

MORROW COUNTY BOARD OF COMMISSIONERS MEETING AGENDA

Wednesday, March 17, 2021 at 9:00 a.m.

Bartholomew Building Upper Conference Room

110 N. Court St., Heppner, Oregon

See Zoom Meeting Information on Page 2

AMENDED

1. **Call to Order and Pledge of Allegiance: 9:00 a.m.**
2. **City/Citizen Comments:** Individuals may address the Board on issues not on the agenda
3. **Open Agenda:** The Board may introduce subjects not already on the agenda
4. **Consent Calendar**
 - a. Approve Accounts Payable & Payroll Payables
 - b. Minutes: January 20th
5. **Public Hearing:** Resolution No. R-2021-6 Budget Transfer Resolution for Credit Bond Funds (Kate Knop, Finance Director)
6. **Legislative Updates**
7. **Business Items**
 - a. 2021 Employee Handbook & Policies (Lindsay Grogan, Human Resources)
 - b. New Position Request, Emergency Manager, Budget Options (Lindsay Grogan)
 - c. Select County Representatives for Columbia River Enterprise Zone III Board
 - d. Proposed Morrow County Values (Darrell Green, Administrator)
 - e. Emergency Operations Center Update
 - i. ~~Draft letter—Coronavirus Fiscal Recovery Funds Directly to Counties~~
 - f. Building Projects Update
 - i. Irrigon Building – ~~Add Alternates~~
8. **Department Reports** – None Scheduled
9. **Correspondence**
10. **Commissioner Reports**
11. **Sign documents**
12. **Adjournment**

Agendas are available every Friday on our website (www.co.morrow.or.us/boc under “Upcoming Events”). Meeting Packets are also available the following Monday.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Roberta Lutcher at (541) 676-5613.

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Board may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend. Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media. The Board may recess for lunch depending on the anticipated length of the meeting and the topics on the agenda. If you have anything that needs to be on the agenda, please notify the Board office before noon of the preceding Friday. If something urgent comes up after this publication deadline, please notify the office as soon as possible. If you have any questions about items listed on the agenda, please contact Darrell J. Green, County Administrator at (541) 676-2529.

Zoom Meeting Information

Join Zoom Meeting:

<https://zoom.us/j/5416762546>

PASSWORD: 97836

Meeting ID: 541-676-2546

Zoom Call-In Numbers for Audio Only:

- 1-346-248-7799, Meeting ID: 541 676 2546#
- 1-669-900-6833, Meeting ID: 541 676 2546#
- 1-312-626-6799, Meeting ID: 541-676-2546#
- 1-929-436-2866, Meeting ID: 541-676-2546#
- 1-253-215-8782, Meeting ID: 541-676-2546#
- 1-301-715-8592, Meeting ID: 541-676-2546#

**Morrow County Board of Commissioners Meeting Minutes
January 20, 2021
Bartholomew Building Upper Conference Room
Heppner, Oregon**

Present In-Person

Chair Don Russell, Commissioner Jim Doherty, Commissioner Melissa Lindsay, Darrell J. Green, Katie Imes, Roberta Lutcher, Tamra Mabbott, Richard Tovey

Present Via Zoom

Staff: Stephanie Case, Mike Gorman, Lindsay Grogan, Christy Kenny, Kate Knop, Jaylene Papineau, Linda Skendzel, Heidi Turrell, Gregg Zody; Non-Staff: Chris Bozzini, Torrie Griggs, Carrie Konkol, Erika Lasater, David Lawlor, Lisa Mittelsdorf, Debbie Pedro, Karen Pettigrew, Chris Powers, Brittany Reese, Jessica Rose, Anneke Solsby, David Sykes

Call to Order, Pledge of Allegiance & Roll Call: 9:00 a.m.

City & Citizen Comments: None

Open Agenda: No items

Consent Calendar

Commissioner Doherty moved to approve the following items in the Consent Calendar:

1. *Accounts Payable and Payroll Payables*
2. *Sign the title for vehicle declared as a loss due to fire: 1991 GMC Dump Truck, Vehicle Identification Number 4V2SCBCF3MU508387, Oregon plate number #177131; and authorize Administrator Darrell Green to sign on behalf of the County*
3. *Letter to the Eastern Oregon Jobs Council and the Eastern Oregon Workforce Board recommending Commissioner representative appointments: Chair Russell as the EOJC and EOWB Representative; Commissioner Lindsay as Alternate to Chair Russell on both boards*
4. *Appointment of the Finance Director, Kate Knop, as the Budget Officer for the 2021-2022 Fiscal Year*

Business Items

Acknowledge Retirement of Operations Lieutenant Terry Harper

Chair Russell said Lt. Harper will retire after 32 years with the County. He noted the family members and numerous colleagues in attendance to honor and thank Lt. Harper for his many years of dedicated service. Sheriff Ken Matlack presented Lt. Harper with a plaque and spoke about his interactions with him over the years. Undersheriff John Bowles said a separate presentation would be made at the Sheriff's Office where he was sure more stories would be told about Lt. Harper.

Statewide Transportation Improvement Fund (STIF) Plan Application, Fiscal Years 2021-2023

Katie Imes, Coordinator, The Loop

Ms. Imes presented her Executive Summary of Projects related to the County's STIF Plan that will be submitted to the Oregon Department of Transportation. She said the Commissioners could place a different priority on the items in the plan or remove anything on the list. Ms. Imes responded to several questions from the Board and Commissioner Doherty suggested she and

Community Development Director, Gregg Zody, become actively involved in the North East Area Commission on Transportation (NEACT).

Commissioner Lindsay moved to approve the Statewide Transportation Improvement Fund Plan Application for Fiscal Years 2021-2023 to the Oregon Department of Transportation; and authorize Chair Russell to sign on behalf of the County. Commissioner Doherty seconded. Unanimous approval.

PGE Update on Decommissioning of the Boardman Coal Fire Plant

Chris Bozzini, Decommissioning Project Manager, PGE

Mr. Bozzini reviewed his slide presentation on the decommissioning of the Boardman Coal Fire Plant which shut down October 15, 2020. It will be a two-year process, slated to begin January 2022. First, a Request for Proposals will be issued and then in June 2021, the selection of the company to do the work will take place. The roles of the Oregon Department of Environmental Quality and the federal Environmental Protection Agency were explained by Mr. Bozzino. Discussion.

Comment Letter to the Oregon Department of Energy (ODOE) Regarding the Notice of Intent for the Wheatridge Wagon Trail Solar Project

Tamra Mabbott, Planning Director

Ms. Mabbott reviewed the draft letter and responded to questions from the Board.

Representatives of NextEra Energy and its consulting firm, Tetra Tech, also answered questions from the Board (David Lawlor, Carrie Konkol and Anneke Solsby).

Commissioner Lindsay moved to approve and sign the letter to Chris McVeigh Walker with the Oregon Department of Energy. Commissioner Doherty seconded. Unanimous approval.

Comment Letter to the Land Conservation and Development Commission (LCDC) Regarding its Draft Report to the Legislature – Regional Housing Needs Assessment

Tamra Mabbott, Planning Director

Ms. Mabbott said the overall theme of the letter was to “memorialize rural” and underscore the unique challenges rural communities have with housing. Discussion.

Commissioner Doherty moved to approve the letter to the Land Conservation and Development Commission, as presented, and have Ms. Mabbott and Commissioner Lindsay also present it at tomorrow’s LCDC meeting. Commissioner Lindsay seconded. Unanimous approval.

Order No. OR-2021-1: Authorizing the Treasurer to Invest Funds

Jaylene Papineau, Treasurer

Ms. Papineau requested the Board approve the Order with an expiration date through the fiscal year, June 30, 2021.

Commissioner Lindsay moved to approve Order No. OR-2021-1: In the Matter of Authorizing the County Treasurer to Invest Funds. Commissioner Doherty seconded. Discussion: The Commissioners said the Investment Policy needed to be discussed with the new Treasurer, as well as, the Finley Buttes Fund. Unanimous approval.

Break: 10:28-10:40 a.m.

Order No. OR-2021-2: Appointing Commissioner Representative and Alternate to the Columbia Development Authority (CDA) Board

Darrell Green, Administrator

Mr. Green said at last week's meeting he was asked to prepare an Order for appointments to the CDA. He said he worked with County Counsel, Richard Tovey, on the Order but the names of appointees were left blank. Brief discussion.

Commissioner Doherty moved to retain the same two people on the CDA Board with himself as the primary representative and Chair Russell as the alternate; terms to be January 1, 2021 through December 31, 2024. Commissioner Lindsay seconded. Vote: Aye: Commissioner Doherty and Commissioner Lindsay; Nay: Chair Russell. Motion carried.

Review Columbia River Enterprise Zone (CREZ) III Draft Intergovernmental Agreements

Chair Russell said the draft was sent to the Port of Morrow for feedback but he was unsure if the Port Commission acted on it. Later in the discussion it was clarified the Port Commission approved both IGAs as presented, with changes in red by Morrow County Counsel, Justin Nelson. Discussion continued.

Commissioner Doherty moved to leave it the way it currently sits. Chair Russell seconded. Discussion: Commissioner Lindsay sought clarification – was it the version currently in front of them? Commissioner Doherty said, no, it was with the CREZ II language. Chair Russell said that meant the funds to be disbursed sit there until a decision is made on how to spend them. Commissioner Doherty said in 20 years he hadn't seen that lose any money - to have it sit there. He went on to say his default was over concerns that a representative on the CREZ III Board could "gum up the works" so that funds stay locally, or conversely, go to the entire taxing districts. Chair Russell said the County would get the bulk of that money. Commissioner Doherty agreed, adding if the money sits there and we decide where it goes, nothing precludes us from saying it needs to go to the Lexington sewer project, for instance. Chair Russell stated there was a motion and a second. Commissioner Doherty said, "To change the blue to black." Chair Russell said we'd leave the disbursement of funds, if we can't come to conclusion, as it is in the Enterprise Zone II language, or it just sits there. "Correct," replied Commissioner Doherty. Commissioner Lindsay asked County Counsel, Richard Tovey, to clean up the IGA so it could be better understood. Mr. Tovey said it would be removing that paragraph and putting the paragraph from CREZ II in that spot. Commissioner Doherty said the vote could be taken or it could be revisited next week for signature and if something was incorrect after the final review, then it would be discussed further. Chair Russell asked if the Board concluded its discussion. Commissioner Doherty said he was happy to vote on that section. Commissioner Lindsay asked if the vote was just for that section, to which Chair Russell said, yes. Vote: Aye: Chair Russell and Commissioner Doherty. Nay: Commissioner Lindsay. Motion carried.

Commissioner Doherty asked if Commissioner Lindsay's preference would still be the entire taxing districts. Commissioner Lindsay said her first choice was the entire taxing districts, her second choice was the local taxing districts and her last choice was the CREZ II language. She said there had to be a way to stop someone from walking in the room and saying, "If I don't get

my million dollars, then you all don't get yours." That can't happen again but she said she didn't know how to get there without having another way that really makes someone think twice about making that decision. Commissioner Doherty said he would have to rethink this now. Commissioner Lindsay said she liked something that "holds feet to the fire that doesn't allow me to hold the entire system hostage." Chair Russell said he wanted to move forward with this and, "We're worrying about something that hasn't happened in 20 years and the likelihood of it..." Commissioner Lindsay said it did happen at the last meeting. Chair Russell said he didn't think so, necessarily. Commissioner Lindsay urged him to go back and listen to the recording. Chair Russell said the comment was made but that wasn't how the vote turned out. Commissioner Lindsay disagreed. Commissioner Doherty asked Commissioner Lindsay if she needed time to think about the motion. She said yes, to revisit the CREZ II language and the numbers from Assessor/Tax Collector Mike Gorman.

Discussion turned to past disbursements from the Enterprise Zone Board. Chair Russell explained the dollars were originally to offset the impacts to local taxing districts.

Commissioner Lindsay asked if that was written down anywhere because it isn't part of the goals of the Enterprise Zone. She went on to cite the objectives of the Enterprise Zone Board, as taken from the IGAs:

1. Provide more jobs in new and existing industries for all of our residents.
2. Increase the diversity of the economy, reducing the effect of economic fluctuations in single industries.
3. Increase diversification of job opportunities, to provide workers greater choice for advancement.
4. Raise the general level of income of residents.
5. Expand the tax base to share the costs of providing schools, public improvements and other local government services.

She said Chair Russell's explanation was an interpretation a lot of people want to bring to the table but it's not what the IGA says.

Chair Russell asked Lisa Mittelsdorf, Port of Morrow Economic Development Director, if that intent was written in State rules or if it was from litigation to offset affected taxing districts.

Ms. Mittelsdorf said that was the way she understood the program but she couldn't verify if State statute or ORS referenced either "impacted" or "affected" but definitely those districts were the ones giving up the tax dollars, so those were the ones impacted. She said she would be happy to do some research.

Commissioner Lindsay said if that was the case, then Morrow County, the Morrow County Health District, Blue Mountain Community College, Boardman Fire, and the Morrow County Unified Recreation District would be getting most of the money because that's who lost by the GASB 77 analysis (Governmental Accounting Standards Board). She said it's nowhere near where we've gone, that's not what the focus has been or the dollars would have gone out a lot differently.

Chair Russell said that has been the focus. We've talked to the taxing districts that we thought were affected since Enterprise Zone II was first born. He said he had a hard time seeing how a cemetery district was negatively impacted by a data center either in or around Boardman.

Commissioner Lindsay said the Morrow County Health District was the third highest impacted in tax abatement and didn't get an ambulance, so that's not in the analysis.

Chair Russell said it has been in the analysis, their tax rate is a little less than Boardman Fire District's.

Commissioner Lindsay said, "The total dollar amount the Health District gave up through last year was \$4,700,000 and they've gotten about \$150,000, versus, I could go on forever but we can't say we're trying to take care of the impacted because that's not been the analysis or this GASB 77 would be at every single meeting."

Chair Russell said the difference to him in emergency service districts was when police or fire respond to an emergency, they don't charge for services, as they should not, but medical districts do charge for services when they come.

Commissioner Lindsay said, "That was a fine analysis but don't say we're talking about tax abated dollars and then make a different analysis."

Chair Russell said we've tried to take care of those taxing districts negatively impacted by a data center being within a district.

Commissioner Lindsay said she wasn't arguing how the money was split or what your analysis was. She reiterated it wasn't about abating dollars, it was a larger analysis and a decision to choose winners and losers, that's how it worked, it wasn't about abating dollars.

Emergency Operations Center Update

Mr. Green provided numbers for recent vaccine events and compared them to events in other counties. He said the Health Department was working on a spreadsheet for signing people up for the COVID vaccine when their appropriate Phase is reached. Mr. Green explained the County spent all its COVID funds and asked if expenses such as cleaning products and the temporary office trailer should be covered by department budgets or by the County. The Commissioners said to centralize the expenses.

As more people become vaccinated, Commissioner Doherty asked at what point do things start to return to normal? Mr. Green said there was no direction from the State but indications were some restrictions might be lifted in the late fall or early winter.

Building Projects Updates

Chair Russell said the building permit still had not been issued for the Irrigon building but it was expected soon. The hope was for underground digging of water, sewer and electrical pipes to begin next week, he said.

Department Reports

- Juvenile Department Director Christy Kenny provided her quarterly report.
- Katie Imes, Coordinator of The Loop, provided her quarterly report.
- The written Emergency Management quarterly report submitted by Undersheriff Bowles was reviewed in his absence.

Correspondence

- Executive Summary: Final Environmental Analysis and Decision for Forest Management Direction for Large Diameter Trees in Eastern Oregon and Southwestern Washington
- Development Finance Review Weekly – January 14, 2021
- Sample Resolution proposed by the Columbia Development Authority on monitoring a section of the Oregon Trail. Chair Russell said the request came in late yesterday and he would schedule it for next week's agenda.

Commissioner Reports

Reports were provided by the Commissioners.

Signing of documents

Adjourned: 12:45 p.m.



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 1 of 2)

(For BOC Use)
Item #

Please complete for each agenda item submitted for consideration by the Board of Commissioners
(See notations at bottom of form)

Presenter at BOC: Kate Knop
Department: Finance
Short Title of Agenda Item:
(No acronyms please)

Phone Number (Ext): x5302 /
Requested Agenda Date: 3/15/2021

R-2021-6 Supplement budget resolution increasing the capital
improvement fund.

This Item Involves: (Check all that apply for this meeting.)

- Order or Resolution
Ordinance/Public Hearing:
1st Reading 2nd Reading
Public Comment Anticipated:
Estimated Time:
Document Recording Required
Contract/Agreement
Appointments
Update on Project/Committee
Consent Agenda Eligible
Discussion & Action
Estimated Time:
Purchase Pre-Authorization
Other

N/A

Purchase Pre-Authorizations, Contracts & Agreements

Contractor/Entity:
Contractor/Entity Address:
Effective Dates - From: Through:
Total Contract Amount: Budget Line:
Does the contract amount exceed \$5,000? Yes No

Reviewed By:

Kate Knop 3/15/2021 Department Director Required for all BOC meetings
Administrator Required for all BOC meetings
County Counsel *Required for all legal documents
Finance Office *Required for all contracts; other items as appropriate.
Human Resources *If appropriate

*Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Counsel, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

Enclosed is the supplemental budget resolution R-2021-6 authorizing increases in the capital improvement fund for credit bond dollars received on February 26, 2021. The supplemental budget resolution increases appropriations in capital outlay, by \$4,753,186, and unappropriated ending fund balance, by \$2,146,814, for the construction of the north-end administration facility.

A supplement budget resolution is needed to increase appropriations in the capital improvement fund per Oregon Budget Law ORS 294.471(1)(b) - Supplemental budget in certain cases.

ORS 294.471 Supplemental budget in certain cases:

(1)(b) of this section, a pressing necessity that could not reasonably be foreseen when preparing the original budget or a previous supplemental budget for the current year or current budget period and that require prompt action.

The revised capital improvement fund total requirements is \$7,324,049.

2. FISCAL IMPACT:

Increasing capital improvement fund, capital outlay and unappropriated ending fund balance, by \$6,900,000.

3. SUGGESTED ACTION(S)/MOTION(S):

Motion to approve R-2021-6 supplement budget resolution increasing the capital improvement fund by \$6,900,000.

Attach additional background documentation as needed.

**BEFORE THE BOARD OF COMMISSIONERS FOR
MORROW COUNTY, OREGON**

IN THE MATTER OF INCREASING)
 APPROPRIATIONS FOR FISCAL) RESOLUTION NO. R-2021-6
 YEAR BEGINNING JULY 1, 2020)

WHEREAS, the above-entitled matter came before the Board of Commissioners on March 17, 2021; and

WHEREAS, Oregon Revised Statutes (“ORS”) Chapter 294, prescribes the manner of county and municipal financial administration; and

WHEREAS, ORS 294.471(1)(b) provides that a county may present a supplemental budget in certain cases, a pressing necessity that could not reasonably be foreseen when preparing the original budget or a previous supplemental budget for the current year or current budget period and that require prompt action.

BE IT RESOLVED, amounts shown below increase appropriations and unappropriated ending fund balance for the fiscal year beginning July 1:

	<u>Current Appropriations</u>	<u>Increase (Decrease)</u>	<u>Amended Budget</u>
<u>CAPITAL IMPROVEMENT FUND</u>			
Capital Outlay	\$ 0	4,753,186	\$ 4,753,186
Other Requirements	\$ 0	2,146,814	\$ 2,146,814
Total Increase/(Decrease) Capital Improvement Fund	\$	\$ 6,900,000	\$ 6,900,000
		Total APPROPRIATIONS, All Funds	\$ 52,302,325
		Total Unappropriation and Reserve Amounts, All Funds	\$ 9,082,597
		TOTAL ADOPTED BUDGET	\$ 61,384,922

Dated this 17th day of March, 2021.

**MORROW COUNTY BOARD OF
COMMISSIONERS
MORROW COUNTY, OREGON**

Don Russell, Chair

Jim Doherty, Commissioner

Melissa Lindsay, Commissioner

Approved as to Form:

Morrow County Counsel

PACKET: 00145-R-2021-6 CIP Fund

BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE

Budget Adj. # 000301							
227 100-3-80-8010	3/17/2021	CREDIT BOND PROCEED LOAN PROCEEDS - BUILDING	6,900,000.00	0.00	0.00	6,900,000.00-	6,900,000.00-
227 100-5-40-4401	3/17/2021	CREDIT BOND PROCEED CAPITAL OUTLAY - ADMIN BLDG	4,753,186.00	0.00	0.00	4,753,186.00	4,753,186.00
227 100-5-90-9001	3/17/2021	CREDIT BOND PROCEED UNAPPROPRIATED ENDING FUND BAL	2,146,814.00	30,049.00	0.00	2,176,863.00	2,176,863.00
TOTAL NO. ADJUSTMENTS--REVENUE:					1	6,900,000.00	
TOTAL NO. ADJUSTMENTS--EXPENSE:					2	6,900,000.00	
TOTAL IN PACKET--						<u>13,800,000.00</u>	

*** NO WARNINGS ***

*** NO ERRORS ***

*** END OF REPORT ***

NOTICE OF SUPPLEMENTAL BUDGET HEARING

- For supplemental budgets proposing a change in any fund's expenditures by **more than 10 percent**.

A public hearing on a proposed supplemental budget for Morrow County, Oregon for the current fiscal year will be held at the Bartholomew Building 110 N. Court Street Heppner, OR.

The hearing will take place on March 17, 2021 at 9:00 AM
 PM
 The purpose of the hearing is to discuss the supplemental budget with interested persons.

A copy of the supplemental budget document may be inspected or obtained on or after March 8, 2021 at

Morrow County Finance Department 110 N. Court St. Heppner, OR, between the AM and 5:00 AM
 hours of 8:00 PM PM

SUMMARY OF SUPPLEMENTAL BUDGET

FUND:		CAPITAL IMPROVEMENT PROJECT FUND	
Resource	Amount	Expenditure	Amount
1 Reimbursements - Credit Bond Proceed	\$6,900,000	1 Capital Outlay	\$4,753,186
		2 Other Requirements	\$2,146,814
Revised Total Resources	\$7,324,049	Revised Total Requirements	\$7,324,049
		Total APPROPRIATIONS, All Funds	\$ 52,302,325
		Total Unappropriation and Reserve Amounts, All Funds	\$ 9,082,597
		TOTAL ADOPTED BUDGET	\$ 61,384,922

The supplemental budget would authorize an increase in Capital Improvement Project Fund revenue and total expenditures, due to an increase in credit bond proceeds. The proceeds will increase capital outlay for the north-end facility building project expenditures budgeted through June 30, 2021. The remaining bond proceeds will be unappropriated until fiscal year 2021-2022. The north-end facility completion date is 2022.

Legislative Updates

HB, SB, or LC#:

SB214, SB217, SB216, SB218, SB215(4)

Summary of Bill or LC:

SB214: Meaningful Restitution Reform for Crime Victims. See attached sheet.

SB217: Statutory fixes to what is considered a “statutory counterpart” to an Oregon crime. Main fact is make sure a persons prior DUII convictions out of Oregon would also be considered a prior DUII offense for a Oregon crime (when considering crime seriousness and sentencing).

SB216: Victim rights: victim notification when defendant is released, or considered if a jail releases a individual. Allow prosecution of certain crimes where the victim is located.

SB218: Extend ability for conditional discharge on criminal cases and allow greater access to specialty courts.

SB215(4): Fix issues by 2019 SB 1008 (changed young adult violent crimes).

Recommendation to Commissioners

SB214: Promote a “Yes” vote.

SB217: Promote a “Yes” vote.

SB216: Promote a “Yes” vote.

SB218: Promote a “Yes” vote.

SB215(4): Promote a “Yes” vote.



SB 214 Meaningful Restitution Reform for Crime Victims

Restitution is an essential feature of the criminal justice process for victims of crime that have suffered economic losses. Restitution also provides an opportunity for defendant rehabilitation. As a result of many new appellate cases, today it is very challenging to get restitution ordered for victims of crime after a criminal conviction.

Problem

- Current case law prohibits restitution for losses incurred by minor victims and any persons or entities that incurred economic losses on the behalf of minor victims. This prohibition includes personal economic losses by minor victims, parents of a minor victim, child abuse assessment center expenses, medical treatment expenses, or insurance losses.
- Current case law requires proof of the “reasonableness” of the actual treatment or service provided to a crime victim, and the “reasonableness” of the cost of the treatment or service. Victims of crime usually do not have any choice as to the treatment or services received, or the costs incurred, as a result of harm caused by the defendant.
- Current law prohibits juvenile courts from ordering restitution in juvenile matters after a youth has been adjudicated into the court’s jurisdiction but prior to the youth receiving conditions of supervision at a disposition hearing. This restriction doesn’t allow a juvenile court the flexibility that it enjoys in other sections of the juvenile code to impose conditions that provide for the personal responsibility, accountability and reformation of a youth. Further, as a result of this restriction, victims of crimes committed by a youth have less time to request restitution and submit their documentation to substantiate a restitution claim.
- Current law prohibits the court to order restitution in any case in which the defendant is adjudicated to be guilty except for insanity.

Solution

- Allow the court to order restitution for documented economic losses incurred directly by a minor victim, or by any person or entity that expends money or services on behalf of a minor crime victim.
- Allow the presentation of a verifiable record, report, bill, estimate, or invoice to prove the reasonableness of the service or procedure provided to the crime victim to support the restitution request, with a rebuttable presumption for the defendant.
- Allow the juvenile court to order restitution for a youth during the adjudicatory process or within 90 days after the adjudicatory hearing or the final disposition hearing.
- Allow the juvenile court to order restitution for youth at any point in the adjudication, and as part of any alternative disposition or information supervision.
- Allow the court to order restitution for crime victims when the defendant has been adjudicated as guilty except for insanity.



Oregon District Attorneys Association
Amanda Dalton | Amanda@DaltonAdvocacy.com
Michael Wu | Michael@MichaelWuLaw.com



Support SB 217 – Keeping Oregonians Safe: Commonsense Statutory Counterpart Fix

Under Oregon law, a DUI is elevated to a felony if a defendant has been previously convicted of DUI or a “statutory counterpart” from another jurisdiction at least twice before in the last two years. Similarly, Oregon’s laws protecting children from sexual abuse make a crime much more serious if the person has previously convicted of the crime, or a “statutory counterpart.” While every state has laws prohibiting DUI or sexually abusing a child, these laws differ in their exact details. For example, in Washington and California, a breath test taken in a window of time after driving (2 hours in Washington, 3 in California) is sufficient to establish intoxication. In a series of recent decisions, the Oregon Supreme Court has interpreted the definition of “statutory counterpart” to require a close to exact match. This means that convictions from our two largest neighboring states may not be admissible in Oregon. In their rulings, the Court has noted that they are interpreting what they believe to be the legislative intent of the term “statutory counterpart.” This interpretation has profound implications for the prosecution of DUI, child sex crimes, and other significant cases.

SB 217 clarifies the definition of “statutory counterpart” to allow these convictions, all of which were proven beyond a reasonable doubt, to be admissible in Oregon. The definition provides that a statutory counterpart is any statute which has the same use, role or characteristics as Oregon’s. This is a long standing definition within Oregon’s criminal code, and is well understood and applied by Oregon Judges. More importantly, it will allow convictions from neighboring states to count as they should when prosecuting significant criminal cases like felony sex crimes, strangulation, stalking, burglary, identify theft and DUI.



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Justice for Crime Victims

**Support SB 216:
Ensuring Greater
Access to Justice
for Crime Victims**

Audio Recordings

In most situations, current law does not allow undisclosed audio recordings to be presented as evidence in court. Current law also criminalizes the obtaining of undisclosed audio recordings during and regarding most criminal acts. This prohibition deprives victims from creating or presenting an undisclosed audio recording made during, or regarding a crime, as evidence against their domestic violence or child abuse offender. However, social norms have evolved since the passage of this law, so that most persons have ready access to a recording device and are expected to use it as needed. This statutory change allows a recording to be made by a victim that audio records an act of domestic or sexual abuse by their partner upon themselves, or other family members, including children, or later records an apology regarding the abuse by the offender. Allowing first-hand accounts to be captured on an audio recording acknowledges changed social norms, provides transparency of the nature of the abuse, and is a means for victims to protect themselves, and other family members, from abuse and later support the criminal allegations in court.

Victim Notification

Victims are frequently not notified when the defendant in their case is being released from jail. Any concerns a victim may have regarding their safety is not currently considered in jail release decisions. When making a release decision about the defendant, current law only requires the court at a release hearing to consider how to assure the appearance of the defendant in subsequent court proceedings, and not how to adequately ensure the safety of the victim and the public.

Venue Law

Current venue provisions create significant hardships for victims of financial fraud and property crimes, and significant court costs and inefficiencies. Victims are often required to attend court appearances in several different counties as a result of financial fraud and property crimes being committed against them by the same defendant in multiple jurisdictions. Currently, when the location of the commission of a crime is unknown, the location of the case defaults to the defendant's residence. This may be a significant hardship for travel and expenses for the victim to participate and have access to justice in the criminal justice system.



Oregon District Attorneys Association
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Michael Wu | Michael@MichaelWuLaw.com



Support SB 218: Expand Conditional Discharge - Greater Access to Specialty Courts

Specialty Courts Defined

Specialty Courts are problem solving courts that operate under a specialized model to provide supervision and treatment to individuals struggling with behavioral health challenges in lieu of traditional criminal courts. They allow justice system partners to collaborate and develop innovative ways to address root causes of problematic behavior in order to hold individuals accountable for their actions while helping them avoid future criminal justice involvement and get the treatment and services they need.

Currently in Oregon

Oregon law currently allows specialty “Drug Courts,” which focus on drug addiction criminal cases, to offer a “conditional discharge” to successful participants pursuant to ORS 475.245. Under this statute, a person who successfully completes their specialty “Drug Court” supervision can have their case dismissed, ultimately without a criminal conviction on their record. Program requirements vary and can include drug treatment, mental health therapy, peer support, parenting classes, maintaining employment, completing a GED program or paying restitution to their victim.

Benefits of Expanded Access

The benefits of conditional discharge are currently limited to only certain drug and property crimes. SB 218 expands this tool to other specialty courts such as Mental Health Specialty Courts, Veterans Treatment Specialty Courts, and Domestic Violence Specialty Courts. SB 218 will enable more defendants to come through programs that are proven to be effective, receive treatment and services and leave the system without a criminal record.



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SB 215: Reasonable Fixes to SB 1008 (2019)

Adopted in 2019, SB 1008 made sweeping changes to the way Oregon's criminal justice system prosecutes violent crimes committed by juveniles.

SB 215 makes needed clarifications to the "waiver" process and ensures victims and their families have the information about their case:

- Ensures victims are protected and that waiver is POSSIBLE when the facts warrant it
- Ensures case information is made available to victims while protecting the privacy of the juvenile-defendant

PROBLEM 1: Oregon's new and current waiver standard is: "sufficient sophistication and maturity to appreciate the nature and quality of the conduct involved." These terms are not defined, and without legal definitions for "sufficient," "sophistication" or "appreciate," (among others) 1008 fails to address the Legislature's concern regarding a lack of uniform waiver application around the state.

Nevertheless, this amorphous standard is currently the threshold waiver question; that is, a court cannot consider anything else- including public safety- until the state proves this ambiguous standard. This standard is so ambiguous and amorphous, in fact, that ODAA is concerned that it may be unattainable. Oregon is the only state to use this standard.

SOLUTION 1: ODAA initially proposed definitions; however, after feedback from stakeholders it became clear that maintaining flexibility to incorporate current brain science is critically important to waiver proceedings. ODAA agrees.

Therefore, ODAA's current proposal uses the same undefined standard, but does not make it the threshold finding. Instead, the standard becomes one of several delineated factors the court must consider before a youth can be waived to adult court. By doing so, courts must still consider brain science as applied to a particular youth (and ODAA will state on the record that this factor should be waived more heavily than other delineated factors) but it lessens the concerns caused by the standard's undefined, ambiguous terms because it is one factor- not the factor- for courts to consider. With this amendment, Courts will now make a totality of the circumstance waiver analysis, heavily-focused on the youth's development and ability to appreciate the wrongfulness of their conduct.

PROBLEM 2: Juvenile court confidentiality laws, understandably so, provide protections for juvenile court system records. Those protections, however, prohibit victims from receiving information to such an extent that they interfere with a victim's statutory and constitutional rights. When SB1008 shifted Oregon's most violent crimes committed by juveniles from adult to juvenile court, it highlighted a need to change how victims get information in our most violent cases.

SOLUTION 2: The proposed amendment allows prosecutors to share certain information with the victim of a crime. It does not entitle the victim to obtain copies of those records/documents. The information shared is only that information: (1) in the prosecutor's possession and control, and (2) which a victim needs to meaningfully exercise their rights. Information not directly informative of a victim's right remains private and confidential. This approach balances the youth's right to confidentiality with a victim's right to receive information about a case that impacts them.



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Waiver Amendment – Negotiated Amendment Language to SB 215

ORS 419C.349 Grounds for waiving youth to adult court

(2) After the hearing, the juvenile court may waive the youth to a circuit, justice or municipal court of competent jurisdiction if:

~~(a)The youth at the time of the alleged offense was of sufficient sophistication and maturity to appreciate the nature and quality of the conduct involved; and~~
(a)The juvenile court, after considering the following criteria, determines by a preponderance of the evidence that retaining jurisdiction will not serve the best interests of the youth and of society and therefore is not justified:

(A) The youth at the time of the alleged offense was of sufficient sophistication and maturity to appreciate the nature and quality of the conduct involved;

(B) The amenability of the youth to treatment and rehabilitation given the techniques, facilities and personnel for rehabilitation available to the juvenile court and to the criminal court that would have jurisdiction after transfer;

(C)The protection required by the community, given the seriousness of the offense alleged, and whether the youth can be safely rehabilitated under the jurisdiction of the juvenile court;

(D)The aggressive, violent, premeditated or willful manner in which the offense was alleged to have been committed;

(E)The previous history of the youth, including:

(i)Prior treatment efforts and out-of-home placements; and

(ii)The physical, emotional and mental health of the youth;

(F)The youth’s prior record of acts that would be crimes if committed by an adult;

(G)The gravity of the loss, damage or injury caused or attempted during the offense;

(H)The prosecutive merit of the case against the youth; and

(I)The desirability of disposing of all cases in one trial if there were adult co-offenders.

Victim Access to Information Amendment – Negotiated Amendment Language to SB 215

Amend ORS 419C.273 to include:

(6) “Notwithstanding any other provision of law regarding confidentiality or privilege of juvenile records, the district attorney may orally explain to a victim any relevant information regarding the alleged offense or the youth that is in the possession and control of the district attorney to assist the victim in the victim’s exercise of or determination of whether or not to exercise the victim’s statutory or constitutional rights. The district attorney shall provide, upon request and pursuant to a protective order, a copy of any written waiver opinion and disposition orders of a juvenile court. This section does not entitle the victim to information nor a copy of any other juvenile court records in any format unless otherwise provided by law.”



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 1 of 2)

(For BOC Use)
Item #

Please complete for each agenda item submitted for consideration by the Board of Commissioners
(See notations at bottom of form)

Presenter at BOC:
Department:
Short Title of Agenda Item:
(No acronyms please)

Phone Number (Ext):
Requested Agenda Date:

This Item Involves: (Check all that apply for this meeting.)
List of checkboxes for various agenda items: Order or Resolution, Ordinance/Public Hearing, Appointments, etc.

N/A
Purchase Pre-Authorizations, Contracts & Agreements
Contractor/Entity:
Contractor/Entity Address:
Effective Dates - From: Through:
Total Contract Amount: Budget Line:
Does the contract amount exceed \$5,000? Yes No

Reviewed By:

Department Director Required for all BOC meetings
Administrator Required for all BOC meetings
County Counsel *Required for all legal documents
Finance Office *Required for all contracts; other items as appropriate.
Human Resources *If appropriate

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Council, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

2. FISCAL IMPACT:

3. SUGGESTED ACTION(S)/MOTION(S):

Attach additional background documentation as needed.



Morrow County Employee Handbook & Policies

Effective: March 2021

Welcome!^[A1]

Welcome to Morrow County, we're glad to have you on our team. We believe that our employees are our most valuable assets. In fact, we attribute our success as an organization in significant part to our ability to recruit, hire, and maintain a motivated and productive workforce. We hope that during your employment with Morrow County, you will become a productive and successful member of Morrow County's team.

This employee handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between Morrow County and its employees, other than those found in applicable collective bargaining agreements. The policies stated in this handbook are subject to change at any time at the sole discretion of Morrow County with or without prior notice. This handbook supersedes any prior handbooks or written policies of Morrow County that are inconsistent with its provisions. It does not, however, substitute for collective bargaining agreement provisions. To the extent that a provision in a valid collective bargaining agreement contradicts or is inconsistent with what is in this employee handbook, the collective bargaining agreement provision controls.

This handbook does not create a contract of employment between Morrow County and its employees. With the exception of employees who are subject to a collective bargaining agreement, all employment at Morrow County is "at will." That means that either you or Morrow County may terminate this relationship at any time, for any reason, with or without cause or notice (unless you are subject to a collective bargaining agreement or written contract of employment). No supervisor, manager, or representative of Morrow County has the authority to enter into any agreement with you regarding the terms of your employment that changes our at-will relationship or deviates from the provisions in this handbook, unless the change or deviation is put in writing and signed by Morrow County (or that is included in a collective bargaining agreement).

You may receive updated information concerning changes in policy from time to time, and those updates should be kept with your copy of the handbook. If you have any questions about any of the provisions in the handbook, or any policies that are issued after the handbook, please ask the Human Resource Director.

Sincerely,
Human Resources
Morrow County

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I. Equal Employment Opportunity (EEO) Policies^[A2]

The following EEO Policies apply to all employees. Members of management, elected officials and employees alike are expected to adhere to and enforce the following EEO Policies. Any employee's failure to do so may result in discipline, up to and including termination.

All employees are encouraged to discuss these EEO Policies with Human Resources at any time if they have questions relating to the issues of harassment, discrimination or bullying, or what it means to work in a respectful workplace.

A. No-Discrimination, No-Retaliation Policy

Morrow County provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, sex, gender identity, pregnancy (including childbirth and related medical conditions), sexual orientation, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other status protected by applicable federal, Oregon, or local law. Morrow County also recognizes an employee's right to engage in protected activity under Oregon and federal law, as discussed in various policies below, and will not retaliate against an employee for engaging in protected activity.

Morrow County's commitment to equal opportunity applies to all aspects of the employment relationship — including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

B. Statement Regarding Pay Equity

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

See also "Statement Regarding Pay Practices" policy, below.

C. No-Harassment Policy

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

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

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

Sexual Harassment

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

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of employment;
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

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

This is not a complete list.

Other Forms of Prohibited Harassment

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

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

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

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

Complaint Procedure

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

Investigation and Confidentiality

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

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the Morrow County complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any other available law, whether criminal or civil. Although Morrow County cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against Morrow County, the employee must provide written notice of the claim within 180 days of the act or omission the employee claims has caused him/her harm. When an employee can prove

harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

Protection Against Retaliation

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

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

See also the No-Discrimination, No-Retaliation Policy, above, and the Reporting Improper and Unlawful Activity Policy, below.

Other Resources Available to Employees

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

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

Other Employee Rights

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

Morrow County is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires Morrow County to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with Morrow County regarding his/her experience and/or employment status, the employee should contact the HR Director. The employee's request to enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If Morrow County and employee do reach an agreement, Morrow County will not require an employee to enter into a nondisclosure agreement (which would prohibit the

employee from discussing or communicating about his/her experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about Morrow County or making comments that would lower Morrow County in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that Morrow County and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

D. No-Bullying Policy

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

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

This is not a complete list.

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

E. Disability Accommodation Policy

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

Accommodations

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

Requesting an Accommodation

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases, Morrow County) and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations or training materials provided by Morrow County, providing readers and interpreters, or making the workplace readily accessible to and usable by people with disabilities.

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All requests for accommodation should be made with the management team or the HR Director and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of his/her need for a reasonable accommodation. Both Morrow County and employee must monitor the employee's accommodation situation and adjust as needed.

F. Pregnancy Accommodation Policy

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

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

Requesting a Pregnancy-Related Accommodation

Employees who are concerned that their pregnancy, childbirth or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made with a member of the management team or the HR Director and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, information from the employee's doctor may be needed to assist Morrow County and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both Morrow County and employee must monitor the employee's accommodation situation and adjust as needed.

No Discrimination, No Retaliation

Morrow County prohibits retaliation or discrimination against any employee who, under this policy: (1) asked for information about or requested accommodations; (2) used accommodations provided by Morrow County; or (3) needed an accommodation.

Employees who ask about, request or use accommodations under this policy and applicable Oregon law have the right to refuse an accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee doesn't have a known limitation. Under Oregon law, an employer can't require an employee to use FMLA if a reasonable accommodation can be made that doesn't impose an undue hardship on the operations of Morrow County. Also, no employee will be denied employment opportunities if the denial is based on the need of Morrow County to make reasonable accommodations under this policy.

Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should be aware of their leave of absence options under the Family Medical Leave Act.

G. Reporting Improper or Unlawful Conduct — No Retaliation

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

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

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

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

Employee Reporting Options

Employees who wish to report improper or unlawful conduct should first talk to his/her supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the HR Director or County Administrator. Supervisors and managers are required to inform the HR Director or County Administrator about reports of improper or unlawful conduct they receive from employees.

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

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

Additional Protection for Reporting Employees

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of Morrow County's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of his/her coworker or supervisor acting within the course and scope of his/her employment. The disclosure must have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with Morrow County; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

Policy Against Retaliation

Morrow County will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he/she is disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by Morrow County policy).

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

This policy is not intended to protect an employee from the consequences of his/her own misconduct or inadequate performance simply by reporting the misconduct or

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

II. Employment Relationship

A. Employee Orientation

The orientation of a new employee is an important step in acquainting an individual with their work station, job duties and co-workers. It is also an appropriate time to communicate to the new employee important information about department expectations, County policies, and methods of operation. The employee's immediate supervisor is responsible for orienting the new employee, with assistance from the Human Resource and Finance Department. An Orientation Checklist has been designed to help the supervisors with this procedure. The completed checklist must be filed in the employee's personnel file.

B. Probationary Period

All new employees in the salary range of ten (10) or below, including current employees who are promoted or transferred within Morrow County, are hired into a probationary training period that lasts no less than six (6) months. Employees in range eleven (11) or higher will serve a probationary period of twelve (12) months. The probationary period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your manager. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the probationary period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if Morrow County meets your expectations of an employer.

Employees who are promoted or transferred to another position shall serve a new probationary period in the new position. During a promotional probationary period, the promoted employee may be demoted at any time without appeal, provided that the probationary employee is reinstated in the position from which he or she was promoted, even though this may necessitate the layoff of the employee occupying the position.

At or before the end of the probationary period, a decision about your employment status will be made. Morrow County will decide whether to: (1) Extend your probationary period; (2) Move you to regular, full-time or regular, part-time status; or (3) Terminate your employment.

Employees are not guaranteed any length of employment upon hire or transfer/promotion; both you and Morrow County may terminate the employment relationship during the probationary period for any lawful reason. Further, completion of

the probationary period or continuation of employment after the probation period does not entitle you to remain employed by Morrow County for any definite period of time. Both you and Morrow County are free to terminate the employment relationship, at any time, with or without notice and for any reason not prohibited by law.

C. Employment of Relatives/Family Members

~~Due to potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment, which can be carried into the daily working relationship, Morrow County will hire relatives of persons currently employed only if: a) candidates for employment will not be working directly for or supervising a relative, and b) candidates for employment will not occupy a position in the same line of authority in which employees can initiate or participate in decisions involving a direct benefit to the relative. Such decisions include hiring, retention, transfer, promotion, wages and leave requests.~~

~~If any employee, after employment or change in employment, enters into one of the above relationships, one of the affected individuals must seek a transfer or a change in the reporting relationship. Such changes must be approved by the HR Director. If a decision cannot be made by the affected employees within 14 days of reporting, reassignment will be made on direction of the department Director and the HR Director.~~

~~"Family member" is defined as one of the following: spouse or significant other, parent/step parent, child/step child, grandparent, grandchild, brother/brother-in-law, sister/sister-in-law, uncle, aunt, nephew, niece, first cousin, in-laws (father, mother, son daughter).~~

~~Relatives of current employees, or individuals involved in an intimate personal or financial relationship with a current employee, are eligible for hire at Morrow County subject to the same selection process and job requirements and will be evaluated in the same manner as any other applicant. However, persons will not be hired or promoted into positions in which one family member (as defined by Oregon law) or person involved in an intimate personal or financial relationship, would fall under the direct line of supervision of the other family member or partner.~~

~~All employees shall avoid being in a position where they are subject to supervisory or oversight authority by a family member, member of their household, or a person with whom they have an intimate personal or financial relationship. If the relative relationship is established after employment as a result of organizational restructure, marriage, or a development of an intimate personal or financial relationship, the employees involved have an obligation to immediately inform their supervisor, or Human Resources. The employees and Morrow County will jointly make a good faith effort to find an alternative assignment for one of the two employees. Depending on business need, this may include, but is not limited to restructuring duties, assignment to another position, and assignment to another shift or change in supervision. If no alternative assignment is available, the two employees will have 30 days to decide who will resign. If a decision is not made within 30 days, Morrow County will make the final decision, based on the County's operational and financial needs.~~

Policy violations including, but not limited to, failure to disclose a family relation, or an intimate personal or financial relationship, will be investigated by Human Resources. Policy violations may result in progressive discipline of employees, up to and including termination of employment. Supervisors and lead workers may be disciplined for taking employment actions based upon the relationship.

D. Employee Classification

Morrow County classifies employees as follows:

1. Regular Full-time: Employment in an established position requiring 40 hours or more of work per week. Generally, full-time employees are eligible to participate in Morrow County's benefit programs.
2. Regular Part-time: Employment requiring less than 40 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 40 hours will not constitute a change in status from part-time to full-time. Regular, part-time employees are only eligible for benefits for those working 20 hours or more a week.
3. Temporary: Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employment can either be full-time or part-time but the duration of employment may not exceed 6 months or 1040 hours. Temporary employees are not eligible for benefits other than those mandated by applicable law.

Additionally, all employees are defined by federal and Oregon law as either "exempt" or "nonexempt," which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all Morrow County rules and procedures.

E. Civic Duty Volunteerism

It is the policy of Morrow County to support employees who desire to participate in civic activities.

Whenever County operations would not be unduly interrupted, supervisors will normally authorize an employee to be excused from work to engage in emergency volunteer services such as firefighting, ambulance drivers, emergency medical technicians (EMTs), search and rescue, red cross, etc. Such absences shall be authorized only for employees with a bona fide affiliation to the emergency provider and only for actual emergency events and not for routine meetings, training or other non-urgent occasions.

Further, employees may elect to continue being paid while engaged in these non-County activities if they wish to apply any of their accrued paid vacation leave to their period of absence from work. Any application of paid time may only be for the period of time the employee is absent from their normal work day. Notwithstanding the above, the

use of paid vacation time for the purposes of this section shall in no event result in the accumulation of overtime.

F. The Workweek

The established work week is from 12:01am Monday to 12:00 midnight, Sunday. The regular hours of work each day shall be consecutive except for a lunch period. The regular workweek shall consist of no more than 5 consecutive days. The hours of work for individual positions shall be determined by the department head to meet the needs of the department. [A3]

G. Flex Time

By voluntary mutual agreement between the employee and supervisor an alternative to the regularly scheduled day or work week may be worked. A "flexed" schedule may change the starting and/or ending time of one or more work days and may change the number of hours worked in a day or several days. A flexed schedule will not, however, change the total number of hours worked in the FLSA established weekly work period (40) for the affected employee. A flexed work schedule shall not result in the payment of overtime unless the total number of hours worked in the week exceeds 40.

H. Meal Periods and Rest Breaks

Each employee shall be allowed an uninterrupted 15-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible.

All employees shall be granted a 1-hour unpaid meal period when the work period is six hours or greater. The law requires an uninterrupted period in which the employee is relieved of all duties. No meal period is required if the work period is less than six hours. The meal period shall normally be taken between 3 and 5 hours after the start of the work shift. If, because of the nature or circumstances of the work, an employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform his/her supervisor before the end of the shift so that Morrow County may pay the employee for that work.

Meal periods and rest breaks are mandatory and are not optional. An employee's meal period and rest break(s) may not be taken together as one break. Meal periods and rest breaks may not be "skipped" in order to start work late or leave early. An employee who fails to abide by this policy and applicable laws may be subjected to discipline, up to and including termination.

Sample rest and meal break schedules are listed below. Employees with questions about the rest or meal breaks available should contact their supervisor. [A4]

Requirement

Length of Work Period	Rest Breaks	Meal Periods
2 hours or less	0	0

2 hrs. & 1 min – 5 hrs. & 59 min	1	0
6 hrs.	1	1
6 hrs. & 1 min – 10 hrs.	2	1
10 hrs. & 1 min. – 13 hrs. & 59 min	3	1

I. Rest Breaks for Expression of Breast Milk ^[A5]

Morrow County will provide reasonable rest periods to accommodate an employee who needs to express milk for her child eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, or if the employee is exempt from overtime laws, the employee is entitled to take a reasonable period each time the employee has a need to express milk.

Morrow County will treat the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time Morrow County is required to provide as paid rest breaks and/or meal periods under applicable personnel rules or collective bargaining agreements. Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time.

If an employee takes unpaid rest breaks, Morrow County may, at the discretion of the employee's supervisor, allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. Morrow County will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this policy.

Morrow County will make a reasonable effort to provide the employee with a private location within close proximity to the employee's work area to express milk. For purposes of this policy, "close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. A "private location" is a place, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public.

If a private location is not within close proximity to the employee's work area, Morrow County will identify a private location the employee can travel to. The travel time to and from the private location will not be counted as a part of the employee's break period.

Notice

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

Storage

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

J. Transfers

An employee requesting transfer from a position in one department to a position in a different department shall apply in the manner provided in the advertisement or posted job announcement. It shall be the employee's choice whether to inform their current department head of the application. If the application is successful, the employee will give the current department head the customary two-week notice before assuming their new position unless some other time frame can be mutually agreed upon between the two affected department heads.

An employee requesting transfer from one classification to another may not be considered for the transfer if they do not possess the minimum qualifications for the new classification.

When an employee transfers to a different position in the same pay range on the salary scale, the rate of pay will remain the same. For transfers to a higher classified position, see promotions. For transfers to lower classified positions, see voluntary demotions below.

K. Promotions

It is the County's policy to encourage and promote the professional growth of each employee. Therefore, the County encourages employees to apply for promotions to positions for which they are qualified. Promotions shall be based on the ability, qualifications and potential of candidates for the position.

The appointing power may recruit both current employees and applicants from outside the county service to insure the selection of the most qualified and appropriate person to fill a position. The appointment to fill a vacancy in a management position may be made either by promotion from within the department or on a competitive basis utilizing outside sources.

When an employee is promoted, they will be paid at the first step of the new pay range that provides for an increase in pay. Step increases thereafter shall be based on the anniversary date of the promotion.

L. Demotions

A demotion is an appointment of an employee from a position in one class to a position in another class having a lower salary range. Demotions may occur for the following reasons:

Involuntary

The demotion of an employee which may be instituted as a disciplinary action. Involuntary demotions for cause or performance related problems will result in placement at the next lower step on the salary scale

Voluntary

A demotion requested by an employee where the action is entirely voluntary on the part of the employee and not taken for disciplinary reasons. If an employee is voluntarily demoted (applies for and accepts a position in a lower salary range) the employee shall be paid at the same longevity step of the lower salary range.

M. Reductions in Force (Layoffs)

The County may lay off an employee due to changes in duties; reorganization of positions; elimination of a position or service; lack of work; shortage of funds; or other cause which does not reflect discredit on the service of the employee.

A reasonable effort will be made to integrate employees subject to the layoff into other departments if vacancies exist.

In determining the order of the layoff, the decision shall be based on a combination of considerations including, but not necessarily limited to, the specific qualifications and skills required in the work to be performed following the layoff, job performance, and seniority.

Upon a layoff, the County shall cease to pay for any benefits, but the employee may opt for continuation of benefits through COBRA at their own expense pay for group coverage of health benefits under COBRA in accordance with current state and federal law.

Employees re-employed with the County within 18 months of the layoff will retain their seniority and longevity placement on the appropriate pay scale. Time away from the job will not be counted toward seniority/longevity, but will begin accruing again at the time of rehire.

~~The employee on a layoff will have the option of cashing in all accrued vacation leave while on layoff status or leaving the vacation accruals intact for the return to work. Accrued sick leave may not be cashed in. No leave, whether paid or unpaid, may be retained for longer than one year. If an employee remains on layoff status for longer than one year, accrued vacation leave shall be paid out.~~

N. Working Out of Class

In the event of a prolonged absence of a department head, an employee may be called upon to assume some of the department head's duties in addition to their regular duties. Whenever these occasions extend for a period of time beyond one month, it is appropriate to consider temporary additional pay to compensate for any additional responsibilities that the employee may be required to undertake.

The BOC will decide based on the ability, qualifications, and candidates for the position and if appropriate, to designate an employee to be "working out of class". The employee who is selected to temporarily work out of class will receive a one-step pay increase while filling the position. Upon return to or appointment of a person to the department head position, the employee working out of class will be returned to their regular duties and regular rate of pay.^[A6]

The BOC will make the determination on a case-by-case basis whether the temporary pay increase should be retroactive to the date of the absence of the affected department head based upon when the additional responsibilities were assumed by the employee, budgetary constraints, and other appropriate considerations.

O. Employee-Incurred Expenses and Reimbursements

Morrow County will pay actual and reasonable business-related expenses you incur in the performance of your job responsibilities if they are: (1) listed below or elsewhere in this handbook; and (2) pre-approved by your supervisor/manager before they are incurred. Morrow County will not pay for or reimburse the costs incurred by a spouse, registered same-sex domestic partner or travel companion who accompanies the employee on Morrow County-approved travel.

Employees must provide a completed and signed expense report and evidence of proof of purchase (receipts) within one month of the expense being incurred or the employee risks forfeiting his/her payment or reimbursement.

P. Travel[A7] Policy

The purpose of this policy is to provide guidelines for the reimbursement of necessary, out-of-pocket expenses incurred in the course of an employee's job performance. Morrow County hereby adopts an "accountable plan" whereby: 1) all expenses must have a business connection, 2) expenses must be substantiated, and 3) unspent amounts must be returned. It is the intent of this policy that travelers will select the lodging, meals, and method of transportation most economical to the county.

Transportation & Mileage

Travel must be over the most direct and usually traveled route. If an employee travels by an indirect route for personal convenience or interrupts travel by a direct route, the employee will bear the extra expense. Travel between home and the workplace is not reimbursable for employees. Mileage will normally be claimed from an employee's workplace. Travel may be requested from an employee's home, rather than from the workplace if it is economically beneficial to Morrow County.

Travel of employees on official business shall whenever possible and practical, be by County-owned vehicle. Reimbursement is available for employees (elected and non-elected), and members of various boards and commissions if travel has been approved and budgeted by that board or commission. Employees must furnish a record of where, when and why they traveled on business in order to receive the mileage allowance. The employee, ~~or~~ board, or commission member will be responsible for ensuring that sufficient accident and injury insurance coverage exists on their private auto to cover the employees' liability for accident or injury.

Employees will be reimbursed for authorized use of their personal vehicles at the rate established by the Internal Revenue Service if there is not a county vehicle available. Employees who have a County vehicle available to them and choose to use their private auto for personal convenience will be reimbursed at 50% of the IRS per mile rate. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses

(including parking tickets) are the responsibility of the employee and will not be reimbursed by Morrow County. If two or more employees ride together, only one may be reimbursed for mileage.^[A8]

Out-of-State Travel

Due to the expense, out-of-state travel (defined as traveling beyond Oregon, Washington, and Idaho) should be rare and should be undertaken only when there is no viable in-state alternative. All out-of-state travel requires advance notice either during the Budget process or presented to the Board of Commissioners 30 days in advance of the travel date, or as soon as you have been notified of expected travel plans. Emergency out-of-state travel by Sheriff's Office or District Attorney's Office personnel for official law enforcement or prosecutorial business, including but not limited to prisoner extradition or witness interviews may be approved by the Sheriff or District Attorney with notice to the county administrator and with no further approval required.

Requests for out-of-state travel will be considered on a case-by-case basis. In general, out-of-state travel shall be approved under the following circumstances:

- It is for training that is directly related to an employee's essential job functions and no comparable training is available in-state or is not provided in-state in a timely manner.
- It is for continuing education or accreditation required for a professional license or certification an employee must maintain and no comparable programs are available in-state or are not provided in-state in a timely manner.
- It is for an annual conference of a professional association that provides unique training or educational opportunities for an employee who is a member of the association.
- It is for the furtherance of Morrow County interests before other government agencies with legislative or financial control over matters expected to impact Morrow County.

Use of private or rental airplanes must be authorized by a member of the Board of Commissioners.

Use of other modes of public transportation (commercial airplanes, taxis, buses, rental cars, railways, shuttles, etc.) is reimbursed at actual cost. Employees will select the class of transportation most economical to the county. Receipts must be provided to receive reimbursement.

Any and all employee travel must be authorized by their Department Director or Elected Official. Travel reimbursements paid from outside of Morrow County may be approved with notice to the County Administrator.

Drivers of County-owned vehicles shall obey all traffic and speed laws. No alcoholic beverages shall ever be carried in a County-owned vehicle except as required for evidence by law enforcement officials.

County-owned vehicles shall not be used for private purposes.

Commissioner Vehicle Policy

A County-owned vehicle may be assigned to each member of the Board of Commissioners. County-owned vehicles that are assigned to individual Commissioners under this Section shall be used for County business purposes only and may be parked

overnight at a County owned facility or at the residence of the assigned Commissioner. If a County-owned vehicle is parked at the residence of a Commissioner, the Commissioner shall sign a written statement acknowledging that the vehicle will be used solely for business purposes. The Commissioner shall keep a record of each vehicle trip that details the date, purpose of the trip, and miles traveled in order to document that the vehicle was used solely for County business purposes.

Meals

Receipts for meals are required and must be attached to the claim form for reimbursement or payment. Receipts shall show the detail of services purchased or written explanation by the employee. No more than a 15% gratuity will be reimbursed. Alcohol beverages are not allowable expenses.^[A9]

If two or more employees are attending a function outside of Morrow County, one employee can pay for another employee's meal and turn in both for reimbursement or payment. The cost of each meal should be clearly broken out.

When traveling outside of Morrow County, meal expenses will be allowed for travel that is both out-of-county and overnight, and for meals not provided by the conference, training, meeting or hotel. Request for payment or reimbursement and the associated agenda shall be incorporated in the Travel Expense Reimbursement Claim Form. Employees shall follow the U.S. General Services Administration (GSA) guidelines for breakfast, lunch, and dinner only. GSA rates include gratuity. Claims in excess of GSA rates will be at the employee's expense.

Link to GSA rates; <http://www.gsa.gov/portal/category/100120->

When the travel period is less than 24 hours, the following guidelines shall be used for payment or reimbursement.

- 1) Breakfast - if departing prior to 7:00 a.m., or returning after 8:00 a.m.
- 2) Lunch - if departing prior to 12:00 noon, or returning after 1:00 p.m.
- 3) Dinner - if departing prior to 6:00 p.m., or returning after 7:00 p.m.

When travel is overnight, the County will reimburse or pay up to the total daily meal rate maximum allowed by GSA, unless a meal is sponsored by the conference, training meeting for that day.

When traveling in County

Meal expenses will be reimbursed by the County only as provided in this section.

1. Directly Related. The meal is combined with the conduct of County business, County business is actually conducted during the meal period, and there is more than a general expectation that some County benefit will be derived from the combined business and meal meeting; or
2. Trade/Professional Meeting. The meal is directly related to and necessary for attending a meeting, conference or convention of a chamber of commerce, business league or a trade/professional association.

Reimbursement or payment requests must be submitted within 30 days of expenditure, and include original detailed receipts, documentation of the business purposes of the meal, and a list of those attending the meal. GSA meal guidelines shall be followed.

Lodging

Lodging costs are allowed when county business requires an overnight stay. Receipts for lodging are required and must be attached to the claim for reimbursement.

Travel Time

Employees required to travel away from the home community in the performance of their duties will be compensated for travel time as work time, whether driving or a passenger. The expense and demands on the employee of travel time may be mitigated by flexing a normal work schedule to accommodate travel time.

Miscellaneous

Receipts are required for miscellaneous items such as bridge tolls, parking fees, phone calls (for county business), fax charges, etc. Reimbursement is not allowed for entertainment or incidental expenses.

Elected Officials

Whenever a person is duly elected to fill the position of a County elected official but has not yet taken office, their expenses while traveling on authorized County business may be paid or reimbursed by the County in accordance with these policies.

Any exceptions to the travel policy must be approved by the Board of Commissioners

Q. Reporting Changes to an Employee's Personal Data

Because personnel records are used to administer pay and benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping your personnel records current with regard to pay, deductions, benefits and other matters is important. If you have changes in any of the following items, please notify Payroll/Human Resources in writing to ensure that the proper updates are completed as quickly as possible:

- Name;
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only);
- Address or telephone number;
- Dependents/ [Beneficiaries](#);
- Person to be notified in case of emergency;
- Other information having a bearing on your employment; and
- Tax withholding.

Employees may not intentionally withhold information from Morrow County about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, Morrow County may require employees to

provide proof of marital status/domestic partnership status. Employees who violate this policy may be subject to discipline, up to and including termination.^[A10]

R. Residency Requirement

Residency shall not be a condition of initial or continued employment. However, employees are encouraged to live within the County and to participate in civic affairs.

S. Personnel Files

Employee personnel files will be kept by Human Resources. All information contained in this file is confidential and will be kept in a secure location to which only the person responsible for maintaining the file has access. The contents of the Personnel File may be released only to those with a "need to know". The employee may review their own personnel file upon making a request to the HR Director, which review may be scheduled for a time that is convenient to both parties so long as it is not unreasonably delayed. The employee may also request a copy of anything in his or her own file. An employee may include a written statement of explanation or rebuttal to any performance appraisal material placed in their file. ^[A11]

T. Performance Reviews

All Morrow County employees will receive periodic performance reviews. Performance reviews serve as one factor in decisions related to employment, such as training, merit pay increases, job assignments, employee development, promotions, retention and discipline/termination. Any employee who fails to satisfactorily perform the duties of his/her position is subject to disciplinary action (including termination).

Morrow County's goal is to provide an employee with his/her first formal performance evaluation within six months after hire or promotion. For salaried exempt employees ~~at step 11 or above~~ on the management scale, they will be provided with an evaluation within one year after hire or promotion. After the initial evaluation, Morrow County will strive to provide a formal performance review on an annual basis.

Reviews will generally include the following:

- An evaluation of the employee's quality and quantity of work
- A review of exceptional employee accomplishments
- Establishment of goals for career development and job enrichment
- A review of areas needing improvement
- Setting of performance goals for the employee for the following year.

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than 30 days following the date the performance evaluation was received.

Supervisors and managers are encouraged to provide employees with informal evaluations of their employees' work on an as-needed basis.

U. Job Classification

The purposes of a classification plan are:

- To provide the fundamental basis of the compensation program and other aspects of the personnel program.
- To provide like pay for like work.
- To establish Qualification standards for each class and a basis for recruiting, testing and other selection purposes. To provide managers with a means of analyzing work distribution, areas of responsibility, lines of authority, and other relevant relationships between individuals and groups of positions.
- To assist managers in determining personnel service costs and projections for annual budget requirements.
- To provide a basis for developing standards of work performance.
- To establish lines of promotional opportunity.
- To indicate employee training needs and development potential.
- To provide uniform and meaningful titles for all positions.
- To develop written descriptions, including performance criteria, for all classes.
- To standardize class titles such that each indicates a definite range of duties and responsibilities and has the same meaning throughout County employment.

Titles and Job Descriptions - Each position shall have a job description that includes a concise description of the duties and responsibilities of the position. Position descriptions take into consideration the requirements of the job and are merely descriptive and explanatory of the work to be performed. They may not include all of the duties and are not intended to replace detailed work assignments.

Maintenance of Job Descriptions - Department Heads are responsible for notifying the HR Director of any material changes in positions. The HR Director will review the Job Description and the placement of the position on the pay scale according to the CLASSIFICATION [REVIEW AND PROCESS below](#).

New Positions - Only the BOC may authorize the addition of any new positions and allocate positions to an appropriate pay scale, based on the recommendation of the HR Director.

Appeals regarding the assigned pay scale may be submitted by the Department Head and shall be submitted within 30 days of written notification of the approval of the new position and the pay scale. Appeals shall be handled according to CLASSIFICATION [REVIEW AND PROCESS below](#).

Justifications of the need for the position including a description of the duties and responsibilities that are anticipated to be assigned to the proposed position are expected to accompany any request for a new position.

V. Reclassification

Positions may be reclassified whenever the duties of the position change significantly. See Classification Plan for the procedures to reclassify.

Reclassification of a position shall not be used as a substitute for disciplinary action or to avoid restrictions concerning compensation.

Reclassification of a position shall also not be used as a reward for exceptional performance. Submitters must be mindful of reclassifying the position instead of the employee.

Reclassification will have the following effect on employee status:

To a Higher Salary Range - When a position is reclassified to a class that carries a higher salary range and the incumbent meets the qualifications established for the class, the employee will serve the appropriate probationary period in the new class. If the incumbent does not meet the necessary qualifications, the rules governing transfer, demotion or layoff will apply.

To the Same Salary Range - When a position is reclassified within the same salary range, or there is a change in title or description that does not constitute an upgrading or down grading of the class, the incumbent will retain the same probationary or regular status in the new class. Any exception to this rule must be based on a finding that the new class requires knowledge, skills or abilities which the incumbent does not possess.

To a Lower Salary Range - When a position is reclassified due to an employee request that some responsibilities be transferred to other positions, it will be considered a voluntary reduction in duties and will result in a corresponding reduction in pay. When a position has been reclassified as a result of a reduction in duties and responsibilities for operational considerations, it will be considered an "involuntary" reduction in duties and will result in a wage freeze.

W. Classification Process

Initial Classification/Reclassification Process

Initial Classification

To begin the process for a new position, the position will be thoroughly defined through the completion of a job description. Attached to the job description shall be the FTE Ask Executive Summary document from the Department Head (Submitter) stating the specific skills and duties of the position. Specifically focus on the following five (5) factors: Mental, Physical, Social, Work Environment, and Accountability.

1. In order to establish an appropriate pay range, the Human Resource Director will evaluate the application and job description for placement on the pay range scale based on the JOBMEAS™ method. A salary survey will also be conducted of counties of similar population. The Human Resources Director shall survey the three counties larger and the three counties smaller than Morrow County, based on the population information provided in the Oregon Blue Book. All forms of compensation will be reviewed, including but not limited to wage, insurances, retirement, holidays, etc. All efforts to provide information from the 6 counties mentioned above will be made, however, if these counties within the size do not have a position similar then other counties will be used to provide substantial findings.

2. Human resources will have 30 days to complete this process and notify the submitter with the results. If there is a delay in the process, the submitter will be notified prior to the expiration of the 30 days.
3. A written notice of findings will be prepared by HR. The results will be presented to the submitter, his/her department head, or the department Director, and the County Administrator. The submitter will be instructed that if they are unsatisfied with the decision, they may pursue an appeal to the appeal committee within seven calendar days.
4. If no request is received within seven calendar days Human Resources will take the findings to the Board of Commissioners for decision. Human Resources will notify the employee of the decision.
5. If the submitter requests an appeal, Human Resources will have 45 days from the date of the request to complete the appeal process.
6. Upon completion of the appeal committee's considerations, a written notice of decision will be prepared. The results of the appeal committee deliberations will be presented to the submitter, their direct supervisor or department Director, and the County Administrator. The submitter will be instructed that if they are unsatisfied with the appeal committee's findings, they may request to elaborate in-person to the appeal committee or they may pursue an appeal to the commissioners. Either of these requests will need to be received within 7 calendar days of the day they were notified of the findings. If no request is received within 7 calendar days, human resources will take the findings to the commissioners for consent.
7. If the submitter requests to elaborate in-person to the appeal committee, a meeting will be scheduled and conducted. The appeal committee will notify the submitter via written notice of decision. The submitter will be instructed that if they are unsatisfied with the appeal committee's findings, they may pursue an appeal to the commissioners. The request must be received within 7 calendar days of receiving the written notice. If no request is received within 7 calendar days, human resources will take the findings to the commissioners for consent.
8. If the submitter requests to appeal to the Commissioners, the HR Director will advise the Commissioners of the request and will prepare all information regarding the reclassification request to date for their review. The Commissioners will review the appeal request in a public meeting within 30 days of the request for appeal from the submitter. The submitter may elaborate in person. The Commissioners will approve or deny the findings of the appeal committee. The results of the commissioner's deliberations will be provided to the submitter in a final notice of decision.
9. The decision of the Board of Commissioners is final.

Reclassification

A reclassification shall include the application, a redline updated job description, and a copy of the position's overhead costs. The reclassification application may only be submitted by the

department head or the employee in the position (submitter). In order to have a position considered for reclassification, the department head or the submitter must deliver the completed application to the Human Resource Director before November 1 for consideration for the next fiscal year starting July 1.

1. The Human Resources Director will review the application for completeness and conformity to standards and inform the submitter that the reclassification request will be processed.
2. In order to establish an appropriate pay range, the HR director will evaluate the application and job description for placement on the pay range scale based on the JOBMEAS™ method.
3. Human Resources, Administration, and Finance will meet and review the application and attachments.
4. Human resources will have 30 days to complete this process and request a meeting with the submitter. If there is a delay in the process, the submitter will be notified prior to the expiration of the 30 days.
5. A written notice of decision will be prepared by HR. The results will be presented to the submitter, his/her department head, or the department Director, and the County Administrator. The submitter will be instructed that if they are unsatisfied with the decision, they may pursue an appeal to the appeal committee within seven calendar days.
6. If no request is received within seven calendar days human resources will take the findings to the Board of Commissioners for concurrence. Human Resources will notify the employee of the decision. If the Commissioners do not approve of the findings of the HR Director they may request a review by the appeal committee.
7. If the submitter or the Commissioners requests an appeal, human resources will have 45 days from the date of the request to complete the appeal process.
8. Upon completion of the appeal committee's considerations, a written notice of decision will be prepared. The results of the appeal committee deliberations will be presented to the submitter, their direct supervisor or department Director, and the County Administrator. The submitter will be instructed that if they are unsatisfied with the appeal committee's findings, they may request to elaborate in-person to the appeal committee or they may pursue an appeal to the commissioners. Either of these requests will need to be received within 7 calendar days of the day they were notified of the findings. If no request is received within 7 calendar days, human resources will take the findings to the commissioners for consent.
9. If the submitter requests to elaborate in-person to the appeal committee, a meeting will be scheduled and conducted. The appeal committee will notify the submitter via written notice of decision. The submitter will be instructed that if they are unsatisfied with the appeal committee's findings, they may pursue an appeal to the commissioners. The request must be received within 7 calendar days of receiving the written notice. If

no request is received within 7 calendar days, human resources will take the findings to the commissioners for consent.

10. If the submitter requests to appeal to the Commissioners, the HR Director will advise the Commissioners of the request and will prepare all information regarding the reclassification request to date for their review. The Commissioners will review the appeal request in a public meeting within 30 days of the request for appeal from the submitter. The submitter may elaborate in person. The Commissioners will approve or deny the findings of the appeal committee. The results of the commissioner's deliberations will be provided to the submitter in a final notice of decision.

11. The decision of the Board of Commissioners is final.

Appeal Committee – Once the appeal request is received the appeal committee will be notified of the request.

The appeal committee shall consist of the following:

- a. One employee representative and two alternates (from any of the three Morrow County bargaining units).
- b. One (1) management representative and one alternate.
- c. One (1) elected official, however, not a member of the Board of Commissioners, and one alternate.
- d. Human Resources Director

The members of the appeal committee may not work in the same department as the submitter. Alternates may be appointed in order to maintain an unbiased committee.

Each member, except the HR Director, will serve a three-year term, with one employee, management representative, or elected official being replaced each calendar year. The HR Director is a permanent ex officio member and shall act as a facilitator for the committee but shall be without a vote. Each member of the appeal committee will receive information and training regarding the classification system and the evaluation process. The appeal committee shall meet on an as-needed basis.

The appeal committee will be provided with all of the material submitted on the position to date including the application and job description, the Human Resource Director's notice of decision, and the request for appeal.

The appeal committee will review the appeal request and prepare their findings within 45 days of the date of the request.

** JOBMEAS™ is a tool for evaluating job descriptions for placement on a pay scale. This tool is a product of Jacobsen, Betts, and Company of Seattle, WA. This tool is a mathematically and statistically based spreadsheet that allows for the comparison of duties and skills as job factors.

~~Initial Classification:~~ To begin the process for a new position, the position is thoroughly defined through the completion of a new Job Description. Attached to the Job Description shall be a memo FTE Ask Executive Summary document from the Department Head (Submitter) stating the specific skills and duties of the position. Specifically focus on the following five (5) factors; mental requirements, physical requirements, social requirements, work environment, accountability, job duties/responsibilities.

~~A) Reclassification:~~ A reclassification shall include an updated Job Description and may only be submitted by the Department Head or the employee in the position (Submitter). In order to have a position considered for reclassification, the Submitter must submit the modified Job Description, current overhead costs, and Explanatory Memocompleted reclassification application to their Supervisor to review and sign. The Supervisor and/or submitter must then deliver to the HR Director before November 1. The HR Director will review the Job Description for completeness and conformity to standards.

~~Step 1:~~ In order to establish an appropriate Pay Range, the HR Director will evaluate the updated Job Description and Explanatory Memo for placement on the Pay Range scale based on the JOBMEAST™ method. The results will be presented to the Board of Commissioners (BOC) for concurrence. After the BOC concurrence, the HR Director will prepare a written Notice of Decision. (*See JOB MEAST™ explanation at the end of this Article.)

~~Step 2:~~ If the Submitter does not agree with the salary range establish by the JOBMEAST™ method, they may request that a salary survey be conducted of counties of similar population. The HR Director shall survey the three counties larger and the three counties smaller than Morrow County, based on the population information provided in the Oregon Blue Book. All forms of compensation will be reviewed, including but not limited to: wage, insurances, retirement, holidays, etc.

Once the HR Director reviews the position and performs the JOBMEAST™, the HR Director will review results with County Administrator and Finance Director (Reclass Only). ^[A12] The results will be presented to the BOC for concurrence. After BOC concurrence, a written Notice of Decision will be prepared. The Submitter will be instructed that if they are unsatisfied with the classification, they may pursue a Request for Review, as outlined below. The HR Director's decision will be implemented if a Request for Review is not submitted by the deadline.

Request for Review

A Request for Review must be on the basis that one (or more) of the factors identified above is (are) believed to be evaluated incorrectly or that the Market Data is incorrect. The Request for Review must be delivered to the HR Director within thirty (30) calendar days of the date of the Notice of Decision. To request a review, the Submitter must identify either: 1) each factor that they believe to be incorrect, why they believe it to be so, and what they believe would be correct, or 2) Why the Market Data is incorrect. This information must be submitted in writing. It is the responsibility of the Submitter to provide adequate information and detail to support the claim.

~~When the HR Director reviews the request, the Submitter may elaborate in person regarding their written Request for Review or they may have their written request stand alone.~~

~~As at the first phase, after the HR Director reviews the position, the results will be presented to the BOC for concurrence. After BOC concurrence, the Submitter is provided with a Notice of Decision and instructed that if they remain unsatisfied with the classification, they may pursue it to the next step, Appeal (See C. Appeal below). The HR Director's decision will be implemented if an appeal is not submitted by the deadline.~~

~~All levels of classification or reclassification must be observed sequentially. A Submitter may not apply for a Request for Review if the position was not first Reclassified. Likewise, a Request for Appeal may not be submitted if a Request for Review was not first observed.~~

Appeal

~~The Appeal Notice must be submitted in writing to the HR Director within thirty (30) calendar days of the date of the Request for Review Notice of Decision and identify what factors they believe to be incorrect and why, as well as what they believe would be an appropriate Pay Range. The Appeal Notice must be reviewed within thirty (30) days of submission.~~

~~The Appeal Notice shall be reviewed by an Appeal Committee. The committee shall consist of the following; one employee representative (from any of the County's bargaining units), one Management representative, one Elected Official (not a member of BOC), and the HR Director. The members of the Appeal Committee may not work in the same Department as the Submitter. Alternates may be appointed in order to maintain an unbiased Appeal Committee.~~

~~Each member, except the HR Director, will serve a three (3) year term, with one employee, Management representative, or Elected Official being replaced each calendar year. The HR Director is a permanent ex officio member and shall act as a facilitator for the committee but shall be without a vote. Each member of the Appeal Committee will receive information and training regarding the classification system and the evaluation process. The Appeal Committee shall meet on an as needed basis.~~

~~The Appeal Committee will be provided with all of the material submitted on the position to date, including: The Job Description and Submitter Explanatory Memo; HR Director Notice of Decision(s); the documentation prepared in the Request for Review; and the Request for Appeal.~~

~~The Appeal Committee will review the appeal request within 30 days. The Submitter may elaborate in person regarding their written Request for Review and other documents or they may have their written request stand alone. If the Submitter is the Department Head, the subject employee may also address the Appeal Committee. The results of the Appeal Committee deliberations will be presented to the BOC for concurrence. After BOC, the results will be provided to the Submitter in a Final Notice of Decision.~~

Board of Commissioners Appeal

~~The Submitter may appeal the decision of the Appeal Committee to the BOC. The BOC will be provided with copies of all documents provided to the Appeal Committee as well as a copy of the Appeal Notice of Decision. The BOC will review the appeal request in a~~

~~Public Meeting within 30 days. The Submitter may elaborate in person regarding their written Request for Review and other documents or they may have their written request stand alone. If the Submitter is the Department Head, the subject employee may also address the BOC. The results of the BOC deliberations will be provided to the Submitter in a Final Notice of Decision. The decision of the BOC is final.~~

~~**JOB MEASTM is a tool for evaluating job descriptions for placement on a pay scale. This tool is a product of Jacobsen, Betts and Company of Seattle, WA. This tool is a mathematically and statistically based spreadsheet that allow for the comparison of duties and skills as job factors.~~

III. Compensation

A. Payroll Policies

The HR Department shall prepare the ~~BOC Board of Commissioners~~ a pay plan which shall prescribe a minimum, a maximum and any Intermediate rates of pay appropriate for each position. Employees should refer to their pay scale to identify the number of steps and ranges for their employee group.

Human Resources shall periodically compare the current County salary rates, compensation policies, and personnel developments with those of other public employers within the same job market. Changes in the cost of living shall also be considered. Established salaries are based on current information and are subject to change.

Payday

You will be paid biweekly. Paydays are generally every other Thursday, for both non-exempt and exempt employees. Time sheets are due to the HR department by 12:00 noon on Monday of the week that paychecks are issued.

Morrow County does not provide advance payments of salary or loans from salary to be earned.

Net pay will be directly deposited into the employee's bank account, unless an employee ~~requestsrequest~~ otherwise. If an employee requests to pick up his/her paycheck from Morrow County, only the employee named on the paycheck will be allowed to do so unless the employee provides written permission to Morrow County for someone else to receive the check.

Paychecks will not be issued without a time sheet unless approved by a member of the Board of Commissioners.

Rates of Pay

Each employee will be paid at one of the steps of the range assigned for the classification to which the employee belongs to.

- o New Hires - Normally an employee will be appointed at the first step of the range established for the classification. Where economic conditions, unusual

employment conditions, availability of applicants or qualifications of the candidate suggest a higher starting rate, the BOC is authorized to approve employment at a higher step of the salary range.

- o No Voter Approved Budget – In case the fiscal year starts without a voter approved budget, all salaries not covered by labor contracts are frozen at present levels until funds are approved. Salary adjustments will be retroactive to the beginning of the fiscal year according to funds allotted.

Definitions

Steps – The number of levels of pay available for each pay range. Movement along steps is usually tied to longevity and the amount of time between steps identifies in each employee group's pay scale. The first step is usually the rate paid at hire and the last step is the maximum pay available for that position and is reached only after working the prescribed amount of time defined by each pay scale group.

Range – The salary rate identified for each position or group of positions which equitably reflects the difference in duties and responsibilities as identified through position classification and comparison to comparable positions in the public employment job market.

Employee Group – Employees who are on the same salary scale, specifically: 1) Elected Officials 2) Administration/~~Non-Union~~Non-Union 3) Sheriff's Association 4) Public Works Road Union 5) General Employee Union.

[Payroll Change Form – A form that is required to be submitted by the Director to Payroll for any change reason including: new hire, step increase, pay line change, classification change, promotion, demotion, position title change, pay code access change, or anything that involves changes being made to an employee's status.](#)

B. Timekeeping Requirements

Employees shall maintain accurate records of their attendance and are required to record their own time at the beginning and end of each work period, including before and after the meal period. Employees are responsible to submit timesheets biweekly to their Supervisor. The Supervisor must then verify accuracy and approve for submission to HR for payroll purposes. Original time sheets are due to Payroll by 12:00 noon on Monday of the week that paychecks are issues. Filling out another employee's timecard, allowing another employee to fill out your timecard, or altering any timecard will be grounds for discipline up to and including termination. An employee who fails to record his/her time may be subjected to discipline as well.

Salaried exempt employees also are required to record their time on a timecard every pay period. These employees will be instructed separately on this process.

Time cards will always include an approval signature by the employee and by an authorized person (usually the Supervisor) to verify accuracy.

C. Statement Regarding Pay Practices^[A13]

Morrow County makes all efforts to comply with applicable Oregon and federal wage and hour laws. In the event you believe that Morrow County has made any improper

deductions, has failed to pay you for all hours worked or for overtime, has failed to pay you in accordance with the law, or has failed to properly calculate your wages in any way, you must immediately report the error to your Supervisor or Payroll. Morrow County will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination for reporting an error or complaint regarding Morrow County's pay practices.

See also "Statement Regarding Pay Equity" policy, above.

D. Additional Pay

Overtime (Time-and-a-Half)

Department Heads and supervisors shall assign each employee regular work duties and responsibilities which can normally be accomplished within the established workday and workweek.

Morrow County pays one and one-half times a non-exempt employee's hourly rate for all hours worked over 40 in any workweek. See "Employee Classification," above.

When employees are required to work overtime, department heads shall authorize compensatory time off or overtime pay which shall be one and one-half times the employee's regular hourly rate of pay. The determination to grant cash compensation or compensatory time off shall be determined according to budgetary considerations. If the department possesses no budget for overtime, or if the overtime budget has been expended, compensatory time will be granted.

Limitation on Overtime Pay

Paid hours not actually worked (for example, sick, vacation, holidays, and family leave) will not be counted toward the 40 hours worked per workweek required to receive overtime pay unless otherwise specified by a collective bargaining agreement.

Assignment of Overtime Work

You may be required to work overtime. When overtime work is required by Morrow County on a particular job on a shift commencing on a day other than Saturday, Sunday, or a holiday, the non-exempt employee performing that job at the conclusion of his/her straight-time hours will normally be expected to continue to perform the job on an overtime basis.

Supervisor Authorization

No overtime may be worked by non-exempt employees unless specifically authorized in writing by a supervisor or manager except in an emergency situation. Employees who work unauthorized overtime may be subject to discipline up to and including termination.

On-Call Pay

On-call shall be defined as periods of time outside the normal work schedule during which qualified employees, approved by the BOC, are required to remain available to respond to emergency situations. [All department heads are required to submit a payroll](#)

change form when a new position is approved to take on-call. An on-call employee's movements are restricted as follows:

- A. An employee must be able to respond to an emergency call out location within the County in not more than 1 ½ hours.
- B. The employee must be able to respond by telephone within five minutes of call or page.
- C. The employee may not consume any substance (including alcohol) that has known mind or function altering effects.

Periods of on-call shall normally be in blocks of 60 hours for week days (15 hours per day for the time from 5:00 p.m. until 8:00 a.m., Monday through Thursday) or 63 hours for weekends (5:00 p.m. Friday to 8:00 a.m. Monday). The department supervisor shall be responsible for creating and posting a schedule indicating the times that qualified employees are assigned to on-call duty. Trading of scheduled on-call duty shall only be permitted, amongst those approved to take call, with the advance approval of the supervisor.

Employees that are subject to being on-call shall be compensated at the rate of \$2.00 per hour for every hour of time they are scheduled to be on-call.

In addition to the on-call compensation, union employees required to physically report to a work location during a period of on-call shall receive overtime compensation pursuant to the call-out provisions of the union contract.

Exempt employees shall not receive additional pay for time called out.

Compensatory (Comp) Time

Overtime hours can be paid or, at the employee's option with Morrow County approval, accumulated at time and one-half up to a maximum of 40 hours and taken as comp time off. Employees are encouraged to work with their manager/supervisor to schedule and use comp time within a reasonable amount of time from when it is accrued. The Supervisor may not be able to grant time a request to use comp. time if an employee's absence would unduly disrupt the operations of the department.

Administrative Leave

In lieu of compensation for overtime worked, each exempt employee shall be credited with 40 hours of administrative leave per year. Such leave must be used in the fiscal year of which it was credited or be forfeited. No payment of administrative leave shall be made at termination. For new hires, the admin leave shall be prorated based on the proportion of the fiscal year remaining at the time of hire.

Longevity Pay

The County has a plan for employees not covered by other collective bargaining or personal services contracts to reward longevity of employment with pay increases in accordance with the compensation plan and salary schedule adopted by the BOC. See the pay scale to determine the number of steps that employees are compensated for longevity.

An employee retains longevity when reclassifying. Longevity is forfeited upon termination of employment for any reason.

Exceptional Compensation^[A14]

The County shall compensate all overtime exempt employees on an hourly basis for exceptional work performed which is required as a result of emergency needs created by a "declared" disaster. The "declaration" must be determined by county, state or federal authority. Exceptional compensation hours are only those hours in which the exempt employee is performing work required by the County in response to the declared disaster, and which are outside the routine functions of the individual exempt employee's position. Only work hours performed during the disaster declaration period qualify for exceptional compensation under this policy.

The hourly rate for exceptional compensation hours shall be determined by the salaried employee's straight time rate or the overtime rate computed in accordance with FLSA regulations based upon the regular rate of pay paid to the salaried employee.

Exempt employees must submit a report of work hours and duties performed under this policy by the end of each affected payroll period of the declared disaster period and provide such interim reports as determined by the [County Judge Board of Commissioners](#) or designee. Work assignments performed under this policy must be pre-approved by the [County Judge BOC](#) or designee.

The County shall seek reimbursement for exceptional payroll and other costs incurred to meet response needs during declared disasters through such sources as may be available to the County during the post disaster recovery period.

E. Compensatory Payout Upon Change in Status

Compensatory Time – When an employee [is promoted from non-exempt to a salary exempt position's salary is changed due to reclassification, demotion, or promotion](#), all accrued overtime/compensatory time pay shall be converted to cash, at the rate earned prior to the change, before the next pay period.

F. Exempt Employees

For positions determined to be exempt from state and federal overtime provisions (FLSA), overtime is considered part of the job responsibility and no overtime pay or compensatory time is provided. To be exempt, the position must meet the FLSA short or long test criterion under the Executive, Administrative or Professional standard.

In lieu of compensation for overtime worked, each exempt employee shall be credited with 40 hours of administrative leave per year. Such leave must be used in the fiscal year credited or be forfeited. No payment of administrative leave shall be made at termination. For new hires, the administrative leave shall be prorated based on the proportion of the fiscal year remaining at the time of hire.

IV. Time Off and Leaves of Absence[A15]

A. Attendance, Punctuality and Reporting Absences

Employees are expected to report to work as scheduled, on time, and prepared to start work. Employees are also expected to remain at work their entire work schedule, except for unpaid break periods or when required to leave on authorized Morrow County business, and perform the work assigned to or requested of them. Late arrivals, early departures, or other absences from scheduled hours are disruptive and must be avoided.

Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their supervisor via email or phone no later than 30 minutes before the start of the employee's shift/work day. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. A no call/no show lasting three days may be considered job abandonment and may result in termination of employment.

B. Vacation

It is the policy of Morrow County to provide each full-time employee with vacation time on a periodic basis. The amount of vacation to which an employee becomes entitled is determined by the employee's length of service as of his/her employment anniversary date. All full-time employees shall accrue vacation time with pay at the following rates (up to maximum accrual).

<u>Years of Service</u>	<u>Hours earned per year</u>
0 – 5 4	96 hours
5 – 10 9	112 hours
10 – 15 14	128 hours
15 – 20 19	144 hours
20 +	160 hours

Years of service are determined from the anniversary [A16] date of hire. Vacation time may not be taken until it is earned. Earned vacation time may be used for sick leave if necessary. Part-time employees will be pro-rated based on scheduled work.

Probation: New hire probationary employees shall not be eligible for vacation leave for the first six months of employment, although vacation leave shall accrue from the beginning of employment.

Maximum Accrual: Vacation leave can accrue from year to year to a maximum amount of 256 hours. Specifically, once an employee has accumulated 256 hours, no additional vacation time shall be credited to the employee's account until he or she has taken vacation. However, if the employee has not been able to take vacation due to operational conditions, the County may provide the employee with a written waiver to the above restriction for a period of time, normally not to exceed one month, while such conditions remain in effect.

Scheduling: Vacation must be scheduled with one's supervisor at least one week in advance of the date(s) the employee wishes to take as vacation. Department heads shall schedule vacations for their respective employees with due consideration for the desires of the employees and the work requirements of the department. Vacation schedules may be amended to allow departments to meet emergency situations.

Separation: Upon separation from service (resignation, retirement or discharge) of a regular employee who has completed at least ~~one year~~ 6 months of employment, compensation for accumulated vacation up to 256 hours will be paid to the employee. Upon death of an employee, compensation for all accrued vacation will be paid to the employee's heirs.

C. Sick Leave

Morrow County provides eligible employees with sick leave in accordance with Oregon's Paid Sick Leave Law. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law.

Employees with questions about this policy may contact the HR Director. Please also refer to the Oregon Sick Leave Law poster that is posted in the nearest breakroom and is incorporated here by reference[A17].

Eligibility and Accrual of Paid Sick Leave

Under Oregon's Paid Sick Leave Law and this policy, "employee" includes part-time, full-time, hourly, salaried, exempt and non-exempt employees. Sick leave runs concurrently with Oregon Family Medical Leave, federal Family and Medical Leave and other leave where allowed by law.

All regular employees shall earn sick leave with full pay at the rate of one day leave for one calendar month of service. Sick leave shall accrue from the date of employment but it shall not be granted until the successful completion of the first month of the probationary period. Sick leave shall not be accumulated in excess of nine-hundred sixty (960) hours. Part-time employees will be pro-rated based on scheduled work. Paid sick leave shall be taken in hourly increments. Sick leave may not be used in advance of accrual.[A18]

Pay Rate and Carryover

Paid sick leave will be paid at the employee's regular rate of pay. Exempt employees are presumed to work 40 hours in each workweek for purposes of their sick leave accrual unless their normal workweek is less than 40 hours, in which case sick leave is accrued based on the employee's normal workweek. ~~Generally, sick leave pay will be included in the paycheck for the next payroll period after sick leave is used, provided the employee submits adequate documentation verifying that the absence was for a qualifying reason as defined in the "Use of Sick Leave" section below.~~

Sick leave is meant to be used or carried over; any unused sick leave will not be cashed out upon separation from employment. If an employee leaves employment and is rehired within 180 days, the employee's sick leave balance will be restored.

Employees may accumulate up to a maximum of 960 hours.

Use of Sick Leave

~~Up to 40 hours of p~~aid sick leave may be used each calendar year for any of the following reasons:

- a) For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or his/her covered family member.
 - "Family member" means the eligible employee's spouse, same-gender domestic partner (as described in ORS 106.300 to 106.340), biological child, adopted child, stepchild, foster child; same-gender domestic partner's child, parent, adoptive parent, stepparent, foster parent, parent-in-law; same-gender domestic partner's parent, grandparent, grandchild; and any individual with whom the employee has or had an *in loco parentis* relationship.
- b) For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
- c) If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).
- d) In the event of certain public health emergencies or other reasons specified under Oregon's sick leave law.
- e) First three days of leave due to an occupational injury or disease.

Employees absent from work for a qualifying reason must use accrued sick time hours for that reason and on each subsequent day of absence.

Employee Notice of Need for Sick Leave

Foreseeable Sick Leave. If the need for sick leave is foreseeable, an employee must notify their Supervisor as soon as feasible before the leave is to begin. Generally, an employee must provide at least 10 days' notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of Morrow County. Employees must notify their Supervisor of any change in the expected duration of sick leave as soon as is possible.

Unforeseeable Sick Leave: If the need for sick leave is unforeseeable, the employee must notify their Supervisor as soon as feasible and comply generally with Morrow County's call-in procedures. The employee must report the reasons for absence to their Supervisor within 30 minutes of the time they are expected to report to work.

An employee must contact his/her supervisor daily while on sick leave, unless an extended period of sick leave has been prearranged with the supervisor or when off work on protected leave. The employee shall inform his/her supervisor of any change in the duration of sick leave as soon as possible.

If an employee fails to provide proper notice or make a reasonable effort to schedule leave in a manner that is only minimally disruptive to the organization and operations, Morrow County may deny the use and legal protections of sick leave.

Sick Leave Documentation

If an employee takes more than three consecutive scheduled workdays as sick leave, Morrow County may require reasonable documentation showing that the employee was absent for an approved reason. Reasonable documentation includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault or stalking.

Sick Leave Abuse

If Morrow County suspects sick leave abuse, including but not limited to repeated use of unscheduled sick leave or repeated use of sick leave adjacent to weekends, holidays, vacations and paydays, Morrow County may require documentation from a healthcare provider. Employees found to have abused sick leave as described here may also be subject to discipline, up to and including termination.

D. Holidays and Floating Holidays

Morrow County recognizes nine holidays each year. All full-time employees will receive their regular straight-time compensation for each holiday. Regular part-time employees receive pay for each designated holiday in the proportion that their normally scheduled number of hours equals 40 hours per week. The holidays celebrated are:

- New Year's Day
- Martin Luther King, Jr.'s Birthday
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Christmas Day
- Others as declared appropriate by the Board of Commissioners

A holiday that falls on a weekend will be observed on either the preceding Friday or the following Monday to coincide with local custom.

To be eligible for holiday pay, an employee must have worked his/her regularly scheduled hours the workday before and the workday after the holiday or have been on an approved vacation day or any other excused absence under Morrow County policy. If an employee is on vacation when a holiday is observed, the employee will be paid for the holiday and will be granted an alternate day of vacation at a later date.

Any hourly, non-exempt employee required to work on a holiday will receive time-and-one-half payment for the hours worked.

E. **Family Medical Leave** [A19]

FMLA/OFLA Policy

The following is a summary of Family and Medical Leave policy and procedures under the federal Family Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA). Generally, and as will be discussed, eligible employees are entitled to 12 weeks of unpaid leave for the reasons identified below. Federal and state law prohibit retaliation against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested or used Family and Medical Leave. In all cases, applicable Oregon and federal laws, rules, policies and collective bargaining agreements govern the employee's and Morrow County's rights and obligations, not this policy.

Employees seeking further information should contact the HR Director. Please also refer to the "Employee Rights and Responsibilities Under the Family Medical Leave Act" and "Oregon Family Leave Act" notices posted in the nearest breakroom, which are incorporated here by reference.

- Definitions

Child/Son or Daughter

For purposes of OFLA, "child" includes a biological, adopted, foster or stepchild, the child of a registered same-sex domestic partner or a child with whom the employee is in a relationship of *in loco parentis*. For purposes of OFLA Serious Health Condition Leave, the "child" can be any age; for all other types of leave under OFLA, the "child" must be under the age of 18 or over 18 if incapable of self-care.

A "son or daughter" is defined by FMLA as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* who is either under 18 years of age or is 18 years of age or older and "incapable of self-care because of a mental or physical disability" at the time FMLA leave is to commence. FMLA also provides separate definitions of "son or daughter" for FMLA military family leave that are not restricted by age — see below.

Eligible Employee

OFLA – To qualify for OFLA leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week. To qualify for Parental Leave under OFLA, an employee must have been employed for at least 180 days (no per-week hourly minimum is required).

OMFLA — For purposes of Oregon Military Family Leave Act leave, the employee need have only worked 20 hours per week (no minimum length of employment required). A different calculation method applies for reemployed service members under USERRA who seek OMFLA leave; see the HR Director for more information.

FMLA — Employees are eligible for FMLA leave if they have worked for a covered employer for at least one year (which may be based on separate stints of employment) and for 1,250 hours during the 12 months preceding the date leave is to begin. They must also be employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

Leave under Oregon and federal law will run concurrently when permitted.

Family Medical Leave

This includes all of the types of leave identified in the section below, entitled "Reasons for Taking Leave," unless otherwise specified.

Family Member

- For purposes of FMLA, "family member" is defined as a spouse, parent or a "son" or "daughter" (defined above).
- For purposes of OFLA, "family member" includes the definitions found under FMLA and also includes adult children (for "serious health condition" leave only), a parent-in-law, grandparent, grandchild, registered same-sex domestic partner, and parent or child of a registered same-sex domestic partner.

Serious Health Condition

"Serious health condition" is defined under FMLA and OFLA as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Under OFLA only, "serious health condition" includes any period of absence for the donation of a body part, organ or tissue, including preoperative or diagnostic services, surgery, post-operative treatment and recovery.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition.

Other conditions may meet the definition of a "serious health condition;" see the HR Director for more information. The common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, and cosmetic treatments (without complications), are examples of conditions that are not generally defined as serious health conditions.

Reasons for Taking Leave

Family Medical Leave may be taken under any of the following circumstances:

1. Call to Active—Duty Leave: Eligible employees with a spouse, son, daughter or parent on active duty or call to active—duty status in the regular Armed Forces, National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain "qualifying exigencies." "Qualifying exigencies" may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. This type of leave is available under FMLA only; however, under OFLA, specifically under the Oregon Military Family Leave Act, during a period of military conflict, as defined by the statute, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed

Forces, National Guard, or military reserve forces of the U.S. and who has been notified of an impending call or order to active duty, or who has been deployed, is entitled to a total of 14 days of unpaid leave per deployment after the military spouse or registered same-sex domestic partner has been notified of an impending call or order to active duty and before deployment and when the military person is on leave from deployment.

2. Employee's Serious Health Condition Leave: To recover from or seek treatment for an employee's serious health condition, including pregnancy-related conditions and prenatal care.
3. Family Member's Serious Health Condition Leave: To care for a family member with a serious health condition.
4. Parental Leave: For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
5. Pregnancy Disability Leave: For incapacity due to pregnancy, prenatal medical care or birth.
6. Servicemember Family Leave: Eligible employees may take up to 26 weeks of leave to care for a "covered servicemember" during a single 12-month period. A "covered servicemember" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his/her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Under some circumstances, a veteran will be considered a "covered servicemember." This type of leave is available under FMLA only.
7. Sick Child Leave: To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick child leave is not available if another family member is able and willing to care for the child. This type of leave is available only to employees who are eligible under OFLA.
8. Bereavement Leave. This type of leave is addressed under OFLA; see the Bereavement Leave Policy on [page 43](#) for more information.

Length of Leave

In any One-Year Calculation Period, eligible employees may take:

- Up to 12 weeks of Parental Leave, Serious Health Condition Leave (employee's own or family member), Sick Child Leave, or Call to Active Duty Leave;
- An additional 12 weeks of leave may be available to an eligible employee for an illness, injury or condition related to pregnancy or childbirth that disables the employee; and
- Employees who take the entire 12 weeks of OFLA Parental Leave may be entitled to an additional 12 weeks of Sick Child Leave.

When leave is taken for Servicemember Family Leave, an eligible employee may take up to 26 weeks of leave during the One-Year Calculation Period to care for the servicemember. During the One-Year Calculation Period in which Servicemember Family Leave is taken, an eligible employee is entitled to a combined total of 26 weeks of FMLA Leave (some of which may include other types of FMLA-specific leaves of absence).

One-Year Calculation Period

The "12-month period" during which leave is available (also referred to as the "One-Year Calculation Period") will be determined by a rolling 12-month period measured backward from the date an employee uses any Family Medical Leave. Each time an employee takes Family Medical Leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

Intermittent Leave

Intermittent or reduced schedule leave may be taken during a period of Family Member or Employee Serious Health Condition Leave or Servicemember Family Leave. Additionally, Call to Active-Duty Leave may be taken on an intermittent or reduced leave schedule basis. An employee may be temporarily reassigned to a position that better accommodates an intermittent or reduced schedule; employees covered by OFLA will not be reassigned without his/her expressed consent and agreement. Employees must make reasonable efforts to schedule planned medical treatments to minimize disruption of Morrow County operations, including consulting management prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both Morrow County and the employee. Intermittent leave for Parental Leave is not available.

Employee Responsibilities — Notice

Employees must provide at least 30 days' notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned treatment for a serious injury or illness of a covered servicemember (Servicemember Family Leave). If 30 days' notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. If the situation giving rise to a Sick Child Leave is unforeseeable, an employee must give verbal or written notice to Morrow County within 24 hours of commencement of the leave.

For Call to Active-Duty Leave, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable.

Whether leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee must let the HR Director know as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown.

If circumstances change during the leave and the leave period differs from the original request, the employee must notify the HR Director within three business days, or as soon

as possible. Further, employees must provide written notice within three days of returning to work.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees will be expected to comply with Morrow County's normal call-in procedures. Employees who fail to comply with Morrow County's leave procedures may be denied leave, subject to discipline, or the start date of the employee's Family Medical Leave may be delayed.

Certification

Generally speaking, employees must provide sufficient information for Morrow County to determine if the leave may qualify for FMLA or OFLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for either Call to Active Duty or Servicemember Family Leave.

Employees also must inform Morrow County if the requested leave is for a reason for which FMLA leave was previously taken or certified. Additionally:

1. Employees requesting serious health condition leave for themselves or to care for a covered family member will be required to provide certification from the health care provider of the employee or the covered family member to support the request.
2. Employees requesting sick child leave under OFLA may be required to submit, at a minimum, a note from a doctor if the employee has requested to use more than three days (i.e., one three-day occurrence or three separate instances) of sick child leave within a one-year period.

Employees must furnish Morrow County's requested medical certification information within 15 calendar days after such information is requested by Morrow County. In some cases (except for leave to care for a sick child), Morrow County may require a second or third opinion, at Morrow County's expense. Employees also may be required to submit subsequent medical verification.

Employees will not be asked for, and they should not provide, any genetic information about themselves or a family member in connection with a FMLA/OFLA medical certification.

Medical Certification Prior to Returning to Work

If Family Medical Leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification from his/her health care provider stating that the employee is able to resume work.

Substitution of Paid Leave for Unpaid Leave

Employees are required to use accrued paid leave, including vacation, compensatory time, admin leave, and sick leave prior to a period of unpaid leave of absence on Family Medical Leave. Use of accrued paid leaves will run concurrently with Family Medical Leave. If the employee has no accrued paid leave, admin leave, vacation,

compensatory time, or sick leave available to use during a Family Medical Leave, the leave will be unpaid.

Holiday Pay While on Leave

Employees receiving short or long-term disability will not qualify for holiday pay. Employees using vacation pay or sick pay during a portion of approved Family Medical Leave in which a holiday occurs will qualify to receive holiday pay. Employees who are on unpaid leave during a holiday will not qualify to receive holiday pay.

On-the-Job Injury or Illness

Periods of employee disability resulting from a compensable on-the-job injury or illness will qualify for FMLA Leave if the injury or illness is a "serious health condition" as defined by applicable law.

OFLA leave will not be reduced by and will not run concurrently with any period the employee is unable to work because of a disabling compensable on-the-job injury; however, if the injury or illness is a "serious health condition" as defined by Oregon law and the employee has refused a bona fide offer of light-duty or modified employment, OFLA leave will commence.

If the employee's serious health condition is the result of an on-the-job injury or illness, the employee may qualify for workers' compensation time-loss benefits.

Benefits While on Leave

If an employee is on approved FMLA or OFLA Leave, Morrow County will continue the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. An employee wishing to maintain health insurance during a period of approved FMLA or OFLA leave will be responsible for bearing the cost of his/her share of group health plan premiums which had been paid by the employee prior to the OFLA/FMLA leave. Employees will not accrue vacation, sick leave or other benefits (other than health insurance) while the employee is on a [non-paid](#) FMLA or OFLA leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in Morrow County benefit plans.

Job Protection

Employees returning to work from Family Medical Leave will be reinstated to their former position. If the position has been eliminated, the employee may be reassigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

Employees are expected to promptly return to work when the circumstances requiring Family Medical Leave have been resolved, even if leave was originally approved for a longer period. If an employee does not return to work at the end of a designated Family Medical Leave period, reinstatement may not be available unless the law requires otherwise.

The use of Family Medical Leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Employees who work for other employers during a “serious health condition” leave may be subject to discipline up to and including termination. Additionally, all employees who use Family Medical Leave for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.

F. Bereavement Leave - [OFLA](#)

Per Oregon law, employees who have worked for Morrow County for 180 calendar days, and averaged at least 25 hours per week, may take up to two weeks of unpaid bereavement leave per death of a Family Member (defined below).

Morrow County provides up to 40 hours of bereavement leave for employees who have experienced the death of an immediate Family Member.

Bereavement leave may be used to attend the funeral or alternative to a funeral of the family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member. The two weeks of bereavement leave must be taken in the 60-day period following notice of death of a family member and will be deducted from the employee’s available leave time under OFLA. For purposes of this policy, “Family Member” is defined to include the employee’s spouse, same-sex domestic partner (registered), child, parent, parent-in-law, grandparent, or grandchild, or the same relations of an employee’s same-sex domestic partner (registered) or spouse.

Employees who wish to take bereavement leave must inform Morrow County as soon as possible after receiving notification of a Family Member’s death. Although prior notice is not required, verbal notice must be provided within 24 hours of beginning leave.

G. Hardship Leave

A practice whereby employees may donate accrued vacation and sick leave to another employee who has exhausted accumulated paid leave due to an employee’s medical emergency or one of a family member (as defined by the IRS: parent, spouse, or child) that would otherwise cause the employee to take unpaid leave or terminate employment. A “medical emergency” is defined as a medical condition of the employee that will require prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available.

- o Any employee [with accrued time, except elected officials,](#) may donate.
- o Donations are strictly voluntary.
- o Donations must be in blocks of one hour. With a maximum donation of one half of any accrued sick leave and an unlimited amount of accrued vacation leave.
- o Donations will be made on a case-by-case basis for a specific person or incident.
- o Requests and donations will be accepted through the Human Resource office.
- o If donations exceed the need, surplus donations will be returned to the donors in reverse order of donation.

- Requests for Hardship leave donations must be for a minimum combined of 40 hours (for a single event or illness) only after using all accrued paid leaves. Anything less being deemed not a hardship; and may not exceed 12 weeks.

Procedure

An employee in crisis who has exhausted all accrued paid time (administrative leave, holiday pay, sick leave, vacation leave and compensatory time) may make application for emergency leave donations. Requests must be made as soon as possible.

1. Applications must be in writing on a pre-prepared form available from the Human Resource office.
2. Applications must be signed off by the employee's supervisor to assure that the leave itself has been processed through the supervisor before the employee requests emergency leave donations.
3. The employee shall include on the application their name, department, and at least a brief description of the hardship, which will be circulated to departments along with the donation forms.
4. The HR Department will notify the employee and supervisor of the amount of donations received and consequent status of paid leave.

Donated leave may not be used to extend employment beyond the point that it would otherwise end by operation of law, rule, policy, or regulation. For example, if an employee would have otherwise been terminated due to layoff or other reasons, donated leave may not be used to extend employment.

H. **Blood Donation**_[A20]

Employees may take up to two hours of paid time off per year to give blood when a blood drawing occurs within the community where the employee works. Employees are encouraged to make an appointment for such drawing to minimize the disruption to their work schedule.

I. Jury and Witness Duty

Jury Duty^[A21]

Employees will be granted paid leave when required to report for jury service or to appear before a court, legislative committee or judicial or quasi-judicial body as a witness in response to a subpoena or other direction by proper authority. An employee's regular salary will be reduced by the amount received for jury service or witness fees, except for mileage allowances and amounts received when required to report outside the employee's normal work shift.

Employees working on other than the day shift who are required to report for jury service or as a witness, will not be required to work their normal shift on that work day if the jury service or witness responsibilities continue for more than four (4) hours. A copy of the court notice must be submitted to the employee's manager to verify the need for such leave. The employee is expected to report for work when doing so does not conflict with court obligations. It is the employee's responsibility to keep his/her supervisor or manager informed about the amount of time required for jury duty.

Witness Duty

Except for employee absences covered under Morrow County's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation time to cover their absence from work. If the employee does not have any available vacation time, the employee's absences may be unexcused and may subject the employee to discipline, up to and including termination. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

J. Religious Observances Leave and Accommodation Policy

Morrow County respects the religious beliefs and practices of all employees. Morrow County will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on Morrow County's business. Employees may use vacation or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made with the Supervisor.

K. Crime Victim Leave Policy - OFLA

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or his/her immediate family member (defined below) has suffered financial, social, psychological or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

"Immediate family member" includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild or grandparent.

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave during the leave period;
- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and
- Submit a request for the leave in writing to Human Resources or your Supervisor as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

In all circumstances, Morrow County may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency or district attorney's office, police report, a protective order issued by a court, or similarly reliable sources.

L. Domestic Violence Leave and Accommodation Policy - [OFLA](#)

All employees are eligible for reasonable unpaid leave to address domestic violence, harassment, sexual assault, or stalking of the employee or his/her minor dependents.

Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.

Leave is generally unpaid, but the employee may use any accrued vacation or sick leave while on this type of leave.

When seeking this type of leave, the employee should provide as much advance notice as is practicable of his/her intention to take leave, unless giving advance notice is not feasible.

Notice of need to take leave should be provided by submitting a request for leave in writing to Human Resources or your Supervisor as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. Morrow County will then generally require certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a law enforcement officer, attorney, healthcare professional, member of the clergy, or victim services provider.

If more leave than originally authorized needs to be taken, the employee should give Morrow County notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give verbal or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee's behalf.

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

M. **Military Leave**^[A22]

Employees who wish to serve in the military and take military leave should refer to the FMLA/OFLA section for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

Further, eligible employees called for initial active duty for training and for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, may be entitled to leave with pay for all regular workdays that fall within a period not to exceed 15 calendar days in any federal training year. Weekend drill obligations are not considered "federal active duty" for training under this policy; other requirements apply.

Military leave without pay shall be granted to employees entering the military service for extended and indefinite periods of active duty or training. Employees are required to keep the department head or elected official advised concerning a probable call to active military training duty.

An employee is entitled to a military leave of absence without pay during a period of service with the armed forces of the United States. Upon honorable discharge, the employee will be returned to a position in the same class as the last held position, at the prevailing salary rate for such class, without loss of seniority or employment rights. If the County has abandoned the position which was occupied prior to the date of the leave or if it is established that the employee is not physically qualified to perform the duties of the former position by reason of such service with the armed forces, the employee will be reinstated to a suitable position at the nearest level of pay to the former class. Employees must make application for reinstatement within ninety (90) calendar days and must report for work within six (6) months following separation from active duty. The County may require proof of performance of military service, or honorable discharge or such other proof deemed necessary. Where an employee voluntarily reenlists, or extends the period of military service, the military leave will be canceled.

V. **Employee Benefits**

A. **Healthcare Benefits**

Employees who meet the definition of "benefit eligible" under both Morrow County policy and that of its health insurance provider are entitled to the benefit options offered by Morrow County. Generally speaking, that means Morrow County offers medical insurance for all of its regular employees unless otherwise established by law. Morrow County [pays 92.5% a portion](#) of the premium for the employee [based on the amount negotiated in the current union contract](#). Part-time employees who are scheduled for less than 20 hours a week are not eligible for health-insurance coverage.

The group insurance policy and the summary plan description issued to employees set out the terms and conditions of the health insurance plan offered by Morrow County. These documents govern all issues relating to employee health insurance. As other

employee benefits are offered by Morrow County, employees will be advised and provided with copies of relevant plan documents. Copies are available from Human Resources.

B. Employee Assistance Program (EAP)^[A23]

This free, confidential service is provided by Cascade Centers and is available to all employees and dependents covered on a CIS Regence medical plan. The EAP can be used to assist employees and eligible family members with any personal problems, large or small. Each covered employee and eligible family members can receive up to five (5) personal counseling sessions per situation per year. Sessions can be face to face, over the phone, or online for concerns such as marital conflict, conflict at work, depressions, stress management, family relationships, anxiety, alcohol or drug abuse, grieving a loss, and career development services.

Cascade Centers also provides educational tools as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, home ownership, and gym membership discounts.

More information regarding this service can be obtained by contacting CIS Benefits, or you can contact Cascade Centers directly at 1-800-433-2320, or at www.cacadecenters.com.

C. Workers' Compensation and Safety on ^[A24]the Job^[A25]

You are protected by workers' compensation insurance under Oregon law. This insurance covers you in case of occupational injury or illness by providing, among other things, medical care and compensation and temporary or other disability benefits. Employees are expected to work safely and in a safe environment.

Steps to Take if You are Injured on the Job

If you are injured on the job, Morrow County wants to know about it and expects to learn about it no later than 24 hours after your injury (report all work-related injuries to your supervisor).

If you seek treatment for your work-related injury and want to apply for workers' compensation benefits, you must do all of the following:

1. Report any work-related injury to your supervisor. You must report the injury no later than 24 hours after injury.
2. Seek medical treatment and follow-up care if required.
3. Promptly complete a written Employee's Claim Form (Form 801) and return it to Human Resources.

Failure to timely follow these steps may negatively affect your ability to receive benefits.

Return to Work

If you require workers' compensation leave, you will — under most circumstances — be reinstated to the same position that you held at the time your leave began, or to an equivalent position, if available. However, you must first submit documentation from a

health care provider who is familiar with your condition certifying your ability to return to work and perform the essential functions of your position.

When returning from a workers' compensation leave you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not been on leave, or if your position is eliminated, and no equivalent or comparable positions are available, then you may not be entitled to reinstatement. These are only examples and all reinstatement/reemployment decisions are subject to the terms of any applicable collective bargaining agreement. Morrow County does not discriminate against employees who suffer a workplace injury or illness.

Early Return-to-Work Program

Our Return-to-Work program provides guidelines for returning you to work at the earliest possible time after you have suffered an on-the-job injury or illness that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable you to return to your regular job in a reasonable period of time.

The Return-to-Work program for job-related injuries consists of a team effort by Morrow County, injured employees and their treating physicians, and our workers' compensation insurance carrier claims staff. The goal is to return our employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

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

Overlap with Other Laws

Morrow County will account for other leave and disability laws that might also apply to your situation, such as the Americans with Disabilities Act (ADA) and FMLA or OFLA. If, after returning from a workers' compensation leave, it is determined that you are unable to perform the essential functions of your position because of a qualifying disability, you may be entitled to a reasonable accommodation, as governed by the ADA and/or applicable Oregon laws covering disabilities in the workplace.

D. Retirement Plan

Morrow County_elected officials and employees who regularly work no less than twenty (20) hours a week, five (65) months a year, [A26]are required to participate in the Morrow County Retirement plan. Temporary employees do not participate in the plan and the

County will make no contributions to the retirement plan on their behalf. [Employees may be subject to a waiting period depending on specified plan.](#)

Morrow County's pension plan meets or exceeds the provisions of the Public Employee Retirement System PERS plan. Consult the most recent Plan Document for details of the retirement plan.

VI. Workplace Safety

A. **Alcohol/Drug Use, Abuse and [A27] Testing [A28]**

Morrow County works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both to themselves and to everyone who comes into contact with or depends upon them and risks damage to Morrow County's reputation.

Morrow County expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective and efficient manner. An employee's off-the-job as well as on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.

This policy applies to all employees (except where noted in this policy or where it is inconsistent with applicable law and/or collective bargaining agreement principles). This policy revises and supersedes all previous drug and alcohol testing policies and practices.

Prohibited Conduct

- Possession, transfer, use or being under the influence of any alcohol while on Morrow County property, on Morrow County time, while driving Morrow County vehicles (or personal vehicles while on Morrow County business), or in other circumstances which adversely affects Morrow County operations or safety of Morrow County employees or others.
- Law enforcement employees may possess or transfer alcohol during the performance of their law enforcement duties, e.g., collecting evidence.
 - The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on Morrow County property, on Morrow County time, while driving Morrow County vehicles (or personal vehicles while on

Morrow County business), or in other circumstances which adversely affect Morrow County operations or safety of Morrow County employees. Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in system while on Morrow County property or on Morrow County time.

- Law enforcement employees may possess narcotics, drugs or other controlled substances while engaging in law enforcement duties, e.g., collecting or transporting evidence.
 - The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.
 - As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.
- Bringing to Morrow County property, or possessing, items or objects on Morrow County property that contain any "controlled substance," including, for example, "pot brownies" and candy containing marijuana. This prohibition does not apply to law enforcement employees who bring or possess such items in connection with law-enforcement work. No employee, regardless of position held, may knowingly serve items containing marijuana or any other "controlled substance" to co-workers, members of the public, or elected officials while on work time or on/in Morrow County property.
 - Bringing marijuana-related equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (among other drugs), such as pipes, bongs, "vape" pens, smoking masks, roach clips, and or other drug paraphernalia. This prohibition does not apply to employees who possess such items in connection with law enforcement work.
 - Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to Morrow County property. This prohibition does not apply to employees who possess such items in connection with law enforcement work.

Prescription Drugs and Medical Marijuana

With the exception of medical marijuana, nothing in this rule is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee's performance or Morrow County operations.

Employees must inform their supervisor about their use of any prescription or over-the-counter drugs that could affect their ability to safely perform the duties of their position. If an employee's use of such prescription drugs could adversely affect Morrow County operations or safety of Morrow County employees or other persons, Morrow County may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide Morrow County with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

The use of marijuana, which is a Schedule 1 controlled substance under federal law, is expressly prohibited under this policy, even if its medical use is authorized under state law. Employees who use medical marijuana in connection with a disability should discuss with their Supervisor other means of accommodating the disability in the workplace, as Morrow County will not agree to allow an employee to use medical marijuana as an accommodation. (See "Disability Accommodation Policy," above.)

Random-Basis Testing of Employees

Random tests are required under the following circumstances:

- a) For employees required to hold a commercial driver license (CDL) at the rate of 25% of the workforce per year for alcohol and 50% of the workforce per year for controlled substances – or less as permitted by the Department of Transportation regulations.
- b) Employees will be randomly selected by a computer random selection program.
- c) Random testing will be performed without advance notice. Employees will be notified that they have been selected for a random screening and must report to the collection site immediately for specimen collection.

Reasonable Cause Testing

If there is reasonable cause to suspect that an employee is under the influence of controlled substances or alcohol during work hours or has used drugs or alcohol in violation of this policy, Morrow County may require the employee to undergo testing for controlled substances or alcohol.

As used in this policy, unless the context indicates otherwise:

- The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, and other tests of saliva, blood and urine. No testing shall be performed under this rule without the approval of the County Administrator or the County Administrator's designee.
- "Reasonable cause" as used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:
 - a pattern of abnormal or erratic behavior;

- information provided by a reliable and credible source;
- direct observation of drug or alcohol use;
- presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
- unexplained significant deterioration in individual job performance;
- unexplained or suspicious absenteeism or tardiness;
- employee admissions regarding drug or alcohol use; and
- unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

Supervisors should detail in writing the specific facts, symptoms or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or controlled substance testing of an employee or a search. This documentation shall be forwarded to the County Administrator. Whenever possible, supervisors should locate a second employee or witness to corroborate their "reasonable cause" findings.

An employee whose initial laboratory screening test for controlled substances yields a positive result may request a second [test\[A29\]](#). The costs for the retest will be the responsibility of the employee, unless the second test results are negative. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing by the County Administrator or Human Resources. The letter of notification shall state the particular substance identified by the laboratory tests.

The period of time while waiting for test results after a reasonable cause test or while awaiting the results of a challenged positive result shall be considered investigative and the employee will be on leave with pay. After a positive test result (or confirmation, if requested) from any test circumstance except pre-employment, the employee will be on unpaid leave until the Substance Abuse Professional has determined that an employee may return to duty and the employee has had a negative test result.

Post-Accident Testing[\[A30\]](#)

Employees are subject to testing when they: (a) cause or contribute to accidents that seriously damage a Morrow County vehicle, machinery, equipment or property; (b) result in an injury to themselves or another employee requiring offsite medical attention; or (c) when Morrow County has reasonable cause to believe that the accident or injury may have been caused by drug or alcohol use.

For all employees required to hold a CDL, after all accidents, the driver shall be tested - within two hours of occurrence.

If a fatal accident occurs, all employees on duty and present must be tested within eight hours of the accident. In the case of a vehicular accident, mechanics who worked on the vehicle within eight hours of the accident, must also be tested.

Any employee receiving a post-accident citation from a law enforcement Officer must be tested.

For non-CDL holding employees, whenever it may be appropriate in the judgment of the supervisor. A supervisor may determine that testing is not necessary if it is shown that the use of substances could not have contributed to the cause of the accident (equipment failure, for example). A decision not to administer a post-accident test will be made by a supervisor who was not involved in the accident. The supervisor will prepare and maintain a record stating the reasons the test was not administered.

An employee, except by reason of seeking or receiving assistance for the injured, must remain available for testing or will be judged to have refused the test. However, if the drug and alcohol test is being collected from an employee in need of medical attention, necessary medical attention will not be delayed in order to collect the specimens.

Search of Property

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on Morrow County property, or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, Morrow County may search the employee's possessions located on Morrow County property, including but not limited to, clothes, locker, lunchbox, toolbox, and desk. Employees should have no expectation of privacy in any items they bring on to Morrow County property, or in property, equipment or supplies provided by Morrow County to [employee\[A31\]](#).

Employee Refusal to Test/Search

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

An employee who refuses to cooperate with any tests required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

Crimes Involving Drugs and/or Alcohol

Employees shall report:

- Any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction;
- Entry into a drug court or diversion program; or
- Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

Failure to report as required will result in disciplinary action up to and including termination.

Drug and Alcohol Treatment

Morrow County recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. Morrow County is willing to help such employees obtain appropriate treatment.

An employee who believes that he/she has a problem involving the use of alcohol or drugs should ask a supervisor or Human Resources for assistance.

Morrow County will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem. Attendance at any rehabilitation or treatment program will be a shared financial responsibility of the employee and Morrow County to the extent its existing benefits package covers some or all of the program costs.

Although Morrow County recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance *before* drug or alcohol problems lead to disciplinary action. Once a violation of Morrow County policy is discovered, the employee's willingness to seek Morrow County or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

Discipline and Consequences of Prohibited Conduct

An employee who tests positive for drugs or alcohol in accordance with this policy will be subject to either termination.

Confidentiality

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

B. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by Morrow County (see "Holidays" section, above), Morrow County is open for business on Mondays through Fridays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the Department Head will decide whether or not to close, and to what extent Morrow County will close.

In the event of extreme bad weather, we recognize that each employee's ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you should contact your manager and submit your accrued leave time in place of regularly scheduled hours. If staff cannot reach the office and are able to serve Morrow County from home, you should do so subject to approval by your manager or supervisor. Safety and a trustworthy approach are your guides.

When weather conditions require the closing of a county office within the employee's regularly scheduled work and the employee is ordered home by their department head,

such employee shall not suffer loss of pay for that day. Should the county office remain closed for additional days, such employees may apply accrued vacation or compensatory time for their regularly scheduled shift.

If the County has not attempted to notify an employee not to report to work and the employee reports as scheduled, s/he shall be provided a minimum of 2 hours pay.

C. **Workplace Violence** [A32]

Morrow County recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the general public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public with respect to that person's life, health, well-being, family, or property will be dealt with in a zero-tolerance manner by Morrow County.

All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with Morrow County, or that threaten the safety, security or financial interests of Morrow County. Employees are also strongly encouraged to report threats or acts of violence by non-employees, such as vendors or citizens, against any employee, volunteer or elected official. Employees should make such reports directly to their Supervisor.

Morrow County also may investigate a current employee where the employee's behavior raises concern about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others. See policy below on "Workplace Inspections."

D. **Workplace Inspections — No Right to Privacy or Confidentiality** [A33]

This policy applies to inspections and investigations conducted by Morrow County pursuant to policy or law unless otherwise modified by a different policy in this Handbook.

An employee investigation may include, but is not limited to, investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voicemail systems and computer systems. *Employees are strongly discouraged from storing personal items in the desks, lockers, work areas, file cabinets and other office equipment or furniture, as well as voicemail and computer systems assigned to them by Morrow County; these areas are not private.*

All information related to reports generated from inspections and investigations, including the name of the reporting employee(s), will be kept as confidential as possible under the circumstances.

E. **Smoke-Free Workplace**

Morrow County provides a tobacco-free environment for all employees and visitors. For purposes of this policy, "tobacco" includes the smoking of any tobacco-based product and smoking in any form (including, without limitation, cigars and e-cigarettes). Marijuana is also prohibited under this policy. This policy applies to employees, volunteers, and any visitors to Morrow County property, vehicles or facilities/buildings.

Morrow County buildings and vehicles are tobacco- and marijuana-free areas. Tobacco/marijuana use is prohibited during working hours. Further, Morrow County prohibits tobacco/marijuana use in or around Morrow County vehicles and equipment or machinery.

If you wish to smoke tobacco, you must do so outside of Morrow County's facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows.

VII. Workplace Guidelines

A. Cellular Devices Policy [A34]

This policy applies to employee use of cell phones, smart phones (including iPhones, "smartphones" and similar devices), tablets and similar devices, all of which are referred to as "cellular devices" in the Cellular Devices Policy.

Cell Phones and Cellular Devices in General

Employees are allowed to bring personal cell phones and cellular devices to work with them. During working hours, however, employees should refrain from using them except in an emergency or during a meal period or rest break.

Employees who use personal or Morrow County-provided cell phones/cellular devices may not violate Morrow County's policies against harassment and discrimination. Thus, employees who use a personal or Morrow County-provided cell phone/cellular device to send a text or instant message to another employee (or to a citizen or someone not employed by Morrow County) that is harassing or otherwise in violation of Morrow County's no-harassment and no-discrimination policies will be subject to discipline up to and including termination.

Nonexempt employees may not use their personal or Morrow County-provided cell phone/cellular device for work purposes outside of their normal work schedule without written authorization in advance from Human Resources. This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination.

Employee Use of Morrow County -Provided Cell Phones/Cellular Devices

Cell phones/cellular devices are made available to Morrow County employees on a limited basis to conduct Morrow County's business. Determinations as to which employees receive Morrow County-provided cell phones will be made on a case-by-case basis; employees are not guaranteed a cell phone or cellular device. In some cases, Morrow County may provide a monthly cellular telephone allowance to employees who regularly make calls on behalf of Morrow County away from the office.

Employees who receive a cell phone or cellular device from Morrow County must agree to not use the cell phone/cellular device for personal use except in emergency situations and must abide by all aspects of the Cellular Device Policy. Further, employees who receive a cell phone or cellular device from Morrow County must acknowledge and understand that because the cell phone/cellular device is paid for and provided by Morrow County, or subsidized by Morrow County, any communications (including text messages) received by or sent from the cell phone/cellular device may be subject to inspection and review if Morrow County has reasonable grounds to believe that the employee's use of the cell phone violates any aspect of the Cellular Device Policy or any other Morrow County policy. An employee who refuses to provide Morrow County access to his/her personal cell phone/cellular device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

Employees may not use Morrow County-provided cell phones or cellular devices to call 1-900, 1-976 or similar "pay per minute" services. Further, family and friends may not use an employee's Morrow County-provided cell phone/cellular device.

Employee Use of Cell Phones/Cellular Devices with Cameras

Cameras of any type, including cell phones or cellular devices with built-in cameras and video photography options, may not be used during working hours, or at any Morrow County-sponsored function unless authorized to do so by the County Administrator.^[A35]

Cell Phones/Cellular Devices and Public Records

Morrow County-related business conducted on Morrow County-provided or personal cell phones/cellular devices may be subject to disclosure and production under Oregon's Public Records laws or in connection with litigation filed against Morrow County.

Cell Phone/Cellular Device Use While Driving^[A36]

The use of a cell phone or cellular device while driving may present a hazard to the driver, other employees and the general public. Subject to a few narrow exceptions for emergency or public safety purposes, Oregon law also prohibits the use of handheld cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of Morrow County vehicles and the operation of private vehicles while an employee is on work time. It applies equally to the usage of employee-owned cell phones and phones provided or subsidized by Morrow County.

Employees are prohibited from using handheld cell phones for any purpose while driving on Morrow County-authorized or Morrow County-related business. This policy also prohibits employees from using a cell phone or other cellular device to send or receive text or "instant" messages while driving on Morrow County business (other than those employees engaged in law enforcement work). Should an employee need to make a business call while driving, the employee must locate a lawfully designated area to park and make the call, unless the employee uses a hands-free cell phone or cellular device for the call. In either situation, such calls should be kept short and should the circumstances warrant (for example, heavy traffic, bad weather), the employee should locate a lawfully designated area to park to continue or make the call, even if the

employee is using a hands-free device. Violation of this policy will subject the employee to discipline, up to and including termination.

B. Use of Morrow County Email and Electronic Equipment, Facilities and Services [A37]

Morrow County uses multiple types of electronic equipment, facilities and services for producing documents, research and communication including, but not limited to, computers, software, email, copiers, telephones, voicemail, fax machines, online services, cell phones (including text messaging), the Internet and any new technologies used in the future. This policy governs the use of such Morrow County property.

Ownership

All information and communications in any format, stored by any means on or received via Morrow County's electronic equipment, facilities or services is the sole property of Morrow County.

Use

All of Morrow County's electronic equipment, facilities and services are provided and intended for Morrow County business purposes only and not for personal matters, communications or entertainment. Access to the Internet, websites and other electronic services paid for by Morrow County are to be used for Morrow County business only. This means, for example, that employees may not use Morrow County-provided Internet, or Morrow County electronic equipment, facilities and services to:

- Display or store any sexually explicit images or documents, or any images or documents that would violate Morrow County's no-harassment, no-discrimination or bullying policies;
- Play games (including social media games) or to use apps of any kind;
- Engage in any activity that violates the rights of any person or Morrow County, and that is protected by copyright, trade secrets, patent or other intellectual property (or similar laws or regulations);
- Engage in any activity that violates the rights to privacy of protected healthcare information or other Morrow County-specific confidential information;
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, worms, Trojan horses).
- Download or view streaming video for personal use. This includes, without limitation, YouTube videos, movies, and TV shows. Streaming audio is allowed, provided it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work.

Further, employees may not use Morrow County-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). Morrow County email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.

Morrow County Property Agreement

In the event that an employee is issued County property, such employee understands that it will be returned when requested or upon their exit from County employment.

Employees acknowledge to take proper care of all company equipment that they are entrusted with. Upon termination, employees will return all Morrow County property and the property will be returned in proper working order. Employees may be held financially responsible for lost or damaged property. Failure to return County property will be considered theft and may lead to criminal prosecution by Morrow County.

Inspection and Monitoring

Employee communications, both business and personal, made using Morrow County electronic equipment, facilities, and services are not private. Any data created, received or transmitted using Morrow County equipment, facilities or services are the property of Morrow County and usually can be recovered even though deleted by the user.

All information and communications in any format, stored by any means on Morrow County's electronic equipment, facilities or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect Morrow County's ownership of the electronic information, electronic equipment, facilities, or services, or Morrow County's right to inspect such information. Morrow County reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail and other such material to monitor the use of all of Morrow County's electronic equipment, facilities and services, including all communications and internet usage and resources visited. Morrow County will override all personal passwords if it becomes necessary to do so for any reason.

Personal Hardware and Software

Employees may not install personal hardware or software on Morrow County's computer systems without approval from the County's Information Technology department. All software installed on Morrow County's computer systems must be licensed. Copying or transferring of Morrow County-owned software may be done only with the written authorization of the ~~IT department~~ [County Administrator](#).

Unauthorized Access

Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by Morrow County management. No employee can examine, change or use another person's files, output or username unless he/she has explicit authorization from the County Administrator to do so.

Security

Many forms of electronic communication are not secure. Employees who use cell phones, cordless phones, fax communications or email sent over the Internet should be aware that such forms of communication are subject to interception and these methods

of communicating should not be used for privileged, confidential, or sensitive information unless appropriate encryption measures are implemented.

Inappropriate Web Sites

Morrow County's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful or other objectionable materials, or that would otherwise violate Morrow County's policies on harassment and discrimination.

C. **Social Media**^[A38]

For purposes of this policy, "social media" includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal or commercial website, social networking web site, web bulletin board or a chat room, whether or not associated or affiliated with Morrow County, as well as any other form of electronic communication.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of co-workers, or otherwise adversely affects our citizens or people who work on behalf of Morrow County or Morrow County's legitimate business interests may result in disciplinary action up to and including termination.

Prohibited Postings

Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate any Morrow County policies, including Morrow County's no-harassment and no-discrimination and workplace violence policies. Similarly, postings that include threats of violence, that are physically threatening or intimidating, bullying or harassing, will not be tolerated and may subject an employee to discipline, up to and including termination.

Do not create a link from your blog, website or other social networking site to a Morrow County-owned or maintained website without identifying yourself as a Morrow County employee.

Express only your personal opinions. Never represent yourself as a spokesperson for Morrow County, unless you are authorized by your manager/supervisor to do so. If Morrow County is a subject of the content you are creating, be clear and open about the fact that you are a Morrow County employee, and make it clear that your views do not represent those of Morrow County or its employees or elected officials.

Encouraged Conduct

Always be fair and courteous to co-workers, the citizens we serve, Morrow County's employees and elected officials, and suppliers or other third parties who do business with Morrow County.

Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers, or by utilizing our Open-Door Policy, than by posting complaints to a social media outlet. If you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed

as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, Morrow County employees or elected officials, that might constitute harassment or bullying, and/or that violate Morrow County policies. Examples of such conduct might include offensive posts that a reasonable person would perceive as calculated to intentionally harm an individual's personal or professional reputation, posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or Morrow County policy.

Maintain the confidentiality of Morrow County's confidential information. Do not post internal reports, policies, procedures or other internal, Morrow County-related confidential communications or information. (See "Confidential Morrow County Information" policy, below.)

Nothing in this policy is meant to prevent an employee from exercising his/her right to make a complaint of discrimination or other workplace misconduct, engage in lawful collective bargaining activity, or to express an opinion on a matter of public concern that does not unduly disrupt Morrow County operations. Employees are free to express themselves as private citizens on social media sites, but an employee's exercise of expression is balanced against Morrow County's interest in the effective and efficient fulfillment of its responsibilities to the public.

Request for Employee Social Media Passwords

Morrow County's supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant for employment to disclose or to provide access through the employee's or applicant's user name and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a username and password that would otherwise allow a supervisor/manager to access a private email account not provided by Morrow County.

Nothing in this policy prohibits Morrow County from requiring an employee to produce content from his/her social media or internet account in connection with a Morrow County-sponsored investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

D. Confidential Morrow County Information [A39]

Employees must not access, use or disclose sensitive or confidential information or data except in accordance with Morrow County policies, practices and procedures, and as authorized by state or federal laws or regulations. Employees with access to confidential information, including but not limited to customer or employee financial, medical or personal information (including, without limitation, Social Security numbers), are responsible for the safekeeping and handling of that information to prevent unauthorized disclosure. Employees who access, use or disclose confidential information contrary to Oregon or federal laws or for personal use or financial gain may be subject to civil or criminal penalties under those laws, in addition to appropriate disciplinary action for violating this policy.

No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials (except in the ordinary course of performing duties on behalf of Morrow County) may be removed from our premises

without permission from County Administrator. Likewise, any materials developed by Morrow County's employees in the performance of their jobs is the property of Morrow County and may not be used for personal or financial gain. Additionally, the contents of records or information otherwise obtained in regard to Morrow County's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

E. **Ethics**^[A40]

At Morrow County, we believe in treating people with respect and adhering to ethical and fair business practices. We expect employees to avoid situations that may compromise their reputation or integrity, or that might cause their personal interests to conflict with the interests of Morrow County or Morrow County's citizens.

