

Rule # 1-10

General Provisions

§§:

[§ 1-10-010 Designation](#)

[§ 1-10-020 Authority](#)

[§ 1-10-030 Application](#)

[§ 1-10-040 Definitions](#)

§ 1-10-010 Designation

- A. All Executive Rules included in this and following chapters are designated the Multnomah County personnel rules, and will be referred to as the “personnel rules.” When referred to specific sections of the Multnomah County personnel rules, the letters “MCPR” will precede the numerical designation.
- B. The personnel rules consist of the following chapters:
 - 1. General Provisions
 - 2. County Employment
 - 3. Workplace Management
 - 4. Management & Executive Employees
 - 5. Human Resources Administration
- C. All prior Executive Rules, Executive Orders, and rules relating to the subjects in these personnel rules are repealed from the effective date of this Executive Rule, except as they are included and readopted in whole or in part in these personnel rules.
- D. The personnel rules are presumptive evidence of the Executive Rules and all of their provisions and sections, and of the date of adoption. The personnel rules are also presumptive evidence that they were properly adopted, signed and published.

§ 1-10-020 Authority

County voters approved the [Multnomah County Home Rule Charter](#) (Charter) on May 24, 1966. It took effect on January 1, 1967. Charter Chapter VII relates to County personnel. The provisions adopt a civil service system. The Charter grants the Board

authority to define that system, Section 7.30, and expand the list of positions excluded from classified service, Section 7.10.

The Board has used this authority to adopt ordinances that define the classified service, created the Merit System Civil Service Council, and delegate authority and responsibility to the Chair. The ordinances are codified in [Chapter 9 of the Multnomah County Code](#) (MCC).

Section 6.10 of the Charter states that the Chair is the chief executive officer and personnel officer of the County. It contains the specific powers and duties of the Chair. The Chair has sole authority to appoint, direct and discharge County administrative officers and employees, except the staff of other County elected officers. The appointment of department heads is subject to the consent of the Board. The Chair may delegate administrative authority but remains responsible for acts of subordinates.

In addition to Charter direct and implied authority, the Chair also has authority from the Board delegated by ordinance. These ordinances, codified in the County code (MCC), give the Chair authority to adopt “Executive Rules.” Numerous code provisions authorize the Chair to implement specific policies adopted by the Board.

[MCC 9.030 and 9.040](#) authorize the Chair to adopt personnel rules by Executive Rule. [MCC 9.130](#) makes the Chair responsible for a job profile plan, [MCC 9.160](#) requires the Chair to maintain a compensation plan, and [MCC 9.200](#) requires the Chair to maintain a merit evaluation system.

The Chair in turn delegates authority to Department Directors and other County employees. All such authority is exercised in the name of the Chair who remains legally responsible for the actions. Under the code, Department Directors may adopt “Administrative Rules” with authority delegated by either the Chair or Board. The Multnomah County Chief Human Resources Officer is delegated authority to adopt administrative rules, procedures, forms, and practices consistent with these Rules. Department Directors are not authorized to adopt administrative rules, procedures, forms, or practices that are more lenient or generous than these Rules, or that are inconsistent with any legal requirement.

§ 1-10-030 Application

- A. The provisions of these personnel rules (“Rules”) and actions under them are to be construed to affect their objectives. The rules apply generally to all County officials and employees. Some rules by their terms either do not apply or apply differently to County elected officials. These rules apply to employees subject to collective bargaining agreements to the extent rules provisions are consistent

with the terms of such agreements. If there are conflicts between the rules and collective bargaining agreements, the terms of the agreements prevail.

