

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 248

An Ordinance relating to the merit systems for Multnomah County employees; creating new provisions; amending MCC 3.10.010, 3.10.015, 3.10.040, 3.10.080, 3.10.090, 3.10.100, 3.10.110, 3.10.120, 3.10.130, 3.10.140, 3.10.150, 3.10.160, 3.10.170, 3.10.180, 3.10.190, 3.10.200, 3.10.230, 3.10.250, 3.10.270, 3.10.300, 3.10.310, and 3.10.530; and repealing 3.10.210.

Multnomah County ordains as follows:

Section 1. MCC 3.10.010 is amended to read:

3.10.010 Definitions. As used in this chapter, unless the context requires otherwise:

(A) "Affirmative action" means identifying existing or potential discriminatory conditions and making specific goal oriented corrective actions to eliminate and prevent unlawful discrimination.

(B) "Appeal" means a request for hearing filed with the executive secretary of the Merit System Civil Service Council.

(C) [(B)] "Appointing authority" means any elected official[s] having the authority to make an appointment [in their administrative capacities] including the County Executive, members of the Board, [chairman,] the county auditor, the district attorney, and the presiding judges of the circuit and district courts.

(D) [(C)] "Appointment" means all methods of selecting or employing any person to hold a position in county service.

(E) [(D)] "Bargaining agent" means the person designated to represent the exclusive representative.

(F) [(E)] "Bargaining unit" means the unit designated by the board to be appropriate for the purpose of collective bargaining.

(G) [(F)] "Board" means the Board of County Commissioners.

(H) [(G)] "Cause" means misconduct, inefficiency, incompetence, insubordination, indolence, malfeasance or other unfitness to render effective service.

[(H) "Chairman" means the chairman of the Board of County Commissioners.]

(I) "Charter" means the Multnomah County Home Rule Charter.

(J) "Class" or "classification" means a group of positions in the county classified service sufficiently similar in duties, authority and responsibility to permit grouping under a common title which would call for similar qualifications and the same schedule of pay.

(K) "Classification plan" means a document which embodies all classes that have been established, and the specifications or descriptions of these classes.

(L) "Classified service" means those county positions designated to be held by classified employees.

(M) "Council" means the Merit System Civil Service Council established by MCC 3.10.030.

(N) "County Executive" means the County Executive of Multnomah County, Oregon.

(O) [(N)] "County service" means in the employ of the county.

(P) "Discrimination complaint" means a complaint that a personnel action was motivated by discrimination on the basis of race, religion, sex, age, marital status, national origin, physical or mental handicap or political affiliation.

(Q) [(O)] "Eligible" refers to a person whose name is on the list of persons certified [by examination] to be qualified for employment.

(R) [(P)] "Employment list" means a list of persons who have been found qualified [by an entrance test] for appointment to a position in a particular class.

(S) [(Q)] "Entrance test" means a test for a position in a particular class, which position requires no previous or equivalent experience with the county.

(T) [(R)] "Exclusive representative" means the labor organization which has the right to be the bargaining representative of all employees in an appropriate bargaining unit.

(U) [(S)] "Executive secretary" means the executive secretary of the Merit System Civil Service Council.

(V) [(T)] "Grievance" means a complaint filed pursuant to the terms of [any personnel action which adversely affects a classified employee or person desiring employment for which a remedy does not exist under] an existing collective bargaining agreement.

(W) "Hiring manager" means a county manager to whom authority has been delegated to make appointments in the classified service.

(X) [(U)] "Layoff" means a reduction of the county work force.

(W) [(V)] "Layoff list" means a list of persons who have been laid off in a position in a particular class who are entitled to have their names certified for appointment to a position in that class.

(Z) [(W)] "List" means an employment list, promotion list, transfer list or layoff list.

(AA) "Managerial employee" means a person who formulates policy or has a major role in the administration of policy which requires the exercise of independent judgment; provided that such role is not of a routine clerical nature.

(BB) [(X)] "Personnel action" means any action taken on behalf of the county with reference to an employee, an applicant for the classified service or a classified position.

(CC) [(Y)] "Personnel officer" means the [chief personnel officer in the Office of County Management or the successor or authorized representative of that officer.] County Executive.

