

# COOS COUNTY EMPLOYEE HANDBOOK

*Successful, safe and healthy citizens and communities*



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## **1.0 INTRODUCTION**

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The Coos County Commissioners value the public service provided by the employees of Coos County. This handbook is a collective representation of Coos County personnel policies and procedures that govern the employment relationship between Coos County and its employees, and should be used as a guide on employment related matters.

Employees are encouraged to read this handbook carefully and keep it for future reference. If questions arise, employees are encouraged to reach out to their Supervisor for guidance, or directly contact the Coos County Human Resources Department.

Personnel policies may be modified, revoked, or added to at any time at the sole discretion of the Board of Commissioners, with or without prior notice. Any revisions will substitute and replace prior policy or procedure statements. Unless otherwise stated, all employees will be subject to the new addition, deletion or changes regardless of date of hire. Neither the text of these policies, nor that of any policy or procedure statement of Coos County, is intended to be, nor should be construed as a contract of employment or as a contract guaranteeing continued employment or benefits.

Unless otherwise stated in a collective bargaining agreement or individual employment contract, County employees are engaged in "at will" employment relationships. This means that either the employee or the County may terminate the employment relationship at any time with or without reason or notice.

Throughout this Handbook, the term Department Head may also refer to Elected Official. The term Supervisor may also refer to Manager.

This Handbook is not intended to be all-inclusive of every situation. In the event portions of this Handbook are/or become inconsistent with the provisions of a collective bargaining agreement, a Coos County policy or resolution approved by the Board of Commissioners during a public meeting, or the law, the terms of the collective bargaining agreement, policy, resolution, or law will control to the extent applicable.

The County is an equal opportunity employer and is committed to complying with all applicable federal, state, and local employment practice laws. Coos County strictly prohibits and does not tolerate discrimination against employees, applicants, or any other covered persons because of race, color, religion, creed, national origin or ancestry, ethnicity, sex (including pregnancy and sexual orientation), gender (including gender nonconformity and status as a transgender individual), age, physical or mental disability, citizenship, past, current, or

prospective service in the uniformed services, genetic information, or any other characteristic protected under applicable federal, state, or local law. All Coos County Elected Officials, employees, volunteers, interns, and representatives are prohibited from engaging in unlawful discrimination. The County endeavors to maintain a harassment-free, drug & alcohol-free and violence-free workplace and all employees are expected to accept their responsibility toward this goal.

The County provides qualifying veterans and disabled veterans hiring preference in accordance with ORS 408.225 - 408.238. 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.

Coos County reserves the right to conduct a criminal background check, drug test, run a DMV check, and/or credit check for new hires, depending on the position.

## **2.0 EMPLOYEE CONDUCT**

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### **2.1 GENERAL BEHAVIOR EXPECTATION**

Coos County (County) expects all employees to conduct themselves in a professional, courteous, and respectful manner during work hours. Employees are required to establish and maintain harmonious working relationships with other County employees, citizens, and business partners. Public employees are subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. Some activities that are common business practices in the private sector are prohibited in the public sector. Additional information on these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

Employees are expected to perform to the best of their abilities at all times. There will be occasions; however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an act that is inappropriate. When performance or conduct does not meet County standards, the County will determine whether to provide the employee a reasonable opportunity to correct the deficiency through progressive discipline (such as, in no particular order, verbal warnings, written warnings, suspensions without pay, and demotions). The corrective action process will not always commence with a verbal counseling or include a sequence of steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including dismissal) on the first or subsequent offense.

### **2.2 DISCIPLINE**

Any action by an employee which reflects discredit upon the County or a direct hindrance to the effective performance of County functions may be considered cause for disciplinary action, up to and including dismissal. Such actions may include, but are not limited to:

- a. Falsification of employment or other County records.
- b. Reporting for duty under the influence of drugs or alcohol.
- c. Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a Supervisor or member of management, and the use of abusive or threatening language toward another employee, customer or vendor.



- d. Displaying offensive conduct or language toward the public or fellow County employees or harassment or discrimination that violates policy.
- e. Performing one's job with inefficiency or incompetence.
- f. Displaying inattention to duty, indolence, carelessness, or negligence in the care and handling of County property or business.
- g. Habitual tardiness or unauthorized leave from duty.
- h. Improper or unauthorized use of County vehicles, equipment, or property.
- i. Using sick leave under false pretenses or other misuse of sick leave.
- j. Conduct contrary to public policy or conduct inconsistent with the Coos County Ethics Policy or Oregon's ethic laws.
- k. Violation of any safety, health, security or County policy, rule or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the County or outside regulatory or legislative bodies.
- l. Excessive personal telephone calls, texts or private computer use during working hours.
- m. Willfully violating any of the provisions of these rules, or any rules and regulations prescribed by a Department Head.
- n. Provoking a fight or fighting during work hours on County property or causing, creating or participating in a significant or substantial disruption of work during work hours on County property.
- o. Accepting gratuities or bribes.
- p. Theft of County materials, funds, or property.

Disciplinary action may only take place after consultation with the Human Resources Department. Disciplinary action may take the form of a reprimand, suspension, demotion, disciplinary probation, being placed on a work plan or last chance agreement, or dismissal, depending on the totality of the circumstances.

For employees covered by a collective bargaining agreement or department policy, the collective bargaining agreement or department policy may determine the procedure for disciplinary action.

### **2.3 OUTSIDE EMPLOYMENT**

The County does not restrict outside employment of County employees, providing that such employment does not impact the employee's County responsibilities, or result in loss of on-the-job effectiveness, involve County work time, facilities, equipment or supplies, and does not present a real or perceived conflict of interest. Employees have an obligation to their employment with the County and may not engage in any outside professional work without full disclosure to, and approval from their Department Head. Any questions regarding a possible conflict of

interest should be discussed with the Human Resources Department. Employees who accept outside employment in violation of these rules may be subject to discipline, up to and including dismissal.

An employee is prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official action.

## **2.4 ETHICS POLICY**

All County employees shall adhere to the rules, regulations or policies as set forth in this Coos County Employee Handbook, the Coos County Employee Ethics Policy, and the Government Ethics Provisions for Public Officers and Employees as stated in Oregon Revised Statutes, Chapter 244. For questions on whether an activity meets the County's or Oregon's ethical standards, please contact your Department Head or the Human Resources Department.

### Reporting

Any employee who has knowledge of or a reasonable suspicion that a fraudulent or other dishonest or unethical act has occurred should contact their Department Head, the Human Resources Department, or the Board of Commissioners.

### Investigation

The Board of Commissioners or the Human Resources Department shall investigate, or cause to be investigated, all suspicions, allegations, and complaints of unethical or fraudulent conduct by County employees. The County shall make every effort to protect employees from retaliatory action due to reports of suspected fraudulent or unethical conduct.

## **2.5 CRIMINAL ARRESTS AND CONVICTIONS**

Employees must promptly and fully disclose to their Supervisor or the Human Resources Department on the next working day:

1. All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on County property, or in a County provided vehicle (see also Section on Alcohol and Drug Use);
2. All arrests, citations, convictions, guilty pleas or no contest pleas that result from crimes involving the theft or misappropriation of property, including money, or that would prevent you from performing the essential functions of your position.

Reporting an arrest or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis.

Employees who are unavailable to report for work because they have been sent to jail or prison may not use sick leave to cover the absence, and may be subject to disciplinary action, including dismissal if appropriate.

## **2.6 ATTENDANCE AND PUNCTUALITY**

Employees are expected to report to work as scheduled, on time and prepared to start work and perform the work assigned to or requested of them. Employees are expected to remain at work their entire work schedule, except for unpaid break periods or when required to leave on authorized County business. Late arrivals, early departures, or other absences from scheduled hours are disruptive and must be avoided. Unexplained, suspicious, or excessive absenteeism, habitual or excessive tardiness may be grounds for discipline.

Employees who will be unexpectedly absent from work for any reason or who cannot show up for work on time must inform their Supervisor of the delay or absence prior to the start of the work day/shift, and each day thereafter unless on extended approved family medical leave such as hospitalization, recovery from surgery, or parental leave. Departments may have their own call-in policies. Employees unsure of their own departmental call-in policy should contact their immediate Supervisor for details. Be sure you understand your department's process for requesting time off, reporting in sick and arriving late for work. You are part of a team that needs and depends on you to be at work every day, on time, ready to complete your duties and responsibilities in support of the team.

Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. A no call/no show lasting three consecutive (3) work days will be considered job abandonment and may result in termination of employment.

## **2.7 CONFLICT OF INTEREST**

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

County employees shall not participate in any decision or use their positions or access to influence a decision by the County to employ or enter into a contract for procurement of goods or services with a relative of the employee, a member of the

employee's household, a business with which the employee is associated, or someone who shares financial interest with the employee.

County employees are required to report any actual or potential conflict of interest to their Supervisor, Department Head, or the Human Resources Department.

## **2.8 ACCEPTANCE OF GIFTS**

Acceptance of certain types or forms of gifts is a violation of Oregon Government Ethics Law.

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 County business.

Employees may not accept gifts with a market value in excess of \$50 or more per calendar year from any one source.

The information contained in this employee handbook is just a summary of the relevant government ethics laws. Detailed information is available at the Oregon Government Ethics Commission website, <http://www.oregon.gov/OGEC>.

## **2.9 MANDATORY MEETINGS**

From time to time the County will require employees to attend work related meetings either on or off premises. These meetings will be used to disseminate information, train, or instruct personnel on work related matters. Per ORS 659.785, employees cannot be required to attend employer-sponsored meetings or communications with the employer or the agent, representative, or designee of the employer if the primary purpose of the meeting or communication is to communicate the opinion of the employer about religious or political matters (political party affiliation, campaigns for measures or candidates). An employee may not be disciplined, discharged, or otherwise penalized for refusing to attend or participate in such meetings.

## **2.10 POLITICAL ACTIVITIES**

The restrictions imposed by the law of the State of Oregon (ORS 260.432(2)) on employee's 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 the County that employees may engage in political activity outside of working hours in a manner that does not suggest that the County endorses the political view.

## **2.11 FAMILY EMPLOYMENT**

Relatives of current employees, or individuals involved in an intimate personal or financial relationship with a current employee, are eligible for hire, subject to the same selection process and job requirements and will be evaluated in the same manner as any other applicant. However, an employee may not exercise supervisory, appointment, or grievance adjustment authority over another immediate family member or individuals with whom they are in an intimate personal or financial relationship. An employee exercising such authority shall be referred to as a supervisor in this section. Immediate family members for this purpose are defined as spouse, parents, stepparents, sons or daughters in law, children, stepchildren, brother, sister, grandparents, aunts, uncles, cousins, nieces and nephews.

