

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 877

An ordinance establishing a retirement incentive program for County employees, and amending Ordinance 631, and declaring an emergency.

(Ordinance 631 language in brackets [] is to be deleted; underlined language is new)

MULTNOMAH COUNTY ORDAINS AS FOLLOWS:

Section I. Findings and Purpose.

A) Encouraging eligible County employees to voluntarily resign employment will reduce the need for layoffs.

B) Minimizing reassignment of employees to unfamiliar or inappropriate assignments will reduce the adverse impact on County services and associated training costs.

C) A voluntary retirement incentive program will promote the retention of less expensive employees.

D) Providing extra monetary and medical benefits support will assist eligible employees in making a decision to resign.

E) Establishing a voluntary resignation program will improve morale among County employees.

Section II. Title. This ordinance shall be known as the Retirement Incentive Program Ordinance.

Section III. Definitions. For purposes of this ordinance, the below listed terms shall be accorded the denoted meaning unless the context in which they appear clearly indicates a different intent:

1 A) "Account" means Retiree Medical Insurance Account established by Ordinance No. 631
2 adopted by the Board on November 30, 1989.

3 B) "Applicable elected official" means the Chair of the Board, District Attorney, Auditor, or
4 the Sheriff, whichever has administrative authority at law over the eligible employee under this
5 program.

6 C) "Board" means the Multnomah County Board of County Commissioners.

7 D) "Bargaining Agent" means the labor organization certified or recognized as the exclusive
8 bargaining agent of a bargaining unit of County employees.

9 E) "Continuous Service" means current, uninterrupted employment with Multnomah
10 County, beginning from the employee's permanent employment date, minus any unpaid leave of
11 absence greater than 30 days. Part-time service will count as full time. Employees transferred to
12 the County from other agencies, such as probation and library workers, will have continuous service
13 with those agencies counted; provided however, that service with the County has been continuous
14 since the transfer. Time spent as a temporary or on-call employee does not count toward continuous
15 service. Continuous service is ended by voluntary termination, involuntary termination due to
16 expiration of a layoff list, or discharge for cause.

17 F) "County" means Multnomah County, Oregon.

18 G) "Effective Date" means June 30, 1997, unless the Chair designates a later date for
19 employees in identified programs.

20 H) "Fifth anniversary" means the completion of five years of current, continuous service on
21 or before the effective date.

22 I) "FTE" means full time equivalent; a full time employee is 1.00 FTE.

23 J) "MCDSA" means employees represented by the Multnomah County Deputy Sheriff's
24 Association.

1 K) "MCCOA" means employees represented by the Multnomah County Corrections
2 Officers Association.

3 L) "Program Administrator" means the Employee Services Division.

4 M) "Program" means the Retirement Incentive Program.

5 **Section IV. General Purpose.** The purpose of this ordinance is to establish a Retirement
6 Incentive Program. The Program permits eligible County employees who voluntarily resign
7 employment to receive extra monetary and medical benefits support.

8 **Section V. Employee Eligibility.** Employees who are solely in temporary or on-call status are
9 not eligible to participate in this Program. To be eligible for participation in the Program, an
10 employee must:

11 A) Be eligible for normal service retirement with full benefits with the Oregon Public
12 Employees Retirement System (PERS) on or before the effective date; **and**

13 B) Have his/her fifth anniversary of County employment occur on or before the effective
14 date; **and**

15 C) Submit a completed Program application form so that it is received by the Program
16 Administrator by the announced deadline; **and**

17 D) Resign effective the announced effective date.

18 **Section VI. Retirement Incentive Pay.** Eligible employees will receive one week of pay for
19 each year of continuous service, with a fractional year of continuous service above five years
20 rounded up to the next whole year of service, up to a maximum of thirty (30) weeks pay.
21 Retirement incentive pay will be paid in a lump sum on the announced effective date and will be
22 subject to standard payroll withholding. Retirement incentive pay is not eligible for inclusion in the
23 final average salary for computation of retirement benefits by PERS. "One week of pay" shall be
24 defined as described below:

1 A) For a represented or a confidential employee, the employee's hourly base pay (plus
2 achievement incentive and longevity for MCDSA and MCCOA employees) as of the effective date,
3 multiplied by the employee's FTE, multiplied by forty (40).