(DD) [(Z)] "Personnel rule" means a prescribed guide for conduct or action in order to implement and maintain the provisions of this chapter.

(EE) [(AA)] "Probationary period" means a working test period during which [an] 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.

(FF) [(BB)] "Promotion list" means a list of persons who have been found qualified by a promotion test for appointment to a position in a particular class.

(GG) [(CC)] "Promotional examination" means a test for a position in a particular class, which position requires previous or equivalent experience with the county.

(HH) [(DD)] "Reclassification" means the assignment of an existing position from one to another class of work.

(II) [(EE)] "Regular employee" means the status [an] a classified employee acquires after successful completion of the probationary period for the particular position to which the employee was appointed.

Section 2. MCC 3.10.015 is amended to read:

3.10.015 Policy and purpose; merit principles.

(A) It is the purpose of this chapter to designate those county employees in classified service, to set forth the rights

and privileges of those employees and those persons desirous of being considered for classified service and to state the county's obligations in establishing and maintaining a merit system of classified service.

(B) The board has determined the necessity of establishing a merit system of personnel administration as provided by section 7.40 of the Charter based on merit principles and professional methods governing the appointment, tenure, promotion, transfer, layoff, separation, discipline and other incidents of employment relating to county employees. These merit principles include:

(1) Recruiting, appointing and promoting employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applications for initial appointment;

(2) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance and separating employees whose inadequate performance cannot be corrected;

(3) Assuring impartial treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, religion, color, sex, age, physical or mental handicap, marital status or national origin, and with proper regard for their privacy and constitutional rights as citizens; and

(4) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election to or a nomination for office.

Section 3. MCC 3.10.040 is amended to read:

3.10.040 Duties of the council. The council shall:

(A) Designate one of its staff as its executive secretary and delegate to that person such administrative duties as may be necessary.

(B) Adopt such rules and hold such hearings as it finds necessary in order to perform the duties and responsibilities vested in it by sections 7.20 and 7.30 of the Charter and this chapter.

(C) Submit periodic reports to the board regarding the activities of the council and the application of merit principles in county personnel management.

(D) Review and [conduct hearings] comment on any personnel [administrative] rules or revisions thereof, other than those referred to in subsection (B) of this section, submitted to it by the [chairman and report its findings and recommendations to the chairman.] Personnel Officer.

(E) Conduct hearings on appeals from classified employees [of] who do not have available a grievance procedure for those particular issues in dispute pursuant to a collective bargaining agreement, and applicants for the classified service regarding personnel actions, including complaints of discrimination.

(F) Make investigations and issue reports to the board concerning compliance with, enforcement and effect of the provisions of this chapter, section 7.40 of the County Charter and the rules adopted under these provisions. The council may inspect all county institutions, departments, offices and positions as necessary. An investigation may be made by the council or by any member designated by the council for that purpose.

Section 4. MCC 3.10.080 is amended to read:

3.10.080. Administration. The county functions imposed by this chapter shall be performed or enforced by the person designated as the Personnel Officer [within the Office of County Management.] ,who shall adopt such rules as are necessary and appropriate to administer the provisions of this chapter.

Section 5. MCC 3.10.090 is amended to read:

3.10.090 Personnel files; inspection.

(A) The [Office of County Management] Personnel Officer shall establish and maintain a records system for all employees in the county. [which shall set forth each employee's class, race, sex, age, position title, compensation schedule, respective bargaining unit and all other relevant data which might be considered pertinent to that person's employment status.]

(B) All personnel files shall be considered confidential and shall only be disclosed within the county to aid in [affirmative] personnel administration.

(C) No data in personnel files shall be disclosed to outside sources of inquiry except as required by law or with the consent of the employee.

(D) [All employees] Each employee shall have the right to inspect [their personnel files at any reasonable time.] those records which have been or may be used in connection with any personnel action with respect to that employee, wherever retained by the county, at any reasonable time.

Section 6. MCC 3.10.100 is amended to read:

3.10.100 Exemptions from classified service. The county employees exempt from the classified service shall be comprised of:

(A) Elected officials, their personal assistants and secretaries and other legislative employees.

(B) Persons employed in a professional or scientific capacity to conduct a special inquiry, investigation or examination on behalf of the board.

(C) Counsel retained by the board under Oregon law.

