

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

Ordinance No. 89

An ordinance establishing a merit system of personnel administration for eligible persons in the public service of Multnomah County, Oregon, repealing Ordinance 10 and providing for all other matters relating thereto.

Multnomah County ordains as follows:

Section 1. Section Title and Pleading.

This ordinance shall be known as the Personnel Ordinance of Multnomah County, may be so pleaded, and shall be referred to herein as "this ordinance."

Section 2. Definitions.

A. For the purpose of this Ordinance, words in the present tense include the future, the singular number includes the plural and the plural number includes the singular; the word "shall" is mandatory and not directory, and masculine gender includes a feminine, and the term "this ordinance" shall be deemed to include the text of this ordinance, all amendments hereafter made and all rules adopted pursuant hereunder. As used in this section unless the context requires otherwise, the following terms are defined as follows:

1. Affirmative Action: Means identifying existing or potential discriminatory conditions, and

- making specific goal oriented corrective actions to eliminate and prevent unlawful discrimination;
2. Appointment: Includes all means of selecting or employing any person to hold a position in County service.
  3. Appointing Authority: Includes elected officials in their administrative capacities including the Chairman, the County Auditor, the District Attorney, and the presiding judges of the Circuit and District Courts.
  4. Board: Board of County Commissioners.
  5. Bargaining Agent: The person designated to represent the exclusive representative.
  6. Bargaining Unit: The unit designated by the Board to be appropriate for the purpose of collective bargaining.
  7. Cause: Misconduct, inefficiency, incompetence, insubordination, indolence, malfeasance, or other unfitness to render effective service.
  8. Chairman: Chairman of the Board of County Commissioners.
  9. Charter: Multnomah County Home Rule Charter.
  10. Class or Classification: 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.

11. Classification Plan: Consists of all classes that have been established and the specifications or descriptions of these classes.
12. Classified Service: Those County positions designated to be held by classified employees.
13. Council: Merit System Civil Service Council established by this ordinance.
14. County: Multnomah County, Oregon.
15. County Service: In the employ of the County.
16. Days: Calendar days, time to be computed in accordance with State law.
17. Department: Office of County Management, Multnomah County, or its successor.
18. Discrimination Complaint: An allegation that a personnel action was discriminatory on the basis of race, religion, color, sex, age, marital status, national origin, or political affiliation.
19. Eligible: A person whose name is on the list of persons certified by examination to be qualified for employment.
20. Employment List: A list of persons who have been found qualified by an entrance test for appointment to a position in a particular class.
21. Entrance Test: A test for a position in a particular class, which position requires no previous or

equivalent experience with the County.

22. Exclusive Representative: The labor organization which has the right to be the bargaining representative of all employees in an appropriate bargaining unit.
23. Executive Secretary: Means the Executive Secretary of the Merit System Civil Service Council.
24. Grievance: 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.
25. Layoff: A reduction of the County work force.
26. Layoff List: 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.
27. List: Includes an employment list, promotion list, transfer list or layoff list.
28. Personnel Action: Any action taken on behalf of the County with reference to an employee or classified position.
29. Personnel Officer: The chief personnel officer in the Department, his successor or authorized representative.
30. Personnel Rule or Regulation: A prescribed guide

for conduct or action in order to implement and maintain the provisions of this ordinance.

31. Promotional Examination: A test for a position in a particular class, which position requires previous or equivalent experience with the County.
32. Probationary Period: A working test period during which an employee is required to demonstrate fitness for the position to which the employee is appointed by actual performance of the duties of that position.
33. Promotion List: A list of persons who have been found qualified by a promotion test for appointment to a position in a particular class.
34. Reclassification: The assignment of an existing position from one to another class of work.
35. Regular Employee: The status an employee acquires after successful completion of the probationary period for the particular position to which the employee was appointed.

Section 3. Purpose and Policy.

- A. It is the purpose of this ordinance to designate those county employees in classified service; 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, correction of 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, 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 or a nomination for office.

- C. The Board recognizes the rights of public employees to organize or refrain from organizing and recognizes and affirms the principle of collective bargaining to establish wages, hours and working conditions. Nothing in this Section shall prohibit the County and bargaining representatives from executing fair share agreements.