- B. Provisions of these rules that are the same as prior rules or ordinances existing at the effective date of these rules are considered continuations and not new adoptions.
- C. The sections, subsections, and provisions of these rules are severable. If any part of these rules is declared by a court to be unconstitutional or invalid, the judgment will not affect the validity of the remaining parts of these rules.
- D. Executive Rules may amend existing provisions, add new provisions, or repeal existing provisions. Executive Rules will specifically amend or repeal particular sections of these rules. Executive Rules creating new rule sections will integrate the new sections into the numbering system and organization of these rules.
- E. The County Attorney is authorized to make editorial changes and corrections in these rules, provided such changes do not alter the substance of any rule. Changes and corrections may include the following:
 - 1. Numbering and renumbering sections and parts of sections,
 - 2. Changes in wording of head notes or headings,
 - 3. Rearrangement of sections,
 - 4. Changes of reference numbers to agree with renumbered code and rule sections,
 - 5. Substitution of the proper subsection, section, chapter, or other numbers,
 - 6. Omission of words or numbers that are repetitious,
 - 7. Changes in capitalization and punctuation for uniformity, and
 - 8. Correction of clerical or typographical errors.

§ 1-10-040 Definitions

**[Multnomah County Code definitions are italicized and marked with an asterisk]*

Access: Rights an employee has to read or write electronic data, log in to County owned or authorized systems and networks, or execute applications using County owned or authorized systems. For example, a user might be granted read access to a file, meaning that the user can read the file, but cannot modify or delete it. Most systems

have several different types of access privileges that can be granted or denied to specific users or groups of users.

A.D.A.: The federal [Americans with Disabilities Act \(ADA\)](#) (42 U.S.C. § 12101 et seq.).

Adverse Impact: A substantially different rate of selection that works to the disadvantage of members of a race, sex, or ethnic group.

****Affirmative Action:*** *Identifying existing or potential discriminatory conditions and making specific goal oriented corrective actions to eliminate and prevent unlawful discrimination.*

Alcohol: Ethyl alcohol and all beverages or liquids containing ethyl alcohol.

Allocation: Assigning a job profile to a position or a group of positions based upon key factors such as purpose of the position, major duties performed, scope/impact of work assignments, and the minimum qualifications, training, and education required to perform the work.

****Appeal:*** *A request for hearing filed with the executive secretary of the Merit System Civil Service Council.*

Applicant: See Candidate

Appointing Authority: The Chair and the Chair's designees, which is generally the top executive or senior management position in an operating or administrative department or a major unit that is responsible for the primary functions and services of the County. The Chair may delegate administrative authority to designees, but remains responsible for the acts of such designees.

****Appointment:*** *All methods of selecting or employing any person to hold a position in County service.*

****Assessment (formerly called Examination):*** *Any test, method, or combination of methods used to determine the fitness and qualifications of candidates for County service.*

****Bargaining Agent:*** *Labor organization certified or recognized as the exclusive representative for purposes of collective bargaining under [ORS 243](#) for all County employees in an appropriate bargaining unit.*

Benchmark Jobs: A job or job profile commonly found in the labor market, or a job or job profile that is highly populated within and relevant to the County. Pay and market data for benchmark jobs are readily available and are used to help establish and maintain pay programs and compensation structures.

Candidate (formerly called Applicant): A person who applies for employment with the County in response to a specific recruitment announcement.

Catastrophic Medical Condition: A medical or psychiatric condition that constitutes a "serious medical condition" within the meaning of the federal Family Medical Leave Act (FMLA) ([29 USC Chapter 28](#)) or the Oregon Family Medical Leave Act (OFLA) ([ORS 659A.150-659.186](#)), whichever would permit broader use of donated leave.

**Cause: Misconduct, inefficiency, incompetence, insubordination, indolence, malfeasance or other unfitness to render effective service.*

Central Human Resources (Central HR): The central administrative Human Resources Unit of the Department of County Management.

Certified Applicant: See Certified Candidate

Certified Candidate (formerly called Certified Applicant): A candidate who has been placed on a "Certification of Eligibles" list issued by Central HR or a Department's Human Resources Unit.

