



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

Stephen L. Madkour
County Counsel

Kathleen Rastetter
Scott C. Ciecko
Amanda Keller
Nathan K. Boderman
Shawn Lillegren
Jeffrey D. Munns
Andrew R. Naylor
Andrew Narus
Sarah Foreman
Assistants

April 30, 2020

Board of County Commissioners
Clackamas County

Members of the Board:

Ordinance ___-2020 Amending Clackamas County Code
Chapter 2.05.200 – Layoff and Seniority of the Personnel Policies and Procedures for
Clackamas County Employees and Declaring an Emergency

Purposes/Outcome	To amend County Code Chapter 2.05 to clarify that non-represented employees do not have bumping rights in the event of a layoff.
Dollar Amount and Fiscal Impact	Costs savings of clarifying and simplifying the layoff process for non-represented employees is difficult to calculate. No increased cost associated with the change.
Funding Source	Not applicable.
Duration	Indefinite until amended.
Previous Board Action	County Code 2.05.200.4, which defines the bumping procedure in the event of a layoff, was codified July 2000 and has been amended twice since then. This matter was presented at Issues on January 14 and April 21, 2020.
Strategic Plan Alignment	Build Public Trust through Good Government
Contact Person	Andrew Narus, Assistant County Counsel

Background:

This matter previously came before the Board during the Issues session on January 14, 2020, and again on April 21, 2020. During the January 14 Issues session, the Board requested that non-represented employees be given the opportunity to provide input on the proposed changes and Administrator Schmidt scheduled a forum for employees to provide input. Generally, non-represented employees were either unaware of this Code provision or supportive of the change.

Currently, 2.05.200.4 sets out a bumping procedure for all regular employees in the classified service, including non-represented employees. In the event of a reduction in the workforce, employees whose positions are being eliminated are “permitted to exercise bumping rights by displacing a classified employee with less seniority in a different classification with the same salary grade or lower in the department, provided that the bumping employee is qualified to do the work . . .” The proposed Code change would eliminate the right of non-represented employees to bump down into other non-represented positions.

Eliminating bumping rights for non-represented employees would allow for a more efficient layoff process, in the event a reduction of force is necessary, and would ensure that the employees who are retained have the knowledge, skills, abilities, and professional experience to ensure efficient operations at the County following the layoff, consistent with County Code 2.05.200.3 (Layoff Order).

The other jurisdictions surveyed do not permit non-represented employees to bump down in the event of a layoff, including City of Portland, Multnomah County, Washington County, City of Vancouver, and Metro. The proposed change would align our layoff process for non-represented employees with our regional partners.

Finally, the proposed modification would not affect bumping procedures for represented employees, who rely on a bargained-for bumping process set out in their collective bargaining agreements with the County.

Recommendation:

Staff respectfully request the Board hold a public hearing on the first reading of this ordinance and provide any requested changes and then schedule for a second reading and adoption and declare an emergency upon adoption at the second reading.

Respectfully submitted,

/s/ Andrew Narus

Andrew Narus
Assistant County Counsel

ORDINANCE NO. __-2020

**An Ordinance Amending Clackamas County Code
Chapter 2.05.200 – Layoff and Seniority of the Personnel Policies and Procedures
for Clackamas County Employees and Declaring an Emergency**

Whereas, Chapter 2.05 - Personnel Policies and Procedures for Clackamas County Employees was adopted in 2000 and amended twice over the past 20 years; and

Whereas, it has become apparent that the County Code provisions related to the layoff and bumping procedures for non-represented employees are in need of modification; and

Whereas, such modification is necessary to ensure that a reduction of force involving non-represented employees occur in an efficient manner designed to retain employees who possess skills, knowledge, and abilities required for ongoing operations in all positions and classifications;

**NOW, THEREFORE, THE CLACKAMAS COUNTY BOARD OF COMMISSIONERS
ORDAINS AS FOLLOWS:**

Section 1: Chapter 2.05.200 is amended as depicted in Exhibit A, attached hereto and incorporated by this reference.

Section 2: Emergency Clause. The Board of Commissioners hereby finds and declares that due to the need to amend the Code and apply the new standards for employees, an emergency exists that requires the Ordinance to take immediate effect. Accordingly, this Ordinance shall be effective upon its adoption.

ADOPTED this __ day of _____, 2020.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

Exhibit A to Ordinance No. ___-2020
Showing Proposed Changes to 2.05.200.4 of the County Code

2.05.200 Layoff and Seniority

* * * * *

2.05.200.4 Bumping Procedure

When an employee is laid-off due to a reduction in the work force, the employee shall be permitted to exercise bumping rights by displacing a classified employee with less seniority in a different classification with the same salary grade or lower in the department, provided that the bumping employee is qualified to do the work as determined by the appointing authority and the Director of Employee Services. For bumping purposes, seniority will be defined as length of continuous service within the County. This provision does not apply to non-represented employees.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 04-2007, 4/26/07]