We at Morrow County are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. If you are coming to Morrow County from work in the private sector, you may find that some activities that are common business practices in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

If you have questions about whether an activity meets Morrow County's or Oregon's ethical standards, please talk with your Supervisor. Employees who violate the Ethics Policy, or who violate Oregon ethics laws, may be subject to disciplinary action up to and including termination.

F. **Gifts and Gratuities**

The County recognizes that it is valuable and appropriate for employees to become friendly with the public. There can however, be an appearance of impropriety in the giving and receiving gifts, no matter how innocently intended. Employees are therefore prohibited from requesting or accepting any favors, gratuities, gifts, prizes, awards, trips or special considerations in any way related to their work or position with the County that would constitute a violation of ORS 244.040, a section known as the Government Standards and Practices Laws, which prohibit the following:

1. Accepting something of more than an insignificant value as a personal gift,
2. Performing any official action in exchange for a favor, gift, award, or any other special consideration.
3. Personally Personally, receiving something such as prizes or discounts if that benefit is available only because of the employee holding their public position.

Best Practice: When in doubt, do not accept the gifts, or make sure that the item remains the property of the County and not the employee personally.

G. **Open-Door Policy**^[A41]

Morrow County's Open-Door Policy is based on our belief that open, honest communication between managers and employees should be a common business practice. Morrow County's managers and supervisors are responsible for creating a work

environment where employee input is welcomed, and where issues are identified early and shared without the fear of retaliation (when the employee provides the input in good faith). If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in Morrow County, please raise them first with your immediate supervisor. If you are not satisfied with the response from your immediate supervisor, or if your issue involves your immediate supervisor, request to have the facts/situation reviewed by Human Resources.

H. **Outside Employment**^[A42]

Generally, employees may obtain employment with an employer other than Morrow County or engage in private income-producing activity of their own so long as that activity is not otherwise prohibited by these rules. Employees are responsible for assuring that their outside employment does not conflict with these rules.

An employee is prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official action.

Employees may not accept outside employment that involves:

- The use of Morrow County time (including the employee's work time), Morrow County facilities, equipment and supplies, or the prestige or influence of the employee's position with Morrow County. In other words, the employee may not engage in private business interests or other employment activities on Morrow County's time or using Morrow County's property;
- The performance of an act that may later be subject to control, inspection, review or audit by the department for whom the employee works (or by a State agency); or
- Receipt of money or anything of value for performance of duties that the employee is required to perform for Morrow County.

Morrow County requires employees to report outside employment to their Supervisor before the outside employment begins. Thereafter, an employee must provide an update to his/her Supervisor on an annual basis, or sooner if any changes in outside employment occurs. Employees who accept outside employment in violation of this policy may be subject to discipline, up to and including termination.

I. **Criminal Arrests and Convictions**^[A43]

Employees must promptly and fully disclose to their supervisor on the next working day:

1. All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on Morrow County property, or in a Morrow County vehicle (see "Alcohol/Drug Use, Abuse and Testing" policy above);
2. All arrests, citations, convictions, guilty pleas or no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or
3. If you are arrested, cited or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

Reporting an arrest or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis.

Employees who are unavailable to report for work because they have been sent to jail or prison may not use sick leave or vacation time to cover the absence, and may be subject to disciplinary action, including termination.

J. **Political Activity**^[A44]

Employees may engage in political activity except to the extent prohibited by Oregon law when on the job during working hours. This means that employees cannot:

- Be required to give money or services to aid any political committee or any political campaign;
- Solicit money or services (including signatures) to aid or oppose any political committee, nomination or election of a candidate, ballot measure or referendum, or political campaign while on the job during working hours (this is not intended to restrict the right of Morrow County employees to express their personal political views); or
- Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.

K. **Driving While on Business**^[A45]

Employees using a private vehicle to conduct Morrow County's business must possess a valid driver's license and must carry auto liability insurance. Employees who use their own vehicles for authorized Morrow County business use should make any necessary arrangements with their insurance carriers.

Morrow County may verify the validity of your driver's license, auto insurance, and/or your driving record at the time of hire and at any point during your employment.

While on Morrow County business, drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status within 72 hours of the change or new restrictions/limitations. See also, "Cell Phone Use While Driving" policy, above.

Employees who receive a ticket or citation while driving a Company-owned vehicle or while on Company business will be responsible for paying the fine (if any) associated with the ticket or citation and may face discipline up to and including termination.

Morrow County provides vehicles, either owned or leased by Morrow County, to employees for County business use except as authorized below:

1. When the vehicles are not being used, they must be kept on the employer's premises, except when they are temporarily located elsewhere, such as for

repairs, or assigned to a Commissioner under the Commissioner Vehicle Policy.

2. Employees may not use the vehicles for personal purposes except for de minimis use.

In general, there will be no personal use of county vehicles to be used for commuting. The Morrow County Board of Commissioners hereby requires all of the employees listed below to commute to and from work in the following County vehicles assigned to them:

1. Marked police vehicles assigned to Sheriff deputies.
2. Unmarked law enforcement vehicles assigned to the Sheriff, Undersheriff, detectives, District Attorney, and Deputy District Attorney (when acting as on-call counsel).
3. Marked specifically equipped pickups assigned to the Public Works Director and the Assistant Public Works Director.
4. Marked specifically equipped pickup assigned to the General Maintenance Supervisor when, due to inclement weather, the sanding or snow plow equipment is attached.

This policy hereby prohibits the employees listed above from any personal use other than commuting or de minimis personal use.

VIII. Discipline and Termination of Employment

A. Workplace Rules and Prohibited Conduct^[A46]

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

- Falsification of employment or other Morrow County records.
- Recording of work time of another employee or allowing any other employee to record your work time or allowing falsification of any time sheets (your own or another employee's).
- Theft or the deliberate or careless damage or destruction of any Morrow County property, or the property of any other employee, citizen, vendor or third party.
- Unauthorized use of Morrow County equipment, materials or facilities.
- Provoking a fight or fighting during work hours or on Morrow County property.
- Carrying firearms or any other dangerous weapon on Morrow County premises at any time by anybody other than law enforcement officials.
- Engaging in criminal conduct while at work.
- Causing, creating or participating in a significant or substantial disruption of work during working hours on Morrow County property.
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or

threatening language toward another Morrow County employee, customer or vender.

- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
- Failure to observe work schedules, including rest breaks and meal periods. You are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you.
- Sleeping or malingering on the job.
- Excessive personal telephone calls during working hours.
- Unprofessional appearance during normal business hours.
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by Morrow County.
- Misrepresentation of Morrow County policies, practices, procedures, or your status or authority to enter into agreements on behalf of Morrow County. Employees may not use Morrow County's name, logo, likeness, facilities, assets or other resources of Morrow County for personal gain or private interests.
- Violations of the Ethics Policy or Oregon's Ethics laws.
- Violation of any safety, health, security or Morrow County policy, rule or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by Morrow County or outside regulatory or legislative bodies.
- ~~Failing to timely [A47] pay water/sewer/tax accounts with Morrow County on time, and/or whose Morrow County provided services are disconnected. This includes, without limitation, situations where the employee writes a check to Morrow County that is refused for payment due to non-sufficient funds.~~
- Harassment or discrimination that violates Morrow County policy.

This statement of prohibited conduct does not alter Morrow County's policy of at-will employment. Except for employees subject to a collective bargaining agreement or contract of employment, Morrow County remains free to terminate the employment relationship at any time, with or without cause or notice.

B. **Corrective Action/Discipline Policy** [A48]

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

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

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

C. Grievances

Grievance Procedure

Any dispute which may arise between the parties concerning the application, meaning, or interpretation of this Agreement shall be settled in the following manner:

~~Step 1—Informal Discussion. The affected employee, with or without Union representation will contact their immediate supervisor to meet and discuss alleged contract violation prior to filing a written grievance at step 2~~

~~STEP 2—Formal Filing. If the issue is unresolved, the Union will submit a written grievance containing the date of occurrence, the act or omission that created the grievance, the Article and Section violated, and the remedy desired within thirty (30) calendar days of the alleged occurrence. Where the issue is not settled at Step 1, the Union shall submit the grievance to the Department Head or designee within thirty (30) calendar days of the alleged occurrence. The Department Head's response shall be due in writing within ten (10) working days of receipt of the grievance.~~

~~STEP 3—Board of Commissioners. If the grievance remains unresolved, the Union may, within 10 (ten) working days of receiving the Step 2 response (not including the date of response), submit the grievance to the BOC for review. The BOC shall have twenty (20) working days from the date of presentation (not including the date of presentation) in which to respond to the grievance.~~

~~STEP 4—Arbitration. If the grievance is still unsettled after completion of Step 3, the union may, within ten (10) working days of the written response from the BOC, submit the matter to final and binding arbitration as provided herein. The parties shall first attempt to select an arbitrator who is mutually acceptable. If within ten (10) working days from the request for arbitration the parties are unable to agree upon an arbitrator, the parties shall strike from a list of seven arbitrators. Both the BOC or its designee and the union shall have the right to strike three (3) names from the list. The party requesting arbitration shall strike the first name, and the other party shall then strike one name. The process shall be repeated and the remaining person shall be the arbitrator. The designated arbitrator shall set a time and place for hearing which is agreeable to both parties. Expenses of the arbitrator shall~~

~~be borne equally by the parties; however, each party shall be responsible for compensating its own representatives and witnesses. If either party desires a verbatim recording of the proceedings, it may cause such a record to be made, provided it pays for the record and makes a copy available without charge to the arbitrator. If the other party desires a copy, both parties shall jointly share the cost of the transcript and all copies. The arbitrator shall have the authority to consider only a claim based upon a specific provision of this Agreement and shall have no authority to add to, modify, or detract from this Agreement.~~

~~Any decision of the arbitrator within the scope of this Agreement shall be final and binding upon the parties.~~

Processing of Grievance

~~Employees will be paid for time spent during their regular working hours meeting with County officials for the purpose of processing grievances or resolving contract administration issues, but will not be paid for meeting time that falls outside their regular working hours. Time off with pay for the purpose of investigating or preparing grievances for arbitration or other third party hearing will not be allowed. Time off without loss of pay will, however, be allowed when the County requires an employee to attend an arbitration or other third party hearing on the County's behalf.~~

Purpose [A50]

Morrow County recognizes that there are times when the need arises for employees to express concerns or complaints in a formal manner. The following procedures will ensure that non-union employees receive a fair and unbiased review of workplace concerns.

Employees with union representation should refer to the grievance procedures outlined in the respective collective bargaining agreement.

Procedures

Step 1: Informal discussion with supervisor

Employee concerns should first be discussed with the employee's immediate supervisor. Many concerns can be resolved informally when an employee and supervisor take time to review the concern and discuss options to address the issue.

Step 2: Written complaint to supervisor

If the employee is not satisfied with the results of the informal discussion in Step 1, the employee may submit a written complaint within 10 days to his or her immediate supervisor to include:

- The nature of the grievance.
- Detailed information including evidence of the issue, witnesses, related policies, etc.
- The remedy or outcome desired.
- The immediate supervisor will have ten working days to respond to the employee in writing.

If the employee complaint is regarding illegal harassment, discrimination or retaliation, the employee should submit the written complaint directly to Human Resources.

Step 3: Written complaint to senior management

If the employee is not satisfied with the response from the immediate supervisor, the employee may submit a written complaint to senior management for review. A copy should also be sent to Human Resources. The request for review should include:

- An explanation of the grievance and details of all previous efforts to resolve the issue.
- A copy of the written complaint submitted to the immediate supervisor.
- A copy of the immediate supervisor's written response to the employee's complaint.
- Detailed information regarding the employee's dissatisfaction with the immediate supervisor's response.

Senior management will consult with the employee's immediate supervisor, Human Resources and any other relevant parties to evaluate the grievance and provide a written response to the employee within ten days. The outcome of the review by senior management will be final unless new evidence or other circumstances warrant additional review of the complaint.

Recordkeeping

Human resources will maintain records of the grievance process confidentially and securely.

D. Retirement or Resignation from Employment^[A51]

If you choose to resign or retire, it is anticipated that you will give Morrow County as much notice as possible — preferably a minimum of two weeks. When giving your two-weeks' notice, vacation, personal, or sick days should not be used in lieu of notice. If you do not give two-weeks' notice of your intent to leave Morrow County, you will not be eligible for re-employment at a later date.

Employees who miss three or more consecutive workdays without contacting their immediate supervisor are typically considered to have resigned their employment.

If the employee's decision to resign is based on a situation that could be corrected, the employee is encouraged to discuss it with their manager before making a final decision.

Employees must return all Morrow County property, including phones, computers, identification cards, credit cards, keys, and manuals, to their manager on or before their last day of work.

E. Employment References^[A52]

All requests for references or recommendations must be directed to the HR Director. No manager, supervisor or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing employment-site "recommendations" or using a website on the internet to discuss a current or former employee's performance or termination of employment.

By policy, Morrow County discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.

IX. Employee Acknowledgement^[A53]

Acknowledgment of Receipt of 2020 Personnel Policies

Morrow County Employee Handbook 2020

I acknowledge that I have received and will read a copy of Morrow County's 2020 Personnel Policies and Employee Handbook. I also understand that a copy of the Personnel Policies and Employee Handbook is available to me at any time to review on the Human Resources Shared Drive.

I understand that Morrow County has adopted the Personnel Policies and Employee Handbook only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in Morrow County's sole discretion. I also understand that the Personnel Policies and Employee Handbook control over any other contradictory statements, other than those found in applicable collective bargaining agreements. I acknowledge that the Personnel Policies and Employee Handbook are not an employment contract and are not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I understand that either Morrow County or I may terminate my employment relationship at any time, for any lawful reason, with or without cause, and with or without notice, unless my employment is covered under a collective bargaining agreement. Other than promises that may be found in that collective bargaining agreement, I acknowledge that no promises have been made to me that are inconsistent with this "at will" statement.

I have reviewed or will review Morrow County's policies regarding equal employment opportunity and that Morrow County aims to provide a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation or harassment to Human Resources, the County Administrator, or any trusted manager or supervisor.

During my employment with Morrow County, I understand that it is my responsibility to remain informed about the policies as revisions, updates and new polices as issued, and to ask questions about any interpretation of any of the policies.

I have read this acknowledgement carefully before signing.

Employee Signature

Date

The original of this document will be kept in the Employee's personnel file. A copy will be provided to the Employee upon request.



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
 (Page 1 of 2)

(For BOC Use)
 Item #
 7b

Please complete for each agenda item submitted for consideration by the Board of Commissioners
(See notations at bottom of form)

Presenter at BOC: Lindsay Grogan & Kate Knop
 Department: Human Resources
 Short Title of Agenda Item:

Phone Number (Ext): 5620
 Requested Agenda Date: 3/17/2021

(No acronyms please)

Full-Time Equivalent (FTE) Ask - Emergency Manager - Budget Path Options

This Item Involves: (Check all that apply for this meeting.)

- | | |
|---|---|
| <input type="checkbox"/> Order or Resolution | <input type="checkbox"/> Appointments |
| <input type="checkbox"/> Ordinance/Public Hearing: | <input type="checkbox"/> Update on Project/Committee |
| <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading | <input type="checkbox"/> Consent Agenda Eligible |
| <input type="checkbox"/> Public Comment Anticipated: | <input checked="" type="checkbox"/> Discussion & Action |
| Estimated Time: | Estimated Time: 10 minutes |
| <input type="checkbox"/> Document Recording Required | <input type="checkbox"/> Purchase Pre-Authorization |
| <input type="checkbox"/> Contract/Agreement | <input type="checkbox"/> Other |

N/A

Purchase Pre-Authorizations, Contracts & Agreements

Contractor/Entity:

Contractor/Entity Address:

Effective Dates – From:

Through:

Total Contract Amount:

Budget Line:

Does the contract amount exceed \$5,000? Yes No

Reviewed By:

_____	DATE	Department Director	Required for all BOC meetings
_____	DATE	Administrator	Required for all BOC meetings
_____	DATE	County Counsel	*Required for all legal documents
_____	DATE	Finance Office	*Required for all contracts; other items as appropriate.
Lindsay Grogan	3/15/2021	Human Resources	*If appropriate

*Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Counsel, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

During the March 10, 2021 meeting it was confirmed that the Emergency Manager position was approved at a range 16 of the non-union scale to report under the County Administrator. This approval came with the notion that Finance/HR would return to the BOC with the budget options for the official/final approval.

Please see below for the different budget options from the Finance Director:

Current budget: FTE - .10 in #101-117 emergency management (\$16,307), grant revenue \$63,600.

Proposal ideas:

1. FTE 1.0 in #101-117 emergency management, grant - \$63,600 and general dollar funding (gap); or
2. FTE 1.0 in #101-117 emergency management, grant - \$63,600 and SIP discretionary dollar funding (gap); or
3. PTE in #101-117 emergency management, up to grant funding - \$63,600.

2. FISCAL IMPACT:

3. SUGGESTED ACTION(S)/MOTION(S):

Review of different budget options for the Emergency Manager FTE position.

Attach additional background documentation as needed.



AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 1 of 2)

(For BOC Use) Item #

Please complete for each agenda item submitted for consideration by the Board of Commissioners
 (See notations at bottom of form)

Presenter at BOC: Darrell Green
 Department: Administration
 Short Title of Agenda Item:

Phone Number (Ext):
 Requested Agenda Date: 03/17/2021

(No acronyms please)

Proposed Morrow County Values

This Item Involves: (Check all that apply for this meeting.)	
<input type="checkbox"/> Order or Resolution <input type="checkbox"/> Ordinance/Public Hearing: <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Public Comment Anticipated: Estimated Time: <input type="checkbox"/> Document Recording Required <input type="checkbox"/> Contract/Agreement	<input type="checkbox"/> Appointments <input type="checkbox"/> Update on Project/Committee <input type="checkbox"/> Consent Agenda Eligible <input checked="" type="checkbox"/> Discussion & Action Estimated Time: 10 minutes <input type="checkbox"/> Purchase Pre-Authorization <input type="checkbox"/> Other

<input type="checkbox"/> N/A	<u>Purchase Pre-Authorizations, Contracts & Agreements</u>
Contractor/Entity:	
Contractor/Entity Address:	
Effective Dates – From:	Through:
Total Contract Amount:	Budget Line:
Does the contract amount exceed \$5,000? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Reviewed By:

	Department Director	
<i>DATE</i>		Required for all BOC meetings
Darrell Green	03/16/2021 Administrator	
<i>DATE</i>		Required for all BOC meetings
	County Counsel	
<i>DATE</i>		*Required for all legal documents
	Finance Office	
<i>DATE</i>		*Required for all contracts; other items as appropriate.
	Human Resources	
<i>DATE</i>		*If appropriate

*Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Counsel, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

The Leadership Team would like to propose the following Values be adopted for Morrow County Government, by the Board of Commissioners. After numerous meetings, research and robust conversations, the Leadership Team believes the Values we are proposing are a reflection of what we value today and will for the future.

Proposed Values from the Leadership Team:

Communication - Cultivating trust, honesty, and respect which allows the opportunity to exchange ideas and efficiently deliver services to the public.

Teamwork - We are dedicated to providing the best service to our constituents through meaningful collaboration, building relationships and empowering leadership.

Professionalism – Leading by example to conduct business in an ethical manner that promotes equity and inclusiveness with a deep sense of social responsibility as trusted public servants.

2. FISCAL IMPACT:

None

3. SUGGESTED ACTION(S)/MOTION(S):

Motion to adopt Communication, Teamwork and Professionalism as Morrow County Values.

Attach additional background documentation as needed.