



AGENDA COVER MEMO

Memorandum Date: January 25, 2023

Order Date: January 31, 2023

TO: Board of County Commissioners

DEPARTMENT: Human Resources

PRESENTED BY: Krysten Mayfair, Sr. Labor Relations Analyst
Andrea Nagles, Assistant County Counsel

AGENDA ITEM TITLE: IN THE MATTER OF IMPLEMENTING PAID LEAVE
OREGON CONTRIBUTIONS FOR EMPLOYEES
REPRESENTED BY THE AMERICAN FEDERATION OF
STATE, MUNICIPAL AND COUNTY EMPLOYEES
GENERAL, NURSES AND PHYSICIANS UNITS

I. MOTION

Move to approve order 23-01-31-____/to implement Paid Leave Oregon Contributions for employees represented by the American Federation of State, Municipal and County Employees General, Nurses and Physicians units.

II. AGENDA ITEM SUMMARY

The Board is being asked to approve implementation of changes to the Administrative Procedures Manual (APM) outlining Lane County's intent to comply with contributions to Paid Leave Oregon (PLO) as outlined in the law enacting the program, effective for AFSCME General, Nurses and Physicians units. The statutory default contribution is set at one percent (1%) of employee wages with employers contributing forty percent (40%) of that amount and sixty percent (60%) deducted from employee wages.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Lane County currently has three (3) Collective Bargaining Agreements (CBAs) in place with the American Federation of State, Municipal and County Employees (AFSCME). The General Unit contract expires June 30, 2024, the Nurses Unit

contract expires June 30, 2024, and the Physicians Unit contract expires June 30, 2023.

House Bill 2005 (HB 2005) became effective on September 30, 2019. HB 2005 established law creating a statewide program for wage replacement for employees experiencing the need for qualified medical, family or safe leave. The program is referred to as Paid Leave Oregon (“PLO”) and affords employees up to twelve (12) weeks of paid leave per year, with the potential for an additional two (2) weeks for pregnancy related issues.

B. Policy Issues

Under the Lane County Charter (Section 25), the Lane Code (2.265) and Lane Manual (2.235), the Board sets the compensation plans for the County. Oregon Revised Statute (ORS) 657B.150 (1)(b) through (2)(b) states that for PLO: “Contributions shall be paid by employers and employees as a percentage of a total rate determined by the Director of the Employment Department. The total rate may not exceed one percent of employee wages, up to a maximum of \$132,900 in wages. Employer contributions shall be paid in an amount that is equal to 40 percent of the total rate determined by the director. An employer shall deduct employee contributions from the wages of each employee in an amount that is equal to 60 percent of the total rate determined by the director.”

ORS 657B.150(5) provides that despite the statutory default, employers may elect to pay the required employee contributions, in whole or in part, as an employer-offered benefit. As the option for the County to pay the full contribution amount impacts employee wages, the County was required to notify all of the bargaining units and engage in any required bargaining as prescribed under the Oregon Public Employees Collective Bargaining Act (PECBA).

C. Board Goals

Implementing the statutory default employee contributions is in alignment with Strategic Priority #4C: “Continue our path to increase our financial stability, overall financial health and continuous quality improvement.”

D. Financial and/or Resource Considerations

There are no financial impacts to implementing the statutory default employee contributions beyond what is required by Oregon law and included in normal budget procedures.

E. Health Implications

There are no known health implications.

F. Analysis

Lane County notified AFSCME General, Nurses and Physicians units of its

intentions to collect PLO contributions in accordance with the statutory default on September 28, 2022. AFSCME responded with a demand to bargain on October 7, 2022. The parties met in expedited bargaining on October 24, 2022, January 9, 2023 and January 18, 2023. The ninety (90) days required by PECBA for expedited bargaining was completed on January 22, 2023.

The parties have not been able to reach agreement.

Lane County's bargaining team has reached agreement with all other bargaining units.

G. Alternatives/Options

1. Approve implementation of contributions set at the statutory amount of employees paying sixty percent (60%) of 1% of wages with the County paying the remaining forty percent (40%) for AFSCME General, Nurses and Physicians Units.
2. Reject implementation of employee contributions and direct the Lane County's bargaining team to continue negotiating with AFSCME.

IV. RECOMMENDATION

Having completed the bargaining obligations and considered the financial, administrative and operational impacts of AFSCME proposals, Lane County's bargaining team recommends approval of implementation of the statutory default of sixty percent (60%) employee contributions of one percent (1%) of wages.