Section 4. Merit System Civil Service Council.

- A. The Civil Service Commission established by County charter and Ordinance 10 shall be continued as a board of three members to be known as the Merit System Civil Service Council. Members of the Civil Service Commission are continued as the first members of the Council pursuant to the terms of their appointment.
1. Future appointments to the Council shall be made by the Board pursuant to charter. A person appointed to fill a vacancy occurring prior to the expiration of any member term shall be appointed for the remainder of that term.
- B. The Council shall elect one of its members presiding officer. It shall meet at such times and places as are specified by call of the presiding officer or any two members of the Council. Two members of the Council shall constitute a quorum as provided in this ordinance and

the votes of any two members concurring shall be sufficient for decision.

1. No member of the Council shall hold any other public or official position with Multnomah County government.
  2. No member of the Council shall receive compensation for services rendered.
- C. A member of the Council may be removed from office by the Board for incompetency, dereliction of duty or other good cause after being given a copy of the charges against him and an opportunity to be heard publicly on such charges before the Board.
- D. The Board shall provide the Council with sufficient staff, office space, supplies and equipment in accordance with county budget procedures.

Section 5. Duties of the Council.

- A. The Council shall:
1. Designate one of its staff as its executive secretary and delegate such administrative duties as may be necessary.
  2. 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 ordinance.
  3. Submit periodic reports to the Board regarding the activities of the Council and the application of merit principles in County personnel management.



4. Review and conduct hearings on any personnel administrative rules or revisions thereof, other than those referred to in subsection 2 of this Section, submitted to it by the Chairman and report its findings and recommendations to the Chairman.
  5. Conduct hearings on appeals from employees of and applicants for the classified service regarding personnel actions including complaints of discrimination.
  6. Make investigations and issue reports to the Board concerning compliance with, enforcement and effect of the provisions of this ordinance, Section 7.40, Charter, and the regulations prescribed thereunder. 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.
- B. In the course of an investigation or hearing, the Council or any designated member, may administer oaths, require the attendance of witnesses, and the production of books, papers, documents and accounts appertaining to the investigation.
1. The circuit court in the County may, by Council request, compel the attendance of witnesses, the giving of testimony and the production of books, papers, accounts and documents, as required by any subpoena duly issued by the Council or designated member, under this section, and may punish

the disobedience of such witnesses as a contempt.

2. Depositions of Witnesses: The Council may, in any investigation or hearing, cause the deposition of witnesses residing within the state to be taken in the manner prescribed by Oregon law for deposition in administrative hearing procedures. To that end, the Council may require the attendance of witnesses and the production of books, papers, documents, and accounts.
3. Witness Fees: Any person whose attendance is required before the Council, or any member, shall be entitled to the same fees and mileage as are allowed by law to witnesses in civil cases in courts of record, except that no person shall be entitled to any fees or mileage for such attendance who is employed in the public service of the County in which he is called as such witness. The fees and mileage allowed by this Section need not be prepaid but claims therefor shall be paid upon certification by the Executive Secretary of the Council.

Section 6. Legal Representation.

The District Attorney of the County shall be the legal advisor of the Council and shall prosecute all violations of this ordinance.

Section 7. Administration.

The County functions imposed by this ordinance shall be

performed or enforced by the person designated as the Personnel Officer within the Department.

Section 8. Required Personnel Functions.

- A. The Department shall establish and maintain a records system for all employees in the County, in which there shall be set forth as to each employee his class, race sex, age, position title, compensation schedule, respective bargaining unit and all other relevant data which might be deemed pertinent to his employment status.
1. All work records shall be considered confidential and shall only be disclosed within the County to aid in affirmative personnel administration;
  2. No data therein shall be disclosed to outside sources of inquiry except as required by law or with the consent of the employee.
  3. All employees shall have the right to inspect their personnel files at any reasonable time.

Section 9. County Service.

- A. The County employees exempt from classified service shall be comprised of:
1. Elected officials, their personal assistants, and secretaries, and other legislative employees.
  2. Persons employed in a professional or scientific capacity to conduct a special inquiry, investigation, or examination on behalf of the Board;
  3. Counsel retained by the Board pursuant to Oregon

law.

