

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 955**

Amending MCC Chapter 9, County Employment Policies, to Prohibit Discrimination Based on Gender Identity, Familial Status and Source of Income

(Stricken language is deleted; double- underlined language is new.)

**Multnomah County Ordains as follows:**

**Section 1.** MCC §9.001 is amended as follows:

**§ 9.001 DEFINITIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**COUNCIL.** The Merit System Civil Service Council.

**COUNTY SERVICE.** County employees in classified and unclassified positions.

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

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

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

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

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

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

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

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

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

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

***FAMILIAL STATUS.*** Has the meaning as provided in ORS 659.010(9).

***GENDER IDENTITY.*** A person's actual or perceived sex, and includes a person's identity, appearance or behavior whether or not that identity, appearance or behavior is different from that traditionally associated with the person's sex at birth.

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

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

***LAYOFF.*** A reduction of the county work force.

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

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

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

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

***PERSONNEL OFFICER.*** The county Chair.

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

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

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

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

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

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

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

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

**SEXUAL ORIENTATION.** Actual or supposed male or female heterosexuality, homosexuality or bisexuality.

**SOURCE OF INCOME.** The means by which a person supports himself or herself and his or her dependents, including but not limited to money and property from any occupation, profession or activity, from any contract, settlement or agreement, from federal or state payments, court-ordered payments, gifts, bequests, annuities, life insurance policies, and compensation for illness or injury, but excluding any money or property derived in a manner made illegal or criminal by any law, statute or ordinance.

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

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

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

**Section 2.** MCC §9.002 is amended as follows:

**§ 9.002 POLICY AND PURPOSE; MERIT PRINCIPLES.**

(A) This chapter designates those county employees in classified service, sets forth the rights and privileges of those employees and those persons desirous of being considered for classified service, and states the county's obligations in establishing and maintaining a merit system of classified service.

(B) The Board established a merit system of personnel administration as provided by Charter § 7.40 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, gender identity, familial status, source of income, color, sex, sexual orientation, age, physical or mental disability, 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 § 9.009 is amended as follows:

**§ 9.009 EQUAL EMPLOYMENT OPPORTUNITY.**

(A) Discrimination in any personnel actions on the basis of race, color, gender identity, source of income, sex, sexual orientation, familial status, marital status, age, religion, national origin, political affiliation or physical or mental disability 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 any subject listed in subsection (A) ~~the religious or political opinions or affiliations of any person~~, nor shall any inquiry be made concerning those subject ~~opinions or affiliations~~.

**Section 4.** This ordinance shall take effect on March 20, 2001.

FIRST READING: \_\_\_\_\_ December 14, 2000

SECOND READING AND ADOPTION: \_\_\_\_\_ December 21, 2000



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
\_\_\_\_\_  
Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By  for  
\_\_\_\_\_  
John S. Thomas, Assistant County Attorney