V. TIMING/IMPLEMENTATION

Upon approval, Lane County staff will implement the employee contributions tax effective February 4, 2023 for AFSCME General, Nurses and Physicians units, as well as all other employees.

VI. FOLLOW-UP

Lane County's bargaining team will continue to work with AFSCME leadership to address any issues that arise surrounding the implementation of Paid Leave Oregon.

VII. ATTACHMENTS

1. Board Order
2. Redline version of changes to the Administrative Procedures Manual

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 23-01-31-02

In the Matter of Implementing Paid Leave
Oregon Contributions for Employees
Represented by the American Federation of
State, Municipal and County Employees
General, Nurses and Physicians Units

WHEREAS, Lane County has fulfilled obligations to negotiate impacts of Paid Leave Oregon contributions under expedited bargaining; and

WHEREAS, Lane County's bargaining team has reached agreement regarding Paid Leave Oregon contributions with all bargaining units, except for the American Federation of State, Municipal and County Employees (AFSCME) General, Nurses and Physicians units; and

WHEREAS, in order to comply with Oregon law for the collection of contributions and distribution of those funds to the State of Oregon, it is necessary to implement statutory default employee contributions as proposed by Lane County.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** Lane County Staff to implement for AFSCME General, Nurses and Physicians units Paid Leave Oregon contributions at sixty percent 60% of the amount determined by the Oregon Director of the Employment Department in accordance with ORS 657B.150.

ADOPTED this 31st day of January, 2023.

Pat Farr, Chair
Lane County Board of Commissioners

ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3
Section 35
Issue 45
Date 12/31/2019XX/XX/XXXX

SUBJECT: PAID AND UNPAID LEAVES

I. PURPOSE

The purpose of this procedure is to establish a standard policy and process for the authorization and use of paid leaves and unpaid leaves, consistent with Lane Manual 2.265 and 2.270. This policy is administered in accordance with the federal Family and Medical Leave Act (FMLA), Oregon Family Leave Act (OFLA), Paid Leave Oregon (PLO) and ORS chapter 653.

II. SCOPE

This procedure is applicable to all County departments. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified or recognized representatives, the terms of such agreements shall prevail. Departments wishing an exception to the application of this procedure shall submit written proposals to the County Administrator, supporting the justification. Exceptions will take effect upon written approval of the County Administrator.

III. AMENDMENTS

The County Administrator may amend this procedure.

IV. GENERAL INFORMATION

The following general provisions apply to all the leaves covered by this section unless specifically stated otherwise.

[FMLA Rules](#)

[OFLA Rules](#)

[Subrogation](#)

An employee who sustains an illness or injury and continues to receive regular wages from the County and/or receives medical benefits is obligated to remit to the County

any payment they receive from a third party for wages and benefits while employed with the County. In addition, the County has a right to initiate or join any proceedings against a third party to seek reimbursement of wages and medical benefits paid.

Notification of Need for Leaves:

It is an employee's responsibility to notify and provide attending physician medical certification or other required backup information to the County's designated absence management provider when paid or unpaid leave is being requested.

Minimum acceptable substantiation may include:

- The first date of treatment by the attending physician
- A description of the current medical condition
- Date expected to return to work
- If applicable, description of any job limitations
- Name, address and phone number of the attending physician
- Date of the next appointment with attending physician

Failure to provide the information required by the absence management provider could result in denied leave and/or disciplinary action for unauthorized leave of absence.

It is also an employee's responsibility to notify and provide to the designated absence management provider required medical certification from an attending physician when additional leave is needed beyond the previously authorized leave period.

Paid employee medical leave for any reason will not exceed that period for which the employee is physically unable to return to work as substantiated by the employee's physician. FMLA/OFLA, workers' compensation leave and County-paid medical leave are administered concurrently. Failure to provide satisfactory substantiation will result in denial of compensation and may result in disciplinary action.

Leave Verification

Verification of leave eligibility will be communicated to employees by the County's designated absence management provider. If there is a dispute between the employee and the County's designated absence management provider as to whether leave qualifies it will be resolved through discussions between the parties which may include the employee, Human Resources and the County's designated absence management provider.

