

Rule # 4-30

Leaves: Non-Represented Employees

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§ 4-30-005 Applicability

This rule covers all management and executive employees, including temporary management and executive employees working at least twenty (20) hours per week or .5 FTE, except:

- A. Employees regularly scheduled to work less than twenty (20) hours per week or .5 FTE will not receive benefits, except those required by state or federal law.
- B. A temporary appointee who is a current member of a bargaining unit will receive the leave provisions negotiated as part of the applicable collective bargaining agreement unless specified otherwise.
- C. Temporary employees who are scheduled to work at least twenty (20) hours per week or are .5 FTE are eligible for the benefits described below except for MCPR 4-30-010 (E), 4-30-020 (C) and (H), and 4-30-050 (A), as indicated below.

§ 4-30-007 Sequencing of Leaves

The use of vacation leave, saved holiday time, compensatory time, and leave without pay is subject to approval by management. However, unless otherwise required by law, forms of leave shall be used and exhausted in the following sequences for illness and injuries:

- A. Leave for illness or injury, that does not qualify for FMLA, OFLA, Washington Paid Family and Medical Leave (WPFML), or Paid Leave Oregon (PLO) will be taken in the following order:
 - 1. Sick leave until it is exhausted;
 - 2. Vacation leave, holiday leave, paid parental leave, professional recognition leave, or compensatory time, sequenced at the employee's option, until they are exhausted;
 - 3. Leave without pay.

B. Leave that qualifies under FMLA or OFLA will be taken in the following order:

1. Paid leave until it is exhausted; employees will determine in what order paid leave is used;
2. Leave without pay.

C. Leave that qualifies under WPFML or PLO can be taken without County pay or supplemented with paid accruals. The employee will determine what order supplementation is used in accordance with MCPR 2-60-030.

D. Leave for other purposes will be taken in the following order:

1. Vacation leave, holiday leave, paid parental leave, professional recognition leave, or compensatory time, sequenced at the employee's option (to the extent allowed by vacation sign-up provisions) until they are exhausted;
2. Leave without pay.

§ 4-30-010 Paid Vacation Leave

A. Each employee regularly scheduled to work 1.0 FTE accrues vacation credit based on years of County employment in accordance with the schedule below. An employee who separates from county service and returns as a management or executive employee will be given credit toward additional vacation accrual rates for service prior to separation. Vacation will accrue incrementally each pay period. For accrual purposes, "day" is defined as a unit of eight (8) hours.

1. Executive and Management Employees except Sheriff's Office employees accrue as follows:

1. Years of Service	2. Hours Accrued Per Pay Period	3. Hours (Weeks) Accrued Per Year by Forty Hour Employees	4. Maximum Hours Accruable
Less than 2	4.67	112 (2.8 wks.)	224

2 up to 5	5.67	136 (3.4 wks.)	272
5 up to 8	7.33	176 (4.4 wks.)	352
8 up to 15	9.0	216 (5.4 wks.)	432
15 or more	9.0	216 (5.4 wks.)	500

2. Executive and management employees in the Sheriff's Office shall accrue as follows:

1. Years of Service	2. Hours Accrued Per Pay Period	3. Hours (Weeks) Accrued Per Year by Forty Hour Employees	4. Maximum Hours Accruable
Less than 2	4.0	96 (2.4 wks.)	192
2 up to 5	5.0	120 (3.0 wks.)	240
5 up to 8	6.67	160 (4.0 wks.)	320
8 up to 15	8.33	200 (5.0 wks.)	400
15 up to 20	8.33	200 (5.0 wks.)	500

20 or more	10.0	240 (6.0 wks.)	500
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- B. Each employee regularly scheduled to work .5 FTE through .99 FTE accrues vacation credit on a pro rata basis. For example, an employee regularly scheduled to work .5 FTE shall earn one-half the vacation credit set forth in paragraph (A).
- C. Vacation must be scheduled in advance with the Director's or manager's approval.
1. For employees not exempt from the [Fair Labor Standards Act \(FLSA\)](#), time charged to vacation leave will be rounded to the nearest quarter hour.
 2. For FLSA exempt employees, time will be charged to vacation leave only for full-day absences from work. Partial day absences due to intermittent leave as provided by OFLA, FMLA, or WPFML will not be tracked or counted except that the time will be charged against the employee's OFLA, FMLA, or WPFML leave entitlement, rounded to the nearest quarter hour. PLO must be taken in full day increments.
- D. Total vacation accrued must not exceed the maximum allowable accruals set forth in this section, except for current "frozen" vacation accrued under a previous employee vacation plan.
- E. Full-time executive and management employees new to County service receive the equivalent of their entire first year vacation leave accrual upon appointment in lieu of accruing vacation leave during the first year of employment. Full-time executive and management employees newly rehired to County service are also eligible to receive the same benefit during the first year of return to County service as long as they have had at least a two (2) year break in employment with the County. Thereafter, vacation earnings and reporting is as provided in this section. Employees who separate from County service prior to the end of one (1) full year of employment will be paid only for the vacation accumulation to which they would be entitled if it had been accrued. Temporary employees are not eligible for this benefit, unless approved by the Multnomah County Chief Human Resources Officer.
- F. At the time of employee separation from the County, unused accrued vacation leave up to the maximum allowable under subsection (A) will be paid at the employee's current regular rate of pay. An employee may not be scheduled for vacation greater than two (2) full pay periods immediately prior to the termination date.

