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FILED

AT 10 O'CLOCK M

JUN 6 - 1974

D. M. PENFOLD, Director of the

Records and Elections of Lane County
BY *Walter R. ...* DEPUTY.

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY,

ORDINANCE NO. 7-74

IN THE MATTER OF AMENDING CHAPTER
2 OF LANE CODE TO CLARIFY APPEAL
PROCEDURES UNDER THE MERIT SYSTEM

The Board of County Commissioners of Lane County ordains as follows:
Chapter 2 of Lane Code is hereby amended by removing and substituting
the following pages:

REMOVE THESE PAGES

- 2.220 - 2.250
- 2.270 - 2.290 to
- 2.290 - 2.290 (two pages)

INSERT THESE PAGES

- 2.220 - 2.250
- 2.270 - 2.285 to
- 2.290(3) - 2.290(4) (four pages)

Said pages are attached hereto and incorporated herein by reference. The
purpose of these substitutions is to clarify appeal procedures under the
merit system.

Enacted this 5th day of June, 1974.

APPROVED AS TO FORM
DATE 5/21/74
Tom ...
OFFICE OF COUNTY COUNSEL

Frank ...
Chairman, Lane County Board of
Commissioners
Lee A. Taylor
Recording Secretary for this Meeting of
the Board

In the Matter of Amending Chapter 2 of Lane Code to Clarify Appeal Procedures
Under the Merit System

2.220

Lane Code

2.250

Merit System

2.220 Merit System. The intent of sections 2.220 to 2.290 is to provide a Merit System of personnel administration, including: the appointment and promotion of County employees on the basis of merit and fitness; a classification plan for positions in the classified service; an equitable compensation plan; and a system to facilitate the handling of other personnel matters on the basis of merit.

2.225 Application. The provisions of sections 2.220 to 2.290 and the rules adopted pursuant thereto shall apply only to the classified service of the County as established in Section 28 of the charter, unless expressly provided therein.

2.230 Creation and Tenure of Personnel Review Board. There is hereby created a Personnel Review Board which shall be composed of three persons. The term of office of each member shall be three years, except that the term of office of a member appointed to fill a vacancy in the office shall be for the unexpired term of the office wherein the vacancy occurs.

2.235 Appointment to the Review Board; Qualifications. All members of the Personnel Review Board shall be appointed by the Board and be residents of the County. No member shall be an employee of the County, officer of the County government, or an officer of any political party.

2.240 Responsibilities of the Review Board. It shall be the responsibility of the Personnel Review Board to:

- (a) Elect its own Chairman,
- (b) Hear appeals and certify its findings to the Board and to the official from whose action the appeal was taken in accordance with the rules of procedure set forth in this subchapter, and
- (c) As requested by the Board of Commissioners conduct any inquiry related to the administration of personnel in the classified service.

2.245 Time of Meeting; Quorum. The Personnel Review Board shall designate its own time and place of meeting, except that it shall meet on call of the Chairman, two of its own members, or the Board. Two members shall constitute a quorum for the transaction of business.

2.250 Administration. The Board of Commissioners shall be responsible for the administration of the Merit System. For the purpose of obtaining assistance in the administration of the Merit System, the Board may designate a County employee, appoint a full or part-time

2.270

Lane Code

2.285

promote such persons as may be needed without regard to subsection (1) of this section for a period not to exceed thirty (30) calendar days.

2.275 Probationary Period.

(1) Appointment Probationary Period. The first year following an appointment in the classified service shall be a probationary period, during which time an employee may be dismissed at any time without right of appeal. Employees shall be given permanent appointment upon successful completion of the probationary period.

(2) Promotional Probationary Period. The first year following a promotion in the classified service shall be a probationary period, during which time an employee may be demoted to his former classification at the discretion of the appointing authority. Employees shall be given permanent appointment to the new classification upon successful completion of the probationary period.

2.280

Tenure. The tenure of every employee shall be conditional on satisfactory behavior and performance of duties:

(a) Any employee may be dismissed or demoted on the basis of merit and fitness. If an employee holds permanent appointment to his position, the authority making the dismissal or demotion shall, after receiving a written request by the said employee, submit within five (5) working days, a written statement to the employee and to the Personnel Review Board explaining the reason for the action.

(b) Whenever there is a lack of work or lack of funds requiring reduction in the number of employees in a Department or Division of County government, the required reduction shall be made in such classifications as the appointing authority may designate. Employees within the Department or Division holding positions in classes being reduced shall be laid off on the basis of relative merit and fitness, with due consideration to length of service.

2.285

Suspension. An employee may be suspended without pay by the appointing authority for disciplinary reasons but such suspension shall not exceed a total of thirty (30) working days in any calendar year. Such action of the appointing authority is subject to the appeal procedures set forth in section 2.290.

2.290(1)

Lane Code

2.290(3)

2.290

Appeal Procedure.

