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**CURRY COUNTY PERSONNEL RULES**

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## **INTRODUCTION**

The Curry County Board of Commissioners (BOC) values the public service provided by the employees of Curry County. It is the intent of the BOC to treat employees in a fair and consistent manner in all aspects of the employment relationship. In return, the BOC expects County employees to provide efficient and high-quality service to the residents of Curry County at every opportunity.

Effective and accurate management of Human Resource-related issues is one of the most challenging aspects of supervision. This manual has been prepared jointly by the Curry County Board of Commissioners, Office of County Legal Counsel and the Curry County Management Team. The Curry County Board of Commissioners is charged with the responsibility and authority for the adoption and amendment of these policies.

Every attempt has been made to provide clear and concise information related to the County's employment policies and practices; however, this manual is not intended to be all-inclusive of every situation and presents standard practices and policies typical of our work environment.

These rules are intended to create a work environment where employee input is welcomed, and where issues or concerns are addressed early and shared without the fear of retaliation.

Curry County is committed to complying fully with the Americans with Disabilities Act (ADA) and Oregon's disability accommodation and anti-discrimination laws. We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities. Curry County will make reasonable efforts to accommodate a qualified applicant or employee with a known disability, unless such accommodation creates an undue hardship on the operation of Curry County.

These Personnel Rules are not to be considered to be an employment contract nor a guarantee of continued employment with Curry County. These Personnel Rules are a guideline to be used by Curry County supervisory staff on employment-related matters.

Curry County reserves the right to deviate from this policy and use discretion in making any employment decision.

These Personnel Rules shall serve as a guide unless it conflicts with negotiated labor contracts or specific laws or statutes, which shall take precedence to the extent applicable. The order of application is: First the law, Second, a negotiated Labor Contract, and Third, these Personnel

**Rules. Representations that are contrary to any of the following policies shall not be binding upon Curry County.**

**ARTICLE 1  
STATEMENT AND PURPOSE OF PERSONNEL RULES**

**A. THESE RULES SET FORTH THE POLICIES AND PROCEDURES TO BE FOLLOWED BY THE COUNTY IN THE ADMINISTRATION OF ITS PERSONNEL PROGRAM**

1. These Personnel Rules supersede all previous rules both written and oral and all past practices as of this date.
2. These rules can only be changed by written authorization of the Curry County Board of Commissioners.

**B. THE PERSONNEL RULES ARE NOT A CONTRACT AND ARE SUBJECT TO CHANGE AT ANY TIME BY THE BOARD OF COMMISSIONERS**

1. This manual contains general statements of County policy and should not be read as including the details of each policy.
  - a. This manual should not be interpreted as forming an express or implied contract or promise of continued employment.
  - b. Curry County may add to the policies in the manual or revoke or modify them from time to time. The County will try to keep the manual current, but there may be times when policy will change before this material can be revised. Significant changes to the rules will be communicated to employees through the County E-Mail System or memos to County Offices and Departments. Employees will be given 15 days' notice of significant changes to the rules.
2. Elected Officials, Department Heads and supervisors should refer to the Personnel Rules whenever questions of policy interpretation or implementation arise. Issues needing clarification should be referred to the Personnel Officer.
3. As used in the Manual the masculine gender should be interpreted to include the feminine gender and the feminine gender should be interpreted to include the masculine gender as well.

**C. THE PURPOSE OF THESE RULES IS TO ACHIEVE FOR CURRY COUNTY THE FOLLOWING OBJECTIVES:**

- 1. To establish a County system of personnel administration based on systematic and equitable principles and scientific methods governing all employee benefits, policies, performance standards and other incidents of County employment.**
- 2. To promote and increase economy and efficiency, improve employee morale and facilitate efforts to attract and retain valuable employees.**
- 3. To establish and maintain a uniform plan of classification and pay based upon the relative duties and responsibilities of positions in County service.**
- 4. To establish and administer a program of recruitment, appointment, training, advancement and tenure based on merit and fitness without regard to sex, race, age, religion, national origin, marital status, political beliefs, physical or mental disability, or any other protected class.**
- 5. To comply with Federal and State laws with the understanding that employment is subject to proper conduct on the job, the satisfactory performance of work, the necessity for the performance of work and the availability of funds.**
- 6. To serve as an outline of the basic personnel policies, practices, and procedures for Curry County, which is not intended to alter the employment-at-will relationship in any way.**
- 7. To establish and maintain a policy of nondiscrimination regarding employment opportunity, service to the public and access to County facilities. The County's statement of nondiscrimination is Article 3 of these rules.**

## **ARTICLE 2 DEFINITIONS**

- A. As used in these articles, unless the context requires otherwise:
1. ***“Allocation”*** means the assignment of an individual position to an appropriate classification on the basis of the kind, difficulty, and responsibility of the work actually performed in the position.
  2. ***“Anniversary Date”*** is the first day of a month established as follows: Employees who begin work or are promoted/demoted to a different classification prior to the fifteenth (15<sup>th</sup>) day of the month shall have an anniversary date of the first day of the month. Employees who begin work or are promoted/demoted to a different classification on or after the fifteenth (15<sup>th</sup>) day of the month shall have an anniversary date of the first day of the following month.
  3. ***“Anniversary Salary Increase”*** or ***“Step Salary Increase”*** means an increase from one step to the next higher step within a salary range.
  4. ***“Appointing Authority”*** means Department Heads and Elected Officials with the ability to make personnel action recommendations to the Board of Commissioners. The Appointing Authority of County Legal Counsel shall be the Board of Commissioners.
  5. ***“Appointment”*** means all means of selection.
  6. ***“Board”*** means the Board of County Commissioners.
  7. ***“Class”*** or ***“Classification”*** means a group of positions sufficiently alike in duties, authority, and responsibilities that the same qualifications reasonably may be required for, and the same schedule of pay can be equitably applied to all positions in the group.
  8. ***“Continuous Service”*** means service unbroken by separation from the County, except time spent by an employee on authorized leaves of absence without pay as covered by these rules and regulations.
  9. ***“Curry County”*** means the Board of Commissioners or anyone with decision making authority under these rules.
  10. ***“Days”*** means calendar days unless specifically noted otherwise.
  11. ***“Demotion”*** means a transfer of an employee from a position in one class to a position in another class having a lower maximum salary rate.



12. ***“Department Head”*** means an appointed position with the duties of an Appointing Authority.
13. ***“Domestic Partner”*** means two persons, of the same sex, who jointly share the same permanent residence and intend to continue to do so indefinitely; are committed to each other, except that the partners do not have the status of a traditional marriage; are not legally married to anyone; are each other’s sole domestic partner and are jointly responsible to each other for the necessities of life as documented on file with the Finance Department.
14. ***“Elected Official”*** means a person who has been elected by the voters of the County to serve in a specific position. As described herein, these rules apply to the Elected Officials in the role as Department Head, Appointing Authority or Supervisor, but Elected Officials are not subject to discipline under these rules.
15. ***“Emergency”*** shall mean an unforeseen combination of circumstances calling for immediate action or remedy.
16. ***“Employee”*** means any person in County employment who is wholly or partially subject to the personnel rules.
17. ***“Flex Schedule”*** means a work schedule that consists of varying hours during a work week. A flex schedule must be approved by an Appointing Authority.
18. ***“Immediate Family Member”*** means the spouse, same sex domestic partner, son, daughter, domestic partner’s son or daughter, foster child, mother, father, grandparent, grandchild, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, or stepchild of the individual or a person with whom the employee was or is in a relationship of in loco parentis.
19. ***“Irregular Employee”*** means an employee who works for the County on an as needed basis with no guaranteed hours or schedule. These positions are not eligible for benefits, except those that must be provided as a matter of law, and PERS if qualifications are met. To qualify for PERS the employee must work a minimum of 6 months and work a minimum of 600 hours in a calendar year.
20. ***“Layoff”*** means a separation from County service because of shortage of work, funds, materials, abolishment of position, or for other reasons not reflecting discredit on an employee.

21. ***“Out-of-State Travel”*** is travel to or through a state other than Oregon, but excluding travel through Del Norte County, California to arrive at a destination in Oregon, travel to Del Norte and Humboldt Counties, California, and travel to Clark County, Washington, by County employees in connection with County business.
22. ***“Part-time Position”*** means any position or appointment of a minimum .5 FTE that has regular daily, weekly or monthly hours less than the hours of work established by the Board for full-time positions. These positions include benefits on a prorated basis.
23. ***“Personnel Officer”*** is the position that the Board of Commissioners has delegated responsibility to assist in the administration of the personnel rules and to perform other personnel administration duties as assigned.
24. ***“Personnel Action”*** means any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or any other action affecting the employment status of an employee.
25. ***“Personnel Rules”*** means these articles.
26. ***“Position”*** means any office or appointment.
27. ***“Promotion”*** means a transfer of an employee from a position of one class to a position in another class having a higher maximum salary rate.
28. ***“Reclassification”*** means a change in allocation of an individual position by raising it to a higher class, reducing it to a lower class or moving it to another class at the same level on the basis of significant changes in the kind, difficulty, or responsibility of the work performed in such position.
29. ***“Safety Committee”*** means Workplace Safety Committee described in ORS 654.176 or successor Statute and rules promulgated thereunder.
30. ***“Salary Evaluation Committee”*** means a group of County employees appointed by the Board of Commissioners representative of management and local labor unions, who through an outside consultant, make recommendations to the Board of Commissioners for placement of each County position on a salary scale.

31. ***“Shall” or “will”*** should be interpreted as mandatory and ***“may”*** as permissive.
32. ***“Supervisor”*** means an individual with the authority to assign, direct, and review the work of subordinate(s).
33. ***“Temporary Position”*** means any position or appointment, which has a duration of less than six continuous months. Temporary employees are subject to termination at will, and are not eligible for benefits. Temporary employees who are hired by the regular County hiring process are eligible to be considered for other County positions for which they are qualified.
34. ***“Terminated”*** means permanent separation from County employment based on action taken by the County.
35. ***“Transfer”*** means any change of an employee from one position to another position in the same or different class.
36. ***“Voluntary Demotion”*** means a demotion requested by an employee in order to retain employment if layoff from his position is imminent or for other reasons where the action is entirely voluntary on the part of the employee. All voluntary demotions must be approved by the Appointing Authority. Voluntary demotions are not an employment right.
37. ***“Work Day”*** means any day during which an employee is employed in his/her duties as a County employee regardless of the number of hours that day.
38. ***“Work Week”*** means Curry County’s work week which begins at 12:01 A.M. on Sunday and ends midnight Saturday.

### **ARTICLE 3 EQUAL OPPORTUNITY EMPLOYMENT AND NONDISCRIMINATION**

Curry County is an Equal Opportunity Employer and, as such, considers individuals for employment according to their knowledge, skills, abilities and performance. Employment decisions are made without regard to race, age, religion, color, sex, national origin, physical or mental disability, genetic background, marital or veteran status, military status, injured worker status, sexual orientation, non-supervisory family relationships, union participation, or any other classification protected by Oregon or federal law. All employment requirements mandated by state and federal regulations will be observed.

Curry County is an 'at-will employer'. Employees and the County reserve the right to end the employment relationship, with or without cause, at any time. Only the Curry County Board of Commissioners has the authority to enter into an agreement contrary to this at-will relationship. The at-will relationship can only be altered when expressed in writing and signed by the Curry County Board of Commissioners and the employee.

Unless included in the terms of a collective bargaining agreement, the County is not bound by any oral promises concerning the length or terms of your employment.

**Religious Accommodation:** Curry County respects the religious beliefs and practices of all employees and will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the County's business.

1. An employee whose religious beliefs or practices conflict with his/her job, work schedule, with the County's policy or practice on dress and appearance, or with other aspects of employment and who seeks a religious accommodation should submit a written request for the accommodation to his/her immediate supervisor. The request shall include the type of religious conflict that exists and the employee's suggested accommodation.
2. The immediate supervisor will evaluate the request considering whether a work conflict exists due to a sincerely held religious belief, practice or observance and whether a reasonable accommodation is available which would not create an undue hardship on the County's business. Examples of an accommodation may include a change in job duties, use of paid leave or leave without pay, exceptions to the dress and appearance code which do not impact safety or uniform

requirements, or modification of other aspects of employment. Depending on the type of conflict and suggested accommodation, the supervisor should confer with his/her Department Head and the Personnel Officer.

3. The supervisor and employee will meet to discuss the request and the decision on an accommodation. If the employee accepts the proposed religious accommodation, the immediate supervisor will implement the decision. If the employee rejects the proposed accommodation, the parties may discuss alternative accommodations or the employee may appeal the decision using the policy set forth in these personnel rules.

**ARTICLE 4  
APPLICATION AND ADMINISTRATION OF  
PERSONNEL RULES**

- A. **EMPLOYEES:** Employees' positions are subject to all of the personnel rules with the exception of the Sheriff's Office, whose employees shall be subject to all such rules except Article 25.
  
- B. **ELECTED OFFICIALS:** Elected Official positions are filled by popular vote and are not subject to any of the personnel rules except in their role as Department Head, Appointing Authority or Supervisor. They are not subject to discipline under these rules.
  
- C. **COLLECTIVE BARGAINING AGREEMENTS:** Any provision of the personnel rules that is inconsistent with a valid collective bargaining agreement shall not apply to those employees subject to such agreement. In the event of a policy change the County will provide notice to the unions under ORS 243.698.
  
- D. **ADMINISTRATION OF RULES:** The Personnel Officer shall assist in administration of these rules.
  
- E. **BOARD OF COMMISSIONERS:** The Board of Commissioners shall establish over-arching policies through the adoption of the County budget, compensation package, orders, and adopting and amending all personnel rules.

**ARTICLE 5**  
**PERSONNEL FILES, CONFIDENTIALITY AND PUBLIC DISCLOSURE**

**A. PERSONNEL FILES**

1. A personnel file will be maintained by the Personnel Officer for each employee of Curry County.
  - a. This personnel file, and the information contained therein, is the official employment record of each individual employee.
  - b. No information of any kind shall be deemed official or usable on behalf of or against any employee unless it has been received by the Personnel Officer and included as part of the employee's official personnel file.
  - c. Appointing Authorities will promptly forward all appropriate documents of a personnel nature to the Personnel Officer for inclusion into the employee's file.
  - d. Appointing Authorities may retain photocopies as a matter of convenience.
2. Appointing Authorities who choose to maintain files of convenience within their department should merge such files with the employee's official personnel file maintained by the Personnel Officer not later than thirty (30) days following the termination or discharge of any employee.
3. Generally information in the personnel files will be treated as exempt from public disclosure as provided in ORS Chapter 192.
  - a. Information which cannot be treated as confidential under the law includes:
    - 1) Name
    - 2) Job title
    - 3) Salary
    - 4) Dates of employment with the County
4. Employees may review their files during regular office hours.

- a. At the request of the employee, copies of materials included in such files will be furnished, the cost of which shall be borne by the employee at the current rate established by the County.
- b. By signed authorization, an employee may extend the right to review to the employee's official representative.
- c. A supervisor will have access to the files of subordinate employees or employees of other departments who are being considered for transfer.
- d. The Personnel Officer and designee will have access to all personnel files for the purpose of carrying out necessary personnel duties.
- e. The Board of Commissioners shall have access to all Personnel Files with the exception of the Sheriff's Office. County Legal Counsel shall have access to all personnel files.

#### **B. ENTRY OF MATERIALS INTO FILES**

1. The Personnel Officer shall routinely place or have placed all official documents relating to an individual's personnel file. Such materials may include, but are not limited to:
  - a. Application form for employment, and resumes, if any
  - b. Hire Order
  - c. Other Personnel Orders
  - d. Performance Appraisals
  - e. Documents Pertaining to Discipline
  - f. Other materials deemed relevant to an individual's employment history as determined by the Personnel Officer.

#### **C. MISCELLANEOUS RULES**

1. Except as otherwise provided, no information or material reflecting critically upon an employee shall be placed in the employee's personnel file that does not bear the signature of the employee. The employee's signature confirms only that the supervisor has discussed and given a copy of the material to the employee. The signature does not indicate the employee's agreement or



disagreement with the content of this material. If the employee refuses to sign, the material may be placed in the file provided a statement has been signed by the issuer of the document, and the Personnel Officer or County Legal Counsel.

2. Employees shall be entitled to prepare a written explanation or opinion regarding any critical material or job related matter placed in their file. This employee explanation or opinion shall be attached to the critical material and shall be included as part of the employee's personnel record.
3. Any employee may include in his/her official personnel file a reasonable amount of relevant material such as letters of commendation, licenses, certificates, college course credits and other material which relates credibly on the employee.

#### **D. CONFIDENTIALITY RULES**

1. All employees have a responsibility to not accidentally or purposely disclose confidential information about employees to others, through overheard conversations, mislaid documentation, and faxes, E Mails and hard copies of correspondence sent to a wrong destination.
2. The Curry County Information Technology (IT) Department maintains reasonable safeguards to ensure the security, confidentiality and integrity of personal identifying information stored in Curry County's systems.
3. Curry County stores employee medical records and workers' compensation files in separate access-protected folders, separate from master personnel files.
4. Curry County will take appropriate measures to ensure that confidential information such as domestic violence protection requests and I-9 documentation are stored securely, separately from the personnel file, and that such information is disclosed only when required by law.
5. Social Security numbers may not be printed on materials that will be mailed, unless an employee has requested the mailing and all but the last four digits have been removed. This does not apply to records required by state or federal law (examples: W2s, 1099s, etc.) Social Security numbers may not be printed on a card used to access products or services, nor will Curry County publicly post or display employees' Social Security numbers, such as on a website.

6. If computer files containing personal information have been subject to a breach, then Curry County will notify the affected employee(s) as soon as it is reasonably able to do so.

**ARTICLE 6  
DEPARTMENTAL PERSONNEL REGULATIONS**

- A. Appointing Authorities are encouraged to adopt internal operating and personnel procedures, not inconsistent with the provisions of these personnel rules nor with the appropriate bargaining unit agreement or applicable laws, to govern the day-to-day activities and administrative procedures of their departments.**
- B. Appointing Authorities have the responsibility to make these rules and procedures known to all employees within their department.**
- C. Prior to adopting any departmental operating or personnel procedures the Appointing Authority shall have review and approval by County Legal Counsel and the Personnel Officer.**

**ARTICLE 7**  
**CLASSIFICATION PLAN, AMENDMENT, ALLOCATION**

The Board shall adopt and maintain a classification plan for positions with the exception for irregular positions. The classification plan shall group positions into classes based upon their duties, authorities and responsibilities.

- A. **CLASSIFICATION PLAN REVIEW:** Any Appointing Authority may request the Board to amend the classification plan. If the Board finds that substantial change in organization, creation, change of position, or other conditions make necessary the revision or abolishment of an existing class or the establishment of a new class, the Board may adopt an amendment to the classification plan.
  
- B. **ALLOCATION OF NEW POSITION:** If an Appointing Authority desires to establish a new position, a notice of such proposed action together with a description of the duties of the new position shall be submitted to the Board of Commissioners for authorization. The job description will be forwarded to the Personnel Officer for placement in a salary range.
  
- C. **RECLASSIFICATION:** At any time an Appointing Authority desires to make any permanent and substantial change in the duties, authority, or responsibilities of a position, written notification of the proposed change shall be submitted to the Board of Commissioners for determination of the effect, if any, on the classification of the position. The job description will be forwarded to the Personnel Officer who will determine if it should be forwarded to an outside agency for review and placement in a salary range.