(D) [Department, division or section heads, or their equivalents.] Department and division heads and employees who occupy positions designated by the board by ordinance to be filled by managerial employees.

(E) [Directors of each county department and their] The direct personal assistants [as determined by the board.] to department heads other than clerical employees.

(F) Employees directly attached to the operation of the district and circuit courts and limited to bailiffs, reporters, court clerks, criers, secretaries, law clerks and employees required in the operation of the court administrator's office, including the secretaries required for the docket control in the General Trial, Domestic Relations and Probate Court, provided that employees assigned to the court administrators as a result of the transfer of functions and personnel under MCC 2.30.350 to 2.30.400 and this section, who previously enjoyed classified status or other employment rights and benefits afforded by the county in the Department of Justice Services, shall retain their status, rights and benefits in the offices of the court administrators, subject to all provisions of MCC 2.30.350 to 2.30.400 and this section and other provisions of law relating to county employees.

(G) Any special deputy sheriff appointed to act without compensation from the county.

(H) Any deputy district attorney[.] or deputy county counsel.

(I) The director and personal staff of any city-county agency, for whom the county is the fiscal agent.

(J) Any person designated to perform the functions of sheriff and the sheriff's direct personal staff.

[(K) Doctors, dentists, registered professional engineers and lawyers employed in their professional capacity.]

(K) [(L)] Persons employed by the county auditor.

(L) [(M)] The clerk and assistant clerk of the board.

[(N) Others designated by ordinance and the council.]

Section 7. MCC 3.10.110 is amended to read:

3.10.110 Classified service; status of unclassified employees.

(A) The classified county service shall be comprised of all

positions in the employ of the county which are not exempt by MCC 3.10.100 or other county ordinance.

(B) Positions in the unclassified county service may be filled by classified employees. Except as provided in subsection (C) of this section with respect to return rights, any [Any] classified employee so appointed [shall, after termination of service in an unclassified position, upon request, be restored to the employee's status in the classified service without loss of benefits.] forfeits upon such appointment that employee's status as a classified employee, and any and all rights appertaining thereto. Any such employee shall submit to the Personnel Officer a signed statement acknowledging notice of this provision and waiving that status prior to any such appointment. The Personnel Officer shall provide such notice, and secure the signed statement prior to that appointment.

(C) A classified employee appointed to a position in the unclassified service shall, upon request, after termination of service in an unclassified position, be restored to the employee's status in the classified service, unless the employee was terminated under circumstances which would have constituted cause for termination in the classified service.

(D) [(C)] Employees filling positions in the exempt or unclassified service may compete for promotional opportunities in the classified service.

Section 8. MCC 3.10.120 is amended to read:

3.10.120 Compensation plan[s]. The Personnel Officer [Office of County Management] shall maintain a compensation plan[s] for classified and unclassified employees. The compensation [Compensation] plan[s] may be subject to change by the board and shall be subject to negotiation with appropriate bargaining agents under Oregon law.

Section 9. MCC 3.10.130 is amended to read:

3.10.130 Merit [rating] evaluations. The Personnel Officer [Office of County Management] may maintain a merit evaluation [rating] system for all employees in classified positions. The merit evaluation [rating] system shall be based on standards of performance relative to an employee's individual assignment. Merit evaluations [ratings] may be used as the basis of evaluation for any personnel action. [to evaluate fitness for promotion and continued employment.]

Section 10. MCC 3.10.140 is amended to read:

3.10.140 Payroll certification. No county disbursing or auditing officer shall make or approve or take any part in making or approving changes in payment for personal service to any person holding a position in the classified service [including an appointment to limited duration, emergency or provisional position,] unless the person has been appointed and employed in accordance with the provisions of this chapter.

Section 11. MCC 3.10.150 is amended to read:

3.10.150 Classification plan.

(A) The Personnel Officer [Office of County Management] shall prepare and maintain a classification plan which shall group all positions in the classified service in classes based on their duties, authority and responsibilities, and which shall set forth for each class of positions, a class title, a statement of the duties, authority and responsibilities, and a statement of the required knowledge, skills and abilities. [minimum qualifications.] Each class of positions may be subdivided and classes may be grouped and ranked in an appropriate manner.

