

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Policy Session Worksheet

**Presentation Date:** May 6, 2025      **Approx. Start Time:** 11:30 AM      **Approx. Length:** 30 minutes

**Presentation Title:** Removing Personnel Policy Language from County Code

**Department:** Human Resources

**Presenters:** Evelyn Minor-Lawrence, Director, Human Resources  
Heather Pedersen, Deputy Director, Human Resources

### WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Staff seeks Board approval to systematically remove personnel policies and procedures from County Code (Chapter 2.05, Personnel Ordinance) and replace them with Employee Policies and Procedures (EPPs) as they are updated over time.

The immediate request seeks to remove Section 2.05.160.4 Extended Sick Leave and Section 2.05.070.17 Veterans Preference.

### EXECUTIVE SUMMARY:

#### **Why are Personnel Policies in County Code?**

- 1961: Clackamas County voters approved the adoption of a civil service system.
- 1990: The BCC established an employee advisory committee to develop a personnel ordinance, replacing the statutory civil service system.
- 1992: The County's Civil Service Act was repealed, and the Personnel Ordinance was adopted.
- 2000: County ordinances were codified into the Clackamas County Code.

#### **Why Remove Personnel Policies from County Code?**

Although the County no longer operates under a civil service system, many policies and processes within the code are reminiscent of a civil service structure, creating barriers in hiring and workforce management. Additionally, changes in federal and state laws require greater flexibility to maintain compliance. Recent examples include the Oregon Equal Pay Act and the Oregon Paid Family Medical Leave Act.

Additional reasons for removal include:

- **Outdated policies:** Code language does not align with modern employment best practices.
- **Rigid hiring processes:** Limits flexibility in recruitment and selection.
- **Lack of clarity:** Broad or unclear language can lead to misinterpretation.
- **Redundant regulations:** New state laws have rendered some county leave provisions unnecessary.

## Benefits of Removing Personnel Policies from County Code

- **Faster compliance updates:** Ensures timely policy revisions in response to legal and operational changes.
- **Improved accessibility:** Consolidates all employment policies in one location for easier reference.
- **Enhanced bargaining flexibility:** Streamlines negotiations by resolving duplicative or conflicting CBA language.
- **Consistent oversight:** Maintains the County Administrator's authority over operational and administrative policies.
- **Stronger legal defense:** Reduces litigation risks by ensuring policies are aligned with current law and best practices.

This proactive approach ensures County policies align with current best practices and provides the flexibility to adapt to changes in employment law in a timely manner. The recommended phased approach is expected to conclude by December 2027 and ensures transparency and thorough review.

As outlined in the attached crosswalk document (Attachment B), the immediate removal of County Code Section 2.05.160.4, regarding Extended Sick Leave, is necessary to align with current County policies and practices. Significant changes in state and federal leave laws, including the implementation of Oregon Paid Family and Medical Leave, have rendered this provision of County Code and EPP 11 (Leaves of Absence) outdated and redundant. EPP 11 was archived in June 2024 and removing this language from Code closes this loop.

Similarly, updates to Veterans' Preference (EPP 43) eliminate the need for retaining County Code Section 2.05.070.17, as the updated policy now fully addresses the relevant provisions and procedures.

If the Board approves the removal of these two sections, staff will return at a future Business Meeting to hold the required public hearings.

### FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? ☒ YES ☐ NO

What is the cost? \$ N/A      What is the funding source? N/A

### STRATEGIC PLAN ALIGNMENT:

- How does this item align with your Department's Strategic Business Plan goals? This item aligns with Human Resources' goal to create and maintain efficiencies through continued process improvement and to ensure timely updates in accordance with changing laws.
- How does this item align with the County's Performance Clackamas goals? This item aligns with the County's strategic priority to build public trust through good government

### LEGAL/POLICY REQUIREMENTS:

County code adjustments and alterations must be brought before the BCC at a Business Meeting for a public hearing and a vote.

### PUBLIC/GOVERNMENTAL PARTICIPATION:

The public is given an opportunity to provide comment on the changes to County Code at the Public Hearings, as required by law.

**OPTIONS:**

Option 1: Allow the removal of Section 2.05.160.4 Extended Sick Leave and Section 2.05.070.17 Veterans Preference from County Code.

Option 2: Allow only select personnel policies and procedures to be removed from County Code.