Reasonable Accommodation under Americans with Disabilities Act Amendments Act (ADAAA)

Lane County will provide reasonable accommodation for qualified individuals with a disability so they can perform the essential functions of their job, unless doing so causes a direct threat to the employee or others in the workplace and the threat cannot

be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship (significant difficulty or expense) to Lane County. Contact Human Resources with any questions or requests for accommodation.

V. PAID LEAVES

A. Paid Leave Oregon

Contributions

The County will pay the statutorily required employer's contribution of the Paid Leave Oregon (PLO) program, not to exceed forty percent (40%) of the rate set by the State of Oregon Director of Employment Department, unless required by law. The County will deduct the employee's portion of the PLO contribution, not to exceed sixty percent (60%) of the same rate, from the employee's wages and transmit to the State of Oregon Employment Department.

How Paid/Limitations

If gross replacement wages paid under PLO are less than the employee's gross base wage, the employee may choose to utilize their accrued leave banks to supplement the difference, provided the combined total gross paid by PLO and leave do not exceed the employee's regular scheduled weekly hours. Employees do not accrue TM while on PLO.

A.B. Paid Short-Term Non-Occupational Employee Medical Leave

Eligibility

An employee must have worked either a) 180 consecutive days in a permanent position or b) at least 12 months before the leave request (these need not have been consecutive months) and at least 1,250 hours during that time.

Length of Leave

Leave is for a maximum of 90 calendar days per occurrence. Employee Medical and FMLA/OFLA leaves run concurrently. FMLA leave is a maximum of 12 work weeks per individual rolling-back 12 month period.

How Paid/Limitations

Leave begins with an employee's first day of absence as substantiated by their attending physician.

If an absence for short-term, non-occupational illness or injury exceeds the eighty (80) work hour elimination period, the County will provide compensated time off as listed below. The first eighty hours of leave will be charged against any accrued and/or earned time. If an employee does not have sufficient accrued and/or earned leave to cover the absence the remaining hours will be leave without pay.

Paid short-term, non-occupational employee medical leave will be paid as follows:

Elimination Period-80 hours will be charged to TM, vacation or comp time. TM Donations are not allowed for the elimination period.

After the elimination period has been satisfied:

- Two weeks continue at 100% pay;
- Next two weeks continue at 90% pay;
- Next two weeks continue at 80% pay;
- Next two weeks continue at 70% pay;
- Remaining time will be paid at 66-2/3% to the conclusion of 90 days.

Employees do not accrue TM while on County-paid, short-term non-occupational medical leave. Employees may choose to use TM, vacation or comp time during the 90-day period to supplement their pay.

Exhaustion of Leave

At the end of the ninety (90) calendar day County-paid, short-term, non-occupational medical leave, FMLA/OFLA leave exhaustion and exhaustion of other eligible benefits, the County may terminate the employment of an employee who has not been fully released to return to their regular position. Long-Term Disability benefits may be applicable in these situations. Please contact Human Resources staff for more information regarding the Long-Term Disability benefit.

An employee who is not fully released to their regular position at the end of their County paid, short-term, non-occupational medical leave may request one of the following options. TM may not be used for these options:

- **Modified Duty:** Written requests are submitted by the employee or designee to the department as part of a medical review meeting. Requests must include documentation from the employee's medical provider, clearly stating necessary modifications to the duties of the employee's position, or modification of work hours and the employee's projected full recovery date. Human Resources may work with the department to determine if business needs allow the modified duty request. Requests are approved by the Department Director.
- **Leave Without Pay (LWOP):** Requests are submitted in writing and require approval by the Department Director. The maximum period of

unpaid leave a Department Director is authorized to approve is ninety (90) calendar days.

A department's financial ability and staffing needs will be reviewed and considered prior to approval of either modified duty or LWOP.

- Americans with Disabilities Review (ADAAA): Requests for review are submitted via phone, email or writing to the Human Resources Department.

Employee Status Upon Return to Work

If an employee returns to work within the initial ninety (90) day period the return will be without loss of seniority, time management accruals (except as outlined above), or any other employee benefit or right accrued at the beginning of the employee medical leave, except that benefits earned and accrued at the time of the beginning of the leave may be reduced by the amount of such benefits used during the leave.

~~B.C.~~ Oregon Sick Time (ORS Chapter 653)

Eligibility

All County employees who do not receive TM or PTO (including elected officials) are eligible for Oregon sick time.

County employees eligible to receive County paid TM and/or PTO benefits are not eligible.