4. Department, division or section heads, or their equivalents.
  5. Directors of each County department and their direct personal assistants as determined by the Board.
  6. 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.
  7. Any special deputy sheriff appointed to act without compensation from the County.
  8. Any deputy district attorney.
  9. The director and personal staff of any city-county agency, for whom the County is the fiscal agent.
  10. Any person designated to perform the functions of sheriff and his direct personal staff.
  11. Doctors, dentists, registered professional engineers and lawyers employed in their professional capacity.
  12. Persons employed by the County Auditor.
  13. The Clerk of the Board.
  14. Others designated by ordinance and the Council.
- B. The classified County service shall be comprised of all other positions in the employ of the County existing on

the effective date of this ordinance or thereafter created which are not exempt by County ordinance.

- C. Positions in the unclassified County service may be filled by classified employees. Any classified employee so appointed shall, after termination of service in an unclassified position, upon request, be restored to his status in the classified service without loss of benefits.
- D. Employees filling positions in the exempt or unclassified service may compete for promotional opportunities in the classified service.

Section 10. Compensation Plans and Merit Ratings.

- A. The Department shall maintain compensation plans for classified and unclassified employees. Such compensation plans may be subject to change by the Board and shall be subject to negotiation with appropriate bargaining agents under Oregon law.
- B. The Department may maintain a merit ratings system for all employees in classified positions. Such a merit rating system shall be based on standards of performance relative to an employee's individual assignment. Merit ratings may be used to evaluate fitness for promotion and continued employment.

Section 11. 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 persons named therein have been appointed and employed in accordance with the provisions of this ordinance.

Section 12. Classification Plan.

- A. The Department 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 minimum qualifications.
  - 1. Each class of positions may be subdivided and classes may be grouped and ranked in an appropriate manner.
  - 2. 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 thereof.
  - 3. The classification plan and changes thereto shall be effective only when reviewed by the Council and thereafter approved by the Board. Council review shall determine whether the plan and changes

violate merit principles, are arbitrary, or are contrary to this ordinance.

- B. Each position in the classified service shall be allocated or reallocated to the appropriate class therein on the basis of its duties, authority and responsibilities.
- C. 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 ordinance. 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 13. Tests.

- A. The Department shall, from time to time, formulate, validate and conduct entrance and promotion tests and establish employment and promotion lists.
  - 1. With the approval of the Council, 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.
  - 1. 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. 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.
- D. The rating of each test shall be completed and the resulting list established not later than thirty (30) days after the date on which the test was held, unless



such time is extended for cause by the Council. Each person competing in any test shall be given written notice of his final earned rating and placement or nonplacement on the list.

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

E. Preference for war veterans on entrance examinations shall comply with applicable State law.

F. All examination announcements required by this ordinance 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.

Section 14. Lists for Classified Service.

A. The Department shall establish and maintain layoff, promotion and employment lists as follows:

1. Layoff Lists: 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 eighteen (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 ordinance.

2. Promotion and Employment Lists: 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.
  - a. The eligibles shall be ranked in order of their ratings earned on the tests given for the purpose of establishing such lists.
  - b. Employment lists shall remain in effect for six (6) months unless approval is received from the Council to abolish, consolidate or re-establish the list at an earlier date. The Department may abolish, consolidate, or re-establish employment lists after six (6)

months whenever consistent with the needs of the County.

- c. Promotion lists shall remain in effect for not less than one (1) year and in no case more than two (2) 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 such information shall be incorporated 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.

- 3. Removal of Names from List: Persons may be removed from a list who have been placed thereon by error or as the result of incorrect information; who are unable to perform the duties of the classification for which the list was established; who have expressed unwillingness to accept appointment; or to whom a notice of certification was sent by mail to the person's last known address and no reply was received within fourteen (14) days.

Section 15. Certification.

- A. Order in which eligible names are submitted: 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, will be submitted to the appointing authority. Names may be submitted from a list for 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, than those qualified only by examination.

B. Number of Names Submitted for Each Vacancy: The number of names submitted from the list of certified applicants and layoff lists shall be at least three; provided, however, fewer names may be submitted if less than three eligible names exist.

1. The Department shall prescribe procedures for submission of names and guidelines for the processing of the names of persons qualified for appointment but not selected.