**Class or Classification: See Job Profile*

**Classification Plan: See Job Profile Plan*

**Classified Employee: An employee who holds a position in County service that is represented by a collective bargaining unit or a position designated as management service, but does not include those in executive service, temporary employees, or those who work on call or less than half time. Classified employees are subject to all of the provisions of the County Charter, ordinances, and these rules which set forth civil service requirements, including, but not limited to, those for appointment, seniority, tenure, discipline, and discharge.*

**Classified Service: All regular County service positions held by classified employees.*

Close Proximity: Close proximity means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period.

**Compensation Plan: Salary, wages, special pay provisions, and paid benefits.*

Confidential Medical Records or Information: All medical records and information in the County's possession which the County is obligated to maintain in confidence under applicable state and federal laws or regulations.

Controlled Substance: All forms of narcotics, depressants, stimulants, analgesics, hallucinogens, and cannabis, as classified in Schedules I - V under the Federal

Controlled Substances Act ([21 USC § 811-812](#)) as modified under [ORS 475.035](#), whose sale, purchase, transfer, use, or possession is prohibited or restricted by law.

***Council:** *The Merit System Civil Service Council.*

***County Service:** *County employees in classified and unclassified positions.*

Custodian of Records: The County official or employee who is responsible for keeping the public record on file.

Demotion: The voluntary or involuntary movement of an employee through a non-competitive process from a position in one job profile to a position in another job profile having a lower maximum pay rate.

Department Authorization: Authorized by the Department Director or designee.

Direct Threat: A significant risk of substantial harm to the health or safety of the disabled individual or others that cannot be eliminated by reasonable accommodation.

***Director:** *The head of a department appointed by the Chair with the consent of the Board, and for employment purposes the Sheriff, Auditor, District Attorney, and County Attorney, or designees.*

Disability: An individual with a disability is a person who: (1) has a physical or mental impairment that substantially limits one or more of the major life activities of such an individual; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

Disciplinary Action: Corrective action taken against an employee, including but not limited to oral reprimand, written reprimand, suspension, reduction in pay, demotion, dismissal, or any combination.

Discrimination: To discriminate means to make a distinction between individuals or groups based on common characteristics, real or perceived. Certain kinds of discrimination are unlawful. Oregon civil rights laws generally prohibit making adverse decisions in employment, housing, places of public accommodation, and career schools because an individual is a member of a class protected by these statutes.

***Discrimination Complaint:** *A complaint that a personnel action was motivated by discrimination on the basis of protected class, or other protected status in a personnel action and in accordance with applicable laws.*

Dismissal: Termination of employee from County service.

****District Attorney:*** State official elected by the voters of Multnomah County who has the powers and performs the duties of state law, including enforcement of local laws.

****District Attorney Executive Staff:*** Employees in positions that report directly to and serve at the pleasure of the District Attorney. These employees have the same rights and benefits as County elected officials' staff.

Domestic Partner: One of two persons, who:

- A. Have jointly shared the same permanent residence for at least six (6) months immediately preceding and plan to continue to do so indefinitely;
- B. Have a close personal relationship with each other;
- C. Are not legally married to anyone;
- D. Are each 18 years of age or older;
- E. Are not related to each other by blood in a degree of kinship closer than would bar marriage in the State of Oregon;
- F. Were mentally competent to contract when the domestic partnership began;
- G. Are each other's sole domestic partner; and
- H. Are jointly responsible for each other's common welfare including "basic living expenses"; individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the cost.

For purposes of these rules, all familial relationships defined by spousal relationships also include domestic partner relationships.

Donated Leave: Hours of accumulated vacation leave or compensatory time off donated by an employee to another employee under MCPR § 2-55.

Drug Paraphernalia: Drug paraphernalia means any and all equipment, products, and materials of any kind, as more particularly defined in [ORS 475.525\(2\)](#), which are or can be used in connection with the production, delivery, or use of a controlled substance.

