adjustment in the pay plan.

Section 4: Service Adjustments

Periods of unpaid leave, or periods when an employee leaves county employment then returns to county service, generally affect an employee's period of service.

A. Workplace Injury

Employees who are unable to work because of an open compensable workers' compensation claim with Marion County shall continue to accrue continuous service.

B. Authorized Leave of Absence With Pay

Employees on an authorized leave of absence with pay shall accumulate a period of service.

C. Military Leave

An employee who leaves county service for military service, and returns to a position in the previous classification within six months after receiving an honorable discharge, shall receive full longevity service for the military service.

D. Employees in Unclassified Service Returning to Classified Service

An employee in the unclassified service who held regular or trial service status in the classified service shall regain previously accrued service when an appointing authority reappoints the employee to a position in the classified service.

E. Recall from Layoff

(See [Recall from Layoff](#), Article 10, Section 7.)

F. Reinstatement Following a Hearing

Employees reinstated following a hearing shall regain previously accrued periods of service.

G. Reappointment

Employees reappointed shall regain previously accrued periods of service. (See [Reappointment](#), Article 4, Section 8.C.)

H. Returning to County Employment

Employees with regular or trial service status who separate from county service and subsequently return to county employment shall not regain previously accrued periods of service, except as provided in C, D, E, F, or G of this section and article.

Section 5: Returning to Classified Service

Employees who held regular or trial service status in the classified service may be reappointed to a vacant position in the classified service following a promotion or transfer to a position other than an elective position in the unclassified service. (Also, see [Employees in Unclassified Service Returning to Classified Service](#), Section 4.D. of this article for adjustments to periods of service.)

The county shall restore any lieutenant or sergeant appointed to the unclassified service as a division commander to the employee's status as lieutenant or sergeant in the classified service after termination of service as a division commander. There shall be no loss of benefits, unless the sheriff terminated the lieutenant or sergeant as a division commander for circumstances that would have constituted cause for termination in the classified service.

Section 6: Complaint Procedure

Marion County's policy is to provide for an orderly process whereby employees may have their problems and complaints considered fairly and expeditiously and without fear

of reprisal. These procedures are available to all employees; however, bargaining unit employees shall use the grievance procedures outlined in the collective bargaining agreements if the action pertains to an interpretation of an agreement provision. The county shall make every effort to find an acceptable solution by informal means at the lowest possible level of supervision.

A. Definition of Administrative Grievance

An administrative grievance occurs when an employee has an unresolved issue, complaint, misunderstanding, or disagreement. Employees shall not use this grievance procedure to resolve disciplinary matters or disagreements relating to performance evaluation ratings.

B. Procedure

An employee may proceed individually or may select a representative of the employee's choice. Employees with a concern or complaint shall proceed with the grievance as follows:

1. Immediate Supervisor

An employee shall discuss the matter candidly and openly with the employee's immediate supervisor.

2. Department Head

If an employee's immediate supervisor is unable to satisfactorily resolve the matter individually or in consultation with the department head within ten days of the discussion, the employee shall present the department head with a written explanation of the issue. The employee shall provide the immediate supervisor with a copy of the document.

3. Chief Administrative Officer/Deputy County Administrative Officer

If an employee believes the matter has not been properly resolved, or if the matter cannot be resolved within the department within ten working days from the date of submission to the department head, the employee may submit a written grievance to the chief administrative officer or deputy county administrative officer. The chief administrative officer or deputy county administrative officer shall review the matter and, if necessary, confer with the concerned parties. The decision of the chief administrative officer or deputy county administrative officer will be final.

If an employee believes that the matter cannot be satisfactorily settled at the supervisory level due to a break down of communication between the employee and supervisor, the employee may take the complaint directly to the department

head or chief administrative officer or deputy county administrative officer.

Article 12: End of Employment

Section 1: Reasons for Ending Employment

A. Resignation/Retirement

Any employee may resign or retire from county service by presenting written notice to the appointing authority. An employee must give the appointing authority at least two weeks notice to be seen as having resigned in good standing. The appointing authority may, in extenuating circumstances, permit a shorter notification period.

An employee may withdraw the resignation by the end of the third business day after the employee tenders the resignation. Beyond the third day, an employee must submit a written request to the appointing authority requesting to withdraw the resignation.

1. Letter of Intent

The employee must submit a written letter stating whether the employee is resigning or retiring. The letter must also state the last regularly scheduled day the employee will work. Employees must work their last day and cannot use leave time unless approved by the personnel officer.

