

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

FILED
APR 19 2018
TASSI O'NEIL
COUNTY CLERK
1018
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In the Matter of Rescinding Order) ORDER
#15-047 and Revising the Tillamook) #18- 041
County Employee Policy and)
Procedures Regarding Vacation)
Benefits for Non-Represented/)
Non-Exempt Employees)

This matter came before the Tillamook County Board of Commissioners on April 18, 2018 at the request of Deb Clark, Tillamook County Treasurer, and Mona Hamblen, Human Resource Director.

The Board of Commissioners being fully apprised of the representations of the above-named persons, and records and files herein, finds as follows:

1. On June 17, 2015 the Tillamook County Board of Commissioners signed Order #15-047 revising the Tillamook County Policy and Procedures regarding vacation benefits.
2. At this time, it is necessary to rescind Order #15-047 and revise the Tillamook County Employee Policy and Procedures clarifying vacation benefits for non-represented/non-exempt employees.
3. The policy regarding non-represented/non-exempt employees vacation benefits is attached hereto as "Exhibit A" and incorporated herein by reference is hereby enacted and should be included in the Tillamook County Policy and Procedures.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

4. Order #15-047 is superseded by this order.
5. This order is to become effective immediately.

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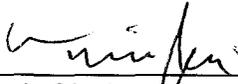
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Dated this 18th Day of April, 2018.

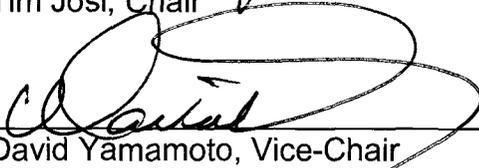
THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent



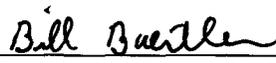
Tim Josi, Chair

✓ _____ _____



David Yamamoto, Vice-Chair

_____ _____ _____

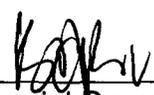
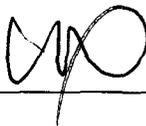


Bill Baertlein, Commissioner

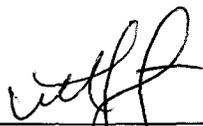
✓ _____ _____

ATTEST: Tassi O'Neil
County Clerk

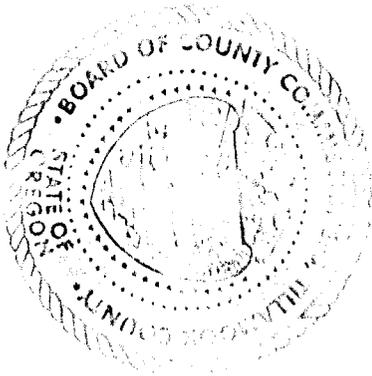
APPROVED AS TO FORM:

By:  

Special Deputy



William K. Sargent, County Counsel



**EXHIBIT A
NON-REPRESENTED/NON-EXEMPT EMPLOYEES
VACATION BENEFITS**

NON-REPRESENTED/NON-EXEMPT EMPLOYEES:

The following job classifications are non-represented and are NOT exempt from minimum wage and overtime. They do NOT satisfy all the duties tests of Federal and State regulations. Executive Assistant, Legal Secretary, Payroll Specialist, Chief Civil Deputy, Human Resources Technician, Human Resource Assistant, Secretary, Sheriff Office Manager, Kitchen Supervisor and Sergeant. These classifications are subject to this order.

ACCRUAL

Full-time non-represented/non-exempt employees shall accrue vacation based on hours, according to the following schedule:

ACCRUED LEVELS	MONTHLY	ANNUAL/MAX ACCRUAL
6 months through 4 years (48 months served)	8.667 hours	104 hours/156 max accrual
5 years (49 months served)	10.0 hours	120 hours/180 max accrual
10 years (108 months served)	12.0 hours	144 hours/216 max accrual
15 years (168 months served)	14.0 hours	168 hours/252 max accrual
21 years and over (252 months served)	16.0 hours	192 hours/288 max accrual

To be eligible for vacation accrual credit, a non-represented/non-exempt employee must have been employed by the County for six (6) full, consecutive months from the last date of hire. Vacation accrual effective the first of the month following six (6) full months of employment shall be retroactive for probationary non-represented/non-exempt employees to the date of hire.