§ 4-30-020 Paid Sick Leave

See Multnomah County Personnel Rule (MCPR) 2-45. Rules concerning the use and misuse of sick leave are set out in MCPR 3-55.

§ 4-30-030 Paid Holidays

A. Each employee is entitled to one (1) day for the following paid holidays with the exceptions noted for Library employees and in (C) below for the Sheriff's Office:

1. Any day declared a holiday by the Board of County Commissioners
2. New Year's Day (January 1)
3. Rev. Dr. Martin Luther King, Jr.'s birthday (third Monday in January)
4. Presidents Day (third Monday in February)
5. Memorial Day (last Monday in May)
6. Juneteenth (June 19)
7. Independence Day (July 4)
8. Labor Day (first Monday in September)
9. Veterans Day (November 11); except Library employees who have December 24 as a holiday instead;
10. Thanksgiving Day (fourth Thursday in November)
11. Three (3) days to be used as floating holidays during the fiscal year provided the employee gives two (2) weeks' notice and obtains the consent of their manager. If a manager determines that holiday usage requested is impracticable, the employee will be credited with one (1) day of saved holiday time. One of these floating holidays is granted in recognition of Indigenous Peoples' Day.
12. Christmas Day (December 25) or, with approval of managers, this day may be traded for any other religious holiday during the fiscal year if employees use paid leave for or work on December 25.

B. To be eligible for pay on an observed holiday, an employee must be in paid status (receiving pay from the County or from PLO or WPFML) both on the employee's scheduled workday before and the employee's scheduled workday after the holiday.

C. Holiday Observance:

1. Five (5) Day Work Week:

- a. If the holiday falls on an employee's first scheduled day off, the preceding workday will be observed as that employee's holiday.
- b. If the holiday falls on an employee's second scheduled day off, the following workday will be observed as that employee's holiday.

2. Four (4) Day Work Week:

- a. If the holiday falls on an employee's first or second scheduled day off, the preceding work day will be observed as that employee's holiday.
- b. If the holiday falls on an employee's third scheduled day off, the following workday will be observed as that employee's holiday.

3. Part-time employees, and full-time employees on an irregular schedule. The holidays designated above are the observed holidays if they fall on an employee's regular workday. Employees will be credited with one (1) day of saved holiday time if the holiday does not fall on a regular workday.

- D. In lieu of the above holidays, Sheriff's Office employees are entitled to receive fifteen (15) personal holidays per year on each July 1, for use at the discretion of the employee with the consent of the Director or manager. Management and executive employees newly hired into County service and promoted from bargaining units with observed holidays will be given one (1) personal holiday for each month remaining in the fiscal year, starting with the month of hire. At time of promotion from a bargaining unit to a non-represented position, unused saved holiday time will be paid off based on the applicable collective bargaining agreement provisions for paying off saved holidays for employees terminating from County service. Employees promoting to a non-represented position from MCDSA and MCCDA bargaining units, will have two (2) additional days added to their unused personal holiday banks.
- E. If an employee is on authorized continuous leave with pay when a paid holiday occurs, the holiday will be charged against the leave.
- F. Directors and managers are authorized to adjust holiday schedules for employees on flexible working schedules.
- G. Any saved holiday time not used by the end of the fiscal year in which it was accrued is forfeited, with the exception that an employee may carry over one (1) saved holiday per year. The saved holiday time usage is subject to the same rules as vacation leave.
- H. Upon separation from service employees will be paid for unused saved and personal holiday time at their regular rate of pay.
- I. In the event of an employee's death, the employee's heirs will receive payment for unused saved holiday time at the employee's regular rate of pay.

- J. Veterans who request but are not able to observe Veterans Day off due to significant economic or operational disruption will be granted an alternative, unpaid day off to honor the holiday before the next Veterans Day, subject to the Sequencing of Leaves rules in MCPR 4-30-007(C) or collective bargaining agreements.