If the relative relationship is established between a supervisor and a subordinate employee after employment as a result of organizational restructure, marriage, or a development of an intimate personal or financial relationship, the supervisor shall have an obligation to immediately inform their Supervisor, or the Human Resources Department. Failure to disclose will constitute a policy violation. It is a violation of this policy for a supervisor to enter into an intimate personal or financial relationship with an employee over whom the supervisor exercises authority.

Once the relationship is made known, the Human Resources Department or the Board of Commissioners shall review the relationship and make an appropriate determination. The Board of Commissioners shall have discretion on whether to attempt to reassign one of the employees to another position for which he/she is qualified if such a position is available. If a position is not available, the employees will be permitted to determine which one of them will resign from the County. However, if the relationship in question is an intimate personal or financial

relationship developed between a supervisor and a subordinate employee, the employees will not be permitted to determine which one will resign from the County. Instead, the Board of Commissioners shall determine the appropriate resolution of the matter.

## **2.12 PERSONNEL FILES**

Official personnel files are maintained by the Human Resources Department and are considered confidential. These files contain materials relevant to an employee's employment with the County to meet state and federal legal requirements and efficient personnel administration.

Employees may view the content of their own personnel files upon request to the Human Resources Department. Employees may prepare written explanations or opinions regarding materials in their personnel files they believe to be incorrect or derogatory.

Payroll information such as deductions, benefits costs and memberships, medical records, and employment eligibility (I-9) records are also maintained in the files of the Human Resources Department, but may be kept in a separate electronic folder from the employee's personnel file.

Employees have the responsibility to promptly notify Human Resources of any changes listed below:

- Name;
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only);
- Address or telephone number;
- Dependents;
- Person to be notified in case of emergency;
- Other information having a bearing on your employment;
- Tax withholding.

Prompt notification is necessary to avoid a negative impact on an employee's income tax withholding, group insurance enrollment, and beneficiary designation.

Employees may not intentionally withhold information from the County about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, the County or the County's designated Health Care Administration may require employees to provide proof of marital status/domestic partnership status.

## **2.13 COMPLAINT PROCEDURE**

It is the policy of the Board of Commissioners to provide an orderly process for employees to have complaints considered as fairly and rapidly as possible without fear of reprisal. These procedures are available to all employees; however, bargaining unit employees shall use the grievance process outlined in the collective bargaining agreement if the action pertains to an interpretation of the agreement provisions.

An administrative grievance exists when any unresolved problem, complaint, misunderstanding, or disagreement exists. An employee may proceed individually or select a representative of the employee's choice. Employees with a problem or complaint are expected to proceed generally as follows:

1. Discuss the matter frankly and openly with their immediate Supervisor.
2. If the immediate Supervisor is unable to satisfactorily resolve the matter within 10 business days, the individual should state the problem clearly and completely in writing to the Department Head with a copy provided to the immediate Supervisor.
3. If the matter remains unresolved or cannot be resolved within the department within 15 business days of the original submission, the employee may submit the grievance in writing to the Board of Commissioners for consideration. The Commissioners may confer with the parties as necessary. The decision of the Board of Commissioners shall be the final administrative decision.
4. If a bona fide reason exists that involves a complete breakdown of communication in the chain of command, the complaint may be taken directly to the Board of Commissioners.
5. Employees may also consult at any stage with the Human Resources Department.

## **3.0 COMPENSATION / HOURS OF WORK**

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### **3.1 ENTRANCE RATE /PAY EQUITY LAW**

The County supports Oregon's Pay Equity Law and Federal and Oregon laws prohibiting discrimination between employees on the basis of a protected class (as defined by Oregon law) in the payment of wages or other compensation for work of comparable character. Employees who believe they are receiving compensation at a rate less than the County is paying other employees for work of comparable character are encouraged to discuss the issue with the Human Resources Department. Employees may complete a Pay Equity Appeal Form which can be obtained from the Human Resources Department, or on the County's Intranet site.

New hires will start at step 1 unless bona fide exceptions to the Oregon Pay Equity Law apply. Department Heads shall coordinate with the Human Resources Department before hiring above step 1. Authorization for a starting salary above the entrance rate must be obtained from the Board of Commissioners per County Rules.

Selection of personnel for hiring and promotion is based on factors such as education, experience, proven skills, initiative, dependability, cooperation, availability, and growth potential. The County encourages Supervisors to recommend for promotion those individuals whose past performance demonstrates an ability to assume greater responsibility.

### **3.2 MERIT INCREASES**

Employees are eligible to advance to the next step of the salary schedule on their designated anniversary date, provided they receive a satisfactory (mid-range or higher) performance evaluation. Once an employee reaches the top step of the County's salary schedule, additional merit increases will not be available.

Based on the County's fiscal ability, cost of living adjustments for non-represented employees may be recommended by the Board of Commissioners on an annual basis. Cost of living adjustments for represented employees are negotiated through the collective bargaining process.

If an employee would be eligible for a merit step increase had they not been out on approved protected leave (FMLA/OFLA), the employee shall be eligible for their merit step increase retroactive to their anniversary date; provided their Supervisor completes a satisfactory performance evaluation upon the employee's return to work.



Excluding USERRA, all unpaid leaves of absence for longer than two (2) weeks shall result in a date adjustment of the employee's eligibility for merit step adjustment. (Example: If an employee is on unpaid leave for two (2) months and his/her anniversary date is March 1, it will be adjusted forward to May 1 thereafter). Likewise, employees shall not be entitled to accruals when on an unpaid leave of absence for longer than two (2) weeks, except as required by state or federal law.

### **3.3 PAY ADJUSTMENTS DUE TO CLASSIFICATION CHANGE**

Employees reclassified or promoted to a position in a higher classification range will be placed at the step within the new salary range closest to their current pay rate which results in a pay increase. Upon a promotion that results in an increase in pay, a new anniversary date will be established for the employee for the purposes of applicable future merit increases. If a reclassification does not result in a pay increase, the employee's anniversary date shall not be changed.

If an employee is demoted (voluntarily or involuntarily) or reclassified to a position in a lower classification for reasons that do not reflect discredit upon the employee's employment record, the employee will be placed on the step within the new salary range closest to his/her current pay rate which does not result in a pay increase. Demotions for disciplinary reasons will ordinarily result in a pay reduction.

### **3.4 WORKING OUT OF CLASSIFICATION**

A non-exempt employee may be entitled to working out of classification pay, provided the employee is required to work in a classification above that in which the employee is classified, for at least one (1) consecutive work week and as long as the employee is assuming the higher classification functions for at least 31.25% of their normal working day (2.5 hours if working an 8-hour shift). For the full duration the employee is assuming the duties, the employee shall be paid at the rate in which he/she would be entitled if promoted to step 1 of the position. In no case will the employee make less than an amount equal to one (1) step above his/her current rate. An employee may not be eligible for working out of classification pay when a Declaration of Emergency has been issued by the Coos County Board of Commissioners pursuant to Coos County Code and wherein an employee is asked to assume other duties for a duration of less than twenty-one (21) days during such emergency period.

If an employee receives working out of classification pay for more than one (1) consecutive month, a Resolution will need to be prepared by the Human Resources Department and approved by the Board of Commissioners on the regular consent calendar. Department Heads are responsible for informing the Human Resources

Department of the need for a resolution, and when the working out of classification pay is to be removed.

### **3.5 HOURS OF WORK**

The standard work week is a seven-day work period beginning on Monday at 12:00 a.m. through Sunday 11:59 p.m. and generally consists of 40 hours. Individual work schedules may vary depending on the needs of each department. The normal hours of business for all County departments are generally 8:00 a.m. until 5:00 p.m. Monday through Friday. The Board of Commissioners may establish or modify the business hours for certain departments in accordance with the department's particular operating requirements.

The regular work schedule shall be fixed by the Department Head and may vary by department.

### **3.6 MEAL BREAKS AND REST PERIODS**

Non-exempt employees must take a 15 minute uninterrupted rest period for every 4 hour portion of their shift, scheduled at or near as feasible to the middle of each half shift. All employees are paid during rest periods and therefore, are required to follow County policies during such rest periods.

Rest periods may not be accumulated and used for extra time off at lunch break or at the end of the day.

Employees must take an unpaid meal break of at least 30 minutes during each work shift of 6 hours or more. The meal break shall be an uninterrupted period in which the employee is relieved of all duties. Consistent with operating requirements, meal breaks shall be scheduled at or about the middle of the work shift. The exact timing may vary depending on workload and the need for consistent coverage or to adequately serve the general public. If, because of the nature or circumstances of the work, an employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform their Supervisor before the end of the shift.

### **3.7 TIMESHEETS**

Federal and state laws require the County to keep an accurate record of time worked in order to calculate employees' pay and benefits. Time worked is the time

actually spent on the job performing assigned duties. Accurately recording time worked is the responsibility of every employee. Non-exempt employees should accurately record the time worked each day, not including the meal break and any departure from work for personal reasons. All hours worked should be recorded to the nearest quarter-hour.

It is the employee's responsibility to sign their timesheets to certify the accuracy of the time recorded. The Supervisor will review and sign the timesheet before submitting it for payroll processing.

Altering, falsifying, or tampering with timesheets, or recording time on another employee's timesheet may result in disciplinary action, up to and including dismissal.

### **3.8 PAYDAY**

All employees are paid based on hours worked during each pay period. Payday is normally on the 30th day of each month. If payday lands on a Saturday, Sunday, or holiday, or in months with less than 30 days, payday will be the preceding workday. Employees who discover an error on their paycheck, lose their paycheck or have it stolen should notify the Human Resources Department immediately.

The County does not provide advance payments of salary or loans from salary to be earned.

### **3.9 PAYROLL DEDUCTIONS**

The law requires the County to make certain deductions from every employee's wages. Examples are federal and state withholding taxes, social security taxes, medical insurance contributions, and court ordered garnishments.

Eligible employees may voluntarily authorize deductions from their wages to cover costs of programs and benefits offered beyond those required by law such as voluntary life/disability insurance.

Questions regarding payroll deductions should be promptly directed to the Human Resources Department. Employees should review their paychecks each month for accuracy. Employees who discover a mistake in their paycheck should contact the Human Resources Department immediately.

### **3.10 OVERTIME AND COMPENSATORY (COMP) TIME**

Employees exempted from overtime requirements according to the Fair Labor and Standards Act are not eligible for overtime or compensatory time.