**ARTICLE 8  
CLASS SPECIFICATIONS, INTERPRETATION  
USE AND QUALIFICATIONS**

The Board shall adopt and maintain by rule written specifications for each class in the classification plan. Each class specification shall include the class title, a description of the type of duties, responsibilities inherent in the work of positions in the class, and a statement of the minimum qualifications a person should possess to perform the work.

- A. **INTERPRETATION OF CLASS SPECIFICATIONS:** The statements set forth in class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the several classes, as determined by duties and responsibilities, and are not to be construed as declaring what the duties or responsibilities of any position may be, or as limiting or modifying the authority of Appointing Authorities to assign, direct, and control the work of employees under their supervision.
- B. **USE IN ALLOCATION:** In determining the class to which a position should be allocated, the specification describing each class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, qualification requirements, and relationship to other classes, as a composite description of the kind of employment which the class is intended to embrace.
- C. **MINIMUM QUALIFICATIONS STATEMENT:** The minimum qualifications enumerated in a class specification shall relate to the reasonable standards of experience and training required at the time of original appointment of a new employee and shall not be construed as representing or measuring qualifications which employees already working in such class may actually possess.
- D. **ADDITIONAL QUALIFICATION REQUIREMENTS:** Personal qualifications commonly required of an employee in any class, such as honesty, loyalty, sobriety, industry, amenability to supervision and suggestions of superiors for improvement of service, and willingness to cooperate with associates, shall be implied as qualifications required for entrance to every class, even though such traits may not be specifically mentioned in the specifications.
- E. **USE OF CLASS TITLE:** The class title shall be the official title of every position allocated to the class for the purpose of personnel actions and shall be used on all payrolls, budgets, official records, and reports relating to the position. Any other working title desired and authorized to be used by the Appointing Authority may be used as a designation of

any position for purposes of internal administration or in contacts with the public.

**ARTICLE 9  
COMPENSATION PLAN**

Curry County supports Oregon's Pay Equity Law and federal and Oregon laws prohibiting discrimination between employees on the basis of a protected class in the payment of wages or other compensation for work of comparable character. The Board shall establish and maintain a compensation plan as follows:

- A. **ESTABLISHMENT OF SALARY RANGES:** The plan shall include for each class a minimum and a maximum rate and such intermediate rates as are considered necessary or equitable. The ranges shall reflect the relative responsibilities of the class, availability of labor, prevailing rates of pay, and financial conditions of the County. The compensation plan shall provide reasonably competitive ranges of pay for each classification of employment as determined by the Board.
  
- B. The Board will decide salary ranges based on the recommendation of the Personnel Officer.

**ARTICLE 10**  
**ADMINISTRATION OF COMPENSATION PLAN**

The compensation plan shall be administered as follows:

- A. **RATES OF PAY:** Each employee shall be paid at one of the rates in the salary range for the classification in which the employee is employed, per the annual Board adopted Master Payroll.
  
- B. **ENTRANCE SALARIES:** Normally, an employee will be appointed or reinstated at the entrance rate for the class. If an Appointing Authority believes it is necessary to make an appointment or reinstatement above the entrance rate, authorization must be obtained in writing from the Board of Commissioners, with the exception of the Sheriff's Office, prior to the effective date of hiring.
  
- C. **SALARY INCREASES:** Salary increases are not automatic and shall be based upon eligibility date and satisfactory service. An employee is eligible for a step increase only so long as productive work continues. An employee who has served in a less than satisfactory capacity shall be given notice by the Department Head sixty (60) days prior to the eligibility date. At the end of said sixty (60) day period, a re-evaluation shall occur. If the employee receives a less than satisfactory re-evaluation, the employee shall not be eligible for the step increase until his/her next annual evaluation.

All step increases are subject to approval within the annual budget.  
Step increases shall be based upon the following:

- 1. New employees, including regular part-time employees, shall be eligible for advancement to the next step of the salary range after twelve (12) continuous months of satisfactory service in that class.
  
- 2. Employees who have served satisfactorily for twelve (12) continuous months following an in-range salary adjustment shall be eligible for advancement to the next step of the salary range.
  
- 3. Employees who are promoted or whose positions are reclassified upward are eligible on the anniversary date of such promotion or reclassification for an increase to the next higher rate in the new salary range.
  
- 4. Employees who are transferred to a position with a different salary range are eligible on the anniversary date of such transfer for an increase to the next higher rate in the new salary range.



5. The Board may approve an exception to the general rules regarding salary increases if such action is warranted under the circumstances.

D. **DEMOTION**: If an employee is demoted or reclassified to a class with a lower salary range for reasons which do not reflect discredit on the employee's employment record, the employee's salary rate may remain the same unless such action would violate subsection A of this article. Demotion for cause shall result in a corresponding reduction in salary.

E. **TRANSFER**: If an employee is transferred, the anniversary date remains the same, if the pay remains the same.

F. **LONGEVITY**: Longevity pay is no longer based on years of service. Once an employee reaches step 7 of the salary range that they are in the employee will receive a percentage increase to be determined by the Board (currently 3.25%) for steps 7-10. At step 11 and up the employee will receive another percentage increase to be determined by the Board (currently 3.5%). Longevity pay for the Sheriff's Office is described in the Teamsters 223 Collective Bargaining Agreement.

G. **SPECIAL RULE FOR FLSA EXEMPT SALARIED EMPLOYEES**

1. As used in this rule:

- a. "**Overtime exempt employee**" means a County employee who has been exempted by the County from entitlement to overtime pay due to status as an executive, administrative or professional employee as defined by the Fair Labor Standards Act (FLSA).
- b. "**Safety rules of major significance**" means only those relating to the prevention of serious danger to County facilities or another employee.
- c. "**Salary**" means the predetermined amount of compensation regularly received each pay period, which constitutes all or part of an employee's compensation.

2. Notwithstanding any other inconsistent provision of the Curry County Personnel Rules, the following special rules apply to the salary paid to overtime exempt employees:

- a. An overtime exempt employee's salary is not subject to reduction because of:
  - 1) Variations in the quality or quantity of the work performed.

- 2) Absences occasioned by the County or by the operating requirements of the job; if the overtime exempt employee is ready, willing and able to work, deductions may not be made for time when work is not available.
  - 3) Jury duty, attendance as a witness, or absences of an overtime-exempt employee caused temporarily by military leave. The County will, however, offset any amounts received by an overtime exempt employee as jury or witness fees or military pay for a particular week against the salary due for that particular week.
- b. An overtime exempt employee must receive the overtime exempt employee's full salary for any week in which the overtime exempt employee performs any work, without regard to the number of days or hours worked, except as follows:
- 1) An overtime-exempt employee need not be paid for any workweek in which the overtime-exempt employee performs no work.
  - 2) Deductions may be made when the overtime exempt employee is absent from work for a day or more for personal reasons, other than sickness or accident.
  - 3) Deductions may be made for absences of a day or more occasioned by sickness or disability (including industrial accidents) when made in accordance with the County's sick leave policy (i.e. the overtime exempt employee's accumulated leave has been exhausted).
  - 4) Deductions may be made for absences for personal reasons or because of illness or injury of less than one work-day when accrued leave is not used by an overtime exempt employee because:
    - a) Permission for its use has not been sought and denied;
    - b) Accrued leave has been exhausted;
    - c) The employee chooses to use leave without pay.
  - 5) Deductions imposed as penalties (discipline) in good faith for infractions of safety rules of major significance.

## **ARTICLE 11 OVERTIME**

It is the policy of the County to reduce to a minimum the necessity for overtime work. Typically overtime is not allowed except under unusual or extraordinary circumstances. All overtime work must have Appointing Authority approval and is subject to the following:

- A. **DEFINITION:** Except as otherwise provided in this section, overtime shall be considered as time worked in excess of the normal hours worked per work week for full time employment including in that work period any sick time or vacation time actually taken. Holiday time will be considered time worked. Compensatory time used is not considered time worked.

Supervisors shall assign to each employee regular work duties and responsibilities, which can normally be accomplished within the established work week.

- B. **OVERTIME COMPENSATION:** Compensation for authorized overtime work shall be as follows:

1. Compensation for authorized overtime hours worked in excess of the regular work week hours shall be by compensatory time off at the rate of time and one-half or by monetary compensation at the rate of time and one-half, at the Appointing Authority's or its designee's option.
2. The regular work week for irregular employees for purposes of calculating overtime is forty (40) hours.
3. Overtime shall be calculated to the closest quarter (.25) hour.
4. Any compensatory time off shall be taken at a time scheduled and approved by the Appointing Authority or its designee. Compensatory time may not be accumulated in excess of eighty (80) hours. Compensatory time in excess of eighty (80) hours will be paid at time and one half of the employee's hourly rate. It is understood that a good faith attempt will be made by the employee and the supervisor to mutually schedule the time off.

- C. **EXCEPTION TO OVERTIME COMPENSATION:** The Board may exempt certain positions from overtime compensation on the basis of work or conditions of employment. Exempted positions are designated in the class specifications. Exempt employees will not be granted

compensatory time, and shall not receive any form of overtime compensation.

- D. **HOLIDAY WORK:** Work performed on holidays which fall within the regular work schedule shall be considered as overtime work and regular employees who work holidays shall be granted time and one-half for the hours worked in addition to their regular holiday pay, subject to the limitations set forth in subsection B above.
- E. **EXCEPTIONS:** Exceptions to the limitations set forth in this section may be granted only through written order of the Board.

Notwithstanding anything to the contrary in these Personnel Rules or other policies or practices of the County, the Special Rule outlined in Article 10(G) shall be applied to FLSA exempt employees of Curry County.

**ARTICLE 12  
“ON-CALL” DUTY, CALL BACK HOURS  
AND PHONE CALLS**

- A. **“ON-CALL”**: On-call is time spent other than the regularly scheduled County designated work days, when an employee is required by job description to be available for response to perform work. An on-call schedule will be provided to affected employees. On-call employees are required to be available to be contacted and to respond to calls within a maximum of fifteen (15) minutes and be able to be at the worksite within thirty (30) minutes
- B. Only employees who are eligible for overtime are eligible for on-call pay as outlined in subsection C below.
- C. On-call employees shall be paid two (2) hours of pay at the regular straight time rate for each calendar day between Monday and Friday and four (4) hours of pay at the regular straight time rate per calendar day for Saturday, Sunday and holidays.
- D. Call back hours shall be defined as all work performed outside of the scheduled work day, or work week that is not continuous with the scheduled work hours. A non-exempt employee called back to work after completing regular daily work assignments shall receive a minimum of two (2) hours overtime.
- E. **PHONE CALLS**. When an employee responds to a telephone call at home outside of normal working hours, which does not necessitate the employee leaving his/her home, compensation for the work activity should be dependent on whether:
1. It is a stated responsibility of the employee to respond to such calls;
  2. The employee is eligible for overtime;
  3. The phone call is of at least fifteen (15) minutes duration;
  4. A record of the call is maintained on a standard log format and is certified correct by the employee.

If the above conditions are met, compensation shall be for fifteen (15) minutes and to the nearest quarter-hour thereafter. Individual calls will be combined when they represent a part of a single service.

**ARTICLE 13  
APPOINTMENTS**

**A. ALL VACANCIES FOR EMPLOYMENT POSITIONS IN THE COUNTY SHALL BE FILLED AS PROVIDED IN THIS ARTICLE.**

No personnel action is final until approved by the Board except in the Sheriff's Office.

**B. THE PERSONNEL OFFICER SHALL ASSIST APPOINTING AUTHORITIES IN THE RECRUITMENT AND SCREENING OF EMPLOYEES.**

**C. PUBLIC ANNOUNCEMENT**

1. Before an Appointing Authority can consider a candidate for a position, notice of the vacancy must be forwarded to the Personnel Officer.
2. The Personnel Officer shall prepare recruitment announcements of position openings which set forth the general duties and compensation of the position, the minimum qualifications required, the dates, place and manner of making application for the position and other appropriate information.
3. The Personnel Officer shall make a public announcement of recruitment to fill vacancies or to establish a roster of qualified candidates.
4. Public announcement is not required for position vacancies which Appointing Authorities recommend filling by transfer, voluntary demotion or promotion of present employees or by re-employing a former employee.
5. Employees who wish to apply for any County position must apply through the Personnel Officer.

**D. APPLICATION: All persons applying for a position shall fill out an employment application form approved by the Board. Resumes may be submitted as supplemental material only.**

## **E. EVALUATION OF APPLICANTS**

- 1. Applications for appointment to positions shall possess the minimum qualifications and other requirements for the classification as stated in the applicable classification descriptions.**
- 2. Selection criteria must be job related and may be written, oral, physical, in the form of a demonstration of skill or an evaluation of training and experience.**
- 3. Consideration will be given to education, experience, aptitude, capacity, knowledge, character, physical fitness, length and quality of service and other qualifications to determine the relative fitness of the applicants.**
- 4. Prior to being offered a County position, each prospective employee must meet the following contingencies:**
  - a. Undergo a background check.**
  - b. If applying to a safety sensitive position, submit to a pre-employment drug screen and test negative.**
  - c. Provide documentation necessary to prove that the employee meets the education and/or license requirements for the position.**
  - d. Driving record check, when driving is a requirement of the job.**

## **F. VETERANS' PREFERENCE**

- 1. Curry County applies Veterans' Preference in accordance with ORS 408.230 and 408.235. For the preference to be applied, veterans must have received an honorable discharge from military service, successfully complete the initial application screening, and meet the minimum qualifications of the applied for position. To qualify for disabled veteran preference, applicants must submit proof of veteran status and proof of their veterans' disability rating from the Department of Veterans' Affairs. Applicants must submit proof of veteran status (DD214/DD215) at the time the application is submitted.**

**Veterans' Preference applies to any hiring or promotion decision that is made based upon the results of a merit based, competitive process that includes, but is not limited to, consideration of an applicant's or employee's relative ability, knowledge, experience and other skills.**

2. ORS 408.230 outlines the manner in which public employers must grant preference to eligible veterans. At each stage of the application process, preference must be granted to veterans who successfully complete the initial application screening or an application examination or test that is administered to establish eligibility.
3. At the time of initial application screening points are to be added to a scored review to determine a list of persons for interviews. Five (5) points are to be added to a veteran's score and ten (10) points to a disabled veteran's score based on a total score of 100 points. If the total score is more than 100 points 5% or 10% is added.
4. An application examination, given after initial application screening that results in a score, shall have preference points added to the total combined examination score without allocating the points to any single feature or part of the examination. Five (5) points are to be added to a veteran's score and ten (10) points to a disabled veteran's score based on a total score of 100 points. If the total score is more than 100 points 5% or 10% is added.
5. For application examinations that do not result in a score (including interviews, evaluation of performance, experience or training, supervisor's rating or any other method of ranking), preference shall be given to the veteran or disabled veteran by applying methods that give special consideration in the hiring decision to veterans and disabled veterans.
6. The Oregon Revised Statutes (ORS) state that Veterans' Preference is not a requirement that the County appoint a veteran or disabled veteran to a position. However, the statutes do state that if the veteran's application examination(s), when combined with their veteran's preference, are equal to or higher than the results of a non-veteran, the public employer shall appoint an otherwise qualified veteran or disabled veteran.
7. A decision to not appoint a veteran may be based solely on the veteran's merits or qualifications with respect to the vacant position. The ORS provides that a veteran may request a written explanation of the reasons why he/she was not appointed to the position. Upon such request, the County will provide the reasons for the decision not to appoint the veteran to the position.

**G. APPOINTMENTS:** When an Appointing Authority has selected a candidate to fill a position, the Appointing Authority shall notify the Personnel Officer. The Personnel Officer shall prepare a job offer to the



potential employee. Once the accepted offer is received the background check will be order and the drug screen, if necessary. The Personnel Officer shall then prepare an order to be submitted for Board consideration at a regular or special meeting, with the exception of the Sheriff's Office.

Details of the hiring recommendation in the Sheriff's Office shall be provided by means of a Personnel Action Form (PAF) submitted to the Personnel Officer.

All new appointments not subject to final approval by the Board shall be introduced at a public meeting within 60 days of hiring date through Presentation to the Board.

- H. **TEMPORARY WORKING OUT OF CLASSIFICATION:** When a non-exempt employee performs substantially all of the duties of a higher-level classification for a minimum of fourteen (14) consecutive calendar days, that employee shall be compensated at the first step of the pay grade of the higher classification if it is higher than the employee's current rate, or five percent (5%) above an employee's current rate, whichever is greater, for the time spent performing those duties.
- I. **FULL-TIME POSITIONS:** Positions budgeted on a regular full-time basis shall be filled by one full-time employee unless prior authorization is obtained from the Board.
- J. **HIRING OF RELATIVES:** Relatives of current employees are eligible for hire at Curry County subject to the same selection process and job requirements and will be evaluated in the same manner as any other applicant. However, persons will not be hired or promoted into positions in which one family member (as defined by Oregon law) would fall under the direct supervision of the other family member.
- K. **NOTIFICATION TO APPLICANTS NOT APPOINTED:** The Personnel Officer shall notify applicants who were not appointed within a reasonable time.

If an Appointing Authority wishes to contact applicants directly, contact will be made within a reasonable amount of time after appointments, as referenced above.

## **ARTICLE 14 ATTENDANCE**

- A. **WORK WEEK:** A full time work week for County employees will be 40 hours.
- B. **LUNCH AND REST PERIODS:** Lunch and rest periods are mandatory by Oregon law and are not optional for non-exempt employees. Lunch and rest periods are designated as follows:
1. All employees shall be granted a non-paid lunch period of one-half (1/2) hour or one (1) hour during each full work shift. Whenever possible, such meal periods shall be scheduled in the middle of a shift.
  2. A rest period of fifteen (15) minutes shall be permitted for all employees for each full half shift. Rest period time may not be accumulated or used to shorten the work day. The inability of an employee to observe a rest period or periods shall not be a basis for overtime compensation.
  3. Rest Periods for Expression of Breast Milk: Reasonable rest periods to accommodate an employee who needs to express milk for their child eighteen (18) months of age or younger shall be provided. If possible, the employee will take the rest periods to express milk at the same time as the lunch or rest periods that are otherwise provided to the employee.

If an employee takes unpaid rest breaks, at the discretion of their supervisor, the employee may allow the employee to work before or after their normal shift to make up the amount of time used during the unpaid rest periods. The County will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this policy.

The County will make a reasonable effort to provide the employee with a private location within close proximity to the employee's work area to express milk. A "private location" is a place, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public.

An employee who intends to express milk during work hours must give their supervisor reasonable oral or written notice of their intention to do so in order to allow time to make any preparations necessary for compliance with this rule.

## **ARTICLE 15 HOLIDAYS**

**A. PAID HOLIDAYS:** The following days are considered paid holidays:

- |   |                                      |
|---|--------------------------------------|
| 1. New Year's Day                         | January 1                            |
| 2. Martin Luther King Day                 | 3 <sup>rd</sup> Monday in January    |
| 3. Presidents' Day                        | 3 <sup>rd</sup> Monday in February   |
| 4. Memorial Day                           | Last Monday in May                   |
| 5. Independence Day                       | July 4                               |
| 6. Labor Day                              | 1 <sup>st</sup> Monday in September  |
| 7. Veterans' Day                          | November 11                          |
| 8. Thanksgiving Day                       | 4 <sup>th</sup> Thursday in November |
| 9. Christmas                              | December 25                          |
| *10. Personal Day (Exempt Employees only) |                                      |
| *11. Two (2) Floating Holidays            |                                      |

\* These holidays must be scheduled with consent of the Appointing Authority or designee. These holidays must be taken in the fiscal year when earned or they are lost. Unused holidays shall not be paid at termination.