Accrual

Under this section V (B), beginning January 1, 2016, eligible employees accrue one (1) hour of paid sick time for every thirty (30) hours worked; not to exceed forty (40) hours per calendar year.

Accrual for exempt employees is based on the assumption of forty (40) hours in each workweek unless the actual workweek of the employee is less than forty (40) hours, in which case the accrual will be based on the actual workweek of the employee.

Sick leave does not accrue for any period between separation from County employment and re-employment with the County.

Carry Over

Employees may carry over up to forty (40) hours of accrued sick time per calendar year.

Maximum Oregon Sick Time

Total allowable sick time, which includes carry over and/or reinstatement hours, may not exceed eighty (80) hours.

Usage

Employees hired prior to January 1, 2016, are able to use their sick time as it accrues.

Employees hired on or after January 1, 2016, are able to use their sick time on the ninety-first (91st) calendar day of employment.

Employees may use up to a maximum of forty (40) hours of accrued paid sick time per calendar year. However if an absence is covered by OFLA/FMLA and an employee has a total sick time balance of more than forty (40) hours, the employee may elect to use up to a maximum of eighty (80) hours in a calendar year.

Eligible FMLA and OFLA leave will run concurrently with sick time. Sick time usage is administered in the same manner as the County's Time Management usage.

An employee must use accrued sick time for the following purposes:

- For the employee's or family member's mental or physical illness, injury or health condition or need for medical diagnosis of these conditions or need for preventive medical care.
- To care for an infant or newly adopted child under 18 or for a newly placed foster child under 18, or for a child over 18 if the child is incapable of self-care because of mental or physical disability.
- To care for a family member with a serious health condition.
- To recover from or seek treatment for a serious health condition that renders the employee unable to perform at least one of the essential functions of the employee's job.
- To care for a child of the employee who is suffering from a non-serious illness, injury or condition.
- To deal with the death of a family member by attending the funeral or alternative, making arrangements necessitated by the death of a family member, or grieving the death of a family member.
- To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent for proceedings related to domestic violence, harassment, sexual assault, or stalking.
- To seek medical treatment, recover from injuries, or obtain services related to domestic violence, sexual assault, harassment or stalking incidents to the employee or employee's minor child or dependent.
- For certain public health emergencies.

Sick leave is not available for time loss that is paid under Worker's Compensation.

Notice of Leave

For all absences, employees are required to follow their departmental reporting requirements and reporting requirements under a labor agreement, if applicable.

If the reason for sick time is foreseeable, such as a pre-scheduled doctor's appointment, employees must provide advance notice as soon as practicable, not to exceed ten (10) calendar days prior to the date of leave.

If the reason for sick time is unforeseeable, such as an emergency, accident, or sudden illness, employees must provide notice before the start of their shift or, when circumstances prevent the employee from being able to provide notice prior to their shift they must provide notice as soon as practicable.

Separation of Employment / Rehire

There is no payout of sick time accrual upon separation of employment with Lane County. However, if an individual is rehired by the County within one hundred eighty days (180) of their most recent county separation date, and are not eligible for TM or PTO the employee's prior accrued unused sick time balance will be restored. A rehired employee may use restored accrued sick time after the combined total of days of employment with the County exceeds ninety (90) calendar days.

~~C.D.~~ Pregnancy Leave

Eligibility

No minimum employment period is required for employee pregnancy leave.

Length of Leave

The period due to pregnancy, childbirth, or related medical conditions that an employee is unable to perform any available job duties offered by Lane County.

Pregnancy leave begins with the employee's first day of absence as substantiated by their attending physician. Following the eighty-hour employee elimination period, paid benefits continue in full up to ninety (90) days from the employee's first day of absence, or until eligibility for long-term disability coverage, whichever occurs first. If the employee's disability extends beyond the ninety (90) day period, and the employee is not released by the physician to return to work, employment will continue in an unpaid status for the period of time the employee is physically unable to return to work as substantiated by the attending physician. If the employee applies for and is accepted, pay will continue under long-term disability (insured benefit).

Lane County will provide reasonable accommodations to known limitations related to pregnancy, absent undue hardship, per Oregon law and the Pregnancy Discrimination Act (PDA). A notice of the employment protections under Oregon law for pregnant employees must be given to an employee who informs the County of the employee's pregnancy within ten (10) days after the County receives the information. A link to the required notice is below:

~~D~~.E. Paid County Bereavement Leave

Due to the death of a covered immediate family member an employee is eligible to receive a maximum of three (3) days' pay at their regular straight-time hourly rate for in-state leave or, up to a maximum of five (5) days if out-of-state travel is required.