For non-exempted employees, all overtime must be approved by a Department Head or Supervisor prior to usage depending on your Department's policy. Employees eligible for overtime will be paid 1.5 times their regular rate for hours worked over 40 in a workweek when budgeted funds are available. When budgeted funds are not available for overtime payment, compensatory time at the time-and-one-half rate will accrue. Employees are encouraged to use compensatory time within the pay period in which it is accrued.

If an employee is not able to use the compensatory time within the same pay period, it will be accrued in a compensatory time bank, not to exceed forty (40) hours. Paid time off (holidays, sick time, jury duty, etc.) does not count as hours worked for the purpose of calculating overtime.

At the discretion of an employee's Supervisor, employees who have accrued less than 40 comp hours may be able to choose whether to have accrued comp time cashed out at the rate earned by the employee at the time the employee receives the payment. Any hours not taken in the fiscal year in which they were earned will be paid to the employee with the last payroll check in June of each year. When an employee is separated from employment with the County, any remaining comp time earned will be paid to the employee.

Non-exempt employees who are issued County-owned electronic devices for business use may not use those devices outside of normal work hours without advance authorization, and must document all time spent using such devices outside of normal work hours. Except where specifically authorized, non-exempt employees should not check, read, send and/or respond to work-related emails/text messages or other electronic communications outside of their normal work hours.

### **3.11 TRAVEL & EXPENSE REIMBURSEMENT**

The County will allow time off with pay and reimburse employees for the expenses of attending classes, lectures, conferences, or conventions when attendance is required by the County. The County may allow time off with pay for voluntary training during working hours with prior Department Head approval. For voluntary programs conducted during off-duty time, employees will not receive any compensation.

The County will reimburse reasonable expenses incurred by employees when traveling on official County business. For additional information, employees should consult the Coos County Travel Expense Policy located on the County's Intranet site. The County provides cash advances. Departments may request a voucher for travel expenses in advance for employees. Employees will be reimbursed for other expenses not covered by an advance voucher by submitting the appropriate receipts.

Employees will be reimbursed at the current GSA rate for meals while conducting official County business. Purchases of alcohol will not be reimbursed. Current rates can be located at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem). For additional information employees should consult the Coos County Travel Expense Policy located on the County's intranet site.

Mileage will be reimbursed at the current GSA rate when an employee uses a privately owned vehicle in the course of conducting County business. Current rates can be located at [www.gsa.gov](http://www.gsa.gov).

## **4.0 EMPLOYEE BENEFITS**

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To qualify for employment fringe benefits with the County, employees must work a minimum of 20 hours per week.

### **4.1 GROUP INSURANCE**

All newly hired employees must work a minimum of 80 hours in their first month for health insurance coverage to commence the following month. Days off, unpaid holidays, and leave without pay do not qualify as working hours.

Employees on an unpaid leave of absence not protected by the Family and Medical Leave Act (FMLA) or the Oregon Family Leave Act (OFLA) for more than two weeks may retain health and life insurance coverage by making required payments. Employees will be advised of payment information by the Human Resources Department.

Detailed information regarding current health and dental plan offerings, rates, and cost share is available from the Human Resources Department.

### **4.2 EMPLOYEE ASSISTANCE PROGRAM**

The County has made available to all employees and qualifying dependents an Employee Assistance Program (EAP). The program offers a range of services; including counseling for depression, grief, loss and emotional wellbeing, family, marital and other relationship issues, online wills preparation, addictions, financial concerns, stress or anxiety, or concerns regarding pets or elderly loved ones, or identity theft issues. Their online resources include videos, guides, articles, webinars, self-assessments, and face-to-face counseling sessions.

The EAP program is completely confidential. For additional information about the EAP, employees should contact the Human resources Department, or access the brochure on the County's Intranet site. The EAP 24/7 contact number is 1-888-293-6948 or TDD: 1-800-327-1833.

### **4.3 RETIREMENT**

Eligible County employees participate in the Public Employees Retirement System (PERS) or the Oregon Public Service Retirement Plan (OPSRP). Public employees hired on or after August 29, 2003 become part of OPSRP, unless membership has

been previously established in PERS. There is a six-month mandatory waiting period for new employees not actively enrolled in PERS.

Employees wishing to retire under PERS and return to work for the County will be subject to the County's PERS Retiree Policy, a copy of which is available on the County's Intranet site.

#### **4.4 COUNTY VEHICLES**

Employees who need a County vehicle to assist in the performance of their official duties may be provided a County vehicle, if available, on a short- or long-term basis.

Employees should review the Coos County Vehicle Policy and Procedures available on the Intranet site under Policies.

Employees using a private vehicle to conduct County business must possess a valid driver's license and must carry auto liability insurance. Employees who use their own vehicles for authorized County business use should make any necessary arrangements with their insurance carriers.

## **5.0 LEAVE POLICIES**

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### **5.1 PAID HOLIDAYS**

The County recognizes the following paid holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Christmas Day

If the recognized holiday falls on Saturday, the holiday is observed the preceding Friday. If the recognized holiday falls on Sunday, the holiday is observed the following Monday.

Employees who are off work due to sickness or vacation shall be paid for the holiday in lieu of using paid leave. Holidays will not be counted as hours worked for the purposes of determining overtime. Employees on unpaid leaves of absence shall not be eligible for holiday pay.

Non-exempt employees required to work on a holiday will receive compensatory time off or pay at 1.5 times their regular rate of pay.

Extra help or seasonal employees will be paid straight time for hours actually worked on a holiday. If hours worked on a holiday cause the employee to work over 40 hours in the work week, hours over 40 will be paid at the overtime rate.

### **5.2 FLOATING HOLIDAYS**

Represented employees shall be entitled to two floating holidays after completion of the required probationary period, provided they receive a satisfactory (mid-range or higher) performance evaluation. Non-represented employees shall be eligible for floating holidays after completion of one year of employment. Floating holidays are credited to each employee's leave bank on July 1 and must be used by June 30 of the following year. Unused floating holidays are forfeited and may not be traded for pay. There is no cash compensation for unused floating holidays upon terminating employment.



After 15 years of County service, full time employees are entitled to one additional floating holiday for a total of three floating holidays per fiscal year, unless otherwise specified by a collective bargaining agreement.

Part-time employees are entitled to floating holidays on a pro-rated basis.

### **5.3 VACATION**

Vacation time is intended to provide time away from work for rest and recreation and may not be taken as a cash payment. The use of vacation time is subject to Supervisor approval and should ideally be provided with at least two weeks' notice or enough advance notice for adequate coverage if needed. A Department may have their own requirements or rules for advance notice. Employees are responsible for being familiar with their Department requirements.

An employee's vacation accrual cannot exceed a maximum of twice the employee's annual accrual rate. Vacation benefits will stop accruing once the maximum has been reached. When this total is reduced below the maximum allowable, the benefit will begin accruing again.

Vacation leave must be used in quarter-hour increments and will not accrue during an unpaid leave of absence. Vacation leave will not be counted as hours worked for the purposes of determining overtime.

#### Required Vacation

County employees are encouraged to take at least ten vacation days per year to ensure a meaningful and relaxing break from work. Employees with accounting controls (having authority to prepare and submit vouchers for payment and/or taking and receipting money) within their department must take at least five consecutive accrual days per fiscal year or work out of their area of control for the equivalent amount of time.

#### Vacation Payout Upon Termination

Employees who have served at least one year in County service are entitled to cash compensation for accrued vacation leave up to their maximum accrual upon termination of employment. All regular full time employees terminating employment on or before the 15<sup>th</sup> of the month shall only accrue 50% of their vacation time for that month.

#### New Hires

To be eligible for vacation accruals for the first month of hire, full time new hires must work a minimum of 80 hours. If hired on or before the 14<sup>th</sup> of the

month a new hire shall accrue 100% of his/her regular monthly vacation accrual/8 hours per month. If hired on or after the 15<sup>th</sup> of the month, no vacation shall accrue until the following month.

Newly hired part time employees (at least 50%) shall have their vacation accruals pro-rated, following the same rules above. Temporary and extra help employees do not accrue vacation.

Employees covered under a Collective Bargaining Agreement shall be allowed to utilize their accrued vacation time in accordance with the rules set forth in the CBA. For non-represented employees, vacation time may be utilized after six continuous months of employment.

## **5.4 SICK LEAVE**

Employees begin to accrue sick leave on the first day of employment but may not use paid sick leave until their 91<sup>st</sup> day of employment, or as otherwise specified in their collective bargaining agreement. Sick leave will accrue at the rate of eight hours for each calendar month of active employment for eligible full-time employees and on a pro-rated basis for part-time employees. For all new employees hired after May 1, 2021, unused sick time shall be capped at 700 hours. There is no sick leave limit for employees hired prior to May 1, 2021.

### Sick Leave Payout Upon Termination of Employment

For employees having completed a minimum of one year of County service, 25% of the first 960 hours of sick leave will be paid to the employee upon termination of employment. The remaining balance will be reported to PERS.

Sick leave must be used in quarter-hour increments and will not accrue during an unpaid leave of absence.

### Sick Leave Use

Sick leave is available for use for absences due to personal or qualifying family member injury, illness, doctor and dental appointments, quarantine, any purpose allowed under the Oregon Family Leave Act including bereavement leave, or if the employee or the employee's minor child or dependent is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law.

For sick leave use, qualifying family member is defined as: spouse, child (biological, adoptive, step, foster) parent (adoptive, step, foster, in-law), grandparent, grandchild, and any individual with whom the employee has or had an *in loco parentis* relationship. Also includes same gender domestic partner and same gender domestic partner's child or parent as defined above.

An employee absent for more than three consecutive scheduled workdays as sick leave may be required by their immediate Supervisor or Department Head to furnish reasonable documentation showing that the absence was for an approved reason. Reasonable documentation includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault or stalking. The Supervisor or Department Head shall have the discretion of whether to require such reasonable documentation.

Sick pay is intended solely to provide income protection in the event of illness or injury. An employee is prohibited from working elsewhere while on paid sick leave.

Sick leave will not be counted as hours worked for the purposes of determining overtime.

#### Sick Leave Abuse

If County suspects sick leave abuse, including but not limited to repeated use of unscheduled sick leave or repeated use of sick leave adjacent to weekends, holidays, vacations and paydays, County may require documentation from a healthcare provider. Employees found to have abused sick leave as described here may also be subject to discipline, up to and including dismissal.

