

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 150

An Ordinance amending Ordinance No. 89; clarifying the status of employees subject to the Merit System; and establishing procedures.

Multnomah County ordains as follows:

Section 1. Amendment. Section 26 of Ordinance No. 89 is amended to read:

"Section 26. Status of Present Employees.

"A.1. Regular employees shall be continued in their respective positions without further examination.

"2. Any employee holding a position in a probationary status on December 31, 1974, shall be deemed to have become a regular employee upon the successful completion of the probationary period prescribed by Ordinance No. 10.

"3. Nothing in this section shall preclude reclassification or reallocation of any position as provided by this Ordinance.

"B. In addition to the employees included in subsection A. of this section, and excepting any person described in subsection D. of this section, any person shall be entitled to the status of a regular employee as

defined in Section 2.A.35 of Ordinance No. 89 who has satisfied the following conditions:

- "1. Was an employee of the County on July 1, 1976; and
- "2. Was at any time on or after December 31, 1974, employed in a position which had, prior to the effective date of Ordinance No. 89, been subject to examination and appointment under Ordinance No. 10, as amended, or first became subject to examination and appointment under Ordinance No. 10, as amended, or first became subject to examination and appointment under and by reason of the enactment of Ordinance No. 89, and which was lawfully created and budgeted; and
- "3.a. Had on or before July 1, 1976, continuously served in the position for the probationary period provided in Section 1.120 of Ordinance No. 10, as amended (if first employed in the position on or before December 31, 1974) or provided in Section 17, Ordinance No. 89 (if first employed in the position after December 31, 1974); or
- b. Has since July 1, 1976, completed a period of continuous service in the position begun

prior to that date for the probationary period provided in Section 17 of Ordinance No. 89; and

- "4. Was not, on July 1, 1976, holding the position under a limited duration appointment as defined in Section 16 of Ordinance No. 89; and
- "5. Is employed by the County on the effective date of this amending ordinance in any position which was lawfully created and budgeted, irrespective of whether the position is subject to Ordinance No. 89.
- "C. The status of regular employee pursuant to subsection B of this section shall be deemed to have been achieved as of the date of the completion of the period of probationary service stated in subsection B.3. of this section.
- "D.1. Any person who, on June 30, 1977, was a regular fulltime employee of the Multnomah County Community Action Agency, under personnel practices and procedures administered by the administering board of that agency shall have the status of a regular employee as defined in Section 2.A.35 of Ordinance No. 89, as of July 1, 1977.

- 2. The personnel practices and procedures heretofore administered by the administering board of the agency are abolished as of

June 30, 1977.

3. Any federal statute, rule, regulation, order, guideline or grant condition applicable to employees in positions in the agency shall, in the event of a conflict with Ordinance No. 89, supersede the provisions of Ordinance No. 89 to the extent necessary to resolve the conflict.

"E. Except as expressly provided herein, nothing in this section as amended shall be interpreted to affect the employment status of any person holding a position subject to Ordinance No. 89."

Section 2. Duties of the Director of the Division of Personnel.

- A. The Division of Personnel of the department shall within 60 days after the effective date of this Ordinance determine and report to the Board and the Council the names and positions of all persons entitled to the status of regular employee by reason of the amendment of Section 26 of Ordinance No. 89 by this Ordinance, together with the names and positions and all other information deemed to be relevant relating to employees whose status is not cured by this Ordinance.

- B. Each person whose name and position has been reported under subsection A. of this section shall be notified by the Division of Personnel of the determination of status.
- C. On its own motion the Council may, or on the written request of an employee included in the report under subsection A. of this section the Council shall, conduct an investigation pursuant to Section 5.A.6 of Ordinance No. 89, as amended, and report its findings and recommendations to the Board, which shall thereupon conduct a hearing pursuant to its rules; and at the conclusion of the hearing the Board shall make a final determination whether the employee has the status of a regular employee.

Section 3. Termination of Employment.

- A. Any person who is not granted status as a regular employee pursuant to Section 26 of Ordinance No. 89, as amended by this Ordinance, including any person appointed to a position after July 1, 1976, (or after June 30, 1977, in the case of any person employed in the Multnomah County Community Action Agency), who was not

examined and appointed pursuant to the provisions of Ordinance No. 89, shall be terminated from employment in the position held not later than the expiration of a current and lawful provisional or limited duration appointment defined in Section 16 of Ordinance No. 89.

- B. If the Director of the Division of Personnel determines and certifies in writing to the Council that an examination and appointment for a position subject to subsection A. of this section cannot be made within the time fixed in that subsection, and if the relevant Appointing Authority so requests, the termination date may be extended by order of the Council for an additional period not to exceed 90 days.
- C. As soon as practicable but within 60 days after the effective date of this Ordinance, the Division of Personnel shall give written notice to each employee subject to this section of the date of termination fixed by subsection A. of this section; any person so notified shall be entitled to an appeal to the Council under Section 23 of Ordinance 89, as amended, which appeal,

notwithstanding any other provision of Ordinance No. 89, shall be limited to the question whether the person was appointed to the position lawfully under Ordinance No. 89.

- D. In any appeal to the Council arising pursuant to this section the County shall have the burden of proof to establish that the person was not lawfully appointed; and in the event the person prevails, the Council shall in its order determine the date on and position in which the employee achieved regular employee status.

ADOPTED this 22nd day of September, 1977, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

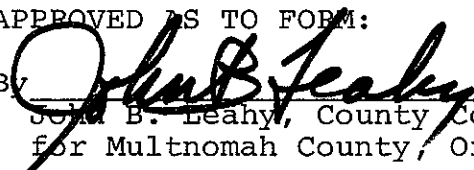
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By

  
Chairman

APPROVED AS TO FORM:

By

  
John B. Leahy, County Counsel  
for Multnomah County, Oregon