Immediate family is defined for County paid leave purposes as mother, father, spouse, Registered Domestic Partner, domestic partner (affidavit on file), sister, brother, child (biological, adopted, foster, step-child, or the child of an employee's registered domestic partner), grandparent, grandchild, stepmother, stepfather, father-in-law, mother-in-law, son-in-law or daughter-in-law, grandparent-in-law, parent of registered domestic partner, a person with whom the employee is or was in a relationship of "in loco parentis" or any other relative residing in the employee's immediate household.

Employees must contact the County's absence leave manager to set up bereavement leave pay coding. This leave must be used within thirty (30) days of the death. Paid bereavement leave is separate from an employee's total amount of eligible OFLA leave.

~~E~~.F. Paid Military Training Leave

Paid military training leave will be granted for the lesser of a period of fifteen (15) consecutive calendar days or eleven (11) consecutive work days per training year, without loss of time, regular leave, or other rights and benefits. This leave will be granted and compensated based on the employee's regularly scheduled work period. There is no County paid leave for Peace Corps service.

~~F~~.G. Paid Court Leave

Paid court leave is granted to full-time and part-time regular employees in a current working status. Other employees are ineligible for court leave and must use either accrued leave or LWOP to cover the period of absence from Lane County duties. An employee in LWOP status retains any fees or compensation received for court service.

Court leave is the authorized absence from work of an employee who is summoned in connection with a judicial proceeding, by a court or authority responsible for the conduct of that proceeding, to serve as a juror, as a witness in a nonofficial capacity on behalf of a state or local government, or as a witness in a nonofficial capacity on behalf of a private party in a judicial proceeding to which Lane County is a party or the real party of interest.

To receive paid court leave an eligible employee must either decline or remit to the County Finance Department any compensation or fees received that are associated with the service.

1. All time spent by employees attending court in connection with their officially assigned duties, including the time required to go to the court and return to their work, is considered work time.
2. Travel time for nonexempt employees subpoenaed to attend court away from the home community shall be in accordance with Part 785 of the Fair Labor Standards Act.
3. Voluntary court appearances will not be compensated by the County. Staff may request use of accrued time for such appearances.
4. If a non-exempt employee's normal shift is other than 8 a.m. to 5 p.m., Monday through Friday, the department may approve a temporary schedule adjustment to accommodate jury service.
5. No overtime is allowed for court service performed while an employee is on court leave or for a combination of Lane County work and court service.
6. Employees are required to return to their work site if they are released early from court service or contact their supervisor when released for determination of whether it is feasible for them to return to the worksite.

VI. UNPAID LEAVES

A. Unpaid Family Medical Leaves

Employee leave in connection with the care of a family member who has a serious health condition. This policy is in accordance with the federal Family and Medical Leave Act (FMLA), Oregon Family Leave Act (OFLA) and Oregon Military Family Leave Act (OMFLA).

These leaves are unpaid unless an employee chooses to utilize their TM, vacation or comp banks.

Eligibility

- FMLA- Employee has worked for a total of at least 12 months before the leave request (these need not have been consecutive months) and at least 1,250 hours during that time.

- OFLA-Employee has worked 180 consecutive calendar days in a position with an average of 25 hours per week during the 180-day period unless the leave is for Parental leave.
- Oregon Military Family Leave Act (OMFLA)- Employee has worked an average of at least 20 hours per week. Leave is to care for a service member- the illness or injury must stem from active duty, and must render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. Qualifying family member may be undergoing medical treatment, recuperation, therapy, be in outpatient status, or otherwise on the temporary disability retired list for a serious injury or illness resulting from active duty.

For purposes of confirmation of family relationship, County's designated absence management provider may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. Such documentation may take the form of a simple statement from the employee, or a court document, a child's birth certificate, etc. After examination, all official documents are returned to the employee.

Time Coding: Accrued leave or unpaid leave or combinations of the two are entered into the timecard system. Accrued leave must be used first if a combination leave is used. If paid leave is used and an employee then chooses to go to unpaid status, they may not return to a paid status for the duration of the leave.

B. Voluntary Leave Without Pay (LWOP)

LWOP is generally available only for absences for which TM or other types of paid or unpaid leaves are not available or appropriate.