#### New Hires

All newly hired regular full time employees hired on or before the 14<sup>th</sup> of the month shall accrue 8 hours sick leave for that month. Newly hired regular full time employees hired on or after the 15<sup>th</sup> of the month shall accrue 4 hours sick time for that month, and 8 hours per month thereafter.

All newly hired part time employees (at least 50%) hired on or before the 14<sup>th</sup> of the month shall accrue 4 hours sick leave for that month. Newly hired part time employees (at least 50%) hired on or after the 15<sup>th</sup> of the month shall accrue 2 hours sick time for that month, and 4 hours per month thereafter. For newly hired part time employees classified at less than 50%, sick time accrual shall be pro-rated or in accordance with the Oregon Sick Time Rules, whichever is greater.

Sick leave, if taken by new hires prior to their eligibility start date, shall be leave without pay.

## **5.5 LEAVE DONATION**

Employees with a serious health condition who have exhausted their accrual balances may receive sick leave donations from other County employees, capped at 240 hours per year. Requests for leave donation must be made to Human

Resources for a determination of whether the employee qualifies for leave donations.

Only employees with an accrual balance over 240 sick leave hours are eligible to donate sick leave hours, and are not permitted to donate more than 40 hours per calendar year. Employees may not donate vacation leave.

## **5.6 BEREAVEMENT LEAVE**

Employees may take up to five days of paid bereavement leave in the event of a death of a family member. Days off do not have to be consecutive, but must be used within six months of the death. For paid bereavement leave, family member is defined as spouse, registered same sex domestic partner, child (biological, adopted, foster, stepchild), parent (custodial, non-custodial, adoptive, foster, step and biological), parent-in-law, grandparent, grandchild, or same-sex domestic partner's parent or child, or a person with whom the employee is or was in a relationship of *in loco parentis*.

Employees requiring more time off in the event of a death in the family should notify their Supervisor. Under OFLA, bereavement leave may be extended to two weeks of leave within 60 days of the notice of the death of a covered family member. Employees taking extended bereavement leave under OFLA must use accrued sick, vacation, or compensatory leave, and time off will count towards the total amount of OFLA eligible leave. If no paid leave is available, the employee may take the leave without pay, up to two weeks.

## **5.7 FAMILY LEAVE – PROTECTED LEAVE**

The County recognizes that employees need support in balancing their work with personal and family responsibilities. Under specific circumstances, state and federal law allow employees to take up to 12 weeks (and in specific circumstances, up to 36 weeks) of protected time off during a rolling 12-month period under the Family Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA) for a variety of purposes such as personal illness, childbirth and illness of a family member.

The County uses a 12-month rolling backwards measure to track leave under FMLA and OFLA, which means that each time an employee takes leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

Upon notice, the Supervisor will notify the Human Resources Department of the need for protected leave. Human Resources will then provide the employee with

the required forms. Employees may be required to complete a Family Leave Request Form and to have the applicable certification form completed by a health care provider and returned prior to the commencement of the leave. Employees requesting unpaid family leave must first use any available sick, vacation, or compensatory time. For Human Resources tracking purposes, Supervisors should ensure that any leave taken under OFLA/FMLA is clearly marked on the employee's timesheet.

Employees returning from family leave taken for their own health condition may be required to provide a medical release or Fitness for Duty form prior to or upon returning to work indicating they are able to return to work and whether there are any restrictions.

### Eligibility

County employees with a qualifying event are eligible to take OFLA-protected leave once they have been employed for at least six months and work an average of 25 hours per week or more (except for parental leave, when no weekly average is required). Under OFLA, family member is defined as spouse, parent (custodial or non-custodial, adoptive, foster biological, step, in-law), child (biological, adopted, legal ward, foster, step or child with whom the employee is in a relationship of *in loco parentis*), grandparent, grandchild, registered same sex domestic partner, and parent or child of a registered same sex domestic partner. For purposes of OFLA serious health condition leave, the "child" can be any age. For all other types of leave under OFLA, the "child" must be under the age of 18 or over 18 if incapable of self-care because of a mental or physical disability.

OFLA qualifying purposes:

- To care for a family member with a serious health condition or the employee's own serious health condition.
- For pregnancy disability or prenatal care.
- For the birth, adoption or foster care placement of a child.
- To care for a sick child who does not have a serious health condition but requires home care.
- Because the spouse or same-gender domestic partner of the employee has been called to or is on leave from active military duty.
- Bereavement leave following the death of a family member, including funeral arrangements and grieving.

County employees with a qualifying event are eligible to take FMLA-protected leave once they have been employed for at least 12 months (not necessarily consecutive) and have worked at least 1,250 hours during the 12 months immediately preceding the family medical leave. Under FMLA, family member is defined as spouse, parent, son or daughter.

FMLA qualifying purposes:

- The birth of a child or placement of a child for adoption or foster care.
- To bond with a child.
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition.
- For the employee's own qualifying serious health condition.
- For qualifying exigencies related to the foreign deployment of a military member.

#### Request For Protected Leave

In situations where the need for family leave is known or anticipated, employees should give 30 days' notice to take family leave. If the leave is anticipated less than thirty 30 days in advance, employees must give notice as soon as is practical.

In unanticipated or emergency situations where there is no opportunity to give notice, employees must notify their Supervisor verbally within two business days of the emergency situation.

#### Medical Certification

Certification of the need for family leave is required by the Human Resources Department. In the event of a personal health condition or that of a covered family member, the certification must be provided by a medical professional within 15 days of the request for family leave.

If medically necessary, family leave may be taken on an intermittent or reduced schedule. Details of the proposed schedule should be verified by a certifying medical professional. Employees should discuss the need for intermittent leave with their Supervisor. The County may require updated medical certifications during intermittent leave periods.

#### Reinstatement

Employees returning from family leave will be reinstated to the same or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment, unless their former positions have been eliminated for bona fide business reasons.

#### Benefits During Leave

While an employee is on an absence covered by FMLA and OFLA, the County will continue to pay its share of benefit premiums whether or not the employee is receiving wages while on leave. The employee is required to pay the employee's regular contribution toward premiums, if any.

## **5.8 MILITARY LEAVE OMFLA / FMLA**

Employees may be eligible for leave under the Oregon Military Family Leave Act (OMFLA) if they have worked at least 20 hours per week (no minimum length of employment required). A different calculation method applies for reemployed service members under the Uniformed Services Employment and Reemployment Rights Act (USERRA) who seek OMFLA leave. For information on this type of leave, contact the Human Resources Department.

**Call to Active Duty Leave:** Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the regular Armed Forces, National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain “qualifying exigencies.” “Qualifying exigencies” may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. This type of leave is available under FMLA only; however, under OFLA, specifically under the Oregon Military Family Leave Act, during a period of military conflict, as defined by the statute, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces of the U.S. and who has been notified of an impending call or order to active duty, or who has been deployed, is entitled to a total of 14 days of unpaid leave per deployment after the military spouse or registered same-sex domestic partner has been notified of an impending call or order to active duty and before deployment and when the military person is on leave from deployment.

**Service member Family Leave:** Eligible employees may take up to 26 weeks of leave to care for a “covered service member” during a single 12-month period. A “covered service member” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his/her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Under some circumstances, a veteran will be considered a “covered service member.” This type of leave is available under FMLA only.

For Call to Active Duty Leave, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable.

## **5.9 MILITARY LEAVE**

The County will grant military leave to employees on duty with a uniformed service in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Employees requesting military leave are required to provide written notice to their Supervisor as soon as practicable following notification of military call or reservist duty, unless precluded by military necessity.

Upon honorable discharge, such employees will be reinstated in their job, or if unavailable, be placed in the first available comparable job with equal or better pay than when the employee left. Employees on military leave will not lose seniority or employment rights.

Employees on annual active duty for training as a member of the National Guard, National Guard Reserve, or any component of the Armed Forces of the United States or the United States Public Health Services, are entitled to leave, upon application, not to exceed 15 days in one calendar year without loss of time, pay, or regular leave, and without impairment of merit rating or other rights or benefits to which the employee is entitled.

The County will grant leave for participation in Peace Corps and VISTA in accordance with Oregon Revised Statutes.

## **5.10 VETERANS DAY**

The County will provide unpaid time off for Veterans Day if an employee would otherwise be required to work on that day and if the employee provides: (a) at least three weeks' written notice to their Supervisor that he/she intends to take time off for Veterans Day; and (b) documents showing veterans status. The County will notify the employee, at least 14 days before Veterans Day, whether time off for Veterans Day is permitted. If the County determines that providing time off on this holiday would cause significant economic or operational disruption or undue hardship, the request will be denied, but the County will allow the employee to take a single day off within one year of Veterans Day.

## **5.11 JURY DUTY**

Leave with pay will be granted for the time required for jury duty. Employees should immediately inform their Supervisor and provide a copy of the juror summons. Compensation received for jury duty, excluding mileage, is to be surrendered to the County Treasurer. Employees are expected to return to work when not selected for jury duty. Volunteer jury service of any kind will not be compensated.



## **5.12 COURT APPEARANCES**

Employees required to appear in court or before a legislative committee or judicial or quasi-judicial body in connection with their official job duties, including travel, will be allowed to do so on paid time. Prior to the hearing date, employees are required to inform County Counsel of any work-related court or legislative committee appearances.

Employees required to appear in court, or before a legislative committee or judicial or quasi-judicial body for a non-work related reason may do so by using accrued vacation leave.

## **5.13 UNPAID LEAVE OF ABSENCE**

For exempt employees, a Department Head may approve an unpaid leave of absence of up to 90 calendar days upon written request from an employee, provided that the temporary absence of the employee does not seriously hinder the department's work. The Board of Commissioners may approve a leave of absence greater than 90 days at its discretion.

Non-exempt employees are subject to the Leave of Absence policy in their Collective Bargaining Agreement.

An unpaid leave of absence will not be approved for employees accepting other employment.

An employee out on an unpaid leave of absence of more than two months, excluding employees out under USERRA or protected leave, will result in an adjustment of the employee's eligibility for longevity increase.

## **5.14 LEAVE FOR RELIGIOUS OBSERVANCES**

Employees may use vacation accruals for religious holy days or to participate in a religious observance or practice. If accrued leave is not available, an employee may request to take unpaid leave. Such requests must be to their immediate Supervisor, or the Department Head with sufficient notice. (See also Religious Accommodations under the ADA Section of this handbook).

## **5.15 CRIME VICTIM LEAVE REQUESTS**

An employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable time off to attend criminal proceedings if the employee or family member has suffered financial, social, psychological, or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

For the Crime Victim Leave Policy, Family Member includes spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild or grandparent.