2. Exit Survey

The employee may complete an exit survey through human resources. Human resources may also survey exiting employees for the purposes of evaluating employee satisfaction and retention.

3. Personnel Action Form

The department must generate a Personnel Action Form signed by the employee and the appointing authority. The effective date of the Personnel Action Form must be the last day the employee worked. The department must submit the Personnel Action form to human resources with the resignation or retirement letter and the Separation Questionnaire as soon as possible.

B. Dismissal

(See [Discipline](#), Article 9.)

C. Layoff

(See [Layoff](#), Article 10.)

D. Death

When an employee dies, the appointing authority must:

- Notify Marion County's Benefits so benefits can notify the insurance carriers of the employee's death.
- Submit a Personnel Action Form to human resources as soon as possible stating that the employee is deceased.
- Timely submit the employee's final timecard and payment request to payroll for processing.
- Coordinate with human resources for disbursement of pay.
- Facilitate the return of personal or county property.

Section 2: Property Checklist

Before an employee leaves county employment, the appointing authority must make every effort to reclaim all county property issued to the employee. (See [Check Out For Departing Employees](#) in the Marion County Administrative Policies and Procedures.)

Section 3: Final Paycheck

A. Timecard and Payment Request

The appointing authority will submit the employee's final timecard and payment request to payroll.

B. Leave Time

The county will pay all accrued compensation credit, accumulated compensatory time, and vacation leave. The county will not pay for personal holidays or sick leave not taken before the end of employment, except as provided in [Section C.5](#) below.

C. Timelines for Issuance of Final Paycheck

1. When an Employee Resigns Without Giving Notice

The final paycheck is due within five days, excluding Saturdays, Sundays and holidays. The exception is if a regular payday occurs within the five-day period, then the employee must receive all wages due at that time, per ORS 652.140(2).

2. When an Employee Has Given Notice

When an employee has given at least 48 hours notice, excluding Saturdays, Sundays and holidays, the paycheck is due on the final day worked. If the final day worked falls on a Saturday, Sunday or holiday, the final paycheck is due no later than the end of the next business day, per ORS 652.140(2) and (3).

3. Dismissal or Termination by Mutual Agreement

When an employer dismisses an employee, or if termination is by mutual agreement, payroll must issue the final paycheck no later than the end of the first business day after the termination, per ORS 652.140(1).

4. When an Employee is Laid Off

If there is no reasonable expectation that an employee will return to work, the layoff is a termination for the purposes of OAR 839-001-0420 and 839-001-0440. Payroll must issue the employee's final paycheck no later than the end of the first business day after the layoff.

5. When an Employee Dies

Upon an employee's death, all wages earned up to \$10,000 must be paid to the surviving spouse or, if there is no surviving spouse, to dependent children, per ORS 652.190. All benefits, which include unused personal holidays, will be paid to the designated beneficiary. Wages over \$10,000 will be paid to the employee's estate.

If there are questions regarding the identity of the beneficiary, legal counsel will work with payroll to address payout criteria.

D. Mailing Final Paycheck

An employee may request in writing that the employer mail the final paycheck to any address the employee designates.

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Nothing in this glossary supersedes the Personnel Rules

- A -

Accrual: The amount of leave time an employee earns each pay period.

Acting in Capacity: When a supervisor temporarily assigns an employee to perform the duties of a classification with a higher pay range than the employee's designated position. The county also refers to this as working out of class.

Active List: A recruitment eligibility list previously established for the same classification.

Add/Delete Process: When an appointing authority requests that, for organizational needs, one position is deleted and another position in a different classification be created.

Administrative Leave: When an appointing authority places an employee on paid time off work.

Allocation: The assignment of an individual position to an appropriate classification.

Anniversary Date: The date of an employee's last appointment, promotion or reclassification. This is also when an employee is normally eligible for a merit increase.

Announcement: The recruitment document that lists information pertinent to vacant positions.

Applicant: A person who applies for employment with the county in response to a specific recruitment announcement.

Application: The online form completed and submitted by someone wanting employment into a vacant county position.

Appointing Authority: The department head, elected official, or designee with the authority to hire someone to a county position within a department or take other authorized employment action.

Appointment: The selection and designation of a candidate to fill a vacant position.

At-Will Employee: An unclassified employee whom the county and employee presume the employment to be voluntary and indefinite for both employee and employer. An employer may generally discharge an at-will employee at any time for any reason.

Augment: To use accrued leave time to supplement an employee's pay while the employee is on Workers' Compensation.

