

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

FILED  
APR 19 2018  
TASSI O'NEIL  
COUNTY CLERK  
109  
[Signature]

In the Matter of Revising the Tillamook ) ORDER  
County Employee Policy and ) #18- 040  
Procedures Regarding Sick Leave )  
Benefits for Non-Represented/ )  
Non-Exempt and 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. The Tillamook County Employee Policy and Procedures manual needs to be revised clarifying the sick leave benefit reflecting changes passed by the 2015 Oregon State Legislature Senate Bill 454, requiring all Oregon employers to implement sick leave.
2. Non-represented/non-exempt part-time (.49 FTE or less) and 150-day retiree employees will be front-loaded forty (40) hours of sick leave January 1 each year or on the 91st calendar day of employment after hired. All accrued (unused) sick leave lapses on December 31.
3. Non-represented/non-exempt and exempt full-time employees shall accrue sick leave at the rate of eight (8) hours for each full month of service. Non-represented/non-exempt and exempt employees budgeted between .50 FTE and .75 FTE will be prorated based on budgeted FTE with a minimum accrual of at least one (1) hour for every thirty (30) hours worked. Non-represented/non-exempt and exempt employees accrue sick leave upon hire and are eligible for use of paid sick leave on the 91st calendar day of employment and may use sick leave time as it is accrued.
4. Sick leave may be accumulated to a maximum of one thousand four hundred forty (1,440) hours and shall be accounted for in amounts of not less than one-quarter (1/4) hour. Unused sick leave shall not be compensated for in any manner, except upon death or retirement. A non-represented/non-exempt and exempt employee's accumulated sick leave, up to a maximum of four hundred eighty (480) hours, shall be paid upon death or retirement. Retirement means activating and receiving retirement benefits under the County's retirement plan.

5. Sick leave is granted as insurance against the possibility of illness or injury and in no sense shall be considered a right that a non-represented/non-exempt and exempt employee may use for any purpose other than actual illness or injury, parental leave, or other applicable State and Federal laws.
6. Sick leave shall be available to the non-represented/non-exempt and exempt employee for themselves or for a family member's illness or injury. Sick leave shall also be available for medical/dental appointments. For the purposes of using sick leave, qualifying family members under Oregon Sick Time is defined as: spouse, same-gender domestic partner, biological child, adopted child, stepchild, foster child, child of same-gender domestic partner, parent, adoptive parent, stepparent, foster parent, parent-in-law, parent of same-gender domestic partner, grandparent, grandchild and an individual with which an employee has or had an in loco parentis\* relationship.

\*Persons "in loco parentis" are those with day-to-day responsibilities to care for or financially support a child, or who had such responsibility for the non-represented/non-exempt or exempt employee when the non-represented/non-exempt or exempt employee was a child.

7. A non-represented/non-exempt and exempt employee shall notify their supervisor of the intended use of sick leave as soon as possible after the knowledge of such need. For the purposes of OFLA and FMLA leave, the non-represented/non-exempt and exempt employee may be required to provide medical certification from a medical provider for such leave. Additionally, non-represented/non-exempt and exempt employees on such leave may be required to provide a medical release to return to work from a medical provider.
8. Where the County has reason to suspect abuse of sick leave privileges, or where the absence from duty is more than five (5) consecutive working days, the non-represented/non-exempt and exempt employee may be required to furnish a certificate issued by a medical provider. If the County requests such certification where the non-represented/non-exempt and exempt employee has not received medical care, the medical cost will be borne by the County, unless covered by insurance.
9. Non-represented/non-exempt and exempt employees will need to complete a leave request form and receive supervisor's approval before taking sick leave. If the absence is unplanned, complete the leave request form at the earliest opportunity and keep your supervisor updated on your condition while taking sick leave. Record sick leave used on the timesheet for the month the leave was taken and attach the leave request form to the timesheet.
10. In cases of serious injury or illness of a County employee, a non-represented/non-exempt and exempt employee may be allowed to donate accumulated, unused sick 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 and exempt employee may donate up to a maximum of fifty percent (50%) of their accrued sick leave to the employee on sick leave without pay.
- c. A non-represented/non-exempt and exempt employee who desires to donate sick leave must authorize, in writing, the deduction in their sick leave. The written authorization must be approved by their Department Head or Supervisor. The value of the sick leave donated will be determined by the hourly wage of the non-represented/non-exempt and exempt employee who makes the donation.
- d. This is not intended to require non-represented/non-exempt and exempt employees to donate sick leave hours. The choice to donate is strictly voluntary and confidential.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- 11. The policy regarding sick leave benefits for non-represented/non-exempt and exempt employees is hereby enacted and should be included in the Tillamook County Employee Policy and Procedures Manual.
- 12. This order is to become effective immediately.

Dated this 18th Day of April, 2018.

THE BOARD OF COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

Tim Josi  
Tim Josi, Chair

Aye	Nay	Abstain/Absent
<u>✓</u>	<u>    </u>	<u>  /  </u>

David Yamamoto  
David Yamamoto, Vice-Chair

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Bill Baertlein  
Bill Baertlein, Commissioner

<u>✓</u>	<u>    </u>	<u>  /  </u>
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ATTEST: Tassi O'Neil  
County Clerk

APPROVED AS TO FORM:

By: William K. Sargent  
Special Deputy

William K. Sargent  
William K. Sargent, County Counsel