Drug Test: Any test designed to identify the presence of certain prohibited drugs or their metabolites in the body.

Drugs: Controlled substances, designer drugs (drug substances not approved for medical or other use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration), and/or over-the-counter medications available without a

prescription from a medical doctor that are capable of impairing an employee's mental or physical ability to safely, efficiently, and accurately perform work duties.

***Elected Official:** *Chair, Commissioner, District Attorney, Auditor, and Sheriff.*

***Elected Official's Staff:** *Employees in positions that report directly to and serve at the pleasure of a County elected official and serve as such official's immediate secretary, administrative, legislative, or other immediate or first-line assistant.*

Electronic Records: Records which are stored in a form that requires a computing device or mobile device to process. The term "electronic records" does not include or refer to photocopies, digital imaging systems, or analog or digital audio or video tapes.

***Eligible:** *A person qualified for employment by examination or other methods.*

***Eligible List:** *A list of persons found qualified for appointment to a position in a particular job profile.*

Equivalent Classification: See Equivalent Job Profile

Equivalent Job Profile (formerly called Equivalent Classification): A newly assigned job profile determined by Central Human Resources to be similar or essentially equal ("equivalent") to the former job profile because the purpose of the work, qualifications required, duties, and responsibilities are substantially the same.

Equivalent Lateral Transfer: Transfer to a position into a job profile that has the same top step or maximum rate of pay, but is a different job profile from the employee's base job profile; employee must meet the general qualifications and work experience requirements for this type of transfer to occur.

Essential Job Functions: The fundamental job duties of a position. Essential functions do not include the marginal functions of the position. A function may be essential for any of several reasons, including but not limited to the following: (1) a position exists specifically to perform the function; (2) there are a limited number of employees available among whom the performance of the job function can be distributed; or (3) the function is highly specialized and employees are hired for their expertise or ability to perform the particular function.

***Examination:** See Assessment

***Executive Employee:** *Employee with a major role in the administration or formulation of policy that requires the exercise of independent judgment and includes all positions excepted from the classified service.*

***Executive Secretary:** *The executive secretary of the Merit System Civil Service Council.*

Exempt Employee (FLSA): An executive, administrative, or professional employee, as defined by the [Fair Labor Standards Act \(FLSA\)](#) (See regulations, [29 CFR § 541.0-541.315](#)) or by state wage laws ([ORS 653.020\(3\)](#) and [OAR 839-020-0004 \(25\), \(29\), \(30\) and OAR 839-020-0005](#)), who is not covered by the overtime provisions of those laws.

Expression of Milk: Expression of milk means the initiation of lactation by manual or mechanical means and does not include breastfeeding.

***Familial Status:** *As defined in [ORS 659A.001\(6\)](#), the relationship between one or more individuals who have not attained eighteen (18) years of age and who are domiciled with:*

- A. A parent or another person having legal custody of the individual; or*
- B. The designee of the parent or other person having such custody, with the written permission of the parent or other person.*

“Familial Status” includes any individual, regardless of age or domicile, who is pregnant or is in the process of securing legal custody of an individual who has not attained eighteen (18) years of age.

Family: For purposes of these rules, family includes the employee's spouse or domestic partner, and the employee's, spouse's or domestic partner's children, step-children, parents, step-parents, grandparents, grandchildren, siblings, step-siblings, and siblings-in-law, and any individual related by blood or affinity whose close association with an employee is the equivalent of a family relationship in accordance with state law, unless otherwise provided.

Formal Recognition: Can include awards and celebration events for achievements and service, at which eligible employees can participate and receive recognition. Formal recognition often has certain policy and legal requirements.

Full-Time Employee: An employee regularly scheduled to work at least thirty-two (32) hours per week or .8 FTE, or an employee regularly scheduled to work at least thirty (30) or more hours per week or .75 FTE, if on a ten (10) hour per day schedule.