Auto-Promotion: To move from a training level classification to a higher-level job classification within the same series when the worker meets the requirements to move to a higher level of responsibility and pay.

- B -

Bargaining Unit: A group of employees represented by a collective bargaining agreement. Marion County has five bargaining units: MCEA/SEIU (Marion County Employees Association), MCJEA (Marion County Juvenile Employees Association), FOPPO (Federation of Parole and Probation Officers), ONA (Oregon Nurses Association) and MCLEA (Marion County Law Enforcement Association).

Base Pay Rate: An employee's hourly rate of pay. The base rate does not include other types of pay, such as certification, longevity, or acting in capacity, added to an employee's hourly rate.

Beneficiary: The person designated by an employee to receive the insurance proceeds or benefits in the event of the employee's death.

Benefits-Eligible Employee: Generally, an employee who works an FTE of .5 or higher.

Bereavement Leave: Leave allowed for each death in the employee's immediate family.

Board of Commissioners: Representatives elected by voters to govern Marion County.

Break in Service: Separation from county employment.

Budgeted Position: A position budgeted for the fiscal year.

- C -

Calendar Days: All days, including weekends and non-workdays, in a calendar year.

Calendar Year: The period between January 1 and December 31 of each year.

Chief Administrative Officer or Deputy County Administrative Officer: An unclassified position appointed by the board of commissioners to provide executive management level leadership.

Classification Plan: A document that contains all county service classifications and the specifications or descriptions for the classifications.

Classification Specification: The written description of a job classification.

Classification: A group of positions similar in duties, authority and responsibility listed under a common title that calls for similar qualifications and the same pay schedule.

Classified Employee: An employee in the classified service whom the county has not specifically listed as a member of the unclassified service.

Classified Service: All regular county service positions held by classified employees.

Closing Date: The last day of a recruitment that an applicant is able to apply for a vacant position.

Coaching: A supervisor or manager working with an employee one-on-one to educate, instruct, clarify, support or encourage the employee to correct areas that need improvement.

Compensation Credit: A benefit that provides employees with either additional pay or additional vacation each fiscal year.

Compensation Plan: The schedule of pay, wages, special pay provisions and paid benefits.

Compensatory (Comp) Time: Time off in lieu of monetary overtime compensation.

Consecutive Months: Months following one after the other in order.

Continuous Months of Service: Months unbroken by periods of unpaid leave of more than ten workdays in a calendar month.

Continuous Service Date: The date an employee began county service, generally the first day of employment, and adjusted by one month for each period of unpaid leave of more than ten workdays in a calendar month.

Continuous Service: County service unbroken or adjusted by a leave without pay of more than ten workdays in a calendar month of employment.

County Service: Employment in the county as a trial service or regular employee.

Court Duty: An appearance before a court, legislative committee or judicial or quasi-judicial body as a juror, in response to a subpoena or as part of an employee's duties.

- D -

Day for Day: One day's pay for each of the recognized holidays on which an employee performs no work as determined by the employee's regular work schedule.

Demotion in Lieu of Layoff: The voluntary movement of an employee from a position in one class to a position in another class having a lower maximum pay rate instead of the county laying the employee off.

Demotion: The voluntary or involuntary movement of an employee from a position in one class to a position in another class having a lower maximum pay rate.

Department Head: Elected or appointed officials or undersheriffs with administrative responsibility for a county department.

Deputy County Administrative Officer: An unclassified position appointed by the board of commissioners to provide executive management level leadership.

Developmental Assignments: An opportunity for employees who do not meet the minimum qualifications to learn the duties of a higher-level classification without receiving extra pay.

Direct Deposit: Electronic deposit of a regular employee's pay into the employee's bank account of choice.

Discipline: Action taken regarding an employee including, but not limited to, oral reprimand,

written reprimand, suspension, reduction in pay, demotion, dismissal, or any combination.

Discrimination: Unequal or different treatment of an individual on the basis of race, color, sex, age, religion, national origin, marital status, sexual orientation, familial status, physical or mental disability, or other protected status in accordance with applicable law.

Dismissal: Involuntary termination of employment for a regular or trial service employee.

Division Commanders: Lieutenants or sergeants appointed by the sheriff to direct the activities of the major divisions of the Marion County Sheriff's Office.

