



**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

February 20, 2020

Board of County Commissioners  
Clackamas County

Members of the Board:

Second reading of Ordinance 02-2020  
Amending County Code

Chapter 2.05, Personnel Policies and Procedures for Clackamas County Employees  
and Declaring an Emergency

<b>Purposes/Outcome</b>	To amend County Code Chapter 2.05 to remove provisions related to personnel matters for employees working as “Limited Term Appointments”
<b>Dollar Amount and Fiscal Impact</b>	Costs savings of aligning limited term appointments with grant funding are not easily calculated. No increased cost associated with the change.
<b>Funding Source</b>	Not applicable.
<b>Duration</b>	Indefinite until amended.
<b>Previous Board Action</b>	County Code 2.05.030, which defines Limited Term Appointments has been amended six times since its codification in 2000, most recently 2014. This matter was presented at Issues on January 14, 2020, and the First Reading occurred on February 6, 2020.
<b>Strategic Plan Alignment</b>	Build Public Trust through Good Government
<b>Contact Person</b>	Andrew Narus, Assistant County Counsel

**Background:**

Currently, the Clackamas County Code provides certain terms and conditions of employment for “Limited Term Appointment,” which are appointments to positions that have been “budgeted and allocated for a limited duration not to exceed two (2) years but which is in excess of the time requirements for temporary positions.” County Code 2.05.030(EE). Under the County Code, temporary positions cannot work more than 1560 hours annually for positions on a forty hour per week schedule or 1462.5 hours annually for positions on a 37.5 hour per week schedule. Employees working as limited

term appointments are not subject to all provisions of the personnel ordinance and they are specifically exempt from certain County Employment Practices and Polices.

The current restriction on these appointments to two years of service presents a problem when the funding for the position is tied to a state or federal grant. Because many grants operate on a three-year funding cycle, once the employee reaches two years of service they may be converted to a regular status employee to continue their work under the grant. Once the employee attains regular status, they are entitled to transfer rights, bumping rights, and reinstatement rights that were never intended for the limited term position. The processing associated with those rights results in increased costs for the County.

Two unions have provisions in their collective bargaining agreements with the County that restrict limited term appointments to two years of service. In November and December 2019, the County secured memoranda of agreement with both unions to change the language of the contract and allow three years of service for limited term appointments. The changes to the collective bargaining agreements are effective immediately.

The proposed changes to the County Code will allow limited term appointments to serve in that status for up to three years. Additionally, removing these provisions in the Code will offer greater flexibility in defining the terms and conditions of employment for limited term appointments and greater responsiveness in addressing any similar issues with this employment designation. If approved, these changes would go into effect immediately after a second reading pursuant to a declaration of emergency in the ordinance.

**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. 02-2020**

**An Ordinance Amending  
Clackamas County Code Chapter 2.05 - Personnel Policies and  
Procedures for Clackamas County Employees**

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

**Whereas**, it has become apparent that the County Code provisions related to the terms and conditions of employment for limited term appointees occasionally conflict with external requirements for said appointees; and

**Whereas**, to efficiently meet the needs of the County through the provision of services by limited term appointments requires flexibility in defining the terms and conditions of employment in that designation; and

**Whereas**, such flexibility is best achieved through internal administrative processes; and

**Whereas**, it further appearing that this matter came before the Board for public hearing on January 14, 2020;

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

Section 1: Chapter 2.07.030 – Definitions and 2.05.100.1(B)(4) – Types of Appointments are 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 February, 2020.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

## Code Sections Showing Changes

### 2.05.030      Definitions

.....

~~EE. LIMITED TERM APPOINTMENT means an appointment to a position which has been budgeted and allocated for a limited duration not to exceed two (2) years but which is in excess of the time requirements for temporary positions.~~

.....

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 10-2004, 11/18/04; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 05-2007, 6/7/07; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 01-2011, 4/28/11; Amended by Ord. 05-2014, 9/25/14]

### 2.05.100.1      Types of Appointments

Any offer for employment must be made by the appointing authority or authorized representative to a person eligible under these rules. The types of appointments are:

- A. Probationary/Regular: All regular positions in the Classified Service when vacant shall be filled by appointment of an eligible applicant referred from an appropriate eligible register, except as otherwise provided in these rules. No regular appointment shall be complete until the applicant has successfully passed the probationary period.
- B. Unallocated (also known as “Temporary”): Selection procedures for unallocated appointments shall comply with the Federal Uniform Guidelines on Employee Selection Procedures. The appointing authority may make such an appointment with the authorization of the Director of Employee Services and a screening of the applicant's qualifications. However, when it is possible and practical, eligible registers shall be used in the appointment of unallocated employees.

Unallocated employees may be discharged at any time by the hiring manager and shall have no appeal rights within the County except for those involving allegations of illegal discrimination.

Employees working in unallocated positions are limited to working 1560 hours annually (in divisions using 40 hours/week schedules), or 1462.5 hours annually (in divisions using 37 ½ hours/week schedules), as provided in Section 2.05.040.5.

- C. Provisional: Unless otherwise provided by these rules, appointment of a person not on an

eligible register to a classified position for a limited duration is provisional. A provisional appointment is eliminated after ninety (90) calendar days or when the Department of Employee Services establishes an appropriate eligibility register, refers eligibles, or an appointment is made for the position, whichever occurs first. Provisional appointments may be renewed or extended by the Director of Employee Services prior to the appointment of a probationary status employee. A provisional appointment may be made under either of the following conditions:

1. There is not an existing eligible register for the classification; or
2. The eligible register contains less than five (5) names.  
The appointing authority may make such a provisional appointment with the authorization of the Director of Employee Services and a screening of the applicant's qualifications.

~~D. — Limited Term: The appointment to a position which has been budgeted and allocated for a limited duration not to exceed two (2) years, but which is in excess of the time requirements for a temporary position, is a limited term appointment.~~

~~A limited term employee will not be eligible for placement on a layoff register, nor be eligible to "bump" a regular status employee, nor have any other recourse for re-employment rights, when the duration of the limited term position expires. The appointing authority may make such a limited term appointment with the authorization of the Director of Employee Services and establishment of a budgeted limited term position. The applicant must also undergo screening of qualifications by either the Director of Employee Services or the appointing authority.~~

E. Unclassified. Employment in the unclassified service is not subject to the terms of Chapter 2.05 except as specifically provided in section 2.05.040.4.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2009, 10/29/09; Amended by Ord. 01-2011, 4/28/11]