Gender Expression: The representation of gender, as expressed through means such as one's name, gender pronouns such as “she, he, they,” etc., appearance, dress, haircut, behavior, mannerisms, voice, speech patterns, or body characteristics. Gender expression may not be distinctively male or female, may be perceived as masculine,

feminine, neither, or both, and may not conform to traditional gender-based stereotypes presumed of specific gender identities.

***Gender Identity:** *Every individual's internal, deeply held sense of one's gender, which may be the same or different from one's sex assigned at birth. One's gender identity may be male, female, neither or another gender, e.g., gender non-conforming or gender expansive. Gender identity is distinct from gender expression and from sexual orientation.*

Genetic Information: Includes information about an individual's or individual's family member's genetic tests; family medical history; an individual's request for, or receipt of, genetic services or participation in clinical research that includes genetic services; or genetic information of a fetus of a pregnant person or family member, or embryo with respect to an individual using assisted reproductive technology.

***Grievance:** *A complaint filed under the terms of an existing collective bargaining agreement.*

Informal Recognition: Usually given by an employee's manager, acknowledges the employee's contribution without applying formal criteria. It can take a variety of forms, has few restrictions, and often includes a low-cost, tangible gesture of appreciation or congratulations.

Information Technology: Any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, storage, manipulation, management, movement control, display, switching, interchange, transmission, or reception of data or information.

Intern: A person who performs work for an employer for the purpose of training if:

- A. The employer is not committed to hire the person performing the work at the conclusion of the training period;
- B. The employer and the person performing the work agree in writing that the person performing the work is not entitled to wages for the work performed, and the work performed:
 - 1. Supplements training given in an educational environment that may enhance the employability of the intern;
 - 2. Provides experience for the benefit of the person performing the work;
 - 3. Does not displace regular employees;
 - 4. Is performed under the close supervision of existing staff; and

5. Provides no immediate advantage to the employer providing the training and may occasionally impede the operations of the employer.

Job Class: See Job Profile

***Job Description:** *See Position Description*

Job Family: A series of related job profiles distinguished by levels of knowledge, skills, and complexity of work assignments and other factors. A job family is designed to address levels of work complexity, provide promotional opportunities, pay advancement, and flexibility in staffing organizations with complex operations and functions. Job families often reflect common disciplines such as Engineering, Finance, and Information Technology (IT).

***Job Profile (formerly called Class, Classification, and Job Class):** *A group of positions in the County service sufficiently similar in duties, authority, responsibility, skills, education, and training requirements to permit grouping under a common title that would call for similar qualifications and the same pay grade.*

***Job Profile Plan (formerly called Classification Plan):** *A document that contains all County service job profiles, and the specifications or descriptions for the job profiles.*

Job Share: A job share is defined as a full-time position that is held by two (2) regular status employees on a shared basis in a single job profile, thus each employee works .5 FTE. The two (2) employees share the duties and responsibilities for the position, dividing the hours equally between them. Each employee will be scheduled to work forty (40) hours during two (2) work weeks. Job share partners will be treated as part-time (.5 FTE) employees for purposes of holidays, leave accruals and scheduling, compensation, and health and welfare benefits.

Labor Market: These are factors considered and selected that help employers determine what business sector and geographic areas or regions to use when comparing wages and salaries assigned to job profiles and job families. Factors include but are not limited to general recruitment areas; competition for specific skills; turnover and separation data for particular jobs; comparative economic conditions; comparable populations and other demographic data; organizational size and program responsibilities; and workforce composition. The County primarily considers the public sector when determining its labor market.

Lateral Transfer: Transfer to a position in an employee's base job profile.

***Layoff:** *A reduction of the County workforce.*

Lead Pay/ Lead Premium: An additional set amount of pay or a set percentage of additional compensation that is awarded to a position and a job profile for performing limited supervisory and administrative duties such as providing technical work direction; assigning and scheduling work; and providing training to others; while performing other duties as required of the base job profile.