Domestic Partner: One of two persons, who have (a) jointly shared the same permanent residence for at least six months immediately preceding and plan to continue to do so indefinitely; (b) have a close personal relationship with each other; (c) are not legally married to anyone; (d) are each 18 years of age or older; (e) are not related to each other by blood in a degree of kinship closer than would bar marriage in the State of Oregon; (f) were mentally competent to contract when the domestic partnership began; (g) Are each other's sole domestic partner; and (h) Are jointly responsible for each other's common welfare, including basic living expenses; individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the cost.

Double-Filled Position: An appointing authority may employ two employees in the same position as a double-fill for the short-term transitioning of employees to train a new employee or for the pending creation of a position.

- E -

EEOC Category: One of nine job survey categories established by the Equal Employment Opportunity Commission to which the county assigns each classification specification.

Elected Officials: Department heads elected by voters. (Assessor, county commissioners, county clerk, district attorney, justices of the peace, sheriff, treasurer.)

Employee Assistance Program (EAP) – A program that provides for confidential counseling sessions for employees and their families.

Entrance Pay: The level of pay received by a new hire into county service, generally the first step in the pay range of the classification.

Evaluation: The appraisal of an employee's trial service period or the annual appraisal of an employee's job performance over the previous year.

Examination: Any test, method or combination of methods used to determine the fitness and qualifications of applicants for county service.

Exempt Employees: Employees who are excluded from the FLSA overtime pay requirements.

Extra-Meritorious Increase: A one-step merit increase given in addition to an employee's annual merit increase when the employee has shown exceptional job performance.

- F -

Fiscal Year: The period of July 1 through June 30.

FLSA: Fair Labor Standards Act. A federal act prescribing nationwide compulsory regulation of wages and hours.

FMLA: Family Medical Leave Act. A federal act granting an employee up to 12 weeks of leave during any 12-month period for the birth and care of a newborn child of the employee, for placement with the employee of a son or daughter for adoption or foster care, to care for an immediate family member (spouse, child, or parent) with a serious health condition, or to take medical leave when the employee is unable to work because of a serious health condition.

FTE: Full-time equivalency.

Full-Time Employee: An employee who works 40 hours/week in a position budgeted for 40 hours, or an employee who works 37.5 hours/week in a position budgeted for 37.5 hours.

Funding Source: The source of money to pay for positions.

- G -

General Fund: Money from funding sources including property tax revenue and other locally generated discretionary funds.

- H -

Hire Date: The date a trial service or regular employee began working for Marion County.

Holidays: Paid days off designated as recognized holidays as authorized by law or by the board of commissioners.

Human Resources Analyst: An employee who works in human resources and who performs a wide variety of technical personnel assignments and provides technical expertise to department heads, managers, employees and other agencies.

Human Resources Manager: The position responsible for the planning, administration, and coordination of human resources division services.

- I -

I-9 Form: A form required by the U.S. Citizenship and Immigration Services to verify that employees are legally authorized to work in the United States.

Initial County Trial Service Period: The first six months of service for all new employees in budgeted positions.

Injured Worker Reassignment: Assignment to another position in another classification with the same or lower pay range when an employee is unable to perform the essential duties of the regular position due to an on-the-job injury that results in compensable workers' compensation

claim.

Internal Appointment: When an appointing authority selects an employee, via the recruitment process, to fill a different position in the same classification or pay range, either within the same department or in a different department

Internal Competitive List: A list of qualified applicants for an internal recruitment. These applicants must be current trial service, regular, temporary or relief/on-call employees of Marion County.

Internal Recruitment: A recruitment for a vacant position that is open only to current Marion County employees and is not open to members of the public at large.

Interview List: A list of job applicants who meet the qualifications to interview for a vacant position during the interview process.

- J -

Job Share: Two part-time employees performing the work of one budgeted position.

Jury Duty: Paid time away from the employee's regular duties when the employee receives a jury duty summons. This includes time actually served on a jury, as well as time spent as part of the jury selection process.

- L -

Layoff: The complete separation of an employee from the classified service for an indefinite period by reason of elimination of position, change in organization, lack of work, insufficient funds, or other reasons outside the employee's control that reflect no discredit on the employee.

Lead Worker: An employee assigned to oversee the work of other employees.

Leave Without Pay: An absence from work for which an employee is unpaid because the employee does not have leave time to cover the absence.

Longevity Date: The date used for determining eligibility for longevity pay.

Longevity Pay: Additional pay given to employees who serve at least 10 and 15 years of county service.

Long-Term Disability: A benefit that provides a portion of an employee's income in the event an employee is unable to work due to a non-work-related physical injury or illness, pregnancy or mental disorder.