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave during the leave period;
- Submit a request for the leave in writing to their immediate Supervisor or Department Head as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

In all circumstances, County may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency or district attorney's office, police report, a protective order issued by a court, or similarly reliable sources.

## **5.16 DOMESTIC VIOLENCE LEAVE**

All employees are eligible for reasonable leave to address domestic violence, harassment, sexual assault, or stalking of the employee or his/her minor dependents or any other purposes under ORS 659A.272.

Reasons for taking leave include the employee's (or the employee's dependents) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.

Leave is generally unpaid, but the employee may use any accrued vacation or sick leave while on this type of leave.

When seeking this type of leave, the employee should provide as much advance notice as is practicable of his/her intention to take leave, unless giving advance notice is not feasible.

Notice of need to take leave should be provided by submitting a request for leave in writing to their immediate Supervisor or Department Head as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. The County will then generally require certification of the need for the leave, such as a police report, protective order or other evidence of a court

proceeding, or documentation from a law enforcement officer, attorney, healthcare professional, member of the clergy, or victim services provider.

If more leave than originally authorized needs to be taken, the employee should give County notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give verbal or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee's behalf.

## **6.0 HARASSMENT, BULLYING, & WHISTLEBLOWING POLICY**

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### **6.1 HARASSMENT AND BULLYING**

#### Harassment

Workplace harassment will not be tolerated. Harassment includes conduct constituting discrimination based on an individual's race, color, religion, sex, sexual orientation, disability, gender identity, genetic information, domestic violence status, marital status, pregnancy status, veteran status, national origin, or age (if over 18), or any other protected status or activity recognized under Oregon, federal, or local law.

Harassment could be in the form of verbal, written or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual's protected class, telling ethnic jokes, making religious slurs, using offensive "slang" or other derogatory terms denoting a person's speech, accent or disability. Workplace harassment also includes conduct between employees at a work related event (an event coordinated by or through the employer) that is off premises from the employee's regular place of employment.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or non-verbal communication or physical conduct of a sexual nature where:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- Submission or rejection of such conduct by an individual influences any employment-related decisions affecting the individual; or,
- The conduct has the purpose or effect of reasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

An employee who experiences or witnesses harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted and that they want it to stop. If an individual believes they have been discriminated against or at the receiving end of harassment, or if an individual witnesses such behavior (or has credible information about such behavior occurring) they should bring the matter to the attention of their Supervisor. If they do not feel comfortable

discussing their concerns with their Supervisor, or if they have questions relating to the issues of discrimination or harassment, they should contact the Human Resources Department.

Employees are encouraged to document the information or incident in any written or electronic form, or with a voice mail message or phone call.

### Bullying

Bullying is defined as any repeated, severe or pervasive verbal or physical actions by an individual or a group, directed towards another individual or group of persons, intended to intimidate and harm the health and safety of the employee(s). Bullying behavior could include (but is not limited to) any of the following:

- Persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks;
- Physical bullying, such as shoving, kicking, tripping or threat of physical assault; damage to a person's work area or property;
- Gesture bullying such as non-verbal threatening gestures or glances that convey threatening messages;
- Exclusion bullying. Socially or physically excluding or disregarding a person in work related activities; failing to be cooperative with coworkers;
- Cyber bullying. Using electronic technology, including social media, text messages, chat and websites to engage in bullying.

## **6.2 BULLYING, HARASSMENT OR DISCRIMINATION COMPLAINT PROCEDURE**

If an individual wishes to file a report, notice or complaint of bullying, harassment or discrimination, the complaint should be in writing and should include details of the incident, names of individuals involved, and names of any other witnesses. Supervisors and Department Heads are required to inform the Human Resources Department about reports of bullying, harassment or discrimination they receive from employees within three working days of being notified.

All complaints, reports, or notifications of such behavior will be promptly and impartially investigated and will be kept confidential, to the extent possible, consistent with County's need to address the situation. If bullying or harassing conduct of any kind is found to have occurred, County will take prompt, appropriate corrective action, up to and including possible dismissal for the individual(s) responsible for such behavior, if warranted. All records pertaining to the complaint shall be kept by the Human Resources Department. If applicable, County shall follow up with the victim(s) of the alleged harassment every three months for the calendar year following the allegation. If a party to a complaint

does not agree with its resolution, that party may appeal in writing to the Board of Commissioners.

### **6.3 PROTECTION AGAINST RETALIATION**

Employees have a right to be protected from retaliation. Coos County will not retaliate in any way against an employee who reports discrimination or harassment, nor will the County permit any other employee to retaliate. Employees who believe they have been retaliated against should immediately report it to the Human Resources Department, or alternatively, the Office of County Counsel. The County shall conduct an investigation regarding the complaint maintaining anonymity and confidentiality to the greatest extent possible. Appropriate corrective action will be taken if warranted by the investigation.

### **6.4 OTHER RESOURCES AVAILABLE**

Employees who are victims of harassment may be entitled to a 'reasonable safety accommodation' that will allow the employee to safely continue to work, unless such accommodation would impose an 'undue hardship' on the County. Requests for reasonable safety accommodations should be directed to the Human Resources Department.

Individuals have the right to address a complaint through the Oregon Bureau of Labor and Industries (BOLI) complaint resolution process, or under any other available law, whether criminal or civil. Legal action requires the individual(s) to provide the County with written notice of the claim within 180 days. The statute of limitations for unlawful discrimination, harassment and sexual harassment under ORS 659A.030, 659A.082, or 659A.121 is five years from the date of occurrence.

County employees have access to an Employee Assistance Program through Standard Insurance Co. This is a free service for employees and dependents. For access to confidential help 24 hours a day, 7 days a week, call toll free 1-888-293-6948 or [www.workhealthlife.com/Standard3](http://www.workhealthlife.com/Standard3). The EAP program offers confidential counseling services, legal consultation, etc.

Employers are prohibited from asking an employee to enter into a non-disclosure agreement or a non-disparagement agreement. Employers cannot prevent an employee from discussing or communicating about his/her experiences in the workplace relating to workplace harassment, discrimination or sexual assault. However, if an employee who has been aggrieved by workplace harassment, discrimination or sexual assault initiates a written request to enter into a settlement, separation, or severance agreement with the County regarding their experience and/or employment status, then non-disclosure and non-

disparagement are terms that may be agreed upon between the employee and the County. To initiate such a request, the employee should contact the Human Resources Department. If the County and employee reach an agreement, the employee will have seven days to revoke any such agreement after signing it. Requests of this nature shall be considered on a case by case basis. Such an agreement would prevent the employee from speaking slightly about the County or making comments that would lower the County in rank or reputation.

The County will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he/she is disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by County policy).

In addition, the County prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no County employee will be adversely affected because he/she refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. The County may take disciplinary action (up to and including dismissal) against an employee who has engaged in retaliatory conduct in violation of this policy.

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. If such a determination is made, an employee may be subject to discipline up to and including dismissal.

## **6.5 ADDITIONAL PROTECTION FOR REPORTING EMPLOYEES**

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the 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 employee's disclosure must relate to the conduct of his/her coworker or Supervisor acting within the course and scope of his/her employment. The disclosure must have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a Supervisor with the 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.

## **6.6 WHISTLEBLOWER POLICY**

It is the responsibility of all County employees to report violations or suspected violations of applicable laws, policies, and regulations. Employees should share their concerns, suggestions, or complaints with someone who can properly address them. Typically, concerns should be shared with a Supervisor, Department Head, the Human Resources Department, or the Board of Commissioners. This policy in no way limits an employee's right to engage in rights protected by the Public Employees Collective Bargaining Act.

The County will not retaliate 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 by the County;
2. Mismanagement, gross waste of funds, abuse of authority;
3. A substantial and specific danger to public health and safety resulting from actions of the 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, the 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 elected governing body of a political subdivision, or an elected auditor of a city, county or metropolitan service district.

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Discrimination or retaliation against employees who report in good faith alleged violations of applicable laws, rules, or regulations shall not be tolerated. Any employee, who believes that he/she has been subjected to discrimination or retaliation for whistleblowing, or that a violation of this policy has occurred, should immediately contact the Human Resources Department or the Board of Commissioners. The County shall conduct an investigation regarding the complaint maintaining anonymity and confidentiality to the greatest extent possible. Appropriate corrective action will be taken if warranted by the investigation.



## **7.0 WORKPLACE ACCOMMODATIONS**

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### **7.1 AMERICANS WITH DISABILITIES ACT**

The County prohibits retaliation or discrimination against any employee who, under this policy: (1) asks for information about or requests workplace accommodations; (2) uses accommodations provided by the County; or (3) needs an accommodation.

The County is committed to complying with all federal and state laws concerning the Americans with Disabilities Act and the Americans with Disabilities Amendments Act (ADA), and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). The County will reasonably accommodate employees with a qualifying disability to enable them to perform the essential functions of a position, unless in doing so, such accommodation(s) causes an undue hardship to the County, or causes a direct threat to others in the workplace.

This policy also applies equally to applicants for County employment requiring ADA accommodations. Upon notification by an applicant seeking employment with the County for accommodation(s) under the ADA, the County may ask the applicant limited questions about reasonable accommodation, including enquiring about what accommodations would be needed, if any. Upon a conditional offer of employment being extended to an applicant, the County may require documentation from the applicant's health care provider and/or completion of a medical accommodation certification form. The County has the right to deny requests that pose a direct threat to the health and safety of County employees, customers or the public.

### **7.2 ACCOMMODATIONS**

Accommodations may include, but are not necessarily limited to the following:

- Making existing facilities accessible.
- Restructuring a job.
- Permitting modified work schedules.
- Allowing work to be performed at home, if possible.
- Acquiring or modifying equipment, including ergonomic modifications.
- Changing tests, training materials or policies.
- Providing qualified readers or interpreters.
- Reassigning an employee to an open position, as long as the employee is able to perform the essential functions of the position, with or without reasonable accommodation(s).

All ADA requests should be directed to the Human Resources Department. The employee may not necessarily use the words ADA or accommodations in order to qualify. In consultation with the employee's Supervisor, the Human Resources Department will start an ADA interactive process with the employee to determine whether the employee has a protected disability that qualifies under the ADA. This discussion shall include accommodations sought to enable the employee to perform his/her job, or for the applicant to complete the interview process. The employee may be asked to provide information regarding the nature of his/her disability and functional limitations. Input may be sought from the employee's Supervisor, who may have knowledge on the duties of the position and worksite. The employee's job description will be reviewed to determine the essential functions of the job, and identify nonessential tasks (if any). A determination will be made by the Human Resources Department whether accommodation(s) requested are reasonable or will create an undue hardship. After the types of accommodations have been determined, the County shall document specific accommodations that will be made and notify the employee accordingly.