(B) Additions to, abolishment of and changes to classifications may be proposed as necessary to reflect changes in duties, authority, responsibility and qualifications, provided, however, no employee shall suffer any salary reduction as a result.

(C) The classification plan and changes to it shall be effective only when [reviewed by the council and] approved by the board. [Council review shall determine whether the plan and changes violate merit principles, are arbitrary or are contrary to this chapter.]

(D) Each position in the classified service shall be allocated or reallocated to the appropriate class on the basis of its duties, authority and responsibilities.

[(E) No person shall be appointed or promoted to a position in the classified service unless certified as eligible, except on a temporary basis as provided by this chapter. Vacancies in the classified service shall be filled only by appointment of an eligible candidate certified from a list or by provisional or emergency appointment or by transfer or demotion of a regular employee. No appointment or promotion to any position in the classified service shall be made except in the manner provided in this section.]

Section 12. MCC 3.10.160 is amended to read:

3.10.160 Entrance and promotion tests.

(A) The Personnel Officer [Office of County Management] shall, from time to time, formulate, validate and conduct entrance and promotion tests. [With the approval of the council,] The Personnel Officer may designate certain positions in specified career fields [may be designated] 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) The entrance and promotion tests shall be competitive job-related tests and shall be 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. [Tests shall establish a standard method of evaluating the quality, amount, kind and level of knowledge, skill and ability acquired through training, education and experience and measures obtained from scored individual or group interviews or exercises.]

(C) The Personnel Officer may submit to hiring managers the names of applicants who have not been given an entrance or promotion test in the following cases:

(1) When there are five or fewer applicants who meet the minimum requirements for the position; or

(2) The positions to be filled are unskilled entry level positions.

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

(E) Persons who have assisted in the preparation or administration of examination materials with respect to a position for which they become an applicant may be placed on an eligible list for that position and certified without rank or score, providing they satisfy minimum qualifications for the position.

(F) [(C)] Admission to tests shall 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 shall be specified at the time of announcement.

(G) [(D)] All examination announcements required by this chapter shall be distributed in [all] appropriate areas where [all] interested persons may have access to information about job opportunities in county service. [Announcements will be distributed to assure actual or effective notice for a minimum of two weeks and shall be mailed to those groups requesting such information.]

(H) Open and continuous recruitment and examination procedures may be utilized in such cases as deemed appropriate by the Personnel Officer, who shall promulgate rules respecting such cases.

Section 13. MCC 3.10.170 is amended to read:

3.10.170 Test ratings.

(A) The rating of each test shall be completed and the resulting list established not later than 30 days after the date on which the test was held, unless extended for cause, the test is declared illegal or the need to fill the position advertised has ended. [by the council.] Each person competing in any test shall be given written notice of final earned rating and placement or nonplacement on the list.

(B) [Each person successfully completing a promotion test shall be furnished with information concerning relative standing on the list.] Each person competing in a test may, not later than 30 days after the establishment of the list, have the rating reviewed [or corrected if manifest errors are found.] by the Personnel Officer.

[(C) Preference for war veterans on entrance examinations shall comply with applicable state law.]

(C) The Personnel Officer shall promulgate rules to guarantee the integrity of each test administered.

Section 14. MCC 3.10.180 is amended to read:

3.10.180 Layoff, promotion and employment lists.

(A) The Office of County Management shall establish and maintain layoff, promotion and employment lists as follows:

(1) Layoff lists shall be established by classification. A layoff list shall contain only those names of employees laid off in good standing. In filling a vacancy, names from the layoff list shall appear ahead of those qualified only by examination. The term of eligibility of a laid off employee shall be 18 months from the date of layoff. If an appointing authority refuses to reinstate a laid off employee certified to a vacancy in the classification for which the employee qualifies, the refusal will be deemed a dismissal and shall be subject to the provisions concerning dismissals in this chapter.

(2) Promotion lists and employment lists for the various classes of positions in the classified service as are found necessary or desirable to meet the needs of the county shall contain the names of persons who have been found qualified for appointment to a particular position by test. The eligibles shall be ranked in order of their ratings earned on the tests given for the purpose of establishing the lists.

(B) [Employment] Unless otherwise provided, employment lists shall remain in effect for six months. [unless approval is received from the council to abolish, consolidate or re-establish the list at an earlier date. The Office of County Management may abolish, consolidate or re-establish employment lists after six months whenever consistent with the needs of the county.]