#### Section 16. Types of Appointments.

A. Provisional Appointments: 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 shall be construed to

prevent a provisional employee from competing for regular appointment.

1. No position shall be filled by provisional appointment for more than ninety (90) days unless continuation is approved by the Council pending establishment of an appropriate eligible list.
2. No provisional appointment shall be extended to more than a total of 180 days.
3. A provisional employee will be informed of his 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 will be automatically terminated four (4) weeks following the establishment of the list.

B. Limited Duration Appointments: There may be authorized limited duration appointments of persons for special work conditions of uncertain or limited duration. Such appointments shall be for a stated period not exceeding one (1) year, but shall expire upon the earlier termination of the special work condition.

1. Successive appointments may be approved.
2. A person completing a probationary period on a limited duration appointment shall not be entitled

to layoff rights. A person who had acquired regular status in a position filled through a general appointment and who is subsequently given a limited duration appointment shall be entitled to reappointment in his former class under the layoff procedure.

3. A limited duration employee will be informed of his status upon appointment.

C. General Appointment: The appointment from a certified eligible list to a permanent budgeted position in the classified service shall be a general appointment.

Section 17. Probationary Period.

A. Probation: Except as provided in Subsection B of this Section, every person appointed to a position in the classified service shall serve a probationary period not to exceed eighteen (18) months for deputy sheriff; one (1) year for other law enforcement and correction personnel, property appraisers and bridge operators, and six (6) months for all other employees.

1. A probationer may be discharged at any time during probation if, in the opinion of the appointing authority, his continuance in County service would not be in the best interest of the County.

B. Training Program: Training programs may be established

for the developing of skills or knowledge necessary for competent job performance. Employees may be required to train under such programs for a period not exceeding six (6) months and the probationary period for such employee shall be the length of time of the approved training program, plus the time prescribed in paragraph A of this Section.

- C. Promoted Candidate on Probation: 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, he shall not lose his seniority in the lower classification or grade from which such promotion was made, but shall return to employment and be reinstated in the position held by him in such lower classification or grade.
- D. Regular Employee Status Upon Satisfactory Completion of Probationary Period: The Employee shall be deemed to have served his 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 he will not be given regular status. Such notice shall constitute termination upon a specified date that shall not be later than the last day of probation.

Section 18. Transfers.

- A. An employee may at any time be reassigned or request reassignment from one position to another position in the same class or rank within the County. Such transfers shall be subject to the restrictions contained in the agreements between the County and recognized bargaining representatives.
- B. Transfer to Higher Class: No employee shall be transferred from a position in one class to a position in another class of a higher rank or for which there are substantially dissimilar requirements for appointment unless the employee meets appropriate certification requirements.
- C. Transfer to Lower Class: Any reassignment of an employee from a position in one class to a position in a class of lower rank shall be considered a demotion and shall be made only in accordance with the procedure prescribed for dismissal; provided, however, an employee may voluntarily request a change to a class of lower rank.

Section 19. 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.
- B. In every case of layoff of a regular employee, the employee and the appropriate employee bargaining agent, if any, shall be notified fifteen (15) days before the effective date thereof. In any case where the County refuses or fails to certify before the effective date thereof, that the layoff was for reasons not reflecting discredit on the employee, it shall be deemed a dismissal and shall be subject to the provisions concerning dismissals in this ordinance.

Section 20. Leaves of Absence Without Pay.

- A. Written leave of absence without pay may be granted by the appointing authority for a period not to exceed one (1) year. Leaves for longer periods shall not be granted except by expressed permission of the appointing authority and only for reasons which are in the best interest of the County. Upon expiration of the leave, the employee shall be reinstated to the position held before the leave was granted. Failure of the employee to report within five (5) days after the expiration of the leave shall be deemed to be a resignation.