4 B) For a non-represented employee, the employee's semi-monthly salary as of the effective
5 date, multiplied by twenty-four (24), and divided by fifty-two (52).

6 **Section VII. Medical Insurance Continuation.** The County will pay 100% of medical (not
7 dental) insurance premiums for the eligible employee and eligible dependents from age 58 or the
8 effective date, whichever is later, until age 65, death, or Medicare eligibility, whichever occurs first.
9 Except as provided above, all other terms and conditions for participation and continued
10 participation in the medical plan, both prior to and subsequent to the insurance premium payments
11 provided by this Ordinance, shall be in accordance with the terms of the applicable ordinance or
12 collective bargaining agreement. If the employee drops coverage at any time, the continuation of
13 medical coverage and/or payments ceases and may not be resumed.

14 **Section VIII. Program Application Process.**

15 A) The employee must apply in writing for the Program, using the form designated by the
16 Program Administrator. Applications must be received by the Program Administrator by 5:00 p.m.
17 on the announced deadline for the applicable effective date.

18 B) Application for the Program constitutes voluntary resignation from County employment
19 and release of all claims as of the effective date, upon approval of the application by the Program
20 Administrator. If the employee is determined ineligible for the Program, the application will not be
21 approved and the resignation will be void.

22 C) Program applicants will certify that they will not apply for County employment for
23 twelve (12) months after the effective date; provided, however, that if it is in the County's interest,

1 the applicable elected official or his or her designee may waive in writing this County employment
2 restriction for a compelling County purpose.

3 D) An employee may withdraw his/her Program application at any time within seven (7)
4 calendar days after receipt of the application by the Program Administrator. The employee must
5 use the form designated by the Program Administrator for withdrawal of applications, and that form
6 must be received by the Program Administrator within seven (7) calendar days from receipt of the
7 application.

8 **Section IX. Resolution of Disputes.** All decisions made or actions undertaken by the County
9 pursuant to this Program are final and binding on all parties and shall not be grievable or arbitrable
10 under any collective bargaining agreement or appealable to the County's Merit System Civil Service
11 Council. A request to review a possible administrative error should be directed to the Employee
12 Services Manager, whose decision shall be final.

13 **Section X. Expiration of Initial Participation.** This Retirement Incentive Program shall not
14 permit an employee to begin participation with a resignation effective date any later than December
15 31, 1997.

16 **Section XI. Application Of This Ordinance to Represented Employees and to Employees**
17 **Reporting to Elected Officials Other than the Chair.** This ordinance shall not be applied to a
18 member of a bargaining unit unless the exclusive agent for that unit has filed with the Labor
19 Relations Division a written notice indicating that the exclusive agent accepts the terms of this
20 ordinance in entirety without reservation or modification, and agrees that this program is without
21 precedent for purposes of collective bargaining. In addition, this ordinance shall not apply to
22 employees reporting administratively to an applicable elected official other than the Chair unless the
23 official gives the Labor Relations Division written notice that he or she consents to its application to
24 such employees.

1 **Section XII. Ordinance 631 Amendment.** Ordinance No. 631, Section Six. Expenditures for
2 Managing the Account is amended to read as follows:

3 A) Expenses incurred for purposes of managing the Account including, but not limited to,
4 charges for retiree medical insurance premiums and the cost of actuarial studies required under
5 Section Five above shall be payable from the Account.

6 B) Retirement Incentive Pay Programs approved by the Board may also be paid from the
7 account as long as the Account is reimbursed for any funds expended on a Retirement Incentive
8 Program. The reimbursement shall be included in the actuarial studies required under Section Five.

9
10 **Section XIII.** This Ordinance, being necessary for the health, safety, and welfare of the people of
11 Multnomah County, an emergency is declared, and the Ordinance shall take effect upon its
12 execution by the County Chair, pursuant to Section 5.50 of the Charter of Multnomah County.

13 Adopted this 3rd day of April, 1997, being the date of its second reading
14 before the Board of County Commissioners of Multnomah County, Oregon.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

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Beverly Stein, Chair

REVIEWED:

SANDRA N. DUFFY, ACTING COUNTY COUNSEL
MULTNOMAH COUNTY, OREGON

By
Steven J. Nemirow, Assistant County Counsel
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