(C) [Promotion] Unless otherwise provided, promotion lists shall remain in effect for [not less than] one year. [and in no case more than two years unless approval is received from the council to abolish, consolidate or re-establish the list at an earlier date. Duration of employment lists shall be established prior to the examination for promotion and that duration shall be included in the examination notice. The council may abolish, consolidate or re-establish promotion lists prior to the time prescribed in the notice whenever considered consistent with the needs of the county.]

(D) The Personnel Officer may abolish employment or promotion lists prior to their normal expiration date, in the following cases:

(1) All candidates have been interviewed and have been found unacceptable for documented, job-related reasons;

(2) The list was illegally constituted; or

(3) The list is comprised of fewer than five candidates.

(E) The Personnel Officer may extend the duration of employment and promotion lists whenever sufficient certified candidates exist, with the consent of the hiring manager. Each such extension shall be effective for a period of six months, unless abolished prior to that time.

(F) The Personnel Officer may consolidate employment and promotion lists in the following cases:

(1) When such lists are developed in connection with an open and continuous examination process; or

(2) When applicants with requisite qualifications to fill a particular position are available from two or more eligible lists.

(G) [(D)] Persons may be removed from a list:

(1) Who have been placed thereon by error or as the result of incorrect information;

(2) Who are unable to perform the duties of the classification for which the list was established;

(3) Who have expressed unwillingness to accept appointment; or

(4) To whom a notice of certification was sent by mail to the person's last known address and no reply was received within 14 days.

Section 15. MCC 3.10.190 is amended to read:

3.10.190 Certification of eligible names; priority.

(A) Upon written notice that a position in the classified service is to be filled, the names of highest ranking eligible candidates from lists for the class to which the position is allocated shall be submitted to the hiring manager. [appointing authority.] Names may be submitted from a list for another class provided that the applicant has demonstrated the necessary qualifications for the position. [a comparable class provided requirements for the positions are similar.] In each case, however, candidates from available layoff lists shall appear higher on the list[, based on seniority rules,] ,and ranked in inverse order of layoff as determined by MCC 3.10.250, than those qualified only by examination.

(B) Unless otherwise provided, at [At] least five [three] names shall be submitted from the list of certified applicants [and layoff lists, provided, however, fewer names may be submitted if fewer than three eligible names exist.] However, if a list contains fewer than five certified applicants, the entire list may be submitted with the consent of the hiring manager.

(C) The Personnel Officer [Office of County Management] shall prescribe procedures for submission of names and guidelines for the processing of the names of persons qualified for appointment but not selected.

(D) The Personnel Officer shall prescribe procedures to insure that the names of qualified women, minorities or other protected class members are among those submitted to hiring managers in cases of historic underutilization of such persons.

Section 16. MCC 3.10.200 is amended to read:

3.10.200 Provisional appointments.

(A) [If there is no appropriate list available, provisional appointment of a person meeting at least the minimum prerequisites for the class to which the position is allocated may be made. No restrictions in this section and MCC 3.10.210 shall be construed to prevent a provisional employee from competing for regular appointment.] No person shall be appointed or promoted to a position in the classified service unless certified as eligible, except on a temporary basis as provided by this chapter. Vacancies in the classified service shall be filled only by appointment of an eligible candidate certified from a list or by provisional or emergency appointment or by transfer or demotion of a regular employee. No appointment or promotion to any position in the classified service shall be made except in the manner provided in this section.

[(B) No position shall be filled by provisional appointment for more than 90 days unless continuation is approved by the council pending establishment of an appropriate eligible list; however, provided that no provisional appointment shall be extended to more than a total of 180 days.]

[(C) A provisional employee shall be informed of the employee's status upon appointment. If during the period of time in which a provisional appointment exists an eligible list for that classification is established, the provisional appointment shall be automatically terminated four weeks following the establishment of the list.]

Section 17. Section 18 is added to and made a part of Chapter 3.10 as MCC 3.10.225:

Section 18. 3.10.225 Temporary appointment. The appointment of a person to a position for a limited or uncertain duration, whether or not the position is budgeted, shall be a temporary

appointment.