Legal Guardianship: The legal relationship created when a person is named in a will or assigned by the court to take care of minor children.

Limited Duration Appointment: An appointment for a grant or project of uncertain or limited duration.

Major Life Activities: Basic activities that most people in the general population can perform with little or no difficulty, such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. This is a nonexclusive list. It also includes the operation of major bodily functions, such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

****Management Employee:*** *Employee with a role in the administration of the County, a manager, or a professional or paraprofessional employee who is not covered by a collective bargaining agreement. These positions are designated by the Chair and are classified but non-represented.*

Manager (includes supervisor job profiles): An employee delegated authority by a Director to assign work, evaluate employee performance, respond to grievances, approve leave and other employee requests, and impose or effectively recommend disciplinary action.

Medical Review Officer (MRO): A medical doctor trained in toxicology who contracts with employers primarily to review positive preliminary drug test results with employees.

Merit Increase: A progressive rate or specific sum of compensation within a pay range paid to an employee who has successfully performed their assigned job duties in a given period (usually a work year).

Minimum Qualifications: The training, education, experience, and other qualifications established for a given job profile and required of an applicant to apply and compete for a position in that job profile.

Monetary Awards: An award paid by any negotiable instrument (cash, check, money order or direct deposit); any item that can be readily converted to cash, such as savings bonds or refundable gift certificates; or gift cards/certificates for any amount.

Multnomah County Chief Human Resources Officer (CHRO): The head of the central administrative Human Resources Unit of the Department of County Management.

Non-Exempt Employee: An employee who does not meet the definition of an exempt employee, as defined by the [Fair Labor Standards Act \(FLSA\)](#) and state law, who is covered by the overtime provisions of the law.

Non-Monetary Awards: Awards that include meals, work related conferences or development opportunities, plaques, trophies, desk items, cups and mugs; and personal items of clothing such as caps, shirts, and sweatshirts.

***Non-Represented Employee:** *An employee in a position not covered by a collective bargaining agreement.*

***On-Call Employee:** *A person employed to meet intermittent, irregular, or less than half-time County work needs.*

Part-Time Employee: An employee regularly scheduled to work at least twenty (20) hours per week or .5 FTE, but less than full-time.

Pay Administration: The practices and policies that guide pay, beginning with setting pay on initial hire to changes in pay throughout the employees' tenure with the County. The goals of pay administration are to maintain equitable, consistent pay practices throughout the County's many organizations and units.

Pay Grade: The identifier, generally a number or letter, which corresponds to a specific pay or step range assigned to a job profile.

Pay Range: The minimum base rate of pay to the maximum base rate of pay within which employees are paid, according to a pay grade and job profile. A pay range is often referred to as a salary range when assigned to a job profile that is non-represented and does not have specific steps.

Payroll Unit: The central payroll unit designated by the Chair to perform the administrative functions assigned by this rule, or the payroll unit within the Sheriff's administrative authority.

Person With a Disability: An individual who has a mental or physical impairment which substantially limits one or more major life activities, or has a record of such impairment, or is regarded as having such an impairment.

***Personnel Action:** *Any employment action taken by the County with reference to an employee or position.*

***Personnel Officer:** *The County Chair, or designee.*

Position: A group of related duties and responsibilities requiring the full-time or part-time employment of one (1) person.

Position Description (formerly called Job Description): The document that contains specific explanations of the assigned major duties and the characteristics and impact of a position. This document is often called a job description.

Pregnancy-Related Limitations: Restrictions related to pregnancy, childbirth, lactation, and related medical conditions.

Premium Pay: An additional set amount of pay or a set percentage of additional compensation that is awarded to a position and a job profile for: 1) performing major additional duties that are significantly different from the base job profile; 2) working an unusual shift or in a non-standard environment; or 3) due to pressing market conditions, Central Human Resources has determined an assigned pay range must be temporarily elevated. Once any of the aforementioned conditions no longer applies, the premium is removed.

