

MEMORANDUM OF UNDERSTANDING

Collective Bargaining Agreement Amendment  
MOU POA-23-06

This Memorandum of Understanding is entered into, by and between Lane County hereinafter referred to as COUNTY, and Lane County Peace Officers Association (LCPOA), hereinafter referred to as ASSOCIATION, for the purposes of amending the 2022-2025 Collective Bargaining Agreement (CBA) to memorialize changes related to Paid Leave Oregon and updates to other leaves.

The parties agree:

1. To modify the CBA in accordance with the attached redline version of Articles 8 and 10.
2. Nothing in this agreement shall be construed as creating any precedent between parties in any other matters, arbitration proceedings, administrative proceedings or other legal proceedings involving the UNION and the ASSOCIATION.
3. The parties agree to memorialize this agreement during successor negotiations in 2025.
4. This agreement shall be effective following signatures of both parties.

For the ASSOCIATION:



Eric Churchill, President  
LCPOA

5/11/23  
Date

For the COUNTY:



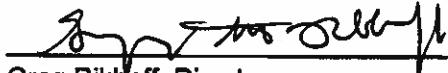
Inga Wood  
Lane County Labor Relations Manager

6/8/2023  
Date



Clifton Harrold, Sheriff

6/12/23  
Date



Greg Rikhoff, Director  
Community Justice & Rehabilitation Services

6/7/23  
Date

## **ARTICLE 8**

### **INSURANCE**

#### **8.1 INSURANCE POLICIES**

The **COUNTY** agrees to cover its eligible and qualified regular probationary and non-probationary employees with certain insurance protection and related programs at benefit levels no less than those in effect as of ratification of this *Agreement*. These insurance benefit programs will include:

- A. Health Insurance. The **COUNTY** will provide employees health insurance. Employees will have the choice between the Co-Pay Plan, the Plus Plan and a High Deductible Health Plan (HDHP) with a Health Savings Account (HSA) or Health Reimbursement Arrangement (HRA). All plans include coverage for a vision exam.
1. Effective the first full pay period following January 1 of 2023, 2024 and 2025 for all employees who elect the High Deductible Health Plan (HDHP), the **COUNTY** will deposit an amount equivalent to the annual deductible, based on their enrollment as individual (\$1500) or family (\$3000), into the employee's health savings account or Health Reimbursement Arrangement.
  2. Health Plans and Contributions:
    - ii. For all employees who elect the HDHP, the employee's monthly contribution will be as follows: Employee Only = twenty dollars (\$20.00); Employee + Other (Children/Family/Spouse or Domestic Partner) = twenty dollars (\$20.00).
    - iii. For all employees who elect the Plus Plan, the employee's monthly contribution will be as follows: Employee Only = thirty dollars (\$30.00); Employee + Other (Children/Family/Spouse or Domestic Partner) = fifty dollars (\$50.00).
    - iv. For eligible employees who elect the Co-Pay Plan, the employee's monthly contribution will be as follows: Employee Only = fifty dollars (\$50.00); Employee + Other (Children/Family/Spouse or Domestic Partner) = seventy dollars (\$70.00).
    - vi. For employees paying a contribution to their health insurance who complete the annual "Live Well" Health Risk Assessment (LWHRA), which includes a biometric screening, health history

and risk assessment questionnaire and comprehensive health review, offered by the **COUNTY**, the **COUNTY** will provide a “Live Well” credit of twenty dollars (\$20.00) to the employees’ monthly health contribution cost.

B. Opt Out

The **COUNTY** will offer an “opt out” provision for employees who determine that they do not require medical insurance and vision exam coverage through the **COUNTY** plans. The employee would receive three hundred and fifty dollars (\$350.00) a month in lieