

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 938

Amends MCC Chapter 9 County Employment

Multnomah County Ordains as follows:

Section 1. MCC § 9.200 is amended to read as follows:

§ 9.200 Classified Service.

The county classified service includes all county employees except the following:

- (A) Elected officials and elected officials' staff;
- (B) Department directors, division heads and employees designated executive employees by the Chair;
- (C) County counsel and assistant county counsels;
- (D) Executive assistants who report directly to and serve at the pleasure of department heads or the county counsel;
- (E) Deputy district attorneys;
- (F) Temporary employees and those who work on-call or less than half-time.

Section 2. MCC § 9.001 is amended to read as follows:

§ 9.001 Definitions.

For the purpose of this chapter, the following definitions apply unless the context requires a different meaning.

AFFIRMATIVE ACTION. Identifying existing or potential discriminatory conditions and making specific goal oriented corrective actions to eliminate and prevent unlawful discrimination.

APPEAL. A request for hearing filed with the executive secretary of the Merit System Civil Service Council.

APPOINTING EXECUTIVE. Chair, Sheriff, Auditor, District Attorney, department directors and heads of independent offices.

APPOINTING MANAGER. A management or executive employee with authority to make appointments to positions.

APPOINTMENT. All methods of selecting or employing any person to hold a position in county service.

BARGAINING AGENT. Labor organization certified or recognized as the exclusive representative for purposes of collective bargaining under ORS 243 for all county employees in an appropriate bargaining unit.

CAUSE. Misconduct, inefficiency, incompetence, insubordination, indolence, malfeasance or other unfitness to render effective service.

CLASS or CLASSIFICATION. A group of positions in the county service sufficiently similar in duties, authority and responsibility to permit grouping under a common title that would call for similar qualifications and the same schedule of pay.

CLASSIFICATION PLAN. A document that contains all county service classes, and the specifications or descriptions for the classes.

CLASSIFIED EMPLOYEE. An employee in county service not excepted from classified service by 9.200, but does not include temporary employees or those who work on call or less than half time.

CLASSIFIED SERVICE. All regular county service positions held by classified employees.

COMPENSATION PLAN. Salary, wages, special pay provisions and paid benefits.

CONFIDENTIAL EMPLOYEE. A classified employee not covered by a collective bargaining agreement solely because of the confidential nature of collective bargaining work duties.

COUNCIL. The Merit System Civil Service Council.

COUNTY SERVICE. County employees in classified and unclassified positions.

DISCRIMINATION COMPLAINT. A complaint that a personnel action was motivated by discrimination on the basis of race, religion, sexual orientation, sex, age, marital status, national origin, physical or mental disability or political affiliation.

DISTRICT ATTORNEY. State official elected by the voters of Multnomah County who has the powers and performs the duties of state law, including enforcement of local laws.

DISTRICT ATTORNEY EXECUTIVE STAFF. Employees in positions that report directly to and serve at the pleasure of the District Attorney. These employees have the same rights and benefits as county elected officials' staff.

ELECTED OFFICIAL. The Chair, Commissioner, Auditor, and Sheriff.

ELECTED OFFICIAL'S STAFF. Employees in positions that report directly to and serve at the pleasure of a county elected official and serve as such official's immediate secretary, administrative, legislative, or other immediate or first-line aide as defined in Section 701(f) of the Equal Employment Opportunity Act of 1972.

ELIGIBLE. A person qualified for employment by examination or other methods.

ELIGIBLE LIST. A list of persons found qualified for appointment to a position in a particular class.

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

EXECUTIVE EMPLOYEE. Employees with a major role in the administration or formulation of policy that requires the exercise of independent judgment and is not of a routine clerical nature. It also includes elected official's staff and 9.200(D) executive assistants. Such employees are in positions that are both unclassified and nonrepresented.

EXECUTIVE SECRETARY. The executive secretary of the Merit System Civil Service Council.

GRIEVANCE. A complaint filed under the terms of an existing collective bargaining agreement.

JOB DESCRIPTION. A description of an individual position that contains the duties, responsibilities, skill and ability requirements of the individual position.

LAYOFF. A reduction of the county work force.

MANAGEMENT EMPLOYEE. A person who has a role in the administration or formulation of policy that is not of a routine clerical nature. These positions are designated by the Chair and are classified but nonrepresented.

NONREPRESENTED EMPLOYEE. A classified employee in a position not covered by a collective bargaining agreement.

ON-CALL EMPLOYEE. A person employed to meet intermittent, irregular or less than half-time county work needs.

PERSONNEL ACTION. Any action taken on behalf of the county with reference to an employee, an applicant for the classified service or a classified position.

PERSONNEL OFFICER. The county Chair.

PROBATIONARY PERIOD. A working test period during which a classified employee is required to demonstrate fitness for the position to which the employee is appointed by actual performance of the duties of that position.

PROMOTION. A movement of an employee to a classification that has a higher maximum rate than the employee's current classification.

PROMOTION LIST. A list of persons found qualified by a promotion test for appointment to a position in a particular class.

RECALL LIST. A list of employees laid off from positions in particular classes that have rights for appointment to a position in that class.

RECLASSIFICATION. The assignment of an existing position from one to another class of work.

REGULAR EMPLOYEE. The status a classified employee acquires after successful completion of the probationary period for the particular position to which the employee was appointed.

REGULAR POSITION. A county service position budgeted for each fiscal year.

REPRESENTED EMPLOYEE. An employee in a position covered by a collective bargaining agreement.

TEMPORARY EMPLOYEE. A person employed to meet short term, non-recurring or emergency county work needs.

TRANSFER. A movement between positions having the same maximum rate.

UNCLASSIFIED EMPLOYEE. An employee excepted from the classified service by 9.200, but does not include temporary employees or those who work on call or less than half time.

Section 3. MCC § 9.202 is amended to read as follows:

§ 9.202 Compensation Plan.

(A) The Chair must maintain a compensation plan. The compensation plan revisions are subject to approval of the Board if costs of the revision exceed department or county budgets or if the revisions are subject to negotiation with appropriate bargaining agents under state law.

(B) It is county policy to establish a compensation plan that provides pay and benefits necessary for the county to recruit, select, and retain qualified employees who are not part of a

bargaining unit; recognizes employee performance, growth, and development; maintains an appropriate internal relationship among classification and employees based on job responsibilities, qualifications, and authority, and that maintains parity between equivalent nonrepresented and represented positions.

(C) The compensation plan includes the following benefits defined and implemented by Chair Executive Rule:

- (1) Paid holidays;
- (2) Paid leaves;
- (3) Leaves of absence without pay;
- (4) Leave-sharing programs;
- (5) Health and welfare benefits;
- (6) Educational assistance programs;
- (7) Deferred compensation programs;
- (8) Flexible spending accounts;
- (9) Pension programs;
- (10) Workers' compensation and supplemental benefits;
- (11) Other benefits to implement subsection (B); and
- (12) Other benefits approved by the Board.

Section 4. MCC § 9.403 is amended to read as follows:

§ 9.403 Disciplinary Action.

(A) A regular employee is subject to good faith disciplinary action for cause by suspension, written reprimand, demotion, and reduction in pay or dismissal. Such action may take effect only after the appointing executive gives written notice of the action and its cause to the employee and the appropriate bargaining agent, if any. Written notice is not required when the disciplinary action is a written reprimand.

(B) In the case of dismissal, the employee will be under suspension without pay for 15 days before the effective date of dismissal.

Section 5. MCC § 9.203 is amended to read as follows:

§ 9.203 Chair Plan.

The Chair is responsible for developing and presenting annual compensation plan adjustment recommendations to the Board. These recommendations must be based on periodic surveys of comparable employers, internal classification relationships, financial constraints, and actual or anticipated pay adjustments for nonrepresented employees.

Section 6. MCC § 9.206 is amended to read as follows:

§ 9.206 Examinations.

(A) The Chair may formulate, validate and conduct examinations for positions in the classified service. The Chair may designate certain positions in specified career fields as training or apprentice positions from which promotion may be made to the next higher position without competitive examination upon completion of established training criteria and the incumbent's meeting of the minimum qualifications.

(B) Examinations must be competitive, job-related and of such character as to determine the qualifications, competence and ability of the persons tested to perform the duties of the class of positions for which a list is to be established.

(C) Examination procedures may be modified to accommodate disabled persons who are regarded as having a physical or mental impairment that limits one or more major life activities.

(D) Admission to tests must be open to all persons whose applications demonstrate the required qualifications and may be lawfully appointed to a position in the class for which a list is to be established. Qualification will be specified at the time of announcement.

Section 7. MCC § 9.007 is amended to read as follows:

§ 9.007 Appeals From Personnel Actions.

There shall be a right of appeal by any employee of and applicants for the classified service as follows:

(A) Any regular management employee who is reduced in pay, demoted, suspended or dismissed and who does not have an appeal procedure for the particular issue in dispute shall have the right to appeal the action to the council. In addition, a management employee may appeal as an applicant for the classified service.

(B) Represented classified and confidential employees who do not have available a grievance procedure for a particular issue in dispute, and applicants for the classified service have the right to appeal to the council regarding personnel actions, including complaints of discrimination.

Section 8. MCC § 9.201 is amended to read as follows:

§ 9.201 Classified Service; Status Of Unclassified Employees.

(A) The classified county service is comprised of all county positions that are not excepted from the classified service by county code.

(B) Unclassified county positions may be filled by classified employees. Except as provided in division (C) for sworn law enforcement officers and correction officers, and division (D) for other classified employees, classified employees so appointed forfeit their status as classified employees, and all related rights. Any such employee must submit to the Chair a signed statement acknowledging notice of this provision and waiving classified status before unclassified appointment. The Chair shall provide such notice, and secure the signed statement prior to that appointment.

(C) After termination of service in an unclassified position, a sworn law enforcement officer or corrections officer appointed to the unclassified service upon request will be restored to the employee's status in the classified service without loss of benefits. This does not apply if the employee was terminated under circumstances that would have constituted cause for termination in the classified service, as determined by the council.

(D) After termination of service in an unclassified position, any other classified employee appointed to the unclassified service upon request will be restored to the employee's status in the classified service without loss of benefits under any of the following circumstances:

(1) Termination within six months from the time of appointment in an unclassified position, unless the employee was terminated under circumstances which would have constituted cause for termination in the classified service, as determined by the council;

(2) Termination due to elimination of the unclassified position; or

(3) Voluntary demotion from the unclassified to the classified service with the recommendation of the department director and approval of the Chair.

Section 9. MCC § 9.204 is amended to read as follows:

§ 9.204 Merit Evaluations and Conditions of Employment.

(A) The Chair may maintain a merit evaluation system for all employees in classified and unclassified positions. The merit evaluation system will be based on standards of performance relative to an employee's individual assignment. Merit evaluations may be used as the basis of evaluation for any personnel action.

(B) The Chair may establish rules for management and executive employees that cover working conditions, administrative review of personnel actions, recognition and reward

programs, employee benefits and other conditions of employment, which may be necessary to provide an inclusive system of personnel administration.

Section 10. MCC § 9.230 is amended to read as follows:

§ 9.230- Established; Membership.

(A) There is a Multnomah County Employees' Benefits Board (MCEBB) with representation from County bargaining units and its nonrepresented employees.

(B) MCEBB membership shall consist of:

(1) Each participating Union or Association representing a bargaining unit of County employees as provided in their respective collective bargaining agreements.

(2) Management and executive employees are a member unit with the same voting privileges as the bargaining unit members as provided below. The Chair will appoint two such employees. One will represent management and executive employee interests and one will represent the County's interests as an employer. These appointees are designated as the management unit.

FIRST READING:

January 13, 2000

SECOND READING AND ADOPTION:

January 20, 2000



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By
Thomas Sponsler, County Counsel