**B. WEEKEND HOLIDAYS:** When a holiday falls on Sunday, the succeeding Monday shall be observed as the holiday. Where a holiday falls on Saturday, the preceding Friday shall be observed as the holiday.

**C. HOLIDAY PAY:** Full-time employees shall receive one (1) day's pay for each of the holidays listed on which they perform no work.

**D. HOLIDAY DURING LEAVE:** Should an employee be on an authorized leave with pay when a holiday occurs, the holiday shall be paid and not charged against sick or vacation leave accumulation. Holidays occurring during a leave without pay shall not be compensated.

**E. ELIGIBILITY FOR HOLIDAY PAY FOR TEMPORARY AND PART-TIME EMPLOYEES:** Eligibility for holiday pay for temporary and part-time employees shall be as follows:

1. Temporary employees shall receive pay for a holiday if the employee has worked at least thirty (30) consecutive work days prior to the holiday.
2. Regular part-time employees shall receive holiday pay on a pro-rated basis.

**F. WORK PERFORMED ON HOLIDAYS:** Compensation for work on holidays is governed by Article 11, Overtime.

**G. FLOATING HOLIDAYS: Full time and part time employees, after having been in county service for three (3) continuous months, shall be credited with applicable floating holidays.**

**ARTICLE 16**  
**LEAVE AUTHORIZATION AND COMPUTATION**

No leave of absence with or without pay shall be granted unless a request is submitted by the employee and approved by the Appointing Authority in accordance with these Personnel Rules. Approval of leave shall be obtained prior to the beginning of leave periods. No payment for any leave of absence shall be made until leave has been properly approved. Each employee shall indicate sick leave, vacation, and leaves of absence charged to his/her leave or compensatory time accumulations as appropriate, in the submission of all time sheets.

**ARTICLE 17  
VACATION LEAVE**

**A. FULL-TIME EMPLOYEES:** Full-time employees, after having served in County service for six (6) continuous months, shall be credited with 48 hours vacation leave and thereafter vacation leave shall be credited as follows for continuous service:

	Hours of Accumulation Per Continuous Month
<b>Work Hours Per Week</b>	<b>40</b>
<b>After six months of continuous service through second year</b>	<b>8.0</b>
<b>After second year of continuous service through fifth year</b>	<b>10.0</b>
<b>After fifth year of continuous service through tenth year</b>	<b>12.0</b>
<b>After tenth year of continuous service through fifteenth year</b>	<b>14.0</b>
<b>After fifteenth year</b>	<b>16.0</b>

**B. PART-TIME EMPLOYEES:** Regular part-time employees working 20 or more hours per week may accrue vacation leave in an amount proportionate to that which would be accrued under regular full-time employment.

**C. TEMPORARY AND IRREGULAR EMPLOYEES:** Temporary and irregular employees shall not earn vacation.

**D. CONTINUOUS SERVICE:** Continuous service for accumulation of vacation leave credit shall be service unbroken by separation from County employment, except that time spent by an employee on military leave, Peace Corps duty, Vista, family leave, leave resulting from a job incurred injury, or other leave mandated to be available under State or Federal law, shall be included as consecutive service. Time spent on other types of authorized leave will not count as part of consecutive service. However, employees who were laid off shall be entitled to credit for service prior to the leave if they are recalled within 15 months. A full time employee who reduces hours and no longer earns vacation

and later returns to full time shall be credited with the original time served toward vacation accrual rate.

- E. **SCHEDULING VACATIONS:** Staffing schedules shall be established by Appointing Authorities to provide vacation leave for employees at regular annual periods, and employees shall take vacation leave at the time scheduled. Such schedules may be amended by the Appointing Authorities to meet work emergencies or to grant requests of individual employees. In establishing regular schedules, Appointing Authorities shall give due consideration to the desires of individual employees within limits of work requirements of the office and department. Employees who have completed six (6) months of continuous service as provided in this section may utilize earned vacation leave credit as it accumulates, subject to established vacation schedules.
- F. **ACCUMULATION OF VACATION CREDIT:** Employees shall not accumulate vacation leave in excess of two hundred (200) total hours at the end of any given month. An Appointing Authority may authorize the pay off of excess vacation time at the employee's applicable rate of pay, when an employee is about to lose vacation credit because of accrual limitations, when such pending loss is caused by an Appointing Authority's insistence that the employee be at work, thus prohibiting a scheduled vacation period. No payment shall be made for vacation time lost by an employee because of accrual limitations unless failure to take vacation is caused by the Appointing Authority's insistence that the employee be at work during a scheduled vacation period.
- G. **TRANSFER CREDIT:** If an employee is transferred, or appointed to another department or office, the employee's vacation leave credit shall remain in effect, and it will become the responsibility of the new department.
- H. **VACATION PAY AT TERMINATION:** If an employee serves at least six (6) months and is separated from County service, the employee shall be entitled to cash compensation for accrued vacation leave.
- I. **DEATH OF EMPLOYEE:** In the case of the death of an employee, compensation for accrued vacation leave shall be paid in the same manner that salary due decedent is paid.

**ARTICLE 18  
PAID SICK LEAVE**

- A. **GENERAL STATEMENT:** Paid sick leave is for the purpose of providing continuing income and time off when an employee is ill or injured or in need of medical care. Sick leave may also be used, as outlined in these rules, to attend to the needs of ill immediate family members and as funeral leave. Please refer to Article 19, for sick leave use when on FMLA/OFLA leave.
- B. **ACCUMULATION:** Sick leave shall be earned by each regular employee at the rate of one work day for each continuous month of service. Sick leave may be accumulated to a total cap of 1440 hours for a 40 hour work.
- C. **PART-TIME EMPLOYEES:** Regular part-time employees, working 20 or more hours per week, may accrue sick leave in an amount proportionate to that which would be accrued under regular full-time employment.
- D. **TEMPORARY AND IRREGULAR EMPLOYEES:** An employee who begins employment after January 1, 2016, begins to accrue paid sick leave on the first day of employment, but may not use paid sick leave until the 91<sup>st</sup> day of employment. After the 91<sup>st</sup> day of employment, paid sick leave may be used as it is accrued. An employee who began employment on or before January 1, 2016, is eligible to accrue sick leave on January 1, 2016, and may use sick leave as it is accrued. Paid sick leave shall accrue at the rate of one hour for every 30 hours worked. Maximum accrual per year is 40 hours and up to 40 hours may be carried over to the next year for a maximum of 80 hours. However, no more than 40 hours can be used in any calendar year. Sick leave is to be used in .25 hour increments and only after at least 1 hour has been accrued. Any unused sick leave will not be cashed out upon separation from employment
- E. **UTILIZATION:** Employees may use their allowance of sick for the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive care for their self or a family member as defined in Article 2 (19). Absence to attend to an ill family member shall be limited to the time the employee's presence is actually required. Employees have the obligation to make other arrangements within a reasonable period of time for the attendance upon immediate family members. A physician's statement regarding the nature of the illness, the need for the employee's absence, and the estimated duration of the absence may be required at the option of the Appointing Authority for absences for over three consecutive days.



**F. TRANSFER AND TERMINATION:** Sick leave is provided by the County in the nature of insurance against loss of income due to illness. Except for the County Retirement Provision in these Personnel Rules, no compensation for accrued sick leave will be allowed for an employee when separated from County service. Sick leave shall not accrue during any period of leave of absence without pay. When an employee is transferred, or appointed, to another department or office, sick leave credit shall remain in effect, and will become the responsibility of the new department or office.

**G. SICK LEAVE WITHOUT PAY:**

1. If sick leave without pay is approved, the Appointing Authority may require periodic certification of the employee's physical condition from the attending physician or practitioner during the period of disability.
2. Sick leave without pay may be approved or may be denied if, in the opinion of the Appointing Authority, it is necessary to fill the position with a replacement employee.
3. Sick leave without pay shall only be approved for a period having a fixed date of termination and shall not be open ended.

**H. COORDINATION WITH WORKER'S COMPENSATION:** At the option of the employee, the employee may use accrued sick pay to make up the difference between the worker's compensation benefits and that person's normal monthly net salary. Salary paid for a period of sick leave resulting from a compensable injury shall be equal to the difference between the worker's compensation award for lost time and the employee's regular gross salary rate subject to mandatory payroll withholding. Health insurance premiums shall be paid by the County, in accordance with the payment of the rest of the County employees' health benefits, for a period of up to one year. If, at the end of one year's time, an employee is still off work due to the worker's compensation injury, the employee must then pick up all his/her medical premium costs under COBRA regulations.

**I. BEREAVEMENT LEAVE:** Paid bereavement leave shall be earned at the rate of one (1) day per completed full year of employment for the first two (2) years. Thereafter, the employee shall be credited with a bank of a total of three (3) days of bereavement leave at the completion of each full year of employment. At no time will an employee have more than three (3) days of accrued bereavement leave. An employee may use accrued bereavement leave when a death occurs in his/her immediate family.

- J. **EMPLOYEE NOTIFICATION OF ABSENCE:** Any employee requiring the use of sick leave shall notify the immediate supervisor *no less than* thirty (30) minutes prior to the reporting time if reasonably possible. In the case of a continuing illness, the employee or responsible household member shall contact the immediate supervisor on no less than a weekly basis to keep the supervisor apprised of the approximate date of the ability to return to work. A physician's statement regarding the nature of the illness or injury, the need for the employee's absence and the duration of the absence may be required by the County in the event of absences of three (3) days or more.
- K. **PAYMENT UPON RETIREMENT:** The County shall notify PERS, and PERS shall determine if employees will be granted credit for accumulated sick leave in the form of increased retirement benefits upon service or disability retirement in accordance with PERS regulations.
- L. **TRANSFER OF SICK LEAVE:** Employees who have exhausted their sick and vacation leave benefits may obtain sick leave from other County employees (with their written consent) if they require extended time off for a qualified FMLA/OFLA Leave. Only employees who have accumulated more than one hundred forty (140) hours sick leave may make sick leave contributions, and no employee may contribute more than forty (40) hours sick leave per year to any other employee. The exception is if an employee has more than 500 hours of sick time they may donate up to a cumulative total of 240 hours per year to one or more employee. No employee can receive more than two hundred forty (240) hours of contributed sick leave in any one calendar year. Once an employee has authorized transfer of sick leave to another employee, that transfer is final.
- M. **ABUSE OF SICK LEAVE:** Sick leave abuse includes, but is not limited to, repeated use of unscheduled sick leave or repeated use of sick leave adjacent to weekends, holidays, vacations and paydays. Employees found to have abused sick leave as described here may also be subject to discipline, up to and including termination.

**ARTICLE 19**  
**FAMILY AND MEDICAL LEAVE AND DOMESTIC VIOLENCE LEAVE**

**A. BACKGROUND**

1. It is the policy of Curry County to provide Family & Medical Leave in accordance with applicable law. Curry County's Family & Medical Leave Policy has been designed to consolidate provisions of both State and Federal law, including the Americans with Disabilities Act, in such a way as to allow employees the maximum advantage of both.
2. Eligible employees are entitled to up to twelve (12) weeks of leave per twelve (12) months in a "rolling" calendar year (see Section D (1) below) for one of the following reasons:
  - a. Parental leave to care for the employee's newborn, newly adopted, or newly placed foster child.
  - b. For a serious health condition of a member of the employee's immediate family or defacto parent of the employee. A defacto parent is a person with whom the employee has developed a parental relationship in the absence of a biological or adoptive parent.
  - c. For a serious health condition of the employee.
  - d. Sick-child leave taken to care for an employee's child with a non-serious health condition requiring home care.
  - e. Bereavement leave of up to two weeks to make funeral arrangements, attend the funeral or to grieve an immediate family member or defacto parent who has passed away (OFLA only).
3. An additional twelve (12) weeks leave is available for an illness, injury or condition related to pregnancy or childbirth that disables the employee. Further, employees who use the full twelve (12) weeks of parental leave are entitled an additional twelve weeks to care for a sick child.
5. Employees will be required to utilize any accrued sick leave, vacation leave, personal time, personal days and compensatory time during the twelve week FMLA leave and any qualifying leave under the Oregon Family Leave Act. After all accrued benefits have been exhausted, the leave will be unpaid. Except as otherwise required by law, paid and unpaid leave combined is not to exceed that allowed by FMLA and/or OFLA.

## **B. SERIOUS HEALTH CONDITION DEFINED**

- 1. "Serious health condition" means an illness, injury, impairment or physical or mental condition of an employee or family member:**
  - a. That requires inpatient care in a medical care facility such as a hospital, hospice or residential facility such as a nursing home. When a family member resides in a long-term residential care facility, leave applies only to:**
    - 1) Transition periods spent moving the family member from one home or facility to another, including time to make arrangements for such transitions;**
    - 2) Transportation or other assistance required for a family member to obtain care from a physician; or**
    - 3) Serious health conditions as described in (1) (b) through (h) below.**
  - b. That the treating health care provider judges to pose an imminent danger of death, or that is terminal in prognosis with a reasonable possibility of death in the near future;**
  - c. That requires constant or continuing care such as home care administered by a health care professional;**
  - d. That involves a period of incapacity. Incapacity is the inability to perform at least one essential job function, or to attend school or perform regular daily activities for more than three consecutive calendar days and any subsequent required treatment or recovery period relating to the same condition. This incapacity must involve:**
    - 1) Two or more treatments by a health care provider; or**
    - 2) One treatment plus a regimen of continuing care.**
  - e. That results in a period of incapacity or treatment for a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity, such as asthma, diabetes or epilepsy;**

- f. That involves permanent or long-term incapacity due to a condition for which treatment may not be effective, such as Alzheimer's disease, a severe stroke or terminal stages of a disease. The employee or family member must be under the continuing care of a health care provider, but need not be receiving active treatment;
- g. That involves multiple treatments for restorative surgery or for a condition such as chemotherapy for cancer, physical therapy for arthritis, or dialysis for kidney disease that if not treated would likely result in incapacity of more than three days; or
- h. That involves any period of disability of a female due to pregnancy or childbirth or period of absence for prenatal care.

#### **C. ELIGIBILITY**

1. All Curry County employees who have been employed for one hundred eighty (180) days are eligible for parental leave.
2. For OFLA an employee must work an average of at least twenty-five (25) hours per week during the one hundred eighty (180) days immediately preceding the beginning date of the leave.
3. For FMLA an employee must have worked the previous 12 months and at least 1,250 hours in that 12 months.

#### **D. DURATION OF LEAVE**

1. An eligible employee is entitled to as much as 12 weeks of FMLA/OFLA leave in any "rolling" 12-month period. The "rolling" 12-month period is measured backward from the date the leave is effective. Exceptions include:
  - a. A female employee may take up to 12 weeks of pregnancy disability leave in addition to 12 weeks of OFLA leave for any leave purpose.
  - b. An employee taking the entire 12 weeks of OFLA leave for parental leave may take an additional 12 weeks of sick child leave within the same leave year. If the employee does not consecutively use 12 weeks of parental leave, no additional sick child leave is available, unless the employee has a balance remaining in his/her initial 12 weeks. The employee may also use

this balance for any other OFLA leave purpose. Curry County usually does not allow intermittent parental leave.

- c. As a result of the above a female employee may be eligible to take up to 36 weeks of OFLA in one leave year. The 36 weeks of OFLA leave may be taken, for example, under the following circumstances:

The female employee takes 12 weeks of pregnancy disability leave, followed by;  
12 weeks of parental leave, followed by;  
12 weeks of sick child leave.

- d. A male employee may be eligible for up to 24 weeks of OFLA leave in one leave year, but only under the following circumstances:

The male employee takes 12 weeks of parental leave, followed by;  
12 weeks of sick child leave.

2. Intermittent leave (e.g. one (1) week per month) or a reduced leave schedule (e.g. four (4) or five (5) hours a day) may be provided.
  - a. Such a schedule must be medically necessary to care for a family member with a serious health condition or the employee's own serious health condition.
  - b. Intermittent or reduced schedule leave taken for parental leave must be approved by the Appointing Authority.
  - c. If an employee's request for intermittent leave is foreseeable based on planned medical treatment, the employee may be required to transfer temporarily to an alternative position (with equivalent pay and benefits) in order to better accommodate repeated periods of absence.
3. If an employee has two (2) or more qualifying events occur during a twelve (12)-month period, the employee is still only eligible for a total of twelve (12) weeks of leave with benefits. This period will be determined on a "rolling" twelve (12)-month basis, in which the twelve (12)-month period is measured backward from the date the leave is effective.

#### **E. TOTAL FAMILY BENEFIT**

1. If both parents of a child work for Curry County, the Family & Medical Leave may be staggered so that both employees are not out during the same twelve (12) week period.

2. In the event the leave is to care for an ill parent or parent-in-law, the total family benefit of twelve weeks applies.
3. In instances of other qualifying events, such as an employee's own illness, where both a husband and wife work for Curry County, each employee is entitled to twelve (12) weeks of Family & Medical Leave.
4. Twelve (12) weeks of parental leave must be taken and concluded within one (1) year from the date of birth or placement.

#### **F. CERTIFICATION OF A SERIOUS HEALTH CONDITION**

1. The County will require certification from the attending health care provider for leave to care for an employee's family member with a serious health condition or the employee's own serious health condition.
2. If the serious health condition is related to a family member, the attending health care provider must indicate on the **MEDICAL CERTIFICATION** form that the employee is needed to provide care.

#### **G. HEALTH CARE PROVIDER DEFINED**

A "health care provider" is the person primarily responsible for providing health care to an eligible employee or to a family member of an eligible employee and who is one of the following:

1. A physician licensed to practice medicine or surgery, including a doctor of osteopathy.
2. Podiatrist, dentist, clinical psychologist, optometrist, naturopath, nurse practitioner, licensed physician's assistant, direct entry midwife, nurse-midwife or clinical social worker authorized to practice and perform within the scope of a professional license as provided by law.
3. Christian Science practitioners listed with the First Church of Christ Scientist in Boston, MA.
4. Chiropractor, but only to the extent that a chiropractor provides treatment consisting of manual manipulation of the spine to correct a subluxation demonstrated to exist by X-rays.

#### **H. CONTINUATION OF BENEFITS**

1. Eligible employees are entitled to continued benefit coverage while on approved Family & Medical Leave for up to twelve (12) weeks in any twelve (12) month period.
2. Benefits continue during an approved Family & Medical Leave include:
  - a. Medical, vision and dental coverage
  - b. Prescription drug coverage
  - c. Group term life insurance.
3. An employee will be able to continue contributions to his/her already established payroll deduction items.
  - a. If an employee is in an unpaid status during the leave, s/he will be responsible for paying his/her share of any payroll deduction items, that have been established prior to the leave, on an after tax basis, prior to the due date for each contribution.
  - b. If the employee is in a paid status at the time the premiums and/or payments are normally collected, the employee's contributions will be withheld from his/her pay on a pre-tax basis, if applicable.
4. Leave does not result in the loss of any benefit accrued prior to the date the leave began.

#### **I. FAILURE TO RETURN FROM LEAVE**

1. If the employee fails to return to work at the end of the leave, the County may recoup premiums paid for maintaining the employee's health and insurance coverage.
2. The above mentioned premiums will not be recouped when an employee fails to return to work due to a continuation or recurrence of a serious health condition.
3. In the event that the failure to return to work is beyond the control of the employee, benefits will be subject to the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). COBRA continuation eligibility begins at the end of the twelve (12) week period of continued County paid benefits.

#### **J. SERVICE ACCRUAL AND OTHER BENEFITS**



1. Seniority, longevity, time towards salary increases, sick leave and vacation leave will accrue as usual during paid status during Family & Medical Leave.