- B. Leaves of absence shall be automatically granted all employees who have entered the service of the United States or its allies, since September 14, 1940, or who hereafter enter such military service. Such employees who are discharged at the expiration of their military service, and who report for duty within ninety (90) days following discharge, shall be returned to their last held position and at the salary rates prevailing for such positions on the date of resumption of duty, without loss of seniority or other employment rights. Term of military leave shall be counted in computing seniority according to rules established. Failure of the employee to report within ninety (90) days of discharge shall be deemed a resignation.
- C. Leaves of absence without pay for at least two years shall be granted automatically to all regular employees who serve in the Peace Corps or VISTA as volunteers. Upon expiration of the leave the employee shall have the right to be reinstated to the position held before the leave was granted and at the salary rates prevailing for such positions on the date of resumption of duty without loss of seniority. Failure of the employee to report within ninety (90) days after termination of his

leave shall be deemed a resignation.

Section 21. Equal Employment Opportunity.

- A. Discrimination in any personnel actions on the basis of race, sex, age, religion, national origin, or political affiliation 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 such opinions or affiliations.
- D. The affirmative action officer shall exercise affirmative action under this ordinance and the affirmative action policies of the Board and Chairman.

Section 22. Disciplinary Action.

- A. Employees 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 cause therefor to the employee and the appropriate bargaining agent, if any.

1. In the case of dismissal, the employee will be under suspension without pay for fifteen (15) days prior to the effective date of dismissal.
- B. Any regular employee who is reduced in pay, demoted, suspended, or dismissed 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 ten (10) days after the effective date of such action.

Section 23. Appeals to and Hearings by the Council.

- A. Appeals shall:
1. Be in writing;
  2. Be signed by the employee;
  3. Be addressed to the Council;
  4. Contain an explanation of the action being appealed;
  5. Contain a statement of the redress desired;
  6. List the names of those whose presence would be

- requested at a Council hearing; and
7. Be delivered to the Executive Secretary of the Council.
- B. Upon receipt of an appeal, the Executive Secretary shall:
1. Notify all Council members in accordance with the Council rules;
  2. Set a hearing date not less than twenty (20) and not more than forty-five (45) days from the date of receipt; and
  3. Notify the appellant, appointing authority, Council members, and other persons whose presence is requested by the Council of the date, time, and place of hearing not less than fifteen (15) days prior thereto.
- C. The hearing shall be conducted by the presiding officer of the Council or its designee.
1. The appellant and the appointing authority or their representatives may make argument, submit testimony and written briefs, cross-examine witnesses and submit rebuttal evidence on matters pertinent to the issue to be determined in the order prescribed by Council rules.
  2. All hearings shall be recorded in a manner which

will allow for a written transcription to be made thereof and all materials submitted at the hearing shall be retained by the Council for a period of at least two years except as required for appellate review.

3. Failure of the appellant or his representative to appear at the hearing shall constitute a waiver of the right to a hearing.
4. The Council shall issue its order and written findings determining the matter within thirty (30) days from the date of the hearing or any continuance thereof not to exceed thirty (30) days, and shall provide a copy of the order and findings to the appellant, the appointing authority, the employee's department head, and the appropriate bargaining agent, if any.

D. If the Council finds that the disciplinary action was discriminatory, as defined in Section 21 of this ordinance, was an unlawful employment practice described by applicable State law, or was not for cause, the employee shall be reinstated to the prior position and shall not suffer any loss in pay.

1. The Council may modify a disciplinary action being appealed if it finds that such action was taken in good faith for cause, upon a finding of mitigating circumstances, by directing suspension

without pay for a specified period with subsequent restoration of status or demotion in classification, grade or pay.

E. Any other personnel action appealed to the Council from a decision of the appointing authority shall be affirmed unless a finding is made that it violates this ordinance.

F. There shall be no appeal of the Council's decision if unanimous. If the decision is not unanimous it may be appealed to the Board by any party by filing written notice of appeal with the Clerk of the Board within ten (10) days from the date of the Council's decision.

1. Board review shall be in the nature of a writ of review based on the record of the proceedings before the Council and such legal argument as the Board requests. The Board shall render its decision within forty-five (45) days from date of receipt of notice of appeal, such decision to be based upon those decision guidelines established for the Council by this ordinance.