Prescription Medication: A medication for which a person is required by law to have a valid, current prescription.

Private Location: A private location is a place, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public.

***Probationary Period / Trial Service Period:** *A working test period during which a classified employee is required to demonstrate fitness for the position to which the employee is appointed by actual performance of the duties of that position.*

***Promotion:** *A movement of an employee to a job profile that has a higher maximum rate than the employee's current job profile.*

Protected Class: Race (including physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles), color, sex, age (18 and over), religion, national origin (including accent), political affiliation, marital status, sexual orientation, gender identity, gender expression, source of income, familial status, physical or mental disability (including perception of or record of a disability), invocation of protected leave, genetic information, pregnancy and pregnancy-related limitations, status as a uniformed service member, status as a victim of sexual assault or domestic violence, an expunged juvenile record, or other protected status in any personnel action and in accordance with applicable law, including [ORS 659.030](#) and [ORS 659A.112](#).

Public Record: Includes, but is not limited to, documents, books, papers, photographs, files, sound recordings, or machine readable electronic records, regardless of physical form or characteristics, made, received, filed, or recorded pursuant to law or in connection with the transaction of public business, whether or not confidential or restricted in use. Public records do not include extra copies of a record, preserved only for convenience of reference, or messages on voice mail or other telephone message storage and retrieval systems.

Qualified Individual With a Disability: An individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position that the individual holds or desires and who, with or without reasonable accommodation, can perform the essential functions of the position. Individuals who currently use drugs illegally are not individuals with disabilities for purposes of this rule.

Reasonable Accommodation: Modifications or adjustments to a job application process, work environment or manner in which the job is done that will enable a qualified individual with a disability to perform the essential functions of that position.

Recall: When a laid-off regular employee is reinstated to a regular position from a recall list.

****Recall List:** A list of employees laid off from positions in particular job profiles that have rights for appointment to a position in that job profile.*

****Reclassification:** The assignment of an existing position from one job profile of work to another job profile of work based upon the significant change in primary work duties.*

Recognition Leave: Additional day(s) of leave awarded to an eligible employee that may be used for personal purposes. Recognition Leave is only available to be awarded to regular status management and executive service employees and is done in accordance with MCPR § 4-30-040(D).

Reduction in Pay: Decrease in an employee's pay or salary.

****Regular Employee:** The status a classified employee acquires after successful completion of the probationary period for the particular position to which the employee was appointed.*

****Regular Position:** A County service position budgeted for each fiscal year that is not otherwise classified as temporary, on-call, or limited duration.*

Rehire: An employee who has terminated regular employment with the County and is subsequently selected from a civil service list to occupy a regular position.

Reinstatement: Refers to non-competitive return of a County employee to regular County service within one year of termination, or return to a former higher job profile following a voluntary demotion.

Reorganization: The substantial restructuring of a work unit based on business demands which require the deliberate change to one (1) or more positions and their job profiles. This deliberate change in work functions and restructuring will result in the reallocation or re-classification of one or more of the existing positions and may include approval to conduct a limited recruitment to fill the positions. Incumbent employees are not reclassified with the position when the reclass is due to reorganization under MCPR 5-55.

***Represented Employee:** *An employee in a position covered by a collective bargaining agreement.*

Salary Range: The minimum base rate of pay to the maximum base rate of pay within which employees are paid, according to a pay grade and job profile. A salary range is often referred to as a pay range when assigned to a job profile that is covered by a collective bargaining agreement and has specific steps.

***Sexual Orientation:** *Refers to an individual's physical, romantic, and/or emotional attraction to people of the same and/or different gender. Examples of sexual orientations include straight (or heterosexual), lesbian, gay, asexual, and bisexual.*

Span of Control: The number of subordinates/employees who directly report to a manager who oversees the work of other employees expressed as a ratio. For example, 1:5 would indicate that for each manager there are five (5) employees.