(A) Such appointments shall not exceed six months in duration, and shall not be made without prior approval of the Personnel Officer.

(B) Persons temporarily appointed who are to perform duties normally performed by classified employees shall meet the minimum requirements established for the classification.

(C) Whenever possible eligible lists shall be used in the appointment of temporary employees.

(D) Temporary employees may be discharged at any time by the appointing authority, shall have no appeal rights within the county, and shall be notified of their status upon appointment.

(E) Successive temporary appointments of the same employee may not be made which, taken together, would extend that person's employment beyond six months.

(F) The Personnel Officer shall prescribe additional appropriate rules concerning the use of employees on an intermittent or irregular "on call" basis.

Section 19. MCC 3.10.230 is amended to read:

3.10.230 Probationary period; training programs

(A) Except as provided in subsection (C) of this section, every person [appointed] who receives a general appointment to a position in the classified service shall serve a probationary period not to exceed 18 months for deputy sheriff; one year for other law enforcement and correction personnel, property appraisers and bridge operators; and six months for all other employees.

(B) A probationer may be discharged at any time during probation if, in the opinion of the appointing authority, continuance in county service is not in the best interest of the county.

(C) Training programs may be established for the developing of skills or knowledge necessary for competent job performance. An employee may be required to train under a program for a period not exceeding six months and the probationary period for the employee shall be the length of time of the approved training program, plus the time prescribed in subsection (A) of this section.

(D) When any person who has been appointed to a position in a higher classification or grade on probation does not qualify for the position in the higher classification or grade within the probationary period, that person shall not lose seniority in the lower classification or grade from which the promotion was made,

but shall return to employment and be reinstated in the position held in the lower classification or grade.

(E) An employee shall be considered to have served the probationary period satisfactorily and to be a regular employee, unless prior to the expiration of the probationary period the employee is notified in writing that regular status will not be given. Such notice shall constitute termination upon a specified date that shall not be later than the last day of probation.

Section 20. MCC 3.10.250 is amended to read:

3.10.250 Layoffs.

(A) Whenever a reduction in employees is required, employees shall be laid off in accordance with [seniority which shall be established as follows, unless modified by an agreement with a recognized bargaining agent:

- (1) Length of service within a department.
- (2) Length of service within the county.
- (3) Score on original entrance examination.]

the provisions of collective bargaining agreements for represented employees, and in accordance with administrative rules to be promulgated by the Personnel Officer for unrepresented employees.

(B) In every case of layoff of a regular employee the employee and the appropriate employee bargaining agent, if any, shall be notified 15 days before the effective date of the lay-off. In any case where the county refuses or fails to certify before the effective date of the layoff that the layoff was for reasons not reflecting discredit on the employee, it shall be considered a dismissal and shall be subject to the provisions concerning dismissals in this chapter.

Section 21. MCC 3.10.270 is amended to read:

3.10.270 Equal employment opportunity.

(A) Discrimination in any personnel actions on the basis of race, color, sex, age, religion, national origin, [or] political affiliation or physical or mental handicap is prohibited, except when they constitute bona fide occupational qualifications.

(B) All decisions on employment and promotion for classified service shall be made in accordance with the principles of equal opportunity by utilizing job-related requirements for these opportunities.

(C) No question in any application or request for recommendation or in any test shall elicit information concerning the religious or political opinions or affiliations of any person, nor shall any inquiry be made concerning those opinions or

affiliations.

(D) The affirmative action officer shall exercise affirmative action under this chapter and the affirmative action policies of the board and [chairman.] County Executive.

Section 22. MCC 3.10.300 is amended to read:

3.10.300 Disciplinary action.

(A) [Employees] A regular employee may, in good faith for cause, be subject to disciplinary action by suspension, written reprimand, demotion, reduction in pay or dismissal, provided, however, that such action shall take effect only after the appointing authority gives written notice of the action and its cause to the employee and the appropriate bargaining agent, if any.

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

(C) Any regular employee who is reduced in pay, demoted, suspended or dismissed and who does not have available a grievance procedure for the particular issue in dispute pursuant to a collective bargaining agreement shall have the right to appeal the action directly to the council [unless the employee elects, in writing, to appeal in accordance with the terms of the appropriate collective bargaining agreement. All appeals must be in writing and filed with the executive secretary not later than 10 days after the effective date of the disciplinary action.]