G. Board decisions may be appealed by any party in accordance with ORS 34.010 et seq and not otherwise.

#### Section 24. Political Activity.

A. Prohibited Activity: In addition to the requirements of ORS 260.432, no person in the County service is under

any obligation to contribute to any political fund or to render any political service to any person or party. No person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing to do so. No person in the County service, whether elected or appointed, shall discharge, promote, demote or in any manner change the official rank, employment or compensation of any person under the merit system or promise or threaten so to do, for giving or withholding, or neglecting to make any contribution of money, or services, or any other valuable thing, for any political purpose. No person in the County service shall use his official authority or influence to coerce the political action of any person or body, or to affect or interfere with any nomination, appointment or election to public office of any other person. No County employee shall take part in any political activity whatsoever for or against any person, candidate or party during their working hours.

- B. County employees who, as a normal and foreseeable incident to their principal jobs or positions, perform duties in connection with an activity financed in whole or in part by Federal loans or grants, will be subject to the Federal laws, rules and regulations governing political activity as administered by the United States Civil Service Commission.



Section 25. Prohibited Conduct.

- A. No public officer and no person who is nominated or seeks nomination or appointment for public office shall use, or promise to use, directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, in the way of conferring upon any person, or in order to secure or aid any person to secure, any office or appointment in the public service, or any nomination, confirmation or promotion, or increase of salary in consideration that the vote, political influence or action of the last named person or any other shall be given or used in behalf of any candidate, officer, or political party or association, or upon any other corrupt condition, or consideration. No public officer or employee or person having or claiming to have any authority or influence for or affecting the nomination, public employment, confirmation, promotion, removal or increase or decrease of salary of any public officer or employee, shall corruptly use, or promise or threaten to use, any such authority or influence, directly or indirectly, in order to coerce or persuade the political vote or action of any citizen, or the removal, discharge or promotion of any public employee, or upon any corrupt consideration. As used in this Section, the phrase "public officer" includes all public officials with the County, whether paid

directly or indirectly from the public treasury of the United States, the state or any civil division thereof, including counties and cities, and whether by fees or otherwise, and the phrase "public employee" includes every person not being an officer who is paid from any such treasury.

B. No person shall:

1. By himself or in cooperation with one or more persons, defeat, deceive or obstruct any person in respect to his rights under this ordinance.
2. Falsely mark, grade, estimate or report under the examination or proper standing of any person examined, registered or certified pursuant to this ordinance or aid in so doing, or make any false representation concerning the same, or concerning the person examined.
3. Furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified or to be examined, registered or certified.
4. Impersonate any other person, or permit or aid in any manner any other person to impersonate him, in connection with any examination or registrations, or application or request to be examined or registered.

Section 26. Status of Present Employees.

Regular employees shall be continued in their respective positions without further examination, until separated from their positions as provided by law. Those holding their positions less than eighteen (18) months immediately prior to the adoption of this ordinance shall serve the probationary period as prescribed by the ordinances under which they were hired. Performance evaluation during the probationary period shall determine whether employees will become permanent, or will be dismissed. Nothing herein shall preclude the reclassification or reallocation as provided by this ordinance of any position held by such incumbent.

Section 27. Intergovernmental Cooperation in Personnel Administration.

- A. The 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 28.

The board may, by order, adopt a policy prescribing rules for catastrophic leave.

Section 29. Conformance with Law.

This ordinance shall in no way be a substitute for or eliminate the necessity of conforming with any and all state and federal equal employment opportunity or other laws, rules and regulations, and other ordinances which are now or may be in the future in effect which relate to the requirements provided in this ordinance.

Section 30. Separability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions of this ordinance.

Section 31. Penalties.

Upon conviction of any person for violation of Section 25.B. of this ordinance, such person shall be punished by a fine of not more than \$1,000.00 or by imprisonment in the County jail for not more than one (1) year or both.

Section 32. Adoption.

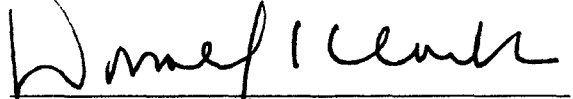
This ordinance is immediately necessary to implement the

revised personnel system in the County, an emergency is therefore declared and this ordinance shall take effect upon its adoption; provided, however, a transition period is required to transfer functions from the civil service commission and to formulate and adopt rules and regulations; therefore, a sixty (60) day transition period is declared within which all appropriate functions shall be transferred and all rules and regulations adopted.

ADOPTED this 31 day of December, 1974, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS

By

  
Chairman