§ 4-30-040 Other Paid Leaves

Employees are entitled to time off with pay for the following reasons:

- A. Judicial Leave: See MCPR 2-50, Section 2-50-050.
- B. Military Leave: See MCPR 2-50, Section 2-50-020.
- C. Bereavement Leave:
 - 1. An employee will be granted not more than three (3) days leave with full pay in the event of a death in the immediate family or immediate household of the employee. If such funeral is more than three hundred fifty (350) miles from the employee's place of residence, the employee may be granted up to three (3) additional days of paid leave for travel.
 - 2. For purposes of Bereavement Leave, an employee's immediate family is defined as the employee's spouse or domestic partner or the employee's, spouse's, or domestic partner's:
 - i. Parents
 - ii. Step-Parents
 - iii. Children
 - iv. Step-children
 - v. Siblings
 - vi. Step-Siblings
 - vii. Grandchildren
 - viii. Grandparents
 - ix. Parents-in-Law
 - x. Siblings-in-Law.
 - 3. "Immediate household" means any person residing at the employee's residence on a regular basis.

4. For any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship, such leave of absence shall be granted by the employee's manager. In the event that the manager denies such a request for bereavement leave, the employee may request review of the decision by the Department Director, Sheriff, or District Attorney, or their designee(s).
 5. For other relationships under exceptional circumstances, the Director may grant bereavement leave. Paid bereavement leave may also be counted toward unpaid OFLA bereavement leave described in MCPR 2-60, consistent with OFLA, collective bargaining agreements, and sequencing of leave provisions.
- D. Recognition Leave: An employee may be awarded leave with pay by a Director or manager in recognition of outstanding achievement or performance which may take the form of:
1. extraordinary performance of work outside normal work hours by employees working a professional workweek who do not qualify for overtime compensation; or
 2. other achievement or performance determined by the Director or manager that makes an outstanding contribution to agency goals and objectives.
- Recognition leave may not exceed eighty (80) hours in a fiscal year. This leave is not an entitlement, is not to be automatically granted at the beginning of a fiscal year, and is to be judiciously awarded. It is compensable only in the form of leave, and must be used by the end of the fiscal year or forfeited.
- E. Leave for Examinations: In order to encourage and promote development employees will be allowed time off with pay for taking County examinations and interviews during normal operating hours.
- F. Attendance at conferences, seminars, and other training activities with approval of the Director or manager.
- G. Work related testimony or participation at court trials or administrative hearings on behalf of the County, with approval of the Director or manager.

§ 4-30-050 Alternative Leave for Recruitment Purposes

- A. In order to accomplish recruitment objectives, alternative vacation and sick leave benefits may be granted to eligible employees upon regular appointment to a management or executive service position with Multnomah County. Temporary employees are not eligible for this benefit, unless approved by the Multnomah County Chief Human Resources Officer.

1. A Director, with the approval of the Department's HR Manager, may grant alternative vacation benefits to eligible employees appointed from outside Multnomah County service when necessary to accomplish recruitment objectives. Alternative leave benefits must be justified by one of the following:
 - a. Special skills not required by the job which will enhance the County's service delivery; or
 - b. Previous leave benefits of the applicant, when the applicant also has additional experience; or
 - c. Additional experience and training of the individual; or
 - d. When hiring for positions that have been difficult to fill.
2. Vacation Leave
Upon appointment, employees appointed to full time positions may accrue vacation leave at the rate of 5.67 hours per pay period to a maximum of 136 hours per year for the first five (5) years of employment. After five (5) years of employment, the accrual rate will be increased to correspond with the standard leave accrual rates. Employees will receive the equivalent of the first year of vacation accrual upon appointment per MCPR 4-30-010 (E). Accruals at rates above 5.67 hours per pay period upon appointment are subject to the approval of the Multnomah County Chief Human Resources Officer.
3. Sick Leave
Upon appointment to a full time position, an immediate eligibility for thirty (30) working days (240 hours) of paid sick leave may be made available to be used during the first thirty (30) months of employment. The 240 hours may be drawn upon but not increased during the first thirty (30) months of employment. Sick leave received upon initial appointment under MCPR 2-45-025 (B)(1)(i) is included in the thirty (30) days of paid sick leave that may be made available during the first thirty (30) months of employment.

REFERENCE

MCPR 2-45 Sick Leave

MCPR 2-50 Leaves (Military and Other Leaves)

MCPR 2-60 Family, Medical, and Other Protected Leave Under State and Federal Law

MCPR 3-55 Use and Misuse of Leave for Sick Purposes