1. Eligibility

Only regular status employees are eligible for LWOP.

2. Authorization of LWOP

No LWOP will be granted unless a request is submitted by the employee and approved in writing by the appointing authority or by the County Administrator for appointed department directors.

Department directors are authorized to approve short-term LWOP of less than ninety (90) days. LWOP of ninety (90) days or more must be approved by the Department Director and County Administrator. Approval of leave shall be obtained prior to the beginning of the leave period. Generally, leave will not be granted unless the County can be assured that the employee's work can be completed in their absence.

3. Application for LWOP

Request must be in writing and must establish reasonable justification for approval of the request. Leave will not be approved for an employee who is accepting employment outside the County unless leave and employment is part of an approved employee development program that will eventually benefit the County. Positions left vacant as a result of short-term LWOP should not be filled by temporary help or a working out-of-class appointment.

4. Continuous Service

Time spent on authorized LWOP in excess of ninety (90) days shall not count as time of continuous service; however, employees returning from such leave shall be entitled to credit for service prior to the leave.

C. Unpaid OFLA Bereavement Leave

OFLA bereavement leave is unpaid and separate from County paid bereavement leave; it may be used in addition to County paid bereavement leave. Leave is unpaid unless TM or compensatory time is utilized. This leave is capped at two weeks per immediate family member per leave year. Leave must be completed within 60 days after the death of the immediate family member or the date the employee receives notice of the death of the family member. Employees must contact the County's absence leave manager to set up bereavement leave time card coding. OFLA bereavement leave counts toward an employee's total amount of eligible OFLA leave.

D. OFLA Domestic Violence, Harassment, Sexual Assault and Stalking Leave

Employees who are victims of domestic violence, harassment, sexual assault or stalking, or if they are a parent or guardian of a minor child or dependent that has been a victim of domestic violence, harassment, sexual assault or stalking will be granted reasonable leave as per ORS 659A.272-659A.285.

Employees must use their available accrued TM, Comp or vacation for leave time; if none of these options are available leave without pay (LWOP) is authorized for reasonable periods of time. All leave runs concurrently with OFLA protected leave.

Employees taking leave must contact the County's third party leave administrator; providing them with reasonable advanced notice when possible. All records and information are confidential and will be retained by the County's third party leave administrator.

E. Military and Peace Corps

Lane County cooperates with the military services by granting leave to eligible employees to participate in voluntary and ordered military training and active duty. Unpaid time will also be granted for eligible employees participating in the Peace Corps Program.

Eligibility

Employees working in a regular, full or part-time position including elected officials, who have been employed for six months, will be entitled to military leave.

Length of Leave

Regular Military Service: An employee is entitled to military leave without pay for service with the U.S. Armed Forces. Leave will be approved to a maximum of four years unless an extension is required in accordance with ORS 408.240 and federal law. The employee must provide a copy of military orders to Human Resources.

National Guard and Military Reserve Service: In addition to annual paid training leave, a member of the National Guard or reserve component of the U.S. Armed Forces is entitled to leave for training or schooling, whether voluntary or required, and for periods of emergency service. This includes National Guard duty in cases of disaster, such as floods, earthquakes, or to aid the enforcement of law. The employee must provide a copy of military orders to Human Resources.

Peace Corps: Leaves of absence for at least two years will be granted to an employee who has successfully completed their initial probationary period with Lane County. The employee must provide a copy of the Peace Corps appointment document to Human Resources.

Administration:

Unpaid Leave: In addition to the paid training leave, a member of the National Guard or reserve component of the U.S. Armed Forces is entitled to unpaid leave for training or schooling, whether voluntary or required, and for required periods of emergency service if such service extends beyond County-paid military training leave of eleven (11) work days. The employee must provide a copy of the military orders to Human Resources.

Use of Accrued Benefits: Employees may use TM, vacation or compensatory time during periods of military leave beyond County-paid military training leave.

F. Unpaid Active Duty Military Family Leave

A FMLA eligible employee with a spouse or same-sex domestic partner who is in the military and has been notified of an impending call to active duty or impending period of leave from deployment are entitled to up to 14 days of unpaid leave, or employees may use TM, vacation or comp banks. Leave time taken counts toward the total FMLA 12-week entitlement.

Employees leaving County service for extended military leave (up to 4 years) will be paid for all accrued time in accordance with current policies for terminating employees.