#### **K. REINSTATEMENT**

1. If an employee has been on leave due to his or her own serious health condition, the employee must provide the Personnel Officer with a doctors release form prior to returning to work.
2. Upon return from an approved Family & Medical Leave, an employee must be reinstated to his or her former position or an equivalent position if the original position no longer exists.
  - a. An employee may be denied reinstatement to the former position only if the position has been eliminated for financial reasons.
  - b. If circumstances are such that the employee cannot be reinstated to the former position or an equivalent position, the employee shall be reinstated to any other position that is an “equivalent, suitable” position, with equivalent pay and benefits.
3. An employee taking an approved Family & Medical Leave may cancel the leave and notify the Personnel Officer who will notify the Appointing Authority of his/her request to return to work if the conditions of the family member or employee improves and no longer requires constant care.
  - a. Under these circumstances the employee may be reinstated.
  - b. If there is less than one (1) week of the anticipated leave remaining at the time the employee provides notification, the employee may be reinstated at the end of the leave as originally scheduled.

#### **L. REQUEST PROCEDURES**

1. An employee must submit a **REQUEST FOR FAMILY & MEDICAL LEAVE FORM** fifteen (15) days in advance of the start of the leave for situations where the need for the leave is anticipated.

2. In situations where an emergency arises and the need for the leave is not anticipated, the employee must provide notification as soon as practical and complete a request form.
3. In instances where the leave is taken for parental leave, a ***FAMILY & MEDICAL LEAVE REQUEST*** form must be submitted in advance with the anticipated dates on it. A new form must be submitted amending the dates when the actual birth or adoption occurs, if the date is different than the one originally submitted.
4. In instances where the leave is taken for the serious health condition of the employee or family member, the ***FAMILY & MEDICAL LEAVE REQUEST*** form must be accompanied by a ***MEDICAL CERTIFICATION FORM*** as to the need for leave.
5. The Personnel Officer may also, upon receiving information of a qualifying condition, evoke FMLA/OFLA without a formal request. The Personnel Officer will notify the Appointing Authority of any such action taken.

**M. LEAVE FOR QUALIFYING EXIGENCIES FOR FAMILIES OF NATIONAL GUARD AND RESERVES**

1. The National Defense Authorization Act for 2008 (NDAA) amends FMLA to allow military family members (spouse, a registered, same-sex domestic partner, son, daughter, or parent) of people who are on, or about to go on active duty, leave entitlement for any “qualifying exigency”. A “qualifying exigency” is short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, or additional activities where the employer and employee agree to the leave.
2. Military family members using leave for any “qualifying exigency,” do not receive an additional 12-weeks of leave. The leave is subject to the same 12-week limitation and other eligibility requirements under FMLA situations.
3. The NDAA FMLA amendments also allow up to 26 weeks of caregiver leave for a service member who incurs a serious illness or injury in the course of active duty. For this leave only, a “serious injury or illness” is defined as any injury or illness incurred in the line of duty that may render the service member medically unfit to perform the duties of the member’s office, grade, rank or rating.

**N. OREGON MILITARY FAMILY LEAVE ACT (OMFLA)**

1. During a period of military conflict, as defined in ORS 659A.090, an employee who is a spouse or same-sex domestic partner of a member of:
  - a. The Armed Forces of the United States,
  - b. The National Guard,
  - c. Or the military reserve forces of the United States, who has been notified of:
    - i. An impending call or order to active duty, or
    - ii. Impending leave from deploymentis entitled to a total of 14 days of unpaid leave per deployment before deployment and/or during leave from deployment.

An employee who intends to take leave must provide the employer with notice of their intention within five (5) business days of receiving official notice of an impending call or order to active duty or of a leave from deployment.

The eligibility requirements for this leave are different than usual OFLA leaves: The employee need have only worked 20 hours per week (no minimum length of employment required). Military family leave counts against an employee's general OFLA leave entitlement.

#### **O. DOMESTIC VIOLENCE LEAVE**

1. All Curry County employees are entitled to take a reasonable amount of paid or unpaid leave to address domestic violence, sexual assault, stalking, or criminal harassment in accordance with the provisions of ORS 659A.272.
2. The County will grant an employee a reasonable leave of absence if time is needed to deal with issues of domestic violence, sexual assault, criminal harassment, or stalking.
3. Employees shall use accrued sick, vacation, or comp time prior to taking unpaid leave.
4. Curry County offers reasonable safety accommodation to employees who are victims of domestic violence, sexual assault, stalking, or criminal harassment. When an employee requests a reasonable safety accommodation, the County will engage in discussions with the employee about the nature and scope of a reasonable safety accommodation that will best address the particular safety concern affecting the individual employee.

5. Requests for leave and reasonable safety accommodation may only be limited or denied when the employee's leave would create an undue hardship on County operations.
6. An employee who wishes to take leave under this policy must provide certification as provided in ORS 659A.280(4) that the employee or dependent child is a victim of domestic violence, sexual assault, stalking, or criminal harassment.
7. Where feasible, the employee will provide reasonable advanced notice of the intent to take leave.
8. A reasonable safety accommodation may include, but is not limited to, a transfer, reassignment, modified schedule, changed work station or telephone number, workplace facility or work requirement in response to actual or threatened domestic violence, sexual assault, stalking, or criminal harassment.

**ARTICLE 20  
OTHER LEAVES AND REASONABLE ACCOMMODATION**

**A. JURY DUTY**

1. When an employee is called for jury duty on a scheduled workday, the employee shall continue to receive his/her pay, however the employee must transfer all compensation received for the performance of such duty to the County. Compensation monies, when received by the employee, are to be submitted to the Finance Department. Overnight and weekend expenses compensated because of this leave as well as mileage expense shall be retained by the employee.
2. Employees who are excused from jury service or court appearance before the end of their workday shall immediately report their availability for assignment to their supervisor.

**B. APPEARANCE BEFORE A COURT, LEGISLATIVE COMMITTEE, JUDICIAL OR QUASI-JUDICIAL BODY AS A WITNESS: In response to a subpoena or other direction by proper authority when such appearances are in connection with the employee's official duties, reimbursement procedures outlined in Section A (1) will apply.**

**C. MILITARY LEAVE AND MILITARY-RELATED LEAVE**

1. Military leave is granted to all employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and state law. Generally, advanced notice is required before taking military service or training leave.
2. During a period of military conflict, Curry County will provide an eligible employee who is a military spouse or same-sex domestic partner with up to fourteen days of unpaid leave per each deployment of his or her spouse in the Armed Forces, National Guard, or military reserve forces when the spouse: (1) has been notified of an impending call to active duty; (2) has been ordered to active duty; or (3) has actually been deployed. An employee who takes family military leave is entitled to a continuation of benefits while on military family leave and is to be restored to the position the employee held prior to his or her military family leave. Military leave taken under the Act counts as part of the leave taken under OFLA.

3. Eligible employees called for initial active duty for training and for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, may be entitled to leave with pay for all regular workdays that fall within a period not to exceed 15 calendar days in any federal training year. Weekend drill obligations are not considered “federal active duty” for training under this policy.

#### **D. PREGNANCY ACCOMMODATION**

1. Employees who are concerned that their pregnancy, childbirth or a related medical condition (including lactation) will impact their ability to work should contact their Appointing Authority to discuss options for continuing to work and, if necessary, leave of absence options. The County will provide one or more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on the County’s operations.
2. Although this policy refers to “employees” the County will apply this policy equally to an applicant with known limitations caused by pregnancy, childbirth or a related medical condition.
3. Employees who are concerned that their pregnancy, childbirth or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made with the Appointing Authority and should specify which essential functions of the employee’s job cannot be performed without a reasonable accommodation. In most cases, information from the employee’s doctor may be needed to assist the County and the employee in finding an effective accommodation, or to verify the employee’s need for an accommodation. The County and employee must monitor the employee’s accommodation situation and make adjustments as needed.
4. The County prohibits retaliation or discrimination against any employee who, under this policy:
  - A. Asked for information about or requested accommodations;
  - B. Used accommodations provided by the County; or

**C. Needed an accommodation.**

5. Employees who ask about, request or use accommodations under this policy and applicable Oregon law have the right to refuse an accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee doesn't have a known limitation. Under Oregon law, an employer can't require an employee to use sick leave, OFLA or FMLA if a reasonable accommodation can be made that doesn't impose undue hardship on the operations of the County. Also, no employee will be denied employment opportunities if the denial is based on the need of the County to make reasonable accommodations under this policy.

**E. APPOINTING AUTHORITY APPROVED LEAVES OF ABSENCE WITHOUT PAY AND REASONABLE ACCOMMODATION**

1. Appointing Authorities may grant a leave of absence without pay if County business will not be jeopardized. Unpaid leaves of absence under this section will not exceed ninety (90) calendar days, but an exception may be made for employees with significant medical conditions. See also Section E below.
2. Request for leave must be in writing and must establish reasonable justification. Employees seeking an unpaid medical leave of absence will be required to provide documentation from a licensed health care provider indicating (among other issues):
  - a. The need for leave;
  - b. The expected duration of leave; and
  - c. Whether accommodations exist that might allow the employee to return to work.

Employees should request an accommodation from their Appointing Authority as soon as it becomes apparent that one may be necessary to enable the employee to perform the essential duties of a position.

3. Leaves will not be approved for an employee who is accepting employment outside County service.
4. Before an employee is granted a leave of absence without pay, he/she must first exhaust all accrued vacation leave, sick leave (if applicable), compensatory time and any other leave available to him/her.

**F. FAILURE TO RETURN FROM MEDICAL LEAVE:** An employee on medical leave of absence is required to provide written evidence from a physician of their inability to return from leave. (See Section D(2) above). If the employee fails to do so and does not return at the end of the approved leave, the County will make inquiry to determine if a reasonable accommodation may be made. If reasonable accommodation is not available the County reserves the right to terminate the employee.

**G. ABSENCE WITHOUT LEAVE – NON-MEDICAL**

1. Absence of an employee from duty, including an absence for a single day or part of a day, not authorized by a specific granted leave of absence by the Appointing Authority shall be deemed to be an absence without leave.
2. Such absence shall be without pay and the employee will be subject to disciplinary action.

**H. TEMPORARY INTERRUPTION OF EMPLOYMENT**

1. Any temporary interruption of employment because of adverse weather conditions, shortage of supplies or for other unexpected or unusual reasons beyond the control of the employee, not to exceed ten (10) days, shall not be considered a lay-off if, at the termination of such conditions, employees are to be returned to employment.
2. Such interruptions of employment may be charged to accrued vacation leave or compensatory time. If the employee has no accrued vacation leave or compensatory time, it may be recorded as leave without pay.

**I. REVOCAION OF LEAVE IN AN EMERGENCY:** If a Local Emergency is declared to exist, this declaration may have the effect of nullifying leaves and vacations.



**ARTICLE 21  
RETIREMENT  
HEALTH AND WELFARE BENEFITS**

Employees who work less than one half time, temporary employees, seasonal employees and on-call employees are not eligible for health and welfare benefits.

**A. RETIREMENT**

Retirement shall be at the option of the employee. Retirement benefits are subject to the terms of the County retirement plan.

At this time the County participates in the Oregon Public Employees Retirement System.

**B. HEALTH INSURANCE**

The extent of contribution from the County for employee and dependent's health coverage shall be determined on a year-to-year basis by the Board.

Health insurance shall be available to regular part-time employees who regularly work half time or more on a pro-rata basis.

**C. LIFE INSURANCE**

The County shall provide term life insurance and accidental death and dismemberment benefit to all regular employees in an amount to be determined by the County. The County shall assume the entire premium for such coverage.

**D. OPTIONAL INSURANCE COVERAGE**

Eligible employees desiring to participate in other optional insurance programs currently authorized by the County may do so at their own expense through payroll withholding.

Employees on continued non-paid leave status must make their own arrangements with the Finance Department to continue insurance benefits at their own expense, subject to the contract terms and conditions between the County and the insurance carriers and subject to Federal and State laws concerning COBRA and Family and Medical Leave.

**ARTICLE 22  
WORKER'S COMPENSATION**

A. **IN GENERAL:** Employees shall be insured under the provision of the Oregon State Worker's Compensation Act for injuries received while at work for Curry County.

B. **GENERAL BACK TO WORK PROVISIONS:**

1. Policy: For the benefit of both employees and the County, injured workers should return to work as soon as reasonable and safely possible. This policy will aid the County by reducing worker's compensation claims and will benefit employees by showing the County's interest in their continued employment.

a. Modified duty jobs may be identified after obtaining and examining the injured employee's physical limitations or restrictions. "Modified duty" might be the employee's regular job, modified by removing heavier tasks and reassigning these to other employees; a different regular job currently existing at the workplace; or a job that is specifically designed around the employee's restrictions.

b. A modified duty job offer shall be made only when the work is available and of benefit to the County. The modified duty job, if offered, shall end with the date the employee receives a regular release, and may be ended at any time if there is no longer a need for the modified duty work. Each case shall be assessed individually based on need. Modified work may not be implemented in every time loss claim. Wage rate will not necessarily be the same as that of the regular job.

c. On-the-job injuries and occupational diseases shall be handled by a team consisting of the injured employee, his or her supervisor, the Personnel Officer or designee, the insurance company, and the injured employee's physician. The team approach is the most effective method for achieving a return to productive work at the earliest opportunity. Responsibilities of the injured employee, the supervisor, and the Personnel Officer are outlined as follows:

2. Employees:

a. Report all injuries to their supervisor **immediately**. If medical treatment is necessary, employees should go to the nearest facility.

- b. The employee is responsible for providing the doctor's instructions to the supervisor as soon as possible. The employee shall notify the attending physician that modified duty may be available.
- c. Employee and his/her supervisor shall complete forms as soon after the accident as possible. If medical treatment was required, employee shall complete both an incident report and an 801 form.
- d. If employee is not released for regular work, but is released for modified duty, employee shall discuss the possibilities with their supervisor (and/or the Personnel Officer). If an appropriate modified job is developed, whether it is a modified version of employee's regular job or another modified job, employee must report for work at the time designated by the County.
- e. If employee is taken off work completely, or if modified duty is unavailable, employee must report his/her medical condition and his/her progress to his/her supervisor, by phone, every Monday between 8:00-9:00 A.M. Any changes in the reporting requirements must have prior approval.
- f. If employee returns to a modified job, employee must make sure that he/she does not go beyond either the duties of the job or their physician's restrictions. If employee's restrictions change at any time, he/she must notify their supervisor at once and give their supervisor a copy of the new medical release.

**3. Supervisor:**

- a. As soon as supervisor is made aware of an injury, he/she shall coordinate first-aid efforts, if appropriate. Supervisor shall then fill out a written incident report if appropriate, and forward to the Personnel Officer. If medical treatment is obtained, an 801 must be completed and forwarded to the Personnel Officer.
- b. If medical treatment has been provided to the employee, employee shall complete the employee portion of the 801 form. The 801 is also completed if the injured employee wants to file a claim, even if medical treatment is not required. If necessary, a supervisor shall have the employee seek medical treatment first and then return to complete the 801. The employee is responsible for, and shall provide documents regarding any doctor's orders or restrictions to his/her supervisor. The employee has the responsibility to contact his/her supervisor as to their medical condition.

- c. Supervisor shall relay information as he/she receives it to the Personnel Officer regarding the most recent development in medical condition and work status of the employee.
- d. When employee is ready to return to work, supervisor shall make sure he/she has a release.
- e. If employee is on modified duty, supervisor shall monitor the employee to make sure he/she does not exceed restrictions.

**4. Personnel Officer:**

- a. If employee is released with restrictions which prohibit return to work at the regular job, the Personnel Officer shall discuss the possibility of modified duty with Appointing Authorities as soon as possible.
- b. If modified duty is available, the Personnel Officer shall coordinate with Workers' Compensation carrier's Return to Work Consultant and prepare a Job Analysis.
- c. When the physician has signed the Job Analysis, the Personnel Officer shall prepare a formal job offer letter to employee. The letter will note the doctor's approval and will explain the job duties, report date, wage, hours, report time, duration of modified work assignment, phone number, and the location of the modified work assignment. If employee cannot accept offer in person, the Personnel Officer shall send the job offer letter by regular and certified mail. The employee will be asked to sign the bottom of the job offer letter indicating acceptance or refusal of the offered work assignment.
- d. The Personnel Officer shall monitor any modified job by checking periodically with employee's supervisor.
- e. If employee cannot return to regular work and modified duty is not available, the Personnel Officer shall verify that the employee is reporting to supervisor at least once a week.
- f. The Personnel Officer shall coordinate progress on the claim until employee is released for regular work. The Personnel Officer shall relay information to appropriate Workers' Compensation carrier's personnel.
- g. If restrictions change, the Personnel Officer and supervisor shall discuss need to change to the modified job. If change is made, the

Personnel Officer shall contact the Workers' Compensation carrier's Return to Work Consultant to assist with preparation of a new Job Analysis, and repeat step c.

**C. REINSTATEMENT OF INJURED WORKERS:**

1. An employee who has sustained a compensable on the job illness or injury shall be reinstated to the employee's former position upon demand for reinstatement provided the position is "available" and the employee is not prevented from performing the duties of the position.
2. If the former position is not "available", the employee shall be reinstated to any other position which is "available" and "suitable" and for which the employee is "qualified".
3. For purposes of this subsection, "available" and "suitable" and "qualified" are defined as follows:
  - a. "Available" means vacant at the time of the injured worker's demand, or becomes vacant after the injured worker's demand for reinstatement of re-employment, or filled but available under the provisions of the employer's policy and practices or a provision of a valid collective bargaining agreement or under an employer's recall from layoff status under Article 24 Section (B)(1).
  - b. "Suitable" is defined following a consideration of the employer's size, diversity, nature and pattern of job openings and whether the injured worker is qualified to perform the job.
  - c. "Qualified" means that the injured worker meets the minimum standards used by the employer in filling the job, or that the injured worker has previously done the job or the injured worker is qualified for the job with the same training given a new hire in an entry level position.
4. Additionally, the injured employee must be physically able to perform the duties of the former position or the suitable alternative position.
5. A physician's certificate attesting that the employee is physically capable of performing the duties of the former position or suitable alternative position shall be required.
6. The County may require additional evidence of the employee's physical ability if there is basis in fact that the injured employee cannot perform the duties of the position without risk of injury to the employee or others.

7. A demand for reinstatement or re-employment must be submitted in writing to the injured employee's former Appointing Authority and the Personnel Officer no later than the second regular work day following the date specified on the physician's certificate for the employee's return to work.
8. The employee must have received a copy of the certificate on or before the date specified and there can be no intervening medically verifiable disability preventing timely submission to the demand.
9. The County's obligation to reinstate an employee who has sustained a compensable injury is limited to a one time offer of re-employment in a suitable alternative position following submission of a timely demand for reinstatement or re-employment by the injured worker.
10. Employees seeking reinstatement or re-employment under this Section are required to keep the Personnel Officer informed of their correct address.

**ARTICLE 23  
EMPLOYEE PERFORMANCE RATINGS**

**A. EMPLOYEE PERFORMANCE**

1. Standards of employee performance shall be established and administered by Appointing Authorities.
2. The maintenance of such standards is the inherent responsibility of every supervisor.
3. A system of performance evaluation shall be established and utilized as a positive procedure in assisting employees and supervisors in achieving optimum levels of performance.
4. Supervisors are to be familiar with the employee performance evaluation system and procedures established by the County. Supervisors shall use the standard County evaluation form.