Section 23. Section 24 is added to and made a part of Chapter 3.10 as MCC 3.10.305.

Section 24. 3.10.305. Other appeals. Classified employees who do not have available a grievance procedure for a particular issue in dispute pursuant to a collective bargaining agreement, and applicants for the classified service shall have the right to appeal directly to the council regarding personnel actions, including complaints of discrimination.

Section 25. MCC. 3.10.310 is amended to read:

3.10.310 Appeals to the council. Appeals shall:

- (A) Be in writing;
- (B) Be signed by the employee;
- (C) Be addressed to the council;
- (D) Contain an explanation of the action being appealed;
- (E) Contain a statement of the redress desired;

(F) List the names of those whose presence would be requested at a council hearing; and

(G) Be delivered to the executive secretary of the council[.] not later than ten days after the effective date of the action being appealed.

Section 26. MCC 3.10.530 is amended to read:

3.10.530 Intergovernmental cooperation in personnel administration.

(A) The Personnel Officer [board] may enter into agreements with other governmental jurisdictions to furnish or receive services in keeping with the objectives of the Intergovernmental Personnel Act of 1970 to facilitate public service, mobility and maximum utilization of manpower and to improve personnel administration with respect to such matters as recruiting, examining, pay studies, training, education, personnel interchange and transfer, manpower utilization and fringe benefits.

(B) The personnel officer may cooperate with other governmental organizations in sharing tests, eligibility lists and other personnel activities when in the best interest of personnel administration and the public.

Section 27. MCC 3.10.210 is repealed.

Section 28. Savings clause. Nothing herein shall be construed to impair vested rights of employees currently in county service.

Adopted this 28th day of August, 1980, together with Attachment A appended hereto, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

APPROVED AS TO FORM:

JOHN B. LEAHY
County Counsel for
Multnomah County, Oregon

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

Dennis P. Buchanan
Presiding Officer

By [Signature]
Richard C. Busse
Chief Deputy County Counsel

AUTHENTICATED THIS 2nd day of Sept., 1980.

[Signature]
County Executive

PROPOSED AMENDMENTSTO THE ORDINANCEREVISING THE PERSONNEL SYSTEM

1. Amend Section 7, so that subsections (B), (C), (D) and (E) of MCC 3.10.110 read as follows:

(B) Positions in the unclassified county service may be filled by classified employees. Except as provided in subsection (C) with respect to return rights of sworn law enforcement officers and corrections officers, and subsection (D) with respect to any other classified employee, any [Any] classified employee so appointed [shall, after termination of service in an unclassified position, upon request, be restored to the employee's status in the classified service without loss of benefits.] forfeits upon such appointment that employee's status as a classified employee, and any and all rights appertaining thereto. Any such employee shall submit to the Personnel Officer a signed statement acknowledging notice of this provision and waiving that status prior to any such appointment. The Personnel Officer shall provide such notice, and secure the signed statement prior to that appointment.

(C) Any sworn law enforcement officer or corrections officer appointed to the unclassified service shall, after termination of service in an unclassified position, upon request, be restored to the employee's status in the classified service without loss of benefits, unless the employee was terminated under circumstances which would have constituted cause for termination in the classified service, as determined by the Council.

(D) Any other classified employee appointed to the unclassified service, shall, after termination of service in an unclassified position, upon request, 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 Personnel Officer.

(E) [(C)] Employees filling positions in the exempt or unclassified service may compete for promotional opportunities in the classified service.

2. Add Section 29, a section to be added to and made a part of MCC 3.10 as MCC 3.10.105:

3.10.105 Changes in exemptions from classified service. When a permanently budgeted position is changed from unclassified to classified status for any reason, an incumbent then holding that position who has more than one year's accrued service in that position shall be granted classified status in that position. If an incumbent has less than one year's accrued service, the incumbent must successfully complete a probationary period equal to the difference between one year and accrued service in that position to that date.

3. Add Section 30 to read as follows:

Section 30. This ordinance shall become effective thirty days after its authentication by the County Executive, except that Sections 3, 7, 22, 23 and 24 shall become effective upon passage of that ballot measure referred to the people of Multnomah County at the regular statewide general election of 1980 by Ordinance No. 245.