The Employee may be asked to provide reasonable documentation from a health care provider regarding the nature of the impairment(s), severity, duration, activities limited, and the extent to which the impairment(s) limits the employee's ability to perform his/her essential job duties/functions. A copy of the employee's job description may be provided to the health care provider. If the County finds the need to consult with the employee's health care provider, written permission (medical release form) will be obtained first from the employee. The County may require the employee's health care provider to complete a medical accommodation certification form. Should an employee refuse to provide the reasonable requested documentation, the employee may be denied accommodation(s) under the ADA.

Should the employee provide insufficient information from his/her health care provider, and upon request by the County, fails to rectify the insufficiency, the County reserves the right to request the employee go to an appropriate health care professional of the employer's choice for a medical exam. The County shall pay for all costs associated with the visit(s) and such visit(s) shall only be for determining the existence of an ADA disability and the functional limitations that require reasonable accommodation.

Appropriate health care professionals include physicians, psychiatrists, psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, nurse practitioners, and licensed mental health professionals

In determining if an undue hardship exists, the County shall rely on the nature and cost of the accommodation; the overall financial resources of the department involved in the provision of the reasonable accommodation(s), the number of

person's employed in the department, the effect on expenses and resources, or the impact of such accommodation on the operation of the department.

ADA requests sometimes coincide with workers compensation claims and requests for leave under the Family and Medical Leave Act. Therefore, it shall be the responsibility of the Human Resources Department to implement the County's ADA policy and to handle the resolution of reasonable accommodation, safety/direct threat and undue hardship issues. The Human Resources Department shall also be responsible for ensuring required notices are posted, and to maintain copies of accommodation requests, supporting medical information and documentation in a file separate from the employee personnel file, consistent with the confidentiality requirements of the ADA.

### **7.3 PREGNANCY ACCOMMODATION**

Employees who are concerned that their pregnancy, childbirth or a pregnancy related medical condition (including lactation) will limit or impact their ability to perform their duties should inform their immediate supervisor to request an accommodation or contact the Human Resources Department to discuss their options for continuing work or leave of absence options such as OFLA/FMLA.

All requests for accommodation should be in writing and specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, information from the employee's health care provider may be needed to assist the County, or to verify the employee's need for an accommodation. Both the County and the employee must monitor the employee's accommodation situation and make adjustments as needed.

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.

Although this policy refers to "employees," the County will apply this policy equally to a job applicant with known limitations caused by pregnancy, childbirth or a related medical condition.

### **7.4 NURSING MOTHERS**

The County shall provide reasonable rest periods to employees needing to express milk each time the employee has a need to do so. The time to be taken for expressing breastmilk shall vary depending on the needs of the employee. The County shall treat rest breaks to express milk as paid rest breaks up to the amount of time the County is required to provide paid rest breaks and/or meal periods.

Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time.

The County shall not require the employee to work longer hours to make up unpaid time spent expressing milk, and shall not require the employee to use paid accruals. An employee who intends to express milk during work hours must give reasonable notice to their Supervisor in order to allow for job coverage preparations. The County shall not be responsible for storing expressed milk. The nursing mother is permitted to bring a cooler or other insulated food container to work for storing the expressed milk.

## **7.5 REASONABLE ACCOMMODATION FOR VICTIMS OF CERTAIN CRIMES**

The 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, unless such accommodations impose an undue hardship on the County.

A reasonable safety accommodation may include, but is not limited to, a transfer, reassignment, modified schedule, paid or unpaid leave, 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.

Employees should contact their immediate Supervisor, Department Head or the Human Resources Department with requests for reasonable safety accommodations. See also Section 5.0 which contains information on the Crime Victim Leave Policy and Domestic Violence leave.

## **7.6 RELIGIOUS ACCOMMODATION**

The County respects the sincerely held religious beliefs and observances of all employees and will make, upon request, an accommodation for such beliefs and observances when a reasonable accommodation is available that does not create an undue hardship on County business.

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 should submit a written request for accommodation

to his/her immediate Supervisor. The request should state the type of religious conflict that exists and the employee's suggested accommodation. Employees may be asked to provide proof of the "sincerely held" religious belief.

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 contact the Human Resources Department. See also Section 5.0 which contains information on Leave for Religious Observances.

## **7.7 GENETIC INFORMATION NON-DISCRIMINATION ACT (GINA)**

The County respects all employees' privacy in their genetic information and enforces a strict policy of nondiscrimination on the basis of genetic information. The County will not discriminate, harass, or retaliate on the basis of genetic information regarding any aspect of employment. Additionally, the County prohibits the use of genetic information to make an employment decision.

According to the Equal Employment Opportunity Commission, genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder, or condition of an individual's family members (i.e., an individual's family medical history).

Family medical history is included in the definition of genetic information as it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future. Employees are encouraged not to disclose any genetic or family medical history in the workplace. Any such information that is inadvertently disclosed to the County will be kept in a file separate from the employee's personnel file.

## **8.0 USE OF DRUGS, ALCOHOL & TOBACCO PRODUCTS**

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The County expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective and efficient manner. Employees who misuse controlled substances, 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.

Prohibitions under this Policy do not apply to employees who possess or transfer such items during the performance of their law enforcement duties, e.g. law enforcement personnel collecting evidence.

### **8.1 PROHIBITED CONDUCT**

- a. The use or being under the influence of any alcohol while on County property on County time, or while driving County vehicles (or personal vehicles while on County business), or in other circumstances which adversely affect County operations or safety of County employees or others.
- b. The consumption of any intoxicating liquor during rest breaks or meal periods, or within four hours of reporting to work. If 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 the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- c. Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on County property on County time, while driving County vehicles (or personal vehicles while on County business), or in other circumstances which adversely affect County operations or safety of County employees. The conduct prohibited by this rule includes consumption of any controlled substance within four hours of reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree (see definition of "reasonable cause testing" below), and if 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. As used in this policy, controlled substance includes, but is not limited to, those listed in Schedules I through V of the Federal Controlled Substance Act,

including marijuana that is otherwise lawful to use under Oregon, or any other state's law.

- d. Bringing to County property, or possessing, items or objects on County property that contain any controlled substance, including, for example, pot brownies, edibles and candy containing marijuana. No employee, regardless of position held, may knowingly serve items containing marijuana or any other controlled substance to co-workers or members of the public while on work time or on/in County property.
- e. Bringing to County property equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana or controlled substances, such as pipes, bong, vape pens, smoking masks, roach clips, and/or other drug paraphernalia.
- f. Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to County property.

## **8.2 PRESCRIPTION DRUGS AND MEDICAL MARIJUANA**

With the exception of medical marijuana, nothing in this Policy 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.

An employee must inform his/her Supervisor regarding use of any prescription or over-the-counter drugs that could affect ability to safely perform position duties. If an employee's use of such prescription drugs could adversely affect County operations or safety of County employees 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. An employee's failure to report use of prescription drugs covered by this rule may result in disciplinary action, up to and including dismissal. (Although an employee is not required to provide County with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

The use of marijuana, which is a Schedule 1 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 their 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.

### Reasonable Cause Testing

The County reserves the right to subject applicants who are given a conditional offer of employment in a safety-sensitive position to a drug and alcohol test.

The County reserves the right to administer a drug or alcohol test on an employee if he/she causes or contributes to an accident that seriously damages a County vehicle, machinery, equipment or property, or he/she incurs an injury, or causes an injury to another person requiring offsite medical attention, or if the County reasonably suspects that an accident or injury may have been caused by drug or alcohol use.

If there is reasonable cause to suspect that an employee is under the influence of controlled substances or alcohol during work hours, or has used drugs or alcohol in violation of this policy, County may require the employee to undergo testing for controlled substances or alcohol.

As used in this policy, unless the context indicates otherwise:

The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, and other tests of saliva, blood and urine. No testing shall be performed under this rule without the approval of the Human Resources Department.

"Reasonable cause" as used in this policy means an articulable belief based on specific facts and reasonable inferences 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. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:

- a pattern of abnormal or erratic behavior;
- information provided by a reliable and credible source;
- direct observation of drug or alcohol use;
- 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);
- unexplained significant deterioration in individual job performance;
- unexplained or suspicious absenteeism or tardiness;
- employee admissions regarding drug or alcohol use; and
- 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 controlled substance testing of an employee or a search. This documentation shall be forwarded to the Human Resources Department. Whenever possible, Supervisors should locate a second employee or witness to corroborate their "reasonable cause" findings.



An employee whose initial laboratory screening test for controlled substances yields a positive result may be given a second 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 test result, the employee shall be notified of the results in writing by either their immediate Supervisor or the Human Resources Department. The letter of notification shall state the particular substance identified by the laboratory tests. The employee may request a third test of the sample within 24 hours of receiving the letter of notification, but such testing will be paid for by the employee.

### Search of Property

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on County property, or has otherwise violated provisions of this Policy regarding possession, sale or use of controlled substances or alcohol, the County may search any furniture, equipment or property provided by the County to the employee, including but not limited to, clothes (uniforms), locker, toolbox, and desk. Employees should have no expectation of privacy in any property, equipment or supplies provided by County to employee.

### Employee Refusal to Test/Search

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including dismissal. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

An employee who refuses to cooperate with any tests required by this policy is also subject to discipline, up to and including dismissal. This includes, but is not limited to, tampering with, or attempting to tamper with a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

### Crimes Involving Drugs and/or Alcohol

Employees shall report to their immediate Supervisor or Department Head, and the Human Resources Department:

- Any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction;
- Entry into a drug court or diversion program; or
- Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

Failure to report as required will result in disciplinary action, up to and including dismissal.

Although County recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance *before* drug or alcohol problems lead to disciplinary action. Once a violation of County policy is discovered, the employee's willingness to seek County or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

### Confidentiality

All information from an employee's drug and alcohol evaluation is confidential and only those with a 'need to know' are to be informed of test results. Disclosure of such information to any other person, agency, or County is prohibited unless written authorization is obtained from the employee.

Certain safety sensitive or special needs positions (i.e. Public Works jobs with a CDL requirement) may be subject to random drug and alcohol testing, including but not limited to those required by federal Department of Transportation rules and regulations.