**B. EMPLOYEE PERFORMANCE RATINGS**

1. Annual Ratings: At least once each year and within sixty (60) days of an employee's anniversary Appointing Authorities shall review and rate the work performance of each employee, using established performance standards as the basis for the rating. Employees shall be provided with a copy of their rating on a standard form supplied by the County with specific performance standards by each Appointing Authority.
2. Use of Rating: Performance ratings are to be used as a means of communicating to employees their strengths and weaknesses in the performance of their assigned duties. Appointing Authorities shall review the rating with the employee and stress areas for commendation and areas needing improvement. Performance ratings shall be filed in the employee's personnel file.
3. Employee Disagreement with Rating: If disagreement exists between the employee and the Appointing Authority as to the Appointing Authority's evaluation of the employee's work performance, the employee may submit a statement in writing to the Appointing Authority stating the reasons for disagreement. A copy of the statement shall be filed in the employee's personnel file.
4. Evaluation of Department Heads: Department Heads shall be evaluated by their liaison commissioner each year. The evaluation of a Department Head shall take into consideration whether the

Department Head has completed annual evaluations of employees within the Department.

5. Evaluation of County Legal Counsel: Evaluation of County Legal Counsel shall be done by the Board of Commissioners, subject to Oregon Public Meeting Laws.



**ARTICLE 24**  
**RESIGNATION, SEPARATION IN GOOD STANDING & LAYOFF**

**A. RESIGNATION**

1. To resign in good standing, an employee shall give the Appointing Authority at least fourteen (14) calendar days written notice.
2. The Appointing Authority may, upon mutual agreement, waive the fourteen (14) day requirement.
3. The employee, only at the discretion of the Appointing Authority, may withdraw a resignation.

**B. LAYOFF**

1. An Appointing Authority may lay off an employee for any lawful reason including, but not limited to, abolition of a position, shortage of funds or work, material change in duties or changes in an organization unit.
2. Duties performed by laid-off employees may be reassigned to other employees already working who hold positions in appropriate classes.
3. No temporary or permanent separation of an employee from the County as a penalty or disciplinary action shall be considered a layoff.
4. Layoff status employees will, at the time of layoff, be paid for all accrued vacation leave and compensatory time.
5. Layoffs may be made according to relative qualification; retention will be based on skills and abilities.
6. Employees will not have bumping rights based on seniority.
7. Whenever possible, not less than fourteen (14) days' notice will be given to employees scheduled to be separated due to layoff.

**C. RECALL FROM LAYOFF**

1. Employees on layoff status shall be eligible for recall for up to fifteen (15) months from the date of layoff.

2. It shall be the laid off employee's responsibility to maintain a current address and telephone number where they may be contacted for recall.
3. Any laid off employee offered a position with the County shall notify the County of acceptance of the offer within two (2) days of receipt of the offer.
4. The employee must be able to report to work within fifteen (15) days or the employee will forfeit all recall rights.
5. Upon recall, an employee shall have all previously accrued sick leave and previous service time reinstated but shall not receive credit for the layoff period.

**ARTICLE 25  
CONDUCT AND DISCIPLINE**

- A. **EMPLOYEE CONDUCT:** The standard of conduct for all employees in the County service shall be in the public interest as opposed to individual interests. In order to render the best possible service to the general public and to reflect credit on County service, high standards of conduct are deemed essential.

Employment shall be conditioned on good behavior and satisfactory performance of duties. Employees are to maintain a respectful work environment free from discrimination, harassment, sexual harassment, violence, and other offensive or degrading remarks or conduct. It is the responsibility of all employees and agents of the County to treat each other, as well as the public, with courtesy and consideration, to promote an atmosphere of mutual respect and to create a welcoming environment for everyone they come in contact with during the course of their work. All employees while at work must maintain their appearance and conduct themselves in a manner which is appropriate for an employee in public service.

The above expectations are not exhaustive and include, but are not limited to, other similar standards appropriate to professionalism and employee conduct.

- B. **DISCIPLINE:** Disciplinary action in dealing with employee misconduct shall be taken by Appointing Authorities as appropriate. Disciplinary action shall be for any of the causes set forth in this section.
- C. **CAUSE FOR DISCIPLINARY ACTION:** Any action which reflects discredit upon County service or is a direct hindrance to the effective performance of County functions shall be considered good cause for disciplinary action. Improper conduct by an employee in an official capacity tending to bring the County into discredit, or which affects the employee's work performance, or any improper use of the employee's position for personal advantage shall also be adjudged good cause. Good cause includes, but is not limited to, the following:
1. conviction of a felony;
  2. conviction of a misdemeanor which is related to the position held by employee;
  3. violation of Article 42 – County Drug and Alcohol Policy;
  4. insubordination;

5. inefficiency or incompetence;
6. inattention to duty, tardiness, indolence, carelessness, or damage to or negligence in the care and handling of County property;
7. improper or unauthorized use of County vehicles or equipment;
8. claim of sick leave under false pretenses or misuse of sick leave;
9. absence from duty without authorized leave;
10. misconduct in the performance of employee duties;
11. violation of County safety policy or department safety rules;
12. willful giving of false information or withholding information with intent to deceive when making application for employment;
13. violation of any provisions of laws or rules adopted by the Board or any provisions of departmental rules;
14. false filing of claim for on-the-job injury or work related injury.

**D. OFF-DUTY CONDUCT POLICY**

1. Curry County, at all times, seeks to respect the dignity of its employees.
  - a. Nevertheless, when employee conduct, off or on-duty, has the potential to impact the business, or other County employees or the public, the County may need to review that conduct.
  - b. Thus, occasions may arise when, in order to avoid the appearance of favoritism, maintain management objectivity, maintain the ability to effectively manage employees, safeguard people and property, the off-duty actions of an employee must be reviewed.
2. It is not possible to anticipate all off-duty conduct that may relate to the County's business, but this policy will attempt to establish general guidelines. If an employee has any doubts, s/he should feel free to discuss this policy with the Personnel Officer or County Legal Counsel.
3. Some off-duty conduct may result in discipline. Similarly, if off-duty conduct could result in the loss or denial of an operating license for

the County, that behavior may result in discipline up to and including the possibility of termination of employment.

4. Other examples of off-duty conduct that may result in disciplinary action include sexual or other harassment of other employees or citizens, violent acts, use of illegal drugs, disruptive action on County property or at a County event, use of County facilities without permission, disclosure of confidential information, or postings on social media not privileged or protected under law.

#### **E. ADMINISTRATIVE LEAVE**

1. Employees may be placed on Administrative Leave, with pay, if the Appointing Authority feels the employee should be relieved of duties or removed from the workplace pending an investigation.
2. Administrative Leave, while not considered discipline, is commonly used during a discipline-related investigation prior to discipline being administered.

No administrative leave shall extend beyond thirty (30) calendar days unless approved by the Board. The Board shall periodically be kept informed of the status of the Administrative Leave.

#### **F. KINDS OF DISCIPLINARY ACTION:**

Per section B above an Appointing Authority may use any of these disciplinary actions as appropriate. The following list does not create any progressive disciplinary procedure and employees remain employed at will.

1. **Counseling:** The County may need to counsel employees regarding work place performance and behavior. In the event the County needs to take corrective action and counseling, the County will provide any written notice of such with clear notice that the matter is counseling and not formal discipline. The written notice will be maintained in a yearly file only for the purposes of yearly evaluations and will not be placed in the personnel file, however, can serve as notice for further disciplinary actions.
2. **Written Reprimand:** A written reprimand is a formal warning action and places the employee on official notice that failure to correct conduct will result in more severe discipline. This will be placed in the employee's personnel file.

3. **Suspension Without Pay:** A suspension without pay may be imposed. A suspension without pay shall not exceed thirty (30) days at any one time.
4. **Demotion:** Demotion, both in pay and in class, may be used as a form of discipline when termination is not warranted or when the Appointing Authority believes that the employee has the potential for correcting conduct.
5. **Termination From Employment.**

#### **G. REPORTS OF DEVIATIONS FROM OR VIOLATIONS OF STANDARDS**

Deviations from, or violations of, the above standards shall be reported to the Department Head. The Department Head shall conduct an investigation or have an investigation conducted to the extent warranted by the report. After the investigation, the Department Head will confer with the Personnel Officer and County Legal Counsel, and may impose any, all, other, or no discipline allowed under section F, above.

Further, deviations from or violations by a Department Head shall be reported to the Personnel Officer or County Legal Counsel. The Personnel Officer shall confer with County Legal Counsel or the Board Chair, as appropriate.

If you have any questions or concerns about the Respectful Work Environment policy or Complaint Procedures please share them with your Department Head

H. For questions about Elected Officials' conduct see definition 15 - Elected Officials and Article 4, Section B of these rules.

**ARTICLE 26  
DISCRIMINATION COMPLAINTS**

- A. Any person who alleges an act of discrimination by the County regarding employment opportunity with the County, access to service or access to County facilities, may file a complaint with the Personnel Officer or County Legal Counsel as appropriate. The County will promptly investigate the allegation and take appropriate action.**
- B. The complaint may also be filed with the appropriate State or Federal compliance agency.**
- C. Names and addresses of State and Federal compliance agencies may be obtained from the Personnel Officer.**
- D. Curry County will not discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment for the reason that the employee has in good faith reported information that the employee believes is evidence of a violation of a state or federal law, rule or regulation. The procedures outlined in Subsections A-C above also apply to whistleblower complaints.**
- E. Curry County will not tolerate unlawful retaliation against employees for engaging in protected activity. Federal Laws such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the American with Disabilities Act, all prohibit an employer from retaliating against an employee engaged in a protected activity. A protected activity is defined as: opposing an unlawful practice prohibited by employment discrimination laws, or participating in any way in an investigation, proceeding, or hearing of an Equal Employment Opportunity charge. The procedures outlined in Subsections A-C above also apply to retaliation complaints.**

**ARTICLE 27**  
**SEXUAL HARASSMENT AND PROTECTED CLASS HARASSMENT**

- A. It is the policy of Curry County that all employees have a right to work in an environment free of discrimination, which includes freedom from harassment of any kind or sexual assault whether that harassment is based on sex, sexual orientation, pregnancy, gender identity, genetic information, age, race, color, national origin, religion, veteran status, military status, marital status, injured worker status, non-supervisory family relationship, association with members of a protected class, union participation, domestic violence victim status, political belief, physical or mental disability, or any other protected status or activity recognized under Oregon, federal or local law.
- B. The County prohibits harassment of any kind or sexual assault of its employees in any form by supervisors, co-workers, Elected Officials or members of the public.
- C. Such conduct may result in disciplinary action up to and including termination for the employee who harasses others.
- D. With respect to conduct by non-employees, other appropriate action will be taken.
- E. **SEXUAL HARASSMENT:** Sexual harassment can include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or non-verbal communication or physical conduct of a sexual nature where:
  - 1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment.
  - 2. Submission or rejection of such conduct by an individual influences any employment-related Curry County decisions affecting the individual; or,
  - 3. The conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

More subtle forms of prohibited behavior, such as offensive posters, cartoons, caricatures, comments and jokes, language or innuendoes, hugging, or kissing may also constitute sexual harassment when they create or contribute to a hostile or offensive work environment.

- F **PROTECTED CLASS HARASSMENT** includes slurs, jokes or degrading comments concerning sex, age, race, national origin, religion, marital



status, political beliefs, physical or mental disability, and membership in any other protected class.

- G. Employees who have complaints of harassment shall report such conduct to the Personnel Officer or County Legal Counsel, as appropriate.
- H. Employees who observe harassment shall also report such conduct to the Personnel Officer or County Legal Counsel, as appropriate.
- I. The recipient of the report shall be responsible for arranging for an investigation.
  - 1. Where investigations confirm the allegations, appropriate corrective action will be taken as provided in these policies, up to and including termination.
  - 2. The employee who alleged harassment will be informed of the results of the investigation and the sanctions imposed.
  - 3. The Department Head will be notified of the investigation.
  - 4. All employees are expected to cooperate with the investigation.
  - 5. Failure to cooperate with an investigation may lead to disciplinary action up to and including the possible termination of employment.
  - 6. Information provided by individual employees in the course of an investigation will be kept confidential to the degree possible.
  - 7. Providing false information or making false allegations in the course of the investigation is grounds for discipline up to and including the possibility of termination of employment.

Curry County will not tolerate unlawful retaliation (as further described below) against employees for engaging in protected activity (as defined below). Various Federal Laws such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the American with Disabilities Act, all prohibit an employer from retaliating against an employee engaged in a protected activity.

A protected activity is defined as: opposing an unlawful practice prohibited by employment discrimination laws, or participating in any way in an investigation, proceeding, or hearing.

Retaliation may include, but may not be limited to: refusal to hire, promotion or denial of promotion, less desirable working conditions, threats or reprimands, negative job performance evaluations, harassment, adverse treatment, limiting or suspending access to an internal complaint or grievance process, or giving a negative job reference.

Any act of retaliation by an Appointing Authority and/or co-worker may result in serious adverse disciplinary action up to and including termination. Any staff member may file a complaint with the Personnel Officer or County Legal Counsel.

Any retaliation against an individual who files a complaint in good faith or who testifies, assists or participates in any manner in an investigation will not be tolerated even if accusations are not substantiated. All such acts against complainants or other participants shall be reported immediately to the Personnel Officer or County Legal Counsel.

- J. **Nondisclosure or Non-disparagement Agreements:** Under this policy, a nondisclosure agreement is any agreement by which one or more parties agree not to discuss or disclose information regarding any complaint of work-related harassment, discrimination, or sexual assault.

A non-disparagement agreement is any agreement by which one or more parties agree not to discredit or make negative or disparaging written or oral statements about any other party or the County.

A no-rehire provision is an agreement that prohibits an employee from seeking re-employment with the County and allows the County to not rehire that individual in the future.

The County will not require an employee to enter into any agreement if the purpose or effect of the agreement prevents the employee from disclosing or discussing conduct constituting discrimination, harassment, or sexual assault.

An employee claiming to be aggrieved by discrimination, harassment, or sexual assault may, however, voluntarily request to enter into a settlement, separation, or severance agreement which contains a nondisclosure, non-disparagement, or no-rehire provision and will have at least seven days to revoke any such agreement. Requests of this nature will be considered on a case by case basis; such agreements are not appropriate for every situation.

- K. **Time Limitations:** Employees may seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865

or in a court under any other available law, whether criminal or civil. Although the County cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121. A claim for harassment discriminatory conduct under the aforementioned laws must commence **no later than five years** after the occurrence of the violation.

**ARTICLE 28**  
**REPORTING IMPROPER OR UNLAWFUL CONDUCT – NO RETALIATION**

Information concerning County business shall be handled in a manner in compliance with applicable law and assuring confidentiality when appropriate.

A. Employees may report reasonable concerns about Curry County’s compliance with any law, regulation or policy, using one of the methods identified in this policy. Curry County will not retaliate in any way against employees who disclose information that the employee reasonably believes is evidence of:

1. A violation of any federal, Oregon, or local law, rules or regulations of Curry County;
2. Mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health resulting from action of Curry County;
3. A substantial and specific danger to public health and safety resulting from actions of Curry County; or
4. The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further in accordance with Oregon law, Curry County will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body, with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the Curry County Board of Commissioners or other Elected Officials.

**B. EMPLOYEE REPORTING OPTIONS**

1. Employees who wish to report potential improper or unlawful conduct should first talk to his/her supervisor. If the employee is not comfortable speaking to the supervisor, or not satisfied with the supervisor’s response, the employee is encouraged to speak with the Personnel Officer or County Legal Counsel. If the employee is still not satisfied with the response from the Personnel Officer or County Legal Counsel then on approval from County Legal Counsel it may be brought before the Board of Commissioners during Executive Session. Supervisors and Appointing Authorities are required to inform Personnel Officer or County Legal Counsel about reports of improper or unlawful conduct they receive from employees.

2. Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

### **C. ADDITIONAL PROTECTION FOR REPORTING EMPLOYEES**

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of Curry County's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the disclosure must relate to the conduct of a co-worker or supervisor acting within the course and scope of his/her employment. The disclosure must have been made to either:

1. a state or federal regulatory agency;
2. a law enforcement agency;
3. an Appointing Authority with Curry County; or
4. an Oregon-licensed attorney who represents the employee making the report/disclosure.

The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

### **D. POLICY AGAINST RETALIATION**

Curry County prohibits retaliation against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he or she is disclosing information about conduct that is improper or unlawful.

If Curry County were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

### **E. DUTY TO COOPERATE**

All employees are required to fully cooperate with any investigation of a complaint filed under this article. Curry County prohibits retaliation against an employee because he or she participates in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further no Curry County employee will be adversely affected because they refused to carry out a directive that constitutes

fraud or a violation of local, Oregon, federal or other applicable laws and regulations.

**F. NO PROTECTION FOR IMPROPER REPORTING**

This policy is not intended to protect an employee from the consequences of his/her own misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if the County determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity.

Any violation of this policy may result in disciplinary action up to and including termination. All violations of this article shall be reported immediately to the Personnel Officer or County Legal Counsel.

**ARTICLE 29**  
**ATTENDANCE AT MANDATORY MEETINGS**

- A. In accordance with ORS 659.780-659.785, Curry County will not discharge, discipline or otherwise penalize or threaten to discharge, discipline or otherwise penalize or take any adverse employment action against an employee:
1. who declines to attend or participate in an employer-sponsored meeting or communication if the primary purpose of the meeting or communication is to communicate the opinion of the employer about religious or political matters;
  2. as a means of requiring an employee to attend such a meeting or communication; or
  3. because the employee makes a good faith report, orally or in writing, of a violation or a suspected violation of this law.
- B. The above-referenced law does not prohibit Curry County from requiring attendance at meetings that are not primarily about religious or political matters on or off County premises. The law also does not prohibit Curry County from offering meetings, forums or other communications about religious or political matters for which attendance or participation is strictly voluntary.
- C. An aggrieved employee may bring a civil action no later than 90 days after the date of the alleged violation in the circuit court of the judicial district where the violation is alleged to have occurred or where the principal office of Curry County is located.

## **ARTICLE 30 WORKPLACE VIOLENCE**

### **A. PURPOSE**

1. The safety and security of Curry County employees, customers, vendors, contractors, and the general public are of vital importance. Therefore, threats and acts of violence made by an employee or member of the public against another person's life, health, well-being, family, or property will be dealt with in a zero tolerance manner by Curry County.
2. The Oregon Occupational Safety and Health Administration (OR-OSHA) requires employers provide employees with a safe place of employment, free from recognized hazards that are causing or are likely to cause death or serious harm to employees.

### **B. DEFINITIONS**

1. **Zero Tolerance:** Employees who display any violence in the workplace or threaten violence in the workplace are subject to disciplinary action up to and including termination of employment. Members of the public who display any violence in the workplace or threaten violence in the workplace shall be reported to law enforcement officials.
2. **Violence:** Physically harming another, shoving, pushing, harassment, intimidation, coercion, brandishing any weapons, and/or communication of threats or talk of violence in written, electronic, physical, or verbal form.

### **C. GENERAL POLICY**

1. This policy applies to, but is not limited to all employees, contractors, and volunteers of Curry County.
2. The following is prohibited by Curry County:
  - a. Any act or threat of violence made by an employee against another.
  - b. Any act or threat of violence, including, but not limited to, intimidation, coercion, or harassment.