- M -

Marion County Administrative Policies and Procedures: Policies established by the board of commissioners that have countywide application.

Medical Records: Any records involving an employee's health information.

Meets Expectations: Good performance. Consistently meets standards and expectations in

important areas of the position.

Mentoring: A proactive approach to help guide employees toward development of skills and abilities. The mentor may be a co-worker or a supervisor.

Merit Increase: An increase from one pay step to the next higher pay step within the established pay range for the class or position.

Minimum Qualifications: The training, education, experience, and other qualifications established for a given class and required of an applicant for admission to the examination for that class.

- N -

Negotiated Adjustments: Adjustments made to employee pay rates based on negotiations between county representatives and labor organizations.

Nepotism: Favoritism shown by those acting in the capacity of a supervisor or a person with oversight authority to family members or someone with whom they have a financial, close personal, or familial relationship.

Non-Continuous Month: A calendar month in which an employee has an absence without pay of more than ten workdays.

New Employee Orientation: Mandated training for all new employees. This orientation serves as an introduction to Marion County policy and expectations.

Non-Exempt Employee: An employee who is eligible for overtime pay, as defined by the Fair Labor Standards Act.

Non-Represented Employee: An employee in a position not covered by a collective bargaining agreement.

- O -

Off the Payroll: When an employee is on unpaid status. Also, the time between termination and when an employee returns to county employment following layoff or reappointment.

OFLA: Oregon Family Leave Act. A state act allowing eligible employees to take a leave of absence from work for parental leave, serious health condition leave, pregnancy disability leave and sick child leave.

Open Competitive List: An interview list comprised of internal and external applicants following recruitment.

Open Continuous Recruitment: Recruitment for classifications that yield frequent vacancies. The county accepts these applications on a continuous basis.

ORS: Oregon Revised Statutes.

OPSRP: Oregon Public Service Retirement Plan.

Overpayment: Any circumstance resulting in payment to a county employee in excess of what

the Personnel rules allow through wages, reimbursements, benefits, or other type of payment.

Overtime: Generally, all hours worked, including sick leave, by a non-exempt employee in excess of 10 hours per day or in excess of 40 hours per workweek.

- P -

Part-Time Employee: An employee who works less than 1.0 FTE.

Pay Period: A designated bi-weekly period for calculating compensation.

Pay Range Adjustment: A pay range increase or decrease based upon factors such as recruiting and retention problems, relevant labor markets, internal comparisons, and scope and complexity of assigned work.

Pay Range: The minimum, intermediate, and maximum rates of pay assigned to each job classification. The county may use flat rates in place of pay ranges where appropriate, such as with elected officials

Pay Reduction: Temporary reduction in pay used as discipline in lieu of suspension.

Performance Evaluation: The written review of an employee's job performance by the employee's supervisor.

PERS: Public Employees Retirement System.

Personnel Action Form: A form generated by a department and submitted to human resources that documents changes to an employee's job status or pay, or that is used to update an employee's demographic information.

Personnel Action: Any employment action taken by the county in connection with appointment, compensation, promotion, internal appointment, reassignment, layoff, dismissal or any other action affecting the status of an employee.

Personnel File: The employee file maintained by the human resources division.

Personnel Officer: The employee appointed by the board of commissioners to administer the personnel ordinances for the county.

Position Description Worksheet: A form completed by an employee and the employee's supervisor that lists the job duties performed and percentage of time spent by the employee performing the duties.

Position Review Form: A form completed by a department and submitted to the personnel officer requesting approval for a variety of actions, including, but not limited to, FTE and workweek changes, acting in capacity and extension of acting in capacity, extra-meritorious increases, and appointment above the first step of a pay range.

Position: A group of related duties and responsibilities requiring the full-time or part-time employment of one person. If the position is a job share, two employees fill the position.

Primary Department: The department with the primary funding source when two departments share the same employee.

Promotion: A movement of an employee to a classification with a higher maximum pay rate

than the employee's current classification.

Property Checklist: The checkout list completed by a supervisor at the end of an employee's employment to ensure that the county receives any county-owned equipment issued to an employee.

Prorate: To calculate and distribute a benefit based on an employee's hire date and FTE.

- R -

Reassignment: When an employee moves from one position in a classification to another position in the same classification and same department without going through the recruitment process.

Reappointment: When an employee who has terminated regular employment with the county is subsequently placed back into the position without having to go through the recruitment process.

Recall: When the county reinstates a laid-off employee to a regular position or classification from a recall list.