Option 3: Do not allow personnel policies and procedures to be removed from County Code and direct Human Resources and County Counsel to bring forward necessary code amendments to comply with current laws, regulations and policies.

**RECOMMENDATION:**

Staff recommends Option 1: Allow the removal of Section 2.05.160.4 Extended Sick Leave and Section 2.05.070.17 Veterans Preference from County Code.

**ATTACHMENTS:**

A: County Code Chapter 2.09.060 E. County Administrator Authority

B: Personnel Ordinance/EPP Crosswalk Document

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_

Department Director/Head Approval \_\_\_\_\_

County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact Evelyn Minor-Lawrence @ 503-655-8812
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[Added by Ord. 11-2002, 8/22/02; Amended by Ord. 07-2015, 12/3/15; Amended by Ord. 03-2022, 7/21/22]

## **2.09.060 Authority**

- A. The County Administrator shall be the Chief Administrative Officer of the County and all County service districts, if that authority is delegated by the board of the district. The County Administrator shall be responsible to the Board of County Commissioners for the administration and management of the County and its service districts and shall have control and supervision of all administrative departments, divisions, offices, districts and agencies subject to their jurisdiction, except County Counsel, or as otherwise provided by law.
- B. The County Administrator shall exercise no authority over the actions of elected County officials while they are performing the duties of their offices.
- C. The Board of County Commissioners hereby delegates to the County Administrator broad authority to perform their job functions. The County Administrator is responsible to the Board for the manner of their administration. The Board reserves to itself all of its legislative and judicial or quasi-judicial authority, unless expressly delegated.
- D. The Board of County Commissioners hereby delegates to the County Administrator contract signing authority for any contract previously approved by the Board of County Commissioners.
- E. The Board of County Commissioners hereby delegates to the County Administrator the authority to draft and promulgate administrative rules and establish and implement operational policies.
- F. It shall be within the specific authority of the County Administrator to perform all day-to-day functions necessary for the administration and management of County affairs and the affairs of County service districts, if delegated. Such authority includes but is not limited to the following:
  - 1. Provide for the proper administration of all ordinances, orders and resolutions of the County and its service districts, all contracts and franchises entered into by the County and service districts, and provide for the enforcement of all policies, rules, procedures, orders and regulations.
  - 2. Keep the Board informed of pertinent matters related to the administration and management of the County and its service districts.
  - 3. Serve as the Budget Officer for the County and its service districts and in that role prepare and submit to the Board and Budget Committee an annual budget and a long range capital improvement and expenditure program. Administer the provisions of the budget as adopted by the Board.
  - 4. Prepare and submit to the Board an annual report on the finances and administrative activities of the County and its service districts for the preceding fiscal year, together with recommendations for the betterment of the public service.

## Personnel Ordinance/EPP Crosswalk 5.6.25

Personnel Ordinance Language	Relevant EPP	Notes
<p><b>2.05.160.4 Extended Sick Leave</b></p> <p>Upon application of an employee, sick leave without pay for up to ninety (90) calendar days may be granted by the appointing authority for the remaining period of a disability after earned sick leave has been exhausted. In the event such unpaid sick leave exceeds ninety (90) days, the extension must be approved by the Board of County Commissioners or designee. The appointing authority shall require the employee to furnish a certificate issued by a licensed physician or practitioner or other satisfactory evidence of illness. (See 2.05.150 G, Disability Leave.) [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05; Amended by Ord. 05-2009, 10/29/09]</p>	<p><b>EPP 11 – Leaves of Absence (Archived 6/2024)</b></p> <p>Originally implemented in 1992, this policy allowed County departments to grant leaves of absence with or without pay for up to 90 days. If after 90 days the employee was still unable to return to work, they could petition the BCC for an extension of up to an additional 90 days.</p>	<p>Due to changes in leave laws, including the recent Oregon Paid Family Medical Leave, this policy is no longer necessary. Employees now have several options for protected leaves.</p> <p>EPP 11 replaced with EPP 10 Family and Medical Leave and EPP 76 Paid Family and Medical Leave.</p>
<p><b>2.05.070.17 Veterans Preference</b></p> <p>Qualified veterans shall be granted veterans preference in conformance with Oregon Revised Statutes 408.230. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 07-2005, 11/3/05].</p>	<p><b>EPP 43 – Veterans’ Preference</b></p> <p>Recent revisions reflect current state law and expands policy to include veterans’ eligibility for preference.</p>	