Military Leave Coordination

Employees who receive inquiries regarding their availability for military leave, must consult with their supervisor so that requests may be made to stagger absences to minimize disruption to work operations. The military services have the final authority in determining when an employee must report for military duty.

Employees who are ordered to report for military training or duty will be released from duty for any period of military leave to which they are entitled. If a full-time or part-time regular employee who is a reservist or National Guardsman is not entitled to, does not request, or has exhausted military leave, the employee shall be granted accrued leave or leave without pay, as requested.

All requests for leave must be provided to the immediate supervisor in writing, including the beginning and projected ending date of the military leave. Copies of orders are to be provided to the immediate supervisor and Human Resources as soon as they become available.

Return to Work or Reinstatement

Regular Military Service and Peace Corps Service: Within 90 days after completion of certified satisfactory military or Peace Corps service, an employee must notify Lane County of their intent to return to County employment from military leave. Upon such notification Lane County will return the employee to the position held just prior to military or Peace Corps service without loss of seniority or benefits. Pay will be at the same step held before military or Peace Corps service but at the prevailing salary rate. Any employee who fails to report for work within ninety (90) days after military discharge or release from the Peace Corps is considered to have resigned.

National Guard or Military Reserve Service: For periods of Guard or Reserve service less than a three-month duration, the employee must return to work immediately upon release from training or reserve service.

Disability

If it is established that an employee is not physically qualified to perform the duties of their former position due to disability sustained during military service, the employee will be reinstated in other work that they are qualified to perform at the nearest appropriate level of pay to their former classification. Employees must make application for reinstatement within 90 calendar days after discharge from military service, and report for duty within six months

following separation from active duty. Failure to comply will terminate the employee's military leave and employment with Lane County.

G. Leave of Absence to Donate Bone Marrow

An employee who works an average of 20 or more hours per week wishing to participate in a bone marrow donation process will be granted a leave of absence of up to a maximum of 40 hours of their accrued leave. The total number of hours of leave within the 40-hour maximum is determined by the requesting employee. If an employee does not have a balance of 40 hours of accrued leave available any remaining absence requested up to the 40-hour maximum will be unpaid.

H. Emergency Conflagration Act

The State of Oregon has an Emergency Conflagration Act which by Order of the Governor allows volunteer firefighters to be called to fight fires in emergency cases. Firefighters called out under this Act will be paid by the State.

An employee called for service under this act is entitled to up to 30 days of leave without loss of pay and may opt to:

1. Use accumulated leave, i.e., Time Management, existing vacation or comp time balances and retain state pay; or
2. If State pay is less than the employee's regular net pay, the County will subsidize the difference to a maximum of their current net pay.
3. If State pay is equal to or greater than employee's regular net pay, the employee will not be required to return the difference to the County.

The County will continue employee paid benefits as under other paid leave provisions. Any time required beyond 30 days would be considered an unpaid leave of absence.

I. Adverse Weather

When an employee is unable to report to work or reports late to work because of adverse weather conditions, the employee may elect to charge that time against accrued leave or to take leave without pay.

If, due to adverse weather conditions, the County closes any or all of its essential operations after employees have reported for work, employees will be paid for regular work hours scheduled that day and will not be required to use accrued leave or to take leave without pay.

J. Health Insurance Continuation During Unpaid Leave

To be eligible for County paid medical, dental and vision insurance, the employee must a) be in a paid status on the first working day of the month, and b) be working a minimum of 20 hours per week; or c) be eligible for insurance continuation under a qualified FMLA or OFLA leave, or as required by state or federal law.

K. COBRA Group Health Insurance Continuation

If an employee is on an approved unpaid leave and does not otherwise qualify for County-paid medical, dental and vision, they may be eligible to self-pay monthly premiums under the federal COBRA. Contact Human Resources for a COBRA packet.

L. Life Insurance Continuation

An employee, on an approved unpaid leave, is eligible to self-pay employee, dependent and supplemental life insurance coverage up to a maximum of three months. Contact Human Resources for information about monthly premium cost and payment procedures prior to start of unpaid leave.

VII. INTERPRETATION AND IMPLEMENTATION

Any questions relative to the intent or application of this procedure should be directed to the Director of Human Resources, who is delegated the responsibility for interpreting and implementing this procedure.

| Authorized: _____
County Administrator

12/31/2019
Effective Date