- c. Any act or threat of violence which endangers the safety of employees, customers, vendors, contractors, or the general public.
  - d. Any act or threat of violence made directly or indirectly by words, gestures, or symbols.
  - e. While certain employees of Curry County may be required as a condition of their work assignment to possess or are permitted to carry, as authorized by law, firearms, weapons, or other dangerous devices, it is Curry County policy that employees are to use them only in accordance with departmental operating procedures and all applicable State and Federal laws.
3. Employees are expected to report, to their supervisors, any behaviors that compromise this policy and the County's ability to maintain a safe work environment.

#### **D. POLICY GUIDELINES/PROCEDURES**

1. Report threats of violence.
  - a. Each employee of Curry County and every person on Curry County property is encouraged to report incidents of threats or acts of violence of which s/he is aware.
  - b. In cases where the individual is a County employee, the report should be made to the individual's immediate supervisor, a management level or supervisory employee, if the immediate supervisor is not available, or the Curry County Sheriff.
  - c. Each supervisor shall promptly refer the matter to Curry County Legal Counsel.
  - d. Concurrently, with the initiation of any investigation leading to a proposed disciplinary action, the County shall report the incidents of threats or acts of violence to the appropriate law enforcement agency.
  - e. In cases where the reporting individual is NOT a County employee, the report should be made to the appropriate law enforcement agency.
  - f. Nothing in this policy alters any other reporting obligation established in these Personnel Rules, or in State, Federal or other applicable law.

## **E. INVESTIGATION PROCEDURE**

- 1. An investigation will be conducted immediately. Anonymity and confidentiality for the employee reporting the threat or act will be maintained to the degree possible.**
- 2. Where investigations confirm the allegations, appropriate corrective action will be taken as provided in these Personnel Rules, up to and including the possibility of termination of employment.**
- 3. All employees are expected to cooperate with the investigation. Failure to cooperate with an investigation may lead to disciplinary action up to and including termination of employment.**
- 4. To the degree possible information provided by individual employees in the course of the investigation will be treated as confidential and only provided to those who have a need for the information or when it is required in the course of investigating the complaint.**
- 5. Providing false information in the course of the investigation is grounds for discipline up to and including termination.**

## **ARTICLE 31 SAFETY POLICY**

The Curry County Board of Commissioners is committed to providing, and maintaining a safe and healthy work place for employees and visitors. It believes that accidents can be prevented and every employee is entitled to work under the safest possible conditions.

The County will make every reasonable effort to promote loss prevention activities and will provide safe working equipment, necessary personal protective equipment, and in the event of an injury, secure immediate emergency first aid and/or medical services.

It is the responsibility of every employee, Department Head, and Elected Official to provide for a safe and healthy work area, safe equipment, and safe work practices. We need the full cooperation and effort of everyone to integrate loss prevention activities into both normal and non-routine business operations.

- A. Our intention at Curry County is to establish and maintain an effective loss prevention program and provide a safe and healthful place of employment free of recognized hazards for all employees.
- B. In doing this, we pledge compliance with all Oregon Revised Statutes, State safety codes and occupational safety and health regulations.
- C. Employees are responsible to ensure that all possible precautions are taken to ensure that safety equipment and personal protective equipment and devices are provided and used properly and to report all unsafe acts and unsafe conditions to their supervisor or Facilities Director for corrective action.
- D. A general inspection by the Facilities Director is required to be conducted in all work areas to identify potential hazards that may exist. This inspection shall be repeated whenever the work operation changes.
- E. The County will utilize the efforts and expertise of the Safety Committee as part of its loss prevention program.
- F. Employees should familiarize themselves with the County safety policies and procedures specific to the job they are doing. It is important that these safety policies and procedures be followed.

**G. Safe acts and conditions will be incorporated into our work activities; it is, therefore, required that all of the following loss prevention rules be strictly adhered to:**

- 1. Each worker will report all accidents, injuries and near misses to their supervisor immediately.**
- 2. Each worker knows how to properly and safely operate machinery, equipment, tools or processes required, and associated personal protective equipment which may be required.**
- 3. Each worker will take advantage of all safeguards provided and not by-pass, lock-out, or otherwise render inoperative any safety devices provided for the protection of the operator, machine or others.**
- 4. If a machine is not working properly, the operator is to report any deficiencies to their supervisor.**
- 5. Each operator/employee will be required to wear properly maintained and designed personal protective equipment in specific areas and during specific activities on the job.**
- 6. Wearing of personal protective equipment is mandatory by all who work in areas or job functions that require specific protective equipment use for safety.**
- 7. All employees will always use proper lifting techniques and take advantage of all lifting and material handling apparatus available to them.**
- 8. The Safety Committee will review all incident reports and 801 forms (not to place blame, but to identify the cause) so corrective measures can be taken to prevent a similar occurrence.**
- 9. Any violation or failure to comply with Oregon State Safety Codes, Occupation Safety and Health Regulations and Curry County's loss prevention safe working policy will result in disciplinary action.**

**H. Only through an intensive, cooperative effort between management and employees can we be assured of a successful operation which provides a safe and stable employment for its employees.**

**ARTICLE 32  
EMPLOYEE TRAINING**

- A. **GENERAL TRAINING ACTIVITIES:** Curry County encourages and promotes training opportunities for employees and supervisors to improve the efficiency of County services. The Board will assist Appointing Authorities in meeting the training needs of their agencies and in cooperation with Appointing Authorities will encourage the development of departmental training programs designed to meet personnel needs consistent with the availability of funds.
  
- B. **ORIENTATION OF NEW EMPLOYEES:** Curry County encourages Appointing Authorities to familiarize new employees with their duties and responsibilities, standards of conduct, and to inform them regarding the general functions of County government. The Personnel Officer or his/her designee will provide a brief orientation to all new County employees within ten (10) days of hire.
  
- C. **TELEPHONIC OR ELECTRONIC TRAINING:** Curry County encourages the use of telephonic or electronic training and conferencing whenever possible.
  
- D. All employees will be required to complete National Incident Management Systems (NIMS) in accordance with the policy from Curry County Emergency Management.

**ARTICLE 33  
MISCELLANEOUS PROVISIONS**

**A. EMPLOYEE REPRESENTATION:** Employees shall have the right to form, join, and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining on matters relating to wages, hours, and working conditions in accordance with the Oregon Revised Statutes and with the Oregon State Employment Relations Board rules and regulations.

**B. PROHIBITED POLITICAL ACTIVITY:** The following are prohibited political activities:

1. The restrictions imposed by the law of the State of Oregon (ORS 260.432(2)) on your political activities are that “No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.”

It is therefore the policy of Curry County that you may engage in political activity except to the extent prohibited by state law when on the job during working hours.

2. Complaints of Prohibited Political Activity should be directed to the County Clerk’s Office.

**C. OUTSIDE EMPLOYMENT POLICY:**

1. County employees have the right to engage in any activities, paid or unpaid, outside of County work hours, provided that such activities do not involve personal advantage gained from the employee’s County position and do not otherwise conflict or interfere with an employee’s County position.
2. An employee proposing to accept outside employment shall notify his/her Appointing Authority.
  - a. If the Appointing Authority believes that the proposed outside employment may represent a conflict with the employee’s County duties, the Appointing Authority shall provide the employee with written notice to that effect.

- b. Such notice shall set forth the reasons the Appointing Authority believes the proposed activity to be in conflict with the employee's duties.

**D. USE OF PERSONAL EQUIPMENT:**

1. If an employee desires to use personal property such as occupational tools at the work site, the use of such personal property on the job should first be cleared by the Appointing Authority. If an employee desires to use personal property such as computers, then refer to Article 41.
2. Curry County will assume no responsibility for the repair or replacement of personal property used on the job. An exception is made for Curry County Road Department shop employees who are required to provide their own tools as a condition of employment.
3. Curry County will not reimburse employees for the use of personal property except for the use of automobiles under Article 34, and except as provided above with respect to Road Department shop employees.

**E. SOLICITATION AT COUNTY OFFICES AND WORKPLACES DURING OFFICE/WORKING HOURS:**

1. Soliciting, whether for charitable fund raising or for commercial gain, other than that directly connected to County business, is prohibited at County office and workplaces during office/working hours.
2. County employees shall refrain from patronizing solicitors who are in violation of the above referenced policy during office/working hours.
3. County employees should inform the Commissioners' Office of violations of the Solicitations rule.

**F. LOCKERS AND DESKS**

1. Some Curry County employees are provided lockers and/or desks for use while at work.
2. Such lockers and desks are provided for the convenience of employees, but remain the exclusive property of Curry County. Employees shall have no expectation of privacy while using County property.

3. Curry County reserves the right to open and inspect lockers and/or desks, as well as the contents, effects or articles that are in said lockers or desks.
4. Such inspection can occur at any time, with or without advance notice or consent, either before or after working hours, conducted by any Appointing Authority or his/her designee or other employee designated by the Board.

**G. LOST, ABANDONED OR UNCLAIMED PROPERTY**

1. Any County employee who finds money, goods or other personal property shall immediately notify his/her supervisor, giving information concerning:
  - a. The time and place the property was found.
  - b. The circumstances under which the property was found.
  - c. Whether or not the owner of the property is known.
2. The property shall be given to the supervisor who shall submit a written statement containing the information supplied by the finder to the County Clerk's Office as it relates to ORS 98.005.
3. After there has been compliance with all provisions of the Oregon Revised Statutes and attempts have been made to locate the owner of the found money, goods or other personal property, and the owner cannot be found, the lost item(s) will be returned to the finder.



**ARTICLE 34  
TRAVEL REGULATIONS, ALLOWABLE EXPENSES AND REIMBURSEMENT  
RATES**

**A. COUNTY TRAVEL, MEAL AND LODGING REIMBURSEMENT RATES:**

At times it is necessary for employees to travel to represent Curry County at meetings, attend training sessions or conduct other County business. Curry County encourages the use of telephonic or electronic training and conferencing whenever possible.

1. The County retains the right to determine:
  - a. The mode of transportation utilized by County employees.
  - b. The number, type and availability of County vehicles.
  - c. The process for determining who will be authorized to drive any vehicle on behalf of the County.
  - d. Generally, if available, employees will use County vehicles or public transportation, before using private vehicles.
  - e. For rules on use of County or personal vehicle for County business refer to Article 35 – Curry County Fleet Policy
2. Out-of-County Travel: Often out-of-County travel requires that an employee remain away from his home and work site for more than one day. The following policies apply to such travel and should serve as a basic guide in planning transportation and lodging arrangements.
  - a. An employee shall seek the approval of the Appointing Authority prior to undertaking any out-of-County travel for business or training purposes. Likewise, any arrangements for transportation or lodging must be approved by the Appointing Authority prior to the employee's departure. Further, any arrangements for family members to travel with employees must be approved by the Appointing Authority. County Legal Counsel shall obtain pre-approval for travel from any County Commissioner.
  - b. To minimize transportation costs and maximize the efficiency of use of County vehicles, it is expected that an employee will use a County vehicle as transportation when attending meetings or training outside of Curry County.

- 1) The Appointing Authority may allow use of a personal vehicle when there is a county vehicle available in advance of the proposed travel. Under these circumstances reimbursement shall be paid, on the predetermined most direct route, at the rate of \$0.30 per mile.
  - 2) If no County vehicle is available the County will reimburse the employee for use of his/her vehicle, on the predetermined most direct route, at the IRS business rate.
  - 3) In the event an employee uses a personal vehicle for County authorized business, liability coverage for third party claims is provided under the County auto insurance policy. The insurance coverage by the County is secondary; the insurance coverage under the personal vehicle is primary.
    - a) Personal damage or theft to the personal vehicle (collision and comprehensive insurance), repairs, maintenance or operating costs, personal injury protection and uninsured or underinsured motorist coverage are not available under the County insurance policy or reimbursable by the County and must be provided by the employee, if desired.
    - b) Employees must still provide insurance required under Oregon law to lawfully operate a personal vehicle.
- c. Upon completion of business or training activities outside of the County, it is expected that an employee will return to this workplace as soon as safe and practical.
- 1) If sufficient time remains for the employee to return to his place of work within the regular work period, the employee should return to the County immediately upon the conclusion of the business or training activity.
  - 2) If return travel would extend outside of the regular work period, the employee should consider whether overnight lodging is advisable, based upon such factors as: 1) time of day; 2) weather conditions; 3) ability of the employee to drive home (fatigue, etc.).
  - 3) If an employee wishes to delay his return from an out-of-County business or training activity for personal reasons, the employee shall seek approval from the Appointing Authority prior to the onset of travel. Travel to non-work related places or events may be considered action outside the scope of

employment and is undertaken at the employee's own time and liability.

- d. Travel time is defined as the time required for travel to or from a County business or training activity, either as a passenger or driver of a vehicle. Travel time includes the actual time required for travel together with reasonable breaks for safety and personal hygiene, but does not include time spent for meals or personal business. Employees will be compensated for travel time. (Exempt employees do not receive overtime for travel time.)
  - e. While an employee is traveling out of the County for business or training activities in a County vehicle, the vehicle is available for use by the employee for normal personal activities.
    - 1) Approved personal activities include obtaining meals and services and providing for other usual personal needs.
    - 2) It is expected that personal use of County vehicle will be confined to the immediate area of necessary travel.
2. In County Travel: For in County travel, the rules under Article 34(A)(2)(b) apply.
3. Miscellaneous Travel Provisions:
- a. Whether an employee uses a County vehicle or is authorized to use a personal vehicle on official County business, bridge, road, and ferry tolls, and other expenses such as parking and storage fees shall be reimbursed at cost, if itemized.
  - b. All employees called to work outside their regular work shift shall be reimbursed for all required miles driven directly to and from a work site and the employee's home.
  - c. Claims for maintenance and repair of personal automobiles will not be allowed.
  - d. Individual employees shall be responsible for responding to alleged traffic and parking violations (which result in citations) incurred while a County car is checked out or a personal vehicle is used for County business, and for paying any fines and assessments which result from the violations. Individual employees shall report said moving violations to their Appointing Authority within five (5) working days of return to the workplace.

- 4. Meal Per Diem:** Employees traveling outside of Curry County on official County business may claim reimbursement, on a per diem basis, for meals that are not included in conference or seminar. If employees elect to eat meals other than those provided as part of a conference or seminar, they will be at their own expense. If employees choose to decline a meal provided as part of a conference or seminar, they cannot apply for reimbursement for that meal unless the declination is due to dietary restrictions. Travel costs supported by various state and federal grants normally require special accounting for allowable costs to be tracked at the departmental level. Please consult the latest edition of OMB Circular A-87 for guidance.

When a County employee is required to travel outside Curry County on official County business for more than twenty-four (24) hours, he/she shall receive a daily per diem of \$59.00 for each full twenty-four (24) hour period. Any periods of time less than twenty-four (24) hours will be reimbursed according to the schedule established for employees traveling less than twenty-four (24) hours.

When a County employee is required to travel outside Curry County on official County business for less than a full twenty-four (24) hour period, he/she shall receive reimbursement as follows:

Breakfast	\$13.00
Lunch	\$17.00
Dinner	\$29.00

For any travel time outside Curry County, employees are responsible for meeting with their supervisor and developing and/or submitting a travel plan for the supervisor's approval.

Receipts are not required to support payment of per diem. Although receipts are not required to support per diem, an Appointing Authority can require his/her employees to submit receipts for informational purposes only.

- 5. Lodging:** The cost of lodging while on County business shall be reasonably prudent. Employees accompanied by guests or family members must pay additional expenses above the single rate.
- 6. Out-of- State Travel:**

- a. Except in the event of an emergency, all out-of-state travel for which County reimbursement or payment will be sought must be approved in advance in writing by any Commissioner. Approval shall be considered following review of a written travel plan. The plan must contain the following information:
    - 1) A statement as to the nature and purpose of the trip.
    - 2) A list of dates on which the employee will be gone on the trip.
    - 3) An estimate of expenses or expected expenses for which County reimbursement or payment will be sought. (Example: meals and lodging, airfare, ground transportation, and other expenses related to the out-of-state travel.)
  - b. Approval or denial of County funding of out-of-state travel shall be based upon an evaluation of the following factors:
    - 1) The reasonable necessity in making the trip;
    - 2) Whether there are reasonable alternatives to making the trip;
    - 3) The availability of County funding to finance the trip;
    - 4) The reasonableness of the costs submitted in the travel plan;
    - 5) Whether ongoing County business will be jeopardized by the trip; and
    - 6) Any other relevant factors.
  - c. Unexpected costs or expenses may be paid by the County upon approval of the appropriate authority as described in this article.
  - d. To the extent that they are not inconsistent with this subsection, the rules on out-of-county travel also apply to out-of-state travel.
7. Curry County employees should exercise good judgment and regard for economy while traveling or incurring expenses in connection with County business. Any expenses for which an employee requests reimbursement must be directly and clearly related to the conduct of County business.

## **ARTICLE 35 CURRY COUNTY FLEET POLICY**

In order to maintain an efficient and orderly operation, it is necessary that we have certain rules which everyone is expected to follow. Familiarize yourself with these rules and operating procedures, and consult with your supervisor if any of them are not clear to you. These rules apply to County employees and volunteers who drive on behalf of the County with the exception of those in the Sheriff's Office.

### **QUALIFICATIONS**

To qualify as a driver for Curry County business, drivers must meet the following conditions:

- A. Must be at least 18 years of age.
- B. Must have a valid Driver License. Curry County shall pay the cost of issuance or renewal of a required Commercial Driver License.
- C. Must have in effect a current liability insurance policy for his/her personal vehicle.
- D. Must have knowledge of, and adhere to rules, state and municipal traffic laws and regulations whenever driving for Curry County.
- E. Must have valid Driver License in possession while driving vehicles.
- F. Must be approved by your supervisor to drive on Curry County business.
- G. Must attend a Curry County sponsored defensive driving class at least once every three years.

### **DRIVER ELIGIBILITY GUIDELINES**

Employees for whom driving is an essential part of their job duties found to have an unacceptable driving record may be subject to appropriate disciplinary action, up to and including, termination. Typically, in order to be eligible to drive, an employee must meet the following criteria. Accidents and citations involving off-duty driving in a personal vehicle, as well as on County business in a personal or County vehicle, count for the purpose of these rules.

**Employees must report to their supervisor any change in driving status. Failure to report a suspended license and other "prohibited" action may result in disciplinary action, up to and including, termination.**

- A. No convictions for traffic crimes in any three (3) year period.  
Traffic crimes include:

1. Driving under the influence of alcohol or drugs or on a DUI Diversion
  2. Driving while license is suspended or revoked
  3. Leaving the scene of an accident
  4. Reckless driving
  5. Vehicular manslaughter
  6. Attempting to elude a police officer
  7. Other similar traffic crime.
- B. No more than two traffic violations in separate incidents in any twelve (12) month period.**  
Traffic violations include:
1. Speeding
  2. Failure to obey a traffic control or signal
  3. Improper lane change
  4. Failure to signal
  5. Failure to yield the right of way
  5. Failure to wear a seat belt
  6. Cell phone or texting violation
  7. Other similar traffic violations
- C. No more than one at-fault DMV reportable accident in any three (3) year period. All accidents are considered at-fault unless proven otherwise.**

Volunteers who are required to drive for the County that have an unacceptable driving record shall be terminated from volunteer status that requires driving.

### **DRIVER SUPERVISION**

- A. **Motor Vehicle Records:** Driving records will be checked annually for all employees operating vehicles. Oregon DMV's Automated Reporting System provides updates when an employee's Driver License is modified.
- B. **Accident Review:** All vehicle accidents will be reviewed by the Safety Committee to determine preventability.
  1. A preventable accident is any accident in which the driver failed to do everything he/she could have reasonably done to prevent the accident.
  2. A non-preventable accident is one in which the driver did everything he/she could reasonably have done to foresee the conditions leading to the accident and took suitable safeguards.