## **8.3 TOBACCO-FREE WORKPLACE**

The County prohibits tobacco use in or around County vehicles and equipment or machinery. This applies to employees, visitors and volunteers. The County provides a tobacco-free environment for all county buildings, vehicles or facilities. Tobacco includes the smoking of any tobacco-based product, smoking in any form (including, without limitation, cigars and e-cigarettes), and the use of oral tobacco products or "chew/spit" tobacco. Also includes smokeless tobacco and inhalant delivery system intended to deliver nicotine, cannabinoids or other substances, excluding FDA approved nicotine replacement therapy products for the purpose of tobacco cessation.

Tobacco use should only be in designated smoking areas, and out of visitor view. Oregon law prohibits smoking within ten feet of building entrances and other openings, including second-story windows. Employees should also refer to the Coos County Rules, Chapter 2: Personnel Policies and Procedures, Division 100 Coos County Smoking/Tobacco Policy, posted on the County's webpage.

## **9.0 TECHNOLOGY / MEDIA**

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### **9.1 CELLULAR DEVICES**

This policy applies to employee use of cell phones, smart phones, tablets and similar devices, all of which are referred to as “cellular devices” in this Policy.

#### Cell Phones and Cellular Devices in General

Non-exempt employees should not use their personal or County-provided cellular device for ‘work purposes’ outside of their normal work schedule without written authorization in advance. This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls, as this may constitute “hours worked”.

Employees who use a personal or County-provided cellular device to send a text or instant message to another employee (or to a citizen or someone not employed by the County) that is harassing or otherwise in violation of the County’s no-harassment and no-discrimination policies will be subject to discipline up to and including dismissal.

#### Personal Cellular Devices

Employees are permitted to bring their personal cellular devices to work with them. However, during working hours, employees should refrain from using them except in an emergency or during a meal period or rest break. Excessive personal cellular device use by an employee during working hours may result in disciplinary action.

Employees shall not store work-related or confidential information on personal cellular devices.

When using a cellular device during work hours, employees should be courteous and speak quietly in an area away from co-workers and other persons interacting within the workplace. Unattended cellular devices must have the volume set to silent to limit disruptions within the workplace.

#### Employee Use of County -Provided Cellular Devices

Cellular devices are made available to employees on a limited basis to conduct County business. Determinations as to which employees receive provided cellular devices will be made on a case-by-case basis; employees are not guaranteed a

cellular device. In some cases, the County may provide a monthly cellular telephone allowance to employees who regularly make calls on behalf of the County away from the office.

Employees who receive a cellular device from the County must agree to not use the cellular device for personal use except in emergency situations. If a cellular device is paid for and provided by the County, or subsidized by the County, any communications (including text messages) received by or sent from the cellular device may be subject to inspection and review if the County has reasonable grounds to believe that the employee's use violates any aspect of this Policy or any other County policy. An employee who refuses to provide the County access to his/her cellular device in connection with an investigation and after reasonable notice, may be subject to discipline, up to and including dismissal.

Employees may not use County-provided cellular devices to call 1-900, 1-976 or similar "pay per minute" services. Further, family and friends may not use an employee's County-provided cellular device.

#### Employee Use of Cellular Devices with Cameras

Cameras of any type, including cellular devices with built-in cameras and video photography options, may not be used during working hours, or at any County sponsored function, unless authorized to do so.

#### Cellular Devices and Public Records

County related business conducted on County-provided or personal cellular devices may be subject to disclosure and production under Oregon's Public Records laws, or in connection with litigation filed against the County.

#### Cellular Device Use While Driving

The use of a cellular device while driving may present a hazard to the driver, other employees, and the general public. Subject to a few narrow exceptions for emergency or public safety purposes, Oregon law also prohibits the use of handheld cellular devices while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of County vehicles and the operation of private vehicles while an employee is on work time. It applies equally to the usage of employee-owned cellular devices provided or subsidized by the County.

Should an employee need to make a business call while driving, the employee must locate a lawfully designated area to park and make the call, unless the employee uses a hands-free cellular device for the call. In either situation, such calls should be kept short and should the circumstances warrant (for example, heavy traffic, bad weather), the employee should locate a lawfully designated area to park to continue or make the call, even if the employee is using a hands-free

device. Violation of this policy will subject the employee to discipline, up to and including dismissal.

## **9.2 USE OF COUNTY EMAIL AND ELECTRONIC EQUIPMENT, FACILITIES AND SERVICES**

The County uses multiple types of electronic equipment, facilities and services for producing documents, research and communication including, but not limited to, computers, software, email, copiers, telephones, voicemail, fax machines, online services, cellular devices (including text messaging), the Internet and any new technologies used in the future. This policy governs the use of such County property.

### Ownership

All information and communications in any format, stored by any means on or received via the County's electronic equipment, facilities or services is the sole property of the County. Appropriate County personnel have the right to view the contents of an employee's e-mail, phone records, texts, or similar communications, files, other data storage, and records of internet site access at any time for devices provided by the County.

### Use

All of County's electronic equipment, facilities and services are provided and intended for County business purposes only and not for personal matters, communications or entertainment. Access to the Internet, websites and other electronic services paid for by the County should be used only for County business. This means, for example, that employees may not use the County provided Internet, or electronic equipment, facilities and services to:

- Display or store any sexually explicit images or documents, or any images or documents that would violate County's harassment, discrimination or bullying policies;
- Play games (including social media games) of any kind;
- Engage in any activity that violates the rights of any person or the County, and that is protected by copyright, trade secrets, patent or other intellectual property (or similar laws or regulations);
- Engage in any activity that violates the rights to privacy of protected healthcare information or other County-specific confidential information;
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, worms, Trojan horses).
- Download or view streaming video for personal use. This includes, without limitation, YouTube videos, movies, and TV shows. Streaming audio is

allowed, provided it does not contain explicit material, adversely affect network speed, or interfere with the ability to work by coworkers.

Employees may not use County provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). County email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's Supervisor.

### Inspection and Monitoring

Employee communications, both business and personal, made using County electronic equipment, facilities, and services are not private. Any data created, received or transmitted using County equipment, facilities or services are the property of County and usually can be recovered even though deleted by the user.

All information and communications in any format, stored by any means on County's electronic equipment, facilities or services, are subject to inspection by management at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect County's ownership of the electronic information, electronic equipment, facilities, or services, or County's right to inspect such information. County reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail and other such material to monitor the use of all of the County's electronic equipment, facilities and services, including all communications and internet usage and resources visited. The County will override all personal passwords if it becomes necessary to do so for any reason.

### Personal Hardware and Software

Employees may not install personal hardware or software on County-provided computer systems without written approval from the County's Information Technology Department. All software installed on County's computer systems must be licensed. Copying or transferring of County-owned software may be done only with the written authorization of the Department Head.

### Unauthorized Access

Employees other than management are not permitted unauthorized access to the electronic communications of other employees unless directed to do so by County management. No employee can examine, change or use another person's files, output or username without explicit authorization from his/her Supervisor.

### Security

Many forms of electronic communication are not secure. Employees who use cellular devices, cordless phones, fax communications or email sent over the

Internet should be aware that such forms of communication are subject to interception by others. Therefore, these methods of communicating should not be used for privileged, confidential, or sensitive information unless appropriate encryption measures are implemented.

### Inappropriate Web Sites

The County's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful or other objectionable materials, or that would otherwise violate County's policies on harassment and discrimination.

## **9.3 SOCIAL MEDIA**

For purposes of this policy, social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal or commercial website, social networking web site, web bulletin board or a chat room, whether or not associated or affiliated with the County, as well as any other form of electronic communication.

Employees are solely responsible for what they post online. Before creating online content, employees should consider some of the risks and rewards that are involved. Any conduct that adversely affects an employee's job performance, the performance of co-workers, or otherwise adversely affects the citizens or people who work on behalf of the County's legitimate business interests may result in disciplinary action, up to and including dismissal.

### Prohibited Postings

Any text, images or other media that violate any County policies are prohibited. Similarly, postings that include threats of violence, that are physically threatening or intimidating, bullying or harassing, will not be tolerated and may subject an employee to discipline, up to and including dismissal.

Employees shall not create a link from their blog, website or other social networking site to a County owned or maintained website without identifying themselves first as a County employee. Employees are prohibited from representing themselves as a spokesperson for the County unless authorized by a Supervisor. If the County is a subject of the content being created, be clear and open about being a County employee, and make it clear that views do not represent those of the County, its employees or Elected Officials.

### Encouraged Conduct

Always be fair and courteous to co-workers, the citizens we serve, Coos County's

employees and Elected Officials, and suppliers or other third parties who do business with the County. If an employee posts complaints or criticism, they should avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, County employees or Elected Officials, that might constitute harassment or bullying, and/or that violate County policies. Examples of such conduct might include offensive posts that a reasonable person would perceive as calculated to intentionally harm an individual's personal or professional reputation, posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or County policy.

Maintain the confidentiality of County's confidential information. Do not post internal reports, policies, procedures or other internal, County-related confidential communications or information. (See "Confidential County Information" policy, below.)

Nothing in this policy is meant to prevent an employee from exercising his/her right to make a complaint of discrimination or other workplace misconduct, engage in lawful collective bargaining activity, or to express an opinion on a matter of public concern that does not unduly disrupt County operations. Employees are free to express themselves as private citizens on social media sites, but an employee's exercise of expression is balanced against the County's interest in the effective and efficient fulfillment of its responsibilities to the public.

#### Request for Employee Social Media Passwords

The County's Supervisors are prohibited by law from requiring or requesting an employee, or an applicant for employment, to disclose or to provide access through the employee's or applicant's user name and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a username and password that would otherwise allow a Supervisor to access a private email account not provided by the County.

Nothing in this policy prohibits the County from requiring an employee to produce content from his/her social media or internet account in connection with a County-sponsored investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

## **9.4 CONFIDENTIAL INFORMATION**

Employees must not access, use or disclose sensitive or confidential information or data except in accordance with County policies, practices and procedures, and as authorized by state or federal laws or regulations. Employees with access to confidential information, including but not limited to customer or employee financial, medical or personal information (including, without limitation, Social



Security numbers), are responsible for the safekeeping and handling of that information to prevent unauthorized disclosure. Employees who access, use or disclose confidential information contrary to Oregon or federal laws or for personal use or financial gain may be subject to civil or criminal penalties under those laws, in addition to appropriate disciplinary action for violating this policy.