(1) It is the County's opinion that the great majority of employee relations problems arise because of a simple misunderstanding. Because these misunderstandings often may lead to major grievances if left unattended, the County believes that employees not only have a right, but an obligation to bring these differences of opinion to the attention of County Management. In return, the County accepts the responsibility of answering such questions promptly.

(2) To provide for the prompt resolution of such questions, the County has agreed to established grievance procedures for the use of permanent employees (as defined in LN 2.225) who are members of bargaining units, and have included such procedures in the respective working agreements.

(3) For those permanent employees who are not subject to grievance procedures in working agreements, or any employee alleging discrimination on the basis of race, color, religion, national origin, sex or age, the following procedure shall apply:

Step 1. Should a question arise regarding the application of established rules, regulations, policies or procedures, the employee shall, within five (5) working days of the occurrence of the disagreement, present and discuss, with his or her immediate Supervisor, the particulars of the disagreement. The Supervisor will respond to the question in person, as promptly as possible, but in no event later than three (3) working days from receipt of the original question.

Step 2.

(a) Should the Supervisor fail to respond within three (3) working days, or should the employee indicate dissatisfaction with the response submitted by the Supervisor, the Supervisor shall inform the employee that the question may be appealed. If the employee indicates a desire to exercise appeal, the Supervisor shall submit in writing, the original question and the Supervisor's response to the applicable Department Head for review.

(b) The Department Head shall meet with the employee to discuss the question, and shall make every effort to resolve the issue within five (5) days and in any event, will furnish a written reply to the employee in the same five (5) days.

Step 3. Should the employee consider the response of the Department Head to be unsatisfactory, the employee may, within five (5) working days of receipt, submit a request to the Personnel Director for an investigation.

2.290(3)

Lane Code 7

2.290(3)

The Personnel Director, on behalf of the Board of County Commissioners, shall conduct an investigation of the matter, and attempt to resolve the issue within five (5) days, and shall make a written report of his/her findings to the employee, the appointing authority and the Board of County Commissioners.

Step 4.

(a) Any permanent employee who is not a member of a bargaining unit and who is suspended, demoted or dismissed, or any employee who alleges discrimination on the basis of race, color, religion, national origin, sex or age, and who, only after completion of the above procedure, is in disagreement with the finding of the Personnel Director, may appeal such finding to the Personnel Review Board within five (5) days of receipt of the finding.

(b) The Notice of Appeal shall be in writing, and shall set forth the reasons the findings of the Personnel Director are thought to be improper. The Personnel Review Board shall furnish a copy of such notice to the appointing authority and to the Personnel Director no less than ten (10) calendar days in advance of the hearing.

(c) The Personnel Review Board shall conduct a hearing within thirty (30) days of the appeal, and shall notify the employee and the appointing authority of the time and place of the hearing no less than five (5) working days in advance of the hearing. Every effort shall be made to maintain an atmosphere which is both comfortable for the employee and which allows the employee full opportunity to explain his or her position, and to this end, the hearing shall be conducted in the most informal manner possible and, wherever practicable, away from a formal setting.

(d) In addition, no persons, except witnesses, parties or the designated representatives, shall be permitted to attend the hearing; nor shall any release of information regarding the matter, nor subsequent Personnel Review Board findings or orders, be released to the news media except at the request of or permission by the employee.

(e) The Personnel Review Board shall not be bound by, nor adhere to, formal rules or procedures, but shall adopt a posture of reviewing all pertinent, relevant and useful facts which responsible persons are accustomed to reviewing in serious affairs, to permit a full understanding and resolution of the problem, including a discussion of the matter with the employee and with any other persons the employee wishes to present who have facts relevant to the

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75-4256

2.290(3)

Lane Code

2.290(4)

matter; an examination of documents relevant to the matter; and discussion of pertinent points with any person during the hearing the Board deems appropriate.

(f) All testimony received by the Personnel Review Board shall be given under oath. The Chairman or Acting Chairman of the Personnel Review Board has the authority to administer oaths and subpoena witnesses in accordance with ORS 44.120(3) or its successor provisions.

(g) Personnel Review Board hearings shall be reported by a court reporter as arranged by the Personnel Division. The appellant employee and the court can obtain transcripts by making their own arrangements with the court reporter who reported the hearing.

(h) The Personnel Review Board shall have no authority to alter, modify, vacate or amend any lawfully established rule, regulation, policy or procedure, nor shall the Board decide on any condition which is not specifically established as a rule, regulation, policy or procedure, but shall specifically be limited to decisions of fact respecting the uniform application of such rules, regulations, policies or procedures.

(i) The Personnel Review Board shall certify its findings and issue an order to the Board of County Commissioners, via the Personnel Director, and to the employee, within ten (10) days following the conclusion of the hearing; such findings and order to be conclusive and binding on all parties subject to the conditions of paragraph (e), above.

(4) Any employee electing to employ the above procedure in the resolution of a question may, at his or her option, elect to designate a representative to act on his or her behalf.