3. The involved driver will be advised of the decision and will be subject to a driving performance review with management.

## **MISCELLANEOUS PROVISIONS**

### **COURTESY**

You are expected to show every courtesy and consideration toward other drivers and pedestrians. Your conduct while driving must be such that it will in no way reflect adversely upon Curry County.

### **PERSONAL USE OF CURRY COUNTY VEHICLES**

Curry County prohibits the personal use of County vehicles unless approved by supervisor as outlined in the Curry County Personnel Rules.

### **VEHICLE APPEARANCE/NO SMOKING**

Curry County vehicles need to be kept as clean as possible. State law prohibits smoking in public vehicles. No employee shall smoke or carry any lighted smoking device (i.e. cigarette, vape, e-cigarette, etc.) or use smokeless tobacco products inside any County-owned vehicle, or while driving or operating any County owned vehicles or machinery. Eating in vehicles should be kept to a minimum.

### **SUGGESTIONS**

Curry County will appreciate any suggestions that may improve our safety, service, and working conditions to make our operation more efficient and safe.

### **VIOLATIONS**

You will be responsible for all traffic and parking violations.

### **DISTRACTED DRIVING**

No employee using his/her personal vehicle on official County business, or any County owned vehicle or mechanical device, shall engage in any form of “distracted driving”. As defined in State law drivers must use a hands-free accessory to use a cell phone or other mobile electronic device.

### **PASSENGERS**

Your supervisor must approve all passengers. Generally it is not approved to have family members as passengers in public vehicles. All passengers must wear seat belts.



## **MEDICATIONS**

An employee using medications that limit or affect the employee's ability to operate a motor vehicle must report the use of the medication to the supervisor or Appointing Authority prior to operation of a vehicle. With the signed written consent of the employee the supervisor or Appointing Authority may request a written recommendation from the employee's doctor before determining whether the employee can safely operate a motor vehicle while on County business.

## **SECURITY**

When not in use, a vehicle shall be locked and County equipment shall be stored out of sight.

## **OTHER DRIVERS**

No authorized driver shall relinquish to a non-authorized individual the operation of a County vehicle unless an emergency exists.

## **PERSONAL VEHICLE USE**

When a personal vehicle is used for County business, the owner of the vehicle shall assure the supervisor that the vehicle is in operable mechanical condition.

## **COMMUTING**

Employees may only take County vehicles home when approved by the Appointing Authority and when required by the job. Employees should check with the IRS to ascertain whether the commuting value of the vehicle is a taxable fringe benefit.

## **PETS**

Pets are not allowed in County vehicles. Employees wishing to bring a service animal into a County vehicle must first get permission to do so, and engage in an interactive discussion regarding accommodation options, before bringing the animal into the vehicle. See Article 20 regarding reasonable accommodation.

## **SAFETY**

### **INSPECTIONS**

A pre-trip inspection will be made at the start of each shift to ensure vehicle is in safe operating condition. A post-trip inspection should be made at the end of each shift to effectively report any damage or concern at the completion of the trip.

## SAFE DRIVING

**Be a defensive driver!** A defensive driver is defined as, “One who is careful to commit no driving errors themselves, who makes allowance for the lack of skill or improper attitude on the part of the other driver, and who does not allow hazards of weather and road conditions or the action of pedestrians and other drivers to involve themselves in an accident.”

**Speed:** The maximum speed limit is the “posted speed limit”. Your speed at all times **shall** be reasonable and prudent with due consideration given to weather, other traffic, conditions of the road and intersecting side roads of highways and city roads.

**Striking fixed objects:** In handling your vehicle on the highway, in city traffic, and at loading and unloading spots, remember that striking any fixed object such as abutments, parked cars, loading docks, overhead pipes or hydrants is generally classified as the fault of the driver.

**Passing or meeting a school bus:** When approaching a school bus, be on guard at all times for signals of intention to either discharge or pick up school children. Be on the alert for the actions of these school buses. It is illegal to pass, in either direction, a school bus that is stopped, with red lights flashing, to pick up or discharge passengers. The only exception to this rule is when the roadway is divided by a barrier.

**Pedestrians:** Pedestrians always have the right-of-way. Never take it for granted that they can see you.

### **Safety belts and other safety policies:**

- A. All passengers and drivers are required to wear seatbelts while operating or riding in a vehicle. The driver of the vehicle is responsible for enforcing the use of seatbelts by all occupants. Other vehicle occupants share in this responsibility because seatbelts are proven tools for reducing deaths and minimizing injuries from motor vehicle collisions. Exceptions to this should be stated in separate policy by the department.
- B. Drivers are to comply with all motor vehicle traffic laws while operating a vehicle on business, including laws relating to driving while intoxicated or driving under the influence of alcoholic beverages, illegal substances or medications.

## ACCIDENTS AND INCIDENTS

- A. **YOU MUST REPORT EVERY ACCIDENT TO YOUR SUPERVISOR WITHOUT FAIL, NO MATTER HOW MINOR.**

- B. In case of an accident, contact County Counsel's Office as soon as possible. Be specific about location, time, extent of injury and damage, and where you can be reached.
- C. When appropriate, be sure to get the names of witnesses. If a witness refuses to give his/her name, record the license number of his/her vehicle. Regardless of the facts, admit nothing, promise nothing, and **DO NOT ARGUE**. Give your name, your entity's name and offer to show your license.
- D. When appropriate, have pictures taken if possible. If reasonably appropriate do not move or allow any vehicles to be moved until someone arrives who can verify or witness the position of the vehicles, length and position of the skid marks, and lights on the vehicles if at night.
- E. If you are involved in an accident with an unattended vehicle, you must stop and try to locate the owner. If you cannot locate the owner, you must place a note in or on the vehicle giving your name and entity's name and address.
- F. Information needed to properly complete accident reports are:
1. Location, time, and date.
  2. Make, model, type and license of other vehicles involved.
  3. Registered owner of the other vehicles involved.
  4. Driver's name and address of other vehicles involved.
  5. All occupants' names and addresses in other vehicles involved.
  6. Names and addresses of all possible witnesses.
  7. Name of police station to which accident was reported.
  8. Name of the police officers at the scene.
  9. Name of the insurance company which covers the other vehicles involved.
  10. Names and address of persons injured and the extent of the injury.

### **EQUIPMENT PROTECTION AND MAINTENANCE**

It is the driver's responsibility to make sure vehicles are well-maintained and in safe running condition. This includes adhering to the schedule for routine service that is posted in the windshield of all county vehicles. Drivers are expected to inspect their vehicles.

Inspections should include the following items:

- Brakes – inadequate brakes are no excuse for an accident
- Steering

- Oil level
- Coolant
- Windshield wipers
- Tires
- Wheels
- Lights (headlamps, brakes, makers, signals, reflectors, etc.)
- Mirrors
- Warning devices
- Glass (for cracks and defects)
- Horns
- Under vehicle for oil and water leaks

**ARTICLE 36  
SMOKING RULES**

- A. The purpose of the smoking rules is to reduce the health hazard to County employees caused by inhaling smoke in the work place and to follow Oregon State Law.
  
- B. No employee shall smoke or carry any lighted smoking device or allow such action inside or outside within ten feet of any County-owned or leased buildings except in a designated smoking area as determined by the Board. All designated smoking areas shall be at least ten feet from doorways, windows that can be opened, or air intakes for buildings.
  
- C. No employee shall smoke or carry any lighted smoking device (i.e. cigarette, vape, e-cigarette, etc.) or use smokeless tobacco products inside any County-owned vehicle, or while driving or operating any County owned vehicles or machinery.

## **ARTICLE 37 PARKING RULES**

The County provides off-street parking lots on or adjacent to the Curry County Courthouse block. Therefore, it is the policy of Curry County that on-street parking surrounding the Courthouse is for the use of the non-employee members of the public who visit the Courthouse.

Parking is permitted during normal working hours as follows:

- A. In the County provided lots.
- B. As individually assigned in these lots by action of the Board.
- C. On street parking (for both sides of the street) on Moore, Colvin and Gauntlett Streets surrounding the Curry County Courthouse and Curry County Sheriff's Office is limited to parking by the public and by County employees who do not regularly work in the Courthouse Campus (The Courthouse, Sheriff's Office, County Annex and Colvin building). This does not apply to the County Sheriff's employees who have a designated area to park (red zone) along Gauntlett Street.

Employees who do not regularly work in the Courthouse Campus and who park in the area referenced above shall limit their parking to only such time as is reasonably necessary.

- D. Under no circumstances will parking at any time occur in violation of the posted parking signs, crossings or other markings.

## **ARTICLE 38 EMPLOYEE ETHICS**

County employees shall not participate in any activity that violates the provisions of ORS 244 as it may be amended from time to time.

### **Conflict of Interest**

Curry County employees shall avoid situations that create, potentially create, or give the appearance of creating a conflict with the mission or objectives of Curry County; or could cast doubt upon objectivity between personal interests and the interests of the County.

### **Acceptance of Gifts, Gratuities, Fees**

Acceptance of certain types or forms of gifts is viewed as a conflict of interest.

Gifts, gratuities, loans, fees, or any other items of significant value, may not be solicited by County personnel, or accepted either directly or indirectly, if the acceptance could be considered to influence directly or indirectly the actions of said personnel, or any other person, in any matter of Curry County business.

Significant value is any gift with a market value of \$50. Gifts are not to exceed \$50 per calendar year from any one source.

### **Disclosure**

County employees are required to report any potential conflict of interest to their supervisor or the Personnel Officer or County Legal Counsel.

Information on these laws is available at the Oregon Government Ethics Commission website, <http://www.oregon.gov/OGEC/>.

## **ARTICLE 39 NEPOTISM**

### **A. DEFINITIONS**

For purposes of this Article, the following definitions apply:

1. “Member of the Household” means any person who resides with the public official.
2. “Public Official” means any person who is serving the County as an Appointing Authority, employee, or as a member of a commission or board, or as a volunteer uncompensated personnel.
3. “Relative” means the spouse or domestic partner of the public official, any children of the public official or of the public official’s spouse or domestic partner, and brothers, sisters, half brothers, half sisters, brothers-in-law, sisters-in-law, sons in law, daughters-in-law, mothers-in-law, fathers-in-law, aunts, uncles, nieces, nephews, stepparents, stepchildren or parents of the public official or of the public official’s spouse or domestic partner.

### **B. RULES ON NEPOTISM**

1. Except as provided below, a public official may not appoint, employ or promote a relative or member of the household to, or discharge, fire or demote a relative or member of the household from, a position with the County that the public official serves or over which the public official exercises jurisdiction or control, unless the public official complies with the conflict of interest requirements in ORS Chapter 244.
2. Except as provided below, a public official may not participate as a public official in any interview, discussion or debate regarding the appointment, employment or promotion of a relative or member of the household to, or the discharge, firing or demotion of a relative or member of the household from, a position with the County that the public official serves or over which the public official exercises jurisdiction or control. As used in this subsection, “participate” does not include serving as a reference, providing a recommendation or performing other ministerial acts that are part of the normal job functions of the public official.
3. A public official may not appoint, employ, promote, discharge, fire or demote, or advocate for the appointment, employment, promotion, discharge, firing or demotion of, a relative or member of the household to or from a position as an unpaid volunteer with the County that the



**public official serves or over which the public official exercises jurisdiction or control.**

- 4. A relative or member of the household described in Subsection 1 above may receive reimbursement or expenses provided in the ordinary course of business to similarly situated unpaid volunteers.**

**ARTICLE 40  
TELEPHONE USAGE**

**A. TELEPHONE USAGE**

Employees shall have no expectation of privacy while using County-issued devices.

1. Public perception of Curry County relies primarily on the first impressions of department or office employees, both through in-person contact and by responding to telephone calls. County employees answering the telephone must maintain a polite business-like demeanor to foster a professional image of the County.
2. The Oregon Government Standards and Practices Commission (GSPC) addresses the personal use of publicly owned telephones and cellular phones.
3. When answering a telephone call originating from outside the work site, employees will identify their affiliation with Curry County and with their department or office. Employees are reminded that they should always identify themselves when calling on County business.
4. On occasion, personal calls on non-cellular phones may be necessary, but they should be limited to emergencies or essential personal business and must be brief.

**B. COUNTY-ISSUED CELLULAR TELEPHONES:** As determined by the Appointing Authority employees with a business need for a cellular telephone may be assigned a County-owned phone. Use of cellular phones supplied by the County is restricted to County business. Personal calls (outgoing or incoming) will only be allowed infrequently for limited duration in instances of family emergencies or to communicate the need to stay over at work if these calls cannot be made from a land line phone within a reasonable period of time. These cellular phones remain County property and will be on the cellular telephone plan provided by Curry County. Curry County may audit and monitor phone calls, messages, internet, and other usage. Information, including text messages, on a personal phone used for County business or County issued cell phone may be subject to public record retention and disclosure in accordance with Oregon law.

## **ARTICLE 41 COMPUTER USAGE**

### **A. APPLICATION**

1. This policy applies to the use of any and all computer hardware and software, including all forms of data storage, network resources, and contents thereof (together referred to as “computer facilities”) provided by Curry County.
2. This policy applies regardless of the location of equipment, software, or stored information.
3. This policy is in addition to, and not in lieu of, other policies concerning use of personal equipment and/or the Internet by Curry County employees.
4. Employees shall have no expectation of privacy while using County-issued devices. Curry County may audit and monitor messages, internet, and other usage.

### **B. POLICY**

1. Permission: Use of computer facilities must be authorized by the IT Contract Administrator.
  - a. Users must obtain prior permission from their supervisor and the IT Contract Administrator to use another user’s computer equipment, files, or other forms of access represented by that other account. That supervisor shall notify the IT Contract Administrator via email when users require access to files that are not their own, so that file-access policies can be adjusted to grant access to those files.
  - b. Users should know the County explicitly makes access available to others, providing, however, that all computer and electronic files belong to Curry County and are subject to review by Appointing Authorities. The County reserves the right to trace, review, audit, access, intercept, encrypt, store, block, restrict, screen, delete, recover, restore, publish, or disclose any information on its computers, networks, and/or other devices without notice. Users should always be aware that their work may be a matter of public record and may be subject to disclosure laws and regulations as set by Federal and/or State law or local ordinance.

- c. All computer equipment, computer software and network devices of any sort will be reviewed and approved by the IT Contract Administrator before the equipment will be ordered.
- 2. **Responsibilities:** While Curry County is the owner of all data created on, by, or for users, it is each department's responsibility, in conjunction with IT Contract Administrator, to ensure that equipment, data, files and programs are adequately protected against unauthorized access from other employees or other unauthorized persons. Due diligence shall be practiced to protect against the unintended disclosure to unauthorized entities of any records. We are all responsible for our own action or inaction.
  - a. Departments shall utilize the access controls and other security measures that the County has provided and take prudent and reasonable steps to limit access to departmental accounts.
  - b. Departments should keep passwords and accounts confidential and should change passwords frequently and should avoid using passwords that could easily be guessed. Unauthorized sharing of passwords circumvents network security and is not to be done under any circumstances. Passwords are only effective when kept secret. Violation of this policy shall lead to progressive discipline and/or termination from County employment.
  - c. Employees should not leave their computer unattended without locking them or logging out first.
- 3. **Unauthorized Access to Files and Directories:** Employees shall not engage in any activity that is intended to circumvent computer security controls.
  - a. Such action may lead to progressive discipline and/or termination from County employment.
  - b. Employees may not attempt to crack passwords, to discover unprotected files, and/or to decode encrypted files. This also includes creating, modifying, or executing programs that are designed to surreptitiously penetrate computer systems.
  - c. Employees may not access the accounts of others with the unauthorized intent to read, browse, modify, copy, and/or delete files and directories unless they have been given specific written authorization to do so by their Supervisor or Appointing Authority. The Supervisor or Appointing Authority shall notify the IT Contract Administrator when users require access to files that are not their

own, so that file-access policies can be adjusted to grant access to those files.

- d. Employees shall not use an account for a purpose not authorized when the account was established, including personal and/or commercial use.

#### **4. Unauthorized Use of Hardware and/or Software**

- a. Employees are prohibited from loading any software on any County computer system without prior e-mailed approval from the IT Contract Administrator. That includes commercial, shareware, and freeware software. This is primarily for tracking software licenses. Further, employees are expressly prohibited from using County computers to make illegal copies of licensed or copyrighted software. Copyrighted software must only be used in accordance with its license or purchase agreement. Employees do not have the right to own or use unauthorized copies of software, or make unauthorized copies of software for themselves or anyone else. Attempts to load unauthorized software on a County computer are automatically entered on an Event-log file that shall be referred to the Supervisor and/or Appointing Authority.
- b. Employees are prohibited from using software that is designed to destroy data, provide unauthorized access to the computer systems, or disrupt computing processed in any other way. Using viruses, worms, Trojan horses, and other invasive software is expressly forbidden.
- c. The County has installed anti-virus on all its computer systems, and employees are required to use it. Employees are prohibited from tampering with this software in any way or turning it off. All disks that are inserted into the County's computers must first be scanned for viruses or signs of other forms of malicious software.
- d. All County computers are programmed not to load outside programs. It is against County policy to load unauthorized programs. All computers automatically log attempts to load unauthorized programs and the logs report directly to the IT Contract Administrator. Attempts to load unauthorized software may result in progressive discipline or termination.
- e. The use of applications such as WebEx, GoToMeeting, AcrobatConnectPro and the like are prohibited without prior notification and approval by the IT Contract Administrator. The

rule would not apply in cases where a computer user joins a network-based conference.

5. **Use for For-Profit Activities:** The County's computer systems are for the sole use of the County. The law prohibits employees from using the County's computer systems for personal or private financial gain. This includes future electronic sales of products such as dynamically created maps from the GIS System or sales of future electronic products over the Internet not yet conceived.
6. **Electronic Mail:** The electronic mail system is to be used only for County related business, and is not to be used for personal E-mail. Employees are prohibited from transmitting fraudulent, harassing, or obscene messages and files. Employees shall not send any electronic mail or other form of electronic communication by forging another person's identity or attempt to conceal the origin of the message in any other way.
7. **Harassment:** The County's computer system shall not be used to harass anyone.
  - a. This includes the use of insulting, sexist, racist, obscene, or suggestive electronic mail; tampering with others' files, and invasive access to others' equipment.
  - b. In addition, users of any electronic communication facilities – such as electronic mail, networks, bulletin boards, and news groups – are obligated to comply with the restrictions and acceptable practices established for those specific facilities under applicable laws and policies.
  - c. Certain types of communications are expressly forbidden. This includes the random mailing of messages; the sending of obscene, harassing, or threatening material, or any violation of political campaign laws and/or rules or laws and/or rules concerning the political activities of public employees.
8. **Attacking the System:** Employees shall not deliberately attempt to degrade the performance of the County's computer system or subvert it in any other way. Deliberately causing harm to the County computers, network, servers, and/or networked resources is expressly forbidden.
9. **Theft:** All hardware, software, and computer related supplies and documentation are the sole property of Curry County.