No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials (except in the ordinary course of performing duties on behalf of County) may be removed from our premises without permission from a Department Head. Likewise, any materials developed by the County's employees in the performance of their jobs is the property of the County and may not be used for personal or financial gain. Additionally, the contents of records or information otherwise obtained in regard to the County's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

## **9.5 NEWS MEDIA POLICY**

Fostering good relations with the news media and providing for a free flow of public information is vital to the County. County may provide the news media with relevant information. It is required that Department Heads be notified of all work related announcements, interviews, and interactions with the news media. Department Heads must strive to keep Commissioners informed about media contacts as soon as is practicable.

Misinformation shared with the media can have negative effects on the public, as well as on our credibility. Speak to reporters only about topics that you know and understand. Never speculate. When reporters' questions go beyond your expertise or when in doubt, refer them to County Counsel's Office.

## **10.0 SAFETY / WORKERS COMPENSATION**

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### **10.1 SAFETY ON THE JOB**

The County continually strives to provide safe working conditions for employees attained through the use of safety equipment, proper job instruction, frequent review of safe work practices, and adequate supervision. Safety committees comprised of both management and employees meet regularly to review safety standards and complaints, conduct walk-throughs of work areas, and make recommendations to the Board of Commissioners regarding safe working conditions.

All County employees are responsible for complying with safety procedures and reporting unsafe conditions to their immediate Supervisor, Department Head, or the Human Resources Department.

#### Reporting Accidents/ Injuries

All accidents involving personal injury of an employee while on duty, regardless of how serious, must be reported to the Human Resources Department no later than 24 hours after occurrence. An employee's Supervisor is responsible for ensuring the Human Resources Department has been notified. Injury notification is necessary to comply with laws and assist in workers' compensation requirements. Injured workers who seek medical treatment or lose time from work are required to complete a Worker's Compensation Report Form 801 and submit it within five calendar days to the Human Resources Department. Employees who are injured or ill but do not seek medical treatment should complete the Incident/Accident Report and submit it to the Human Resources Department. For questions on completing the forms, the Human Resources Department should be contacted. Forms are available on the County's Intranet site.

The Human Resources Department is responsible for reporting on-the-job fatalities and catastrophes to Oregon OSHA within eight hours, and any work-related accidents resulting in overnight hospitalizations within 24 hours of occurrence or knowledge. The Human Resources Department will also notify the County's insurance carrier and process a workers' compensation claim form.

### **10.2 WORKERS COMPENSATION INSURANCE**

Employees are protected by workers' compensation insurance under Oregon law. This insurance covers the employee in case of occupational injury or illness by providing, among other things, medical care and compensation and temporary or other disability benefits.

Failure to timely follow these steps may negatively affect ability to receive benefits, or may result in disciplinary action.

### Return to Work

Employees returning to work after a work related injury may be required to first submit documentation from a health care provider certifying the employee's ability to return to work and perform the essential functions of their position.

### Early Return-to-Work Program

Employees are responsible for immediately notifying the Human Resources Department of their release to light or modified work, work restrictions, and doctor appointments.

The County's Return-to-Work program provides guidelines for returning to work at the earliest possible time after an on-the-job injury or illness that result in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable an employee to return in a reasonable period of time.

The Return-to-Work program for job-related injuries consists of a team effort by the County, injured employees and their treating physicians, and our workers' compensation insurance carrier claims staff. The goal is to return our employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

If a Doctor determines that an employee is able to perform modified work, the County will attempt to provide a temporary job assignment for a reasonable period of time until the employee is able to resume regular duties (except where provided as an accommodation for a disability). If, due to a work-related injury, an employee is offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect the employee's compensation and employment with the County. While on modified or transitional work, the employee is still subject to all other County rules and procedures.

### Light Duty Work Assignments

The County will decide if light duty or modified work is available on a case-by-case basis. Employees who are temporarily assigned light duty work as a reasonable accommodation but are unable to perform the essential duties of their job may be required to provide a medical evaluation after 30 days from their treating Physician. The Human Resources Department will use the evaluation to determine whether the employee is capable at that time of performing the essential functions of the job, with or without reasonable accommodation.

### Overlap with Other Laws

County will account for other leave and disability laws that might also apply to your situation, such as the Americans with Disabilities Act (ADA) and FMLA / OFLA. If, after returning from a workers' compensation leave, it is determined that an employee is unable to perform the essential functions of a position because of a qualifying disability, he/she may be entitled to a reasonable accommodation, as governed by the ADA and/or applicable Oregon laws covering disabilities in the workplace.

### **10.3 WORKPLACE VIOLENCE**

The County recognizes the importance of a safe workplace for employees, members, customers, vendors, contractors, and the general public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. 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 the County.

All employees have an obligation to report incidents that pose a risk of harm to employees or others associated with the County or which threaten the safety, security or financial interests of our organization. Employees should make such reports directly to their Supervisor, Department Head, or the Human Resources Department. All information related to the reports, including the name of the reporting employees, will be kept as confidential as possible under the circumstances. The Human Resources Department will notify the reporting employee of any action it takes in response to the report.

The County may conduct an investigation of a current employee where the employee's behavior raises concerns about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others. An employee investigation may include investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voice mail systems and computer systems.

### **10.4 FIREARMS OR OTHER DANGEROUS WEAPONS**

Except for employees required to carry a firearm as part of their job duties, the County prohibits employees from bringing firearms or dangerous weapons into the workplace, including but not limited to all County buildings and vehicles.

## **10.5 INCLEMENT WEATHER / OTHER UNFORESEEN CLOSURES**

When the Board of Commissioners or their designee determines that a hazardous condition exists for the employees to have safe and reasonable travel to and from the employees' work location resulting in either a delayed opening or temporary closure, employees will be paid at their regular rate of hourly pay for the hours of the delay or the full day if the County or their department remains closed. The County will make the announcement and make use of the Everbridge system as early as possible to avoid risk of injury to employees, other members of the public or property.

Should the County remain open during a weather event but an individual is unable to safely report to work due to the conditions at their place of residence, the employee will be allowed to use accrued leave. If an employee does not have any leave in which to draw from, they may make arrangements with their direct Supervisor on how they can make up the time or choose to be placed on leave without pay status for that time.

If the normal route of travel from the employee's residence is closed by a government entity and no other safe route is available, the employee will note that on their time sheet and may use leave from any leave bank of their choice. If the County determines that it will close early due to weather or other emergency event, the employees will be paid for the remainder of their day.

Employees already scheduled on approved leave during the closure event shall continue to utilize their scheduled accrual.

## **11.0 LEAVING EMPLOYMENT**

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### **11.1 CONTINUED MEDICAL COVERAGE**

The Federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) permits continuous coverage to employees and qualified dependents who lose health, dental, or vision coverage due to termination of employment or reduction in employee work hours. The employee or dependent pays the full cost of coverage.

### **11.2 TERMINATION OF EMPLOYMENT**

Dismissal is termination of employment initiated by the County. This can occur at any time during the course of employment, including as an action to discipline an employee.

Resignation is voluntary termination of employment initiated by an employee, and includes abandonment of a position.

Layoff is the involuntary termination of employment by the County because of budgetary restrictions, consolidation of departments and/or programs, and/or positions being eliminated.

Retirement is voluntary termination of employment initiated by an employee for meeting age, length of service, or other criteria.

On or before their last day of work, employees must return all County property, including cellular devices, computers, identification cards, credit cards, keys, and manuals to their Supervisor or the Human Resources.

### **11.3 FINAL PAY**

The Human Resources Department must be immediately notified when an employee gives notice of resignation or retirement.

An employee's final paycheck will include hours worked but not paid, and if applicable, accrued vacation and compensatory time. The date the paycheck is available will follow state wage and hour laws and depends on when the employee gives notice. All final paychecks will be paid by manual check. Unless an employee indicates otherwise in writing, all final paychecks will be mailed to the recipient via certified mail to last supplied address.

## **11.4 ACCRUALS**

Non-represented employees who end their employment with Coos County on or before the 14<sup>th</sup> of month shall receive half their normal vacation accrual for that month. Sick leave accrual shall not be affected.

Employees who end their employment with Coos County on or after the 15<sup>th</sup> of the month and have completed at least one year in County service, shall be eligible to receive their normal vacation accrual for that month.

## **11.5 REFERENCES**

All requests by outside entities for references or recommendations of former employees must be directed to the Human Resources Department. No Supervisor or employee is authorized to release references for current or former employees. Supervisors are expressly prohibited from providing LinkedIn "recommendations" or using a website on the internet to discuss a current or former employee's performance or termination of employment. This does not preclude a Supervisor or Department Head from providing the employee with a letter of recommendation upon request.

By policy, the County discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.

Although all employees are at will and may resign at any time, the County appreciates at least two weeks' notice to plan for an orderly transition. The County generally will not consider employees for re-employment who do not provide this notice.

## **EMPLOYEE ACKNOWLEDGEMENT**

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As an employee of Coos County, I acknowledge the following: I have received a copy of the Employee Handbook. I understand that the Handbook contains important information about the County's policies, work rules, and my benefits. I also understand that the Handbook outlines my responsibilities as an employee. I understand that I have the responsibility to read and understand the information in the Handbook, and to ask my Supervisor for clarification of any information I do not understand. During my employment with Coos County, I understand that it is my responsibility to remain informed about the policies as revisions, updates and new polices are issued, and to ask questions about any interpretation of any of the policies.

I understand that this Handbook is not a contract of employment or a guarantee of specific treatment in specific situations. Except for any supplemental safety policies and rules that apply to employees in certain jobs or work areas, or otherwise stated in an express, individual, written employment contract, I understand that this Handbook supersedes all prior Handbooks, policies, and understandings on the subjects contained in it.

Unless otherwise stated in a written employment contract, I understand that my employment relationship with the County is at-will and either the County or I can terminate the relationship at any time, with or without reason or notice.

I understand that the County has the right to change, modify, add to, substitute, eliminate, interpret, and apply in its sole judgment, the policies, rules, and benefits described in this Handbook. I understand that should the content be changed in any way, the County may require an additional signed acknowledgement from me to indicate that I am aware of the changes. I understand that the Board of Commissioners is the only entity who is authorized to approve changes in the policies, rules, and benefits described in this Handbook and that all such changes must be in writing to be valid. I also understand that the Board of Commissioners is the only entity who will ever have the authority to enter into an employment contract, and that all such contracts must be express, individual, in writing and signed by both parties to be valid.

I understand that Coos County is an equal opportunity employer and that Coos County aims to provide a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation or harassment to the Human Resources Department, or any trusted Supervisor or Department Head.

I also acknowledge that, before signing this form, I have asked for and received clarification on any of the items listed in it that I did not understand.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Employee's Name