The rate of vacation pay shall be the non-represented/non-exempt employee's regular straight time rate of pay in effect for the non-represented/non-exempt employee's regular classification on the payday immediately preceding the non-represented/non-exempt employee's vacation period.

Regular part-time non-represented/non-exempt employees budgeted less than forty (40) hours per week but more than twenty (20) hours per week will be prorated based on budgeted FTE.

MAXIMUM ACCRUAL

A non-represented/non-exempt employees earned but unused vacation credits shall not be allowed to accumulate beyond one and one-half (1 1/2) time the non-represented/non-exempt employee's annual accrual rate. The County may initiate a mandatory vacation of reasonable duration when a non-represented/non-exempt employee is about to exceed the maximum limit. An exception to the accrual limit may be granted by submitting a written request to the Board of County Commissioners for approval, provided the non-represented/non-exempt employee has been unable to

schedule a vacation due to operational requirements or emergency. If approved, the non-represented/non-exempt employee shall be allowed to accumulate vacation credits beyond the maximum accrual rate. A scheduled vacation time must be specified at the time of approval.

SCHEDULING

Non-represented/non-exempt employees shall be permitted to request vacation periods. Non-represented/non-exempt employees should request vacation time off as early as possible so that arrangements for coverage can be made. Requests for vacation time are to be submitted to the Supervisor using the leave request form. Supervisors will try to grant each request but cannot guarantee the request will be approved. In the event of competing requests for vacation time off submitted concurrently, approval will be given to the employee with the longest tenure.

RECORD KEEPING

Record vacation leave used on the timesheet for the month the leave was taken and attach the leave request form to the timesheet. Vacation leave shall be accounted for in amounts of not less than one-quarter (1/4) hour.

DEATH, TERMINATION, RESIGNATION OR RETIREMENT

In the event of death, termination or resignation of a non-represented/non-exempt employee during the initial six (6) months of the non-represented/non-exempt employee's employment, no payment in lieu of vacation shall be made. In the event of death, termination, resignation, or retirement of employment after a non-represented/non-exempt employee has served six (6) consecutive months, and is otherwise entitled to vacation credits, the non-represented/non-exempt employee shall be entitled to payment for accrued vacation, up to two hundred eighty-eight (288) hours. Accruals above two hundred eighty-eight (288) hours are forfeited upon death, termination, resignation or retirement. In the event of death, earned but unused vacation credits shall be paid in the same manner as salary due the deceased non-represented/non-exempt employee.

FAMILY LEAVE

Vacation may be used for family medical leave purposes in accordance with Oregon and federal law.

DONATION

In cases of serious injury or illness of a County employee, a non-represented/non-exempt employee may be allowed to donate accumulated, unused vacation leave subject to the following conditions:

- a. The ill or injured employee must have exhausted all accumulated leave and have requested and been approved by Human Resources for sick leave without pay.
- b. A non-represented/non-exempt employee may donate up to a maximum of fifty percent (50%) of their accrued vacation leave to the employee on sick leave without pay.

- c. A non-represented/non-exempt employee who desires to donate vacation leave must authorize, in writing, the deduction in their vacation leave. The written authorization must be approved by their Department Head or Supervisor. The value of the vacation leave donated will be determined by the hourly wage of the non-represented/non-exempt employee who makes the donation.

This is not intended to require non-represented/non-exempt employees to donate vacation hours. The choice to donate is strictly voluntary and confidential.

OPTIONAL VACATION CASH-OUT

A non-represented/non-exempt employee may receive a vacation cash-out under one of the two conditions listed below:

- 1) **Post Vacation Cash-Out:** a non-represented/non-exempt employee who takes a single block of vacation time of forty (40) hours or more during the calendar year shall be entitled thereafter to receive compensation for up to forty (40) hours of accrued vacation time. The non-represented/non-exempt employee may submit a written request, using the appropriate form, to payroll upon return from vacation and will be paid within thirty (30) days of the request.
- 2) **November Vacation Cash-Out:** If at least forty (40) hours of vacation has been taken by the non-represented/non-exempt employee during the same calendar year, the non-represented/non-exempt employee may cash out up to forty (40) hours of vacation during the last pay period of November (November 30 pay date) provided the request is made in writing on or before November 1.

A vacation cash-out may NOT be requested more than once each calendar year.