- a. All County hardware, software, computers, monitors, input devices, and/or memory devices must not be removed from their assigned placement with the County without an official record of transfer or decommissioning and must include the approval of the IT Contract Administrator and the Facilities Director in written form with a full description of each device including serial number (if any) and the signature of the Facilities Director and the disposition of each item. This also applies to the transfer of surplus computer equipment to non-County agencies such as non-profits or the like.
  - b. All hardware, software, and computer related supplies and documentation must be disposed of within the guidelines established by the IT Contract Administrator.
  - c. Disposal of old manuals, floppy disks, and other computer supplies and systems should be in accordance with guidelines set by the department and by the IT Contract Administrator. The manuals should be shredded and any memory devices thoroughly erased, for example, to remove any information that could be used by an outsider to penetrate the County's computer systems or inadvertently expose any sensitive or restricted information. If unsure, bring the materials to the IT Contract Administrator for disposal.
10. **Waste and Abuse:** Employees must avoid any activity around their workstations that may result in damage to a computer, software or information. The County's computer systems are a valuable resource, and they should not be abused or wasted. County employees must be considerate of fellow workers if they must share computer resources. Employees shall avoid monopolizing systems and connect time, disk space, and other computer resources. Using the County's computer systems to store personal data and to play computer games is not permitted.
- a. **Networks:** County owned or any other network accessible by County computers – whether local, national or international – shall be used only for County related business. Employees shall refrain from surfing the Internet and engaging in on-line discussions in news groups and bulletin board services not related to County business. Listening to streaming music is forbidden and degrades overall network performance for all users. The only types of streaming media authorized are for official purposes only such as for training or for viewing State or Federal hearings, tele-meetings and the like.

- b. **Enforcement:** The County will investigate any alleged abuses.
- 1) As part of that investigation, the County may access any or all the electronic files and/or event logs of its employees.
  - 2) If the investigation indicates that computer privileges have been violated, the County may limit the access of employees found to be using computer systems improperly, and take disciplinary action up to and including termination of employment.
  - 3) Further, the County may refer illegal abuses to law enforcement authorities.
  - 4) Although Curry County wishes to ensure that the privacy of all its employees is protected, in the course of its investigation, the County may reveal private employee information to the, Personnel Officer, County Legal Counsel, law enforcement, and/or the IT Contract Administrator as necessary to facilitate decisions on enforcement actions.
11. **Employee Responsibility:** Employees are responsible for their own actions. Employees are also required to participate in assuring the legal and ethical use of County computers and user accounts. Any violation of these guidelines should be reported to the employees' supervisor or senior manager, or Appointing Authority.
12. **Workplace Monitoring:** The County has the obligation to ensure that its computer resources are used properly and within the guidelines established by the County. In pursuit of that goal, the County reserves the right to monitor the system for signs of illegal or unauthorized activity. This computer system and all related equipment, networks and network devices (including Internet access) are provided only for authorized use. Unauthorized use will be investigated. This network will be monitored for all lawful purposes, including but not limited to: to ensure their use is authorized, for management of the system, to facilitate protection against unauthorized access, verify security procedures, and survivability and operational security. Monitoring includes active attacks by authorized entities to test or verify the security of this system. During monitoring, information may be examined, recorded, copied, and used for authorized purposes. All information, including personal information, placed on or sent over any County system may be monitored. Evidence of unauthorized use collected by monitoring may be used for



administrative, civil, or criminal action. Use of this networked resource, whether authorized or unauthorized, constitutes consent to monitoring and makes you subject to these rules.

13. **E-Mail/Public Records:** E-mail may be a public record subject to retention and disclosure in accordance with Oregon Law. Employees should be aware of the requirements under the law.
  
14. **Social Networking Policy** There may be occasions when it is appropriate for employees to use social networking in conjunction with County work. Social networking in this context must be first authorized by the Appointing Authority within the department using or about to use the social networking. Technical questions that may arise should be directed to the IT Contract Administrator; legal questions should be directed to County Legal Counsel. The following rules apply:
  - a. Comments containing any of the following forms of content shall not be allowed: spam, advertising, solicitation or promotion of commercial products; advocacy of illegal activity or violence; promotion of political organizations, candidates or ballot measures; contents that violate a legal ownership interest of any other party including but not limited to infringement of copyrights, trademarks or intellectual property rights of others; content that contains libelous, slanderous or defamatory remarks or remarks that promote or foster or perpetuate discrimination passed on a person's age, education, ethnicity, race, family status, gender, national origin, class, physical ability or qualities, religion or sexual orientation; abusive, profane or vulgar language, sexually explicit subject matter or links to sexually explicit content; information that may tend to compromise the safety or security of the public or public systems; and personal attacks.
  
  - b. Any comments posted that do not comply with the above referenced rules or that conflict with Federal, State or local law may be removed from the page, and the employee may be prohibited from future participation.
  
  - c. Social media postings, including deleted postings, are subject to Oregon Public Records disclosure and retention laws.

**ARTICLE 42  
DRUG AND ALCOHOL POLICY**

**A. DEFINITIONS:** For the purposes of the Curry County, Oregon Alcohol and Drug Free Work Place Policy, the following definitions apply:

1. **“COUNTY PREMISES”** includes any of the various County structures, real property, or facilities (including vehicles), but as it relates to alcohol, it excludes the Curry County Fairgrounds and Curry County Parks, for non-work related activities.
2. **“ILLEGAL DRUGS AND ”CONTROLLED SUBSTANCES”** (hereinafter called “drugs”) includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state’s law means:
  - a. Drugs and controlled substances which are not legally obtainable, and
  - b. Drugs and controlled substances which are legally obtainable, but have been obtained illegally.
3. **“REASONABLE CAUSE”** is defined as an articulable belief based on specific facts and reasonable inference drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol, or has used drugs or alcohol in violation of this policy.

**B. STATEMENT OF MISUSE OF ALCOHOL AND OTHER DRUGS:** Curry County considers its employees to be its most valuable asset and is concerned about their safety, health and well-being. Employees who misuse prescription or illegal drugs, or alcoholic beverages pose a risk both to themselves and to everyone who comes into contact with or depends upon them and risks damage to Curry County’s reputation.

Curry County expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective and efficient manner. An employee’s off-the-job as well as on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using drugs and alcohol, to co-workers and others.

The purpose of the policy is:

1. To present Curry County's policy regarding an alcohol and drug free work place.
2. To prevent alcohol use or drug use that adversely affects job performance and/or the working environment.
3. To endorse rehabilitation for employees diagnosed as abusing or dependent upon alcohol or drugs.
4. To provide guidance and training to supervisors in addressing substance abuse issues.
5. To maintain compliance with the Federal Regulations governing the Drug Free Workplace Act of 1988.

**C. PROHIBITED CONDUCT:**

1. **ALCOHOL:** Possession, transfer, use or being under the influence of any alcohol while on County premises, on County time, while driving County vehicles (or personal vehicles while on County business), or in other circumstances which adversely affect County business or safety of County employees or others.

a. The conduct prohibited by this rule includes:

- 1) consumption of any intoxicating liquor during rest breaks or meal periods; or
- 2) if any use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree; or

2. **ILLEGAL DRUGS AND CONTROLLED SUBSTANCES:** Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of drugs on County time, while driving County vehicles (or personal vehicles while on County business), or in other circumstances which adversely affect County business or safety of County employees. Employees may not have any detectable amount of drugs in their system while on County business or County time.

a. The conduct prohibited by this rule includes:

- 1) consumption of any such substance during rest breaks or meal periods; or
- 2) if use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree; or

- 3) the employee tests “positive” for any such substances by screening and confirmation tests, the employee will be deemed “under the influence” for purposes of this rule.

The use of marijuana, which is a Schedule I controlled substance under Federal law, is expressly prohibited under this policy, even if its use is authorized under State law.

#### **D. PRESCRIPTION DRUGS AND MEDICAL MARIJUANA:**

With the exception of medical marijuana, nothing in the rule is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee’s performance or County operations.

Employees must inform their supervisor about any prescription drugs that they are using which could adversely affect their physical or mental faculties to any perceptible degree. In an employee’s use of such prescription drugs could adversely affect County operations or safety of County employee or other persons, County may reassign the employee to other work or take other appropriate action to accommodate the physical or mental effects of the medication.

The use of marijuana, which is a Schedule I controlled substance under Federal law, is expressly prohibited under this policy, even if its medical use is authorized under State law. Employees who use medical marijuana in connection with a disability should discuss with the supervisor other means of accommodating the disability in the workplace, as the County will not agree to allow an employee to use medical marijuana as an accommodation

#### **E. EMPLOYEE RESPONSIBILITIES:**

1. Each employee is responsible for managing his/her own behavior in compliance with this policy. If an employee suspects that he/she has an alcohol or drug problem, the employee is expected to seek assistance for that problem *before* it leads to disciplinary action. Once a violation of County policy is discovered, the employee’s willingness to seek assistance will not “excuse” the violation and generally will have no bearing on the determination of appropriate disciplinary action. All employees are encouraged to support co-workers in seeking assistance for problems that adversely impact work environment, safety, health and job performance.

2. In the event an employee is diagnosed as alcohol or drug dependent the employee is responsible for following the recommendations of an approved treatment program.
  3. As a result of disciplinary action arising from an alcohol or drug problem, an employee may be required to participate in a drug or alcohol evaluation. An employee who is so required will be evaluated for drug and alcohol use by a State approved treatment provider. As a result of this evaluation treatment may be required.
  4. An employee who successfully completes a treatment program for substance abuse will be subject to random drug and/or alcohol testing for a period of two (2) years after returning to work. Any employee who tests positive for alcohol or drugs is subject to disciplinary action up to and including termination, and will be held responsible for the expense of positive tests.
  5. Employees are required to report any arrest or conviction for illegal drugs or controlled substances to their supervisor at the beginning of the next scheduled work day following the event. It is understood that an arrest, in and of itself, shall not be considered just cause for discipline.
- F. **EMPLOYER RESPONSIBILITIES:** The County may, upon request, grant leave to permit the employee to participate in a drug or alcohol abuse assistance or rehabilitation program. The employee shall use his/her accrued compensatory time, sick and vacation leave, in that order. If accrued paid leave is exhausted, the employee may be placed on leave without pay per the personnel rules. All of the provisions of the sections concerning unpaid leaves of absence shall apply to any such leave.
- G. **TESTING FACILITIES:** The County will use reasonably accredited testing facilities for alcohol and drug testing under these policies and procedures.
- H. **TRAINING:** Supervisors and other management personnel will be trained through a State accredited provider to recognize appropriate symptoms which indicate reasonable cause to conclude that an employee may be working under the influence of alcohol or drugs and to administer these policies and procedures in a reasonable, consistent, confidential and effective manner.
- I. **RIGHT TO SEARCH:** When reasonable cause exists to believe an employee has violated the terms of this policy regarding possession, sale or use of drugs or alcohol, the County reserves the right to inspect and/or search the employee's possessions on County property,

including but not limited to, clothes, locker, lunchbox, toolbox and desk. Refusal to submit to any such inspection shall constitute misconduct.

**J. RIGHT TO TEST:**

When there is reasonable cause to believe that an employee is using or is under the influence of alcohol or controlled substances during work hours, the employee in question may be required to submit to a drug and/or an alcohol test at the County's expense. (See Attachment B – Consent to Drug/Alcohol Testing, which is incorporated by reference)

Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:

1. a pattern of abnormal or erratic behavior;
2. information provided by a reliable and credible source;
3. a work-related accident;
4. direct observation of drug or alcohol use;
5. presence of the physical symptoms of drug or alcohol use (i.e. glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
6. unexplained significant deterioration in individual job performance;
7. unexplained or suspicious absenteeism or tardiness;
8. employee admissions regarding drug or alcohol use; and
9. unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

Supervisors should detail in writing the specific facts, symptoms or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or drug testing of an employee or a search. This documentation shall be forwarded to the Personnel Officer or County Legal Counsel. Whenever possible, supervisors should locate a second employee or witness to corroborate his/her "reasonable cause" findings.

**K. DUTY TO COOPERATE:**

All employees are expected to cooperate with any requested drug or alcohol testing. Refusal to cooperate shall constitute misconduct. Any reasons for refusal shall be considered in determining the appropriate disciplinary action. For drug testing, typically with a urine test, an employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test using a gas chromatography/mass spectrometry (GC/MS) test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive results, the employee shall be notified of the results in writing

by the appropriate Appointing Authority or designee. An employee may elect a blood test if reasonably available at the time of testing. The letter of notification shall state the particular substance identified by the laboratory tests. If a confirmed body fluid is positive, the County will instruct the laboratory to retain the body fluid sample for a period of not less than thirty (30) calendar days from the date the tests are complete for the purpose of allowing the employee to conduct an independent test at his or her own expense at a laboratory approved by the County.

**L. LAST CHANCE AGREEMENT**

As an alternative to other allowable discipline under these rules an employee in violation of this article may be given a last-chance agreement whereby an employee who would otherwise be terminated is provided an opportunity to address their identified issue. The Last Chance Agreement shall be written to inform the employee of the problems noted with their performance and to specify the performance required for the employee to achieve in order to continue to be employed by Curry County. Violation of the provisions of a Last Chance Agreement shall result in immediate termination of employment, notwithstanding the provisions of any other personnel rule.

**M. PRE-EMPLOYMENT TESTING:**

1. Successful applicants for safety sensitive positions in Curry County (as determined by the County) are required as a condition of employment to consent to drug/alcohol screening at the County's expense prior to being considered for employment. Applicants who refuse to consent to the required testing will not be considered for employment.
2. Applicants who fail the required tests will not be considered for employment for a period of six (6) months. This period may be waived if the applicant completes an evaluation by a qualified Alcohol & Drug counselor and completes an acceptable rehabilitation program and presents proof of completion. Applicants who have successfully completed an acceptable rehabilitation program are subject to retesting at any time during the following two years of employment. An applicant who fails a second test will not be reconsidered for a period of one year.
3. This section shall not apply to intra-county job changes such as promotion, interdepartmental transfers, etc.

**N. POST-ACCIDENT TESTING: Employees are subject to testing when they cause or contribute to accidents that seriously damage a County**

vehicle, machinery, equipment or property or result in an injury to themselves or another employee requiring offsite attention.

O. **SPECIFIC DRUG AND ALCOHOL PROCEDURES:** The specific County alcohol and drug procedures are found in Attachment “A” which is incorporated by reference.



## **ATTACHMENT A**

### **CONFIDENTIALITY PROCEDURE FOR ALCOHOL AND DRUG POLICY**

- A. Employee and applicant: Alcohol and drug information such as that relating to testing and treatment is confidential. Disclosure of such information to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee.**
- B. The County will maintain confidential employee and applicant information in separate files, with limited access.**
- C. Employees shall respect the needs and rights of recovering employees to maintain confidentiality and to actively engage in an ongoing recovery program.**
- D. Employees who may require counseling and/or related assistance should be advised that the Curry County Personnel Officer is a resource to identify various counseling or assistance providers.**

## **EMPLOYEE MEDICATION USE REPORT PROCEDURES**

- A. Employees are responsible for notifying their direct supervisor when taking medications that may prevent them from safely performing their work duties.**
- B. Any such notification must be kept confidential from all except those with a need to know or those approved by the employee.**
- C. For notification purposes an employee must use the “Confidential Legal Drug Use Notice” form or other written notice which contains essentially the same information.**
- D. A supervisor does not need to know which drug the employee is taking or who the employee’s doctor is.**
- E. If the employee determines that the medication will prevent him/her from performing his/her job safely and adequately in the short term, then the employee may be granted:**
  - 1. Accumulated compensatory leave**
  - 2. Sick leave (refer to the Personnel Rules)**
  - 3. Vacation leave**
  - 4. Leave without pay (refer to Union contracts or County Personnel Rules)**

or an employee’s work duties may be temporarily altered to allow the employee to remain at work and perform his/her duties safely and adequately.

- F. If the medication will not permit an employee to perform his/her job safely and adequately for a long term and no reasonable accommodations to the employee’s condition can be made, it may be necessary to release the employee from his/her employment with Curry County. Please consult with the Personnel Officer or County Legal Counsel.**

**CONFIDENTIAL**

**MEDICATION USE NOTICE**

**Part I**

\_\_\_\_\_  
Employee Name (print or type)

In accordance with the Curry County Alcohol and Drug Free Work Place Policy, I am notifying my supervisor that I am taking a legal medication that may prevent me from safely performing my required duties.

I am taking medication which has the following possible side effects: \_\_\_\_\_

\_\_\_\_\_

I believe that the use of this medication \_\_\_\_\_ prevent me from  
(will/will not)  
performing my job safely and adequately. Explain: \_\_\_\_\_

\_\_\_\_\_

**Part II**

\_\_\_\_\_  
Supervisor Name (print or type)

Due to the above information the following action will be taken: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

**REPORT PROCEDURES FOR ARREST, CONVICTION, OR LICENSE  
SUSPENSION DUE TO DRUGS OR ALCOHOL**

- A. Employees are required to report any drug or alcohol related arrest, conviction, or license suspension to their supervisor at the beginning of their next scheduled work day following the event.**
- B. This information may be reported on the form provided or may be written if it contains essentially the same information.**
- C. The supervisor, in consultation with the Appointing Authority for the department and the Personnel Officer or County Legal Counsel, must determine if the event is a violation of the Curry County Alcohol and Drug Policy and/or a violation of Article 25 (A) in the Curry County Personnel Rules. If the event is a violation of these policies/rules then disciplinary action must be taken in accordance with Union Contracts, Personnel Rules, and Alcohol and Drug Policies.**

**ARREST, CONVICTION OR LICENSE SUSPENSION REPORT FORM FOR  
DRUGS OR ALCOHOL**

\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor Name

\_\_\_\_\_  
Time

\_\_\_\_\_  
Date of Arrest/Conviction/License Suspension (circle one)

\_\_\_\_\_  
Place of Arrest/Conviction/License Suspension (circle one)

Arresting Department and Officer: \_\_\_\_\_

Reason for Arrest/Conviction/License Suspension: \_\_\_\_\_

Employee Statement: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Court Date: \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**ATTACHMENT "B":  
CURRY COUNTY  
CONSENT TO DRUG/ALCOHOL TESTING**

As a condition of my continued employment with Curry County, I consent to take a drug and/or alcohol test as required by the terms of the Curry County Drug and Alcohol Policy.

By signing below, I hereby consent and agree to the following:

1. I understand that I will be notified of the results of all tests conducted.
2. I understand that in the event that my specimen/sample tests positive for drugs or alcohol, I will be given an opportunity to provide an explanation regarding the positive test result.
3. I understand that the test results will be released to the Personnel Officer, and those results will remain in confidence, except as needed in any disciplinary or grievance procedure (arbitration), or as otherwise ordered by a state or federal court.
4. I understand that in the event that the test results are positive for drugs and/or alcohol, Curry County shall require that a certified laboratory conduct a second confirmatory test from the "same sample". This confirmatory test must also be positive before concluding that I have such a substance(s) present in the body.
5. I understand that the consequences of a confirmed positive test results for a controlled substance, including marijuana, will result in disciplinary action, up to and including termination.
6. I understand that the consequences of a confirmed positive test result for alcohol will result in disciplinary action, up to and including termination.
7. I understand that I may provide a list of legally prescribed and over-the-counter medications, which may be in my body.
8. I understand that the **consequence for refusing** to consent to the breathalyzer, urinalysis, and/or blood screen test will result in suspension and/or termination. I further understand that if I tamper with the specimen provided for testing, or otherwise violate my employer's policy on drug testing, I will be subject to discipline up to and including termination. An alleged lack of reasonable suspicion is not grounds to refuse to submit to a test.
9. I understand that I may request the presence of a representative to witness the test, but that the test will not be delayed unreasonably in order to wait for a representative. Further I understand that the absence of a representative is no grounds for my refusal to consent to submit to the testing and that a representative will not be allowed to disrupt or interfere with the testing.

**Employee Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Employee Signature:** \_\_\_\_\_