

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

FILED  
MAY 18 2018  
TASSI O'NEIL  
COUNTY CLERK

In the Matter of Rescinding Order )  
#15-047 and Revising the Tillamook ) ORDER  
County Employee Policy and ) #18- 048  
Procedures Regarding Non- )  
Represented Exempt Employees )  
Vacation Benefits )

This matter came before the Tillamook County Board of Commissioners on May 16, 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 exempt employees.
3. Tillamook County classifies an employee as exempt from minimum wage and overtime and establishes that the employee meets the criteria for exempt status. Both Federal and State regulations require that employees must satisfy all of the duties tests and also be paid a genuine salary to be classified as exempt employees.


NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

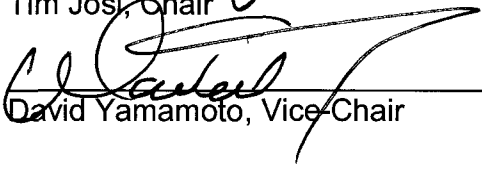
4. The policy regarding non-represented exempt employees vacation benefits is attached hereto as Exhibit A and incorporated herein by reference is hereby enacted and should be included in the Tillamook County Policy and Procedures.
5. Order #15-047 is superseded by this order.
6. This order is subject to a mandatory review within three (3) years of adoption.
7. This order is to become effective immediately.

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DATED this 16th Day of May, 2018.

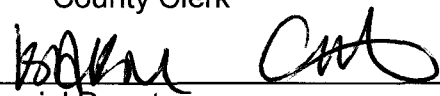
THE BOARD OF COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

  
\_\_\_\_\_  
Tim Josi, Chair

  
\_\_\_\_\_  
David Yamamoto, Vice-Chair

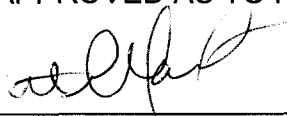
\_\_\_\_\_  
Bill Baertlein, Commissioner

ATTEST: Tassi O'Neil  
County Clerk

By:   
\_\_\_\_\_  
Special Deputy

Aye	Nay	Abstain/Absent
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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APPROVED AS TO FORM:

  
\_\_\_\_\_  
William K. Sargent, County Counsel

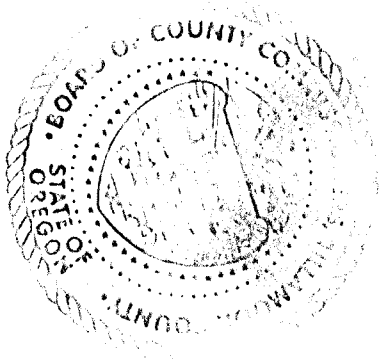


EXHIBIT A  
NON-REPRESENTED EXEMPT EMPLOYEES  
VACATION BENEFITS

**NON-REPRESENTED EXEMPT EMPLOYEES**

To define working hours and overtime eligibility and requirements consistent with the provisions of the Fair Labor Standards Act (FLSA) and Oregon Wage and Hour Laws, choose one of the following classifications:

**Executive Employee Exemption –**

- Management of the organization, department, or division is a primary duty
- Regularly supervises two or more employees
- Has hire/fire authority or makes recommendations that carry particular weight;
- Regularly exercises independent judgement and discretionary power
- Paid on a salary basis

**Administrative Employee Exemption –**

- Performance of responsible non-manual work directly related to management policies or business operations
- Regularly assists an executive, or performs work under only general supervision
- Regularly exercises independent judgement and discretionary power
- Primary duty (more than 50 percent of work time) shall be administrative
- Paid on a salary basis

**Professional Employee Exemption –**

- Performs work requiring an advanced type of knowledge usually obtained through a prolonged course of study (includes lawyers, teachers, doctors); or
- Performs work that is original or creative in an artistic field; and
- Regularly exercises independent judgement and discretionary power; and
- Primary duty (more than 50 percent of work time) shall be professional as stated above; and
- Paid on a salary basis

**ACCRUAL**

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

<b>ACCRUED LEVELS</b>	<b>MONTHLY</b>	<b>ANNUAL/MAX ACCRUAL</b>
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 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 exempt employees to the date of hire.

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

Regular part-time non-represented 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 exempt employee's earned but unused vacation credits shall not be allowed to accumulate beyond one and one-half (1 1/2) time the non-represented exempt employee's annual accrual rate. The County may initiate a mandatory vacation of reasonable duration when a non-represented 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 exempt employee has been unable to schedule a vacation due to operational requirements or emergency. If approved, the non-represented 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 exempt employees shall be permitted to request vacation periods. Non-represented 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.

### **PROFESSIONAL WORKWEEK**

Non-represented exempt employees shall work a professional workweek on a salaried basis and shall not be eligible for overtime. The established County workweek will begin at 12:00 midnight Sunday and ends at 11:59 pm the following Saturday, unless modified by the department head.

Non-represented exempt FTE employees shall work a minimum of forty (40) hours per professional workweek as determined by the Department Head and/or Manager.

A non-represented exempt employee may request or be required to work an irregular schedule, subject to supervisory approval or requirement, based upon business necessity. An irregular schedule may include working hours outside of the normal

operating hours of the department. An irregular schedule varies either by the number of hours worked or the starting and stopping times on a daily basis, but not necessarily each day. Any irregular schedule is subject to change.

### **RECORD KEEPING**

Non-represented exempt FTE employees shall work a minimum of forty (40) hours per professional workweek. Leave (vacation, personal or sick) shall be used for all unworked hours in a forty (40) hour professional workweek as determined by the Department Head and/or Manager. 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 exempt employee during the initial six (6) months of the non-represented 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 exempt employee has served six (6) consecutive months, and is otherwise entitled to vacation credits, the non-represented 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 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 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 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 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 rate of the non-represented exempt employee who makes the donation.

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

#### **OPTIONAL VACATION CASH-OUT**

A non-represented exempt employee may receive a vacation cash-out under one (1) of the two (2) conditions listed below:

- 1) **Post Vacation Cash-Out:** a non-represented 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 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 exempt employee during the same calendar year, the non-represented 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.