Step: The progressive, specific rates of compensation within a pay grade for a represented job profile that progresses from the minimum rate of pay for a job profile, to the highest rate or maximum amount of pay.

***Source of Income:** *The means by which a person and dependents are supported, including but not limited to money and property from any occupation, profession, or activity, from any contract, settlement, or agreement, from federal or state payments, court-ordered payments, gifts, bequests, annuities, life insurance policies, and compensation for illness or injury, but excluding any money or property derived in an illegal or criminal manner.*

Spouse: A legally married person.

Substance Abuse Professional (SAP): A licensed physician, or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor

with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

Substantially Limits: To have a disability, an individual must be substantially limited in performing a major life activity as compared to most people in the general population. An impairment need not prevent or significantly or severely restrict an individual in performing a major life activity to be considered “substantially limited.” The determination of whether an impairment substantially limits a major life activity is made without considering the beneficial effects of mitigating measures such as medication. However, the effects of the mitigating measures of ordinary eye glasses or contact lenses shall be considered - i.e., a visual impairment that is corrected with ordinary eyeglasses may not be a disability under the ADA. Temporary, non-chronic impairments of short duration with little or no residual effects usually will not be considered disabilities.

Supervisor: See Manager

Suspension: Placing an employee on involuntary absence from County service.

Temporary Appointment/Assignment: An assignment in writing by the manager to assume the major distinguishing duties of a position in a different job profile and/or to replace another employee in a different job profile, and to perform a majority of the principal duties of that job profile, e.g., a job profile that would be a promotion, demotion, equivalent transfer, etc., typically for more than ninety (90) days, but no longer than six (6) months.

***Temporary Employee:** *A person employed to meet short term, non-recurring, or emergency County work needs.*

Trainee: Employment of a person in a job profile lower than the budgeted level of the position when there is a reasonable expectation that the employee will meet minimum qualifications of the allocated level within the probationary period or twelve months following appointment, whichever is longer.

***Transfer:** *Movement from one position to another with the same maximum pay rate.*

Treating Physician or Other Expert Resource: M.D. or Ph.D. or an individual providing expert services (i.e., rehabilitation counselor or physical therapist) who is licensed or certified by the state in which they practice.

***Trial Service Period:** *See Probationary Period*

***Unclassified Employee:** *An employee excepted from the classified service by this chapter, but does not include temporary employees or those who work on call or less than half time.*

Undue Hardship: Significant difficulty or expense incurred by the County given the nature and net cost of the accommodation, overall County financial resources, and the type of business operation performed.

Volunteer: A person who performs a service at free will and without expectation of pay.

Work-Out-of-Class (WOC): An assignment in writing by the manager to assume the major distinguishing duties of a position in a different job profile and/or to replace another employee in a different job profile, and to perform a majority of the principal duties of that job profile, e.g., a job profile that would be a promotion, demotion, equivalent transfer, etc., typically for up to ninety (90) days.

Workplace: Any place County employees work including all County business locations and premises, all County-owned and leased property, or any place occupied by County employees while on the job.

REFERENCES

[Multnomah County Home Rule Charter](#)

[Chapter 9 of the Multnomah County Code](#)

[Americans with Disabilities Act \(ADA\)](#)

[ORS 243](#)

[Family and Medical Leave Act \(FMLA\)](#)

[Oregon Family and Medical Leave Act \(OFLA\)](#)

[Fair Labor Standards Act \(FLSA\)](#)

[Federal Controlled Substances Act](#)

[29 CFR § 541.0-541.315](#)

[ORS 653](#)

[OAR 839](#)

[ORS 659.030 and ORS 659A.112](#)

MCPR 2-55 Catastrophic Leave Donations

MCPR 4-30 Leaves: Non-Represented Employees

MCPR 5-55 Classification of Positions Affected by Reorganization