Reclassification: Changing allocation of a position by raising it to a classification with a higher pay range, reducing it to a classification with a lower pay range, or moving it to a different classification within the same pay range on the basis of type, difficulty or responsibility of the work performed.

Recruitment: The process of seeking, interviewing, and hiring applicants to fill a vacant position.

Recruitment Announcements: Flyers listing information pertinent to vacant positions.

Redlining Wages: Continuing to pay an employee at the current pay rate for one year following a downward reclassification that places the employee in a lower pay range.

Regular Employee: An employee who fills a budgeted position and who has satisfactorily completed the employee's first trial service period.

Regular Position: A position included in the annual budget.

Reinstatement: The return of a former employee to the employee's previous position following an approved leave of absence, or when ordered by the chief administrative officer or deputy county administrative officer or arbitrator.

Represented Employee: An employee in a position covered by a collective bargaining agreement.

Request for New Position: The form completed by a department and submitted to human resources requesting the creation of a new position.

Request for New Position Approval Form: The form signed by the personnel officer authorizing the creation of a new position. This is the follow up form to Request for New Position.

Resignation: A voluntary separation from county service initiated by an employee.

- S -

Sick Leave: Absence from work due to illness, injury, bereavement, dependent care, or pre-approved medical appointments.

Significant Other: See *Domestic Partner*.

Step: A regular interval between the minimum and the maximum range of pay established for each pay range.

Supervisor: An employee who manages two or more employees, and who has hiring and firing authority, or is able to make recommendations regarding hiring and firing.

Suspension: Disciplinary action placing employee on involuntary, unpaid leave from county service.

- T -

Temporary Employees: Employees hired on a short-term basis who do not fill regular positions.

Termination: Ending an employee's county service.

Training: A focused effort to educate an individual or group for the purpose of improving or increasing knowledge, skills and abilities in order to fulfill job requirements and goals. The county may provide training through class sessions, one-on-one coaching, self-study, and conferences.

Trial Service Period: A period of time during which an employee is required to demonstrate satisfactory performance of the duties and responsibilities of the employee's classification and position.

Trial Service Status: The status of an employee who has not yet passed the trial service period.

- U -

Unclassified Employee: An employee holding a position in the unclassified service. Unclassified employees are elected officials or officials appointed to fill a vacancy caused by death, resignation, or removal of an elected official; deputy district attorneys; county legal counsel; division commanders; assistant legal counsels; hearings officers; juris doctors; chief administrative officer or deputy county administrative officer; temporary employees; persons employed jointly by the county and some other governmental agency; department heads, deputy department heads, and any person in a policy-making confidential position, as determined by the board of commissioners by resolution.

Unclassified Service: A group of at-will positions.

Under-Fill: The process of filling a vacant position with a worker who will perform the duties of a lower-level classification in the same series.

Undersheriffs: Unclassified employees appointed by the sheriff to oversee administration of the Marion County Sheriff's Office.

Unit 1: Comprised of all elected officials except the Marion County Commissioners.

Unit 10: Comprised of department heads and undersheriffs.

Unit 12: Comprised of classified, confidential, non-management employees exempted from a collective bargaining agreement.

Unit 13: Comprised of managerial, non-represented employees who have the authority to formulate and carry out management decisions, or represent management's interests, but who do not have supervisory authority.

Unit 2: Comprised of supervisory, non-represented employees.

Unpaid Leave: Any period of leave away from work for which an employee is not paid.

- V -

Vacancy: An unfilled position.

Vacation in Lieu of Sick Leave: The use of vacation leave to cover an employee's absence due to illness when the employee has exhausted sick leave.

Vacation Leave: Leave time accrued each pay period taken, with prior approval, at the employee's request.

Veteran Preference: Additional points given to eligible veterans who successfully complete all phases of a job application or entrance exam.

Voluntary Demotion: When an employee voluntarily moves to a position in a classification with a lower pay range in order to retain employment.

Voluntary Separation: Leaving county employment of one's own accord, rather than for reasons such as dismissal or layoff.

- W -

Working Hours: The hours an appointing authority schedules an employee to work.

Working Out of Class – See *Acting in Capacity*.

Workweek: A seven-day period beginning at 12:01 a.m. Sunday and ending at midnight Saturday.

Written Appeal: A document stating an employee's disagreement with a finding or decision, and requesting review by a higher authority.

Written Reprimand: A document from the appointing authority to an employee notifying the employee that specified activities or conduct are inappropriate for the workplace, and that continuation thereof will result in more severe discipline, up to and including discharge.