

## **Rule # 2-15**

### **Employee Status**

**§§:**

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#### **§ 2-15-005 Classified Employees**

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. The classified County service is comprised of all County positions except the following:

- A. Elected officials and elected officials' staff.
- B. Executive employees, as follows:
  - 1. Department directors, the County Attorney, and Division heads.
  - 2. Non-represented executive assistants who report directly to and serve at the pleasure of department directors or the County Attorney.
  - 3. With the approval of the Chair or their designee, management job profiles which report directly to the department director or their deputy or principal assistant and are a part of the department director's management team; and/or whose duties involve significant discretion and substantial involvement in the development, interpretation, and implementation of County or department policy.
  - 4. With the approval of the Chair or their designee, professional job profiles which require an advanced degree and licensure and which require the exercise of substantial professional judgment and discretion, including but not limited to assistant County attorneys.
- C. Temporary employees and those who work on-call or less than half-time.

## **§ 2-15-010 Probationary / Trial Service Period**

The probationary / trial service period is an integral part of the evaluation process. It is a working assessment for a classified employee to demonstrate fitness for the position based on the duties assigned. It gives the Appointing Authority an opportunity to observe the employee's work, train and aid the employee in adjustment to the position, and to remove an employee whose performance fails to meet expectations.

## **§ 2-15-020 Duration**

- A. Probation / Trial Service begins on the date of appointment from a certified eligible list for classified employees. Unless otherwise agreed to in a collective bargaining agreement, probationary / trial service periods have the following duration:
  - 1. Eighteen (18) months for deputy sheriffs.
  - 2. One (1) year for other law enforcement and corrections personnel.
  - 3. Duration of probation / trial service is subject to the applicable collective bargaining agreement for other represented classified employees.
  - 4. One (1) year for employees or applicants upon initial appointment as management employees.
  - 5. Six (6) months trial service for employees promoted within management service.
  - 6. Upon receiving written justification from an Appointing Authority documenting the reasons, the Multnomah County HR Director may approve an extension of the one (1) year initial management appointment trial service period or six (6) months management promotional trial service period.
  - 7. An authorized leave of thirty (30) days or more during the probationary / trial service period will extend the probationary period so that the employee serves the entire probationary period.
- B. If a regularly budgeted position is changed from unclassified to classified for any reason, any incumbent with less than one (1) year of accrued service must serve a probationary / trial service period. Executive employees who accept a reassignment into a classified position and who have not attained regular status as a classified employee must serve a probationary / trial service period. The length of the probationary / trial service period will be the difference between one (1) year and the incumbent's accrued service in a classified position.

### **§ 2-15-030 Probationary / Trial Service Periods for Employees in Training Programs under MCPR § 5-30-030**

- A. Trainees will be promoted non-competitively as authorized by [MCC 9.150\(A\)](#) to the budgeted position's job profile when they have completed the training program and meet the qualifications and performance requirements of the program.
- B. Trainees not meeting the position qualifications and performance requirements by the end of probation, trial service, or the training program, will be terminated or returned to their previous job profile as required by the collective bargaining agreement or MCPR § 2-15-050. Trainees will be notified of the length of the probationary / trial service period when they are appointed.
- C. The length of the training program shall be added to the regular probationary / trial service period for an employee appointed to the program.

### **§ 2-15-035 Trainee Job Profiles**

Trainee job profiles may be designated under [MCC 9.206\(A\)](#).

### **§ 2-15-040 Failure to Complete Probation / Trial Service**

- A. A probationary / trial service employee may be removed during probation / trial service at any time if, in the opinion of the Appointing Authority, continuing probation / trial service is not in the best interests of the County. Employees removed during probation / trial service have no right to appeal such actions.
- B. Regular employees who are appointed to positions in other job profiles and who fail to complete the probationary / trial service period will be reinstated to their former position without loss of seniority, unless terminated for cause.
- C. An employee who is removed from County service during the initial probationary / trial service period may, upon written request, be restored to the eligible list, if it has not expired.
- D. Prior to the end of their probationary / trial service period, employees must be notified in writing that they are being removed or reinstated to their former position.

### **§ 2-15-050 Completion of Probation**

- A. Employees who successfully complete their probationary / trial service period attain regular employee status.
- B. Employees excepted from the classified service pursuant to County Charter, ordinance, or MCPR § 2-15-005 are not subject to County civil service requirements. Unclassified employees serve at the pleasure of the Appointing Authority and may be terminated at any time with or without cause. Other terms and conditions of employment for

employees in the unclassified service are set forth by category elsewhere in these rules and/or applicable collective bargaining agreements.

## **REFERENCES**

MCPR 5-30 Appointments

[MCC 9.150\(A\)](#)