



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING

2051 KAEN ROAD OREGON CITY, OR 97045

December 10, 2015

Board of County Commissioner
Clackamas County

Members of the Board:

First Reading and Adoption of an Ordinance Amending Chapter 2.05,
Personnel Policies and Procedures for Clackamas County Employees
Relating to State Law Changes Regarding Sick Leave and
Declaring an Emergency

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Purpose/Outcomes	Amend County Code – Chapter 2.05 regarding Sick Leave policies
Dollar Amount and Fiscal Impact	Indeterminate fiscal impact
Funding Source	Not applicable
Duration	Indefinite; Proposed to declare an emergency and go into effect immediately upon passage.
Previous Board Action	None.
Strategic Plan Alignment	Build Public trust through good government. <ul style="list-style-type: none">• This implementation is necessary to comply with state law.
Contact Person	Christina Thacker, Assistant County Counsel 503-655-8363
Contract No.	Not Applicable

BACKGROUND:

The Oregon Legislature recently passed Senate Bill 454, which changes state law regarding sick leave benefits for employees and imposes related requirements for employers. These changes are applicable to Clackamas County as an employer, and changes to current County Code Chapter 2.05 are needed to implement the requirements of this new state law.

Attached is a marked up draft of the proposed changes to Chapter 2.05 to implement the new state law requirements. Also attached is an ordinance adopting those changes into the County Code. To meet the state law deadline of a January 1, 2016 effective date, staff requests that the proposed ordinance be declared an emergency and after adoption go into effect immediately.

RECOMMENDATION:

Staff recommends the Board read the proposed ordinance and title in full, declare an emergency and adopt the ordinance with immediate effect.

Respectfully submitted,

Christina Thacker
Assistant County Counsel

ORDINANCE NO. _____

**An Ordinance Amending Clackamas County Code Chapter 2.05
(Personnel Policies and Procedures for Clackamas County Employees)
and Declaring an Emergency**

WHEREAS, the County Code must be updated to comply with new state law requirements regarding sick leave;

Now, therefore, the Board of Commissioners of Clackamas County amends the Clackamas County Code as follows:

The Board of Commissioners of Clackamas County ordains as follows:

Section 1: Chapter 2.05, Personnel Policies and Procedures of the Clackamas County Code is hereby as shown on Exhibit "A", attached hereto and incorporated herein by this reference.

ADOPTED this 10th day of December 2015.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

Exhibit A

2.05.140 Status Changes

* * *

2.05.140.8 Reinstatement Procedures

Employees who have attained regular status may request reinstatement to a position in their former classification and department within six (6) months of their effective date of resignation if they resigned with at least two (2) weeks notice, and the request is approved by the appointing authority. A former employee may be considered for vacancies for a period not to exceed six (6) months from date of resignation.

A former employee granted reinstatement shall be paid at the same step in the salary grade that was being paid at the time of resignation. Employees who are reinstated within ninety (90) days of the effective date of resignation shall regain all previously accrued seniority, time toward salary increases, longevity, vacation and sick leave accrual. Employees who are reinstated within one hundred eighty (180) days of the effective date of resignation shall regain all previously accrued sick leave accrual. Employees reinstated after ninety (90) or more days shall not regain previous service time toward seniority, salary increases, longevity, vacation and sick leave accrual.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05]

2.05.160 Holidays, Vacation And Sick Leave

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2.05.160.3 Sick Leave

A. Use of Sick Leave:

Employees may use their sick leave when unable to perform their work duties by reason of illness, injury, pregnancy, necessity for medical or dental care, exposure to contagious disease of the employee or to attend to the care of the employee's immediate family. Employees may also use their sick leave under the provisions of parental leave, ~~or family medical leave,~~ and under other applicable state law. Immediate family is defined as an eligible employee's grandparents, grandchildren, brothers, sisters, spouse or domestic partner, and domestic partner's the parents, children; the employee's biological, adoptive, or foster parent or child ; the employee's stepchild, parent-in-law, or person with whom the employee was or is in a relationship of in loco parentis or with whom the employee was or is related by blood or affinity whose close association with the employee is the equivalent of a family relationship. ~~brothers, sisters, grandparents, grandchildren, of the employee, spouse or domestic partner.~~ For exceptional circumstances, in relationships other than those stated above, sick leave may be granted by the appointing authority.

B. Sick Leave Accrual:

Full-time employees shall accrue sick leave at the rate of eight (8) hours per month commencing with the first full month of employment. Part-time employees and job share employees shall accrue sick leave at a prorated portion of eight (8) hours per month based on their hours worked in each pay period. Temporary and seasonal employees shall accrue sick leave at the rate of one (1) hour per thirty (30) hours worked. Earned sick leave may be used as it is accrued. Sick leave hours paid during any work week will always be paid at a straight time rate and those hours will not be considered in computing overtime hours worked in that week.

C. Procedures Governing Sick Leave:

The appointing authority or immediate supervisor must be notified of an illness or injury on the first day of absence. Failure to do so may result in the denial to use sick leave with pay. The appointing authority may require the employee to furnish a certificate issued by a licensed physician or practitioner documenting proof of illness or injury. Proven abuse of sick leave shall be cause for disciplinary action. Unused sick leave shall not be payable upon layoff or separation of employment from the County, but will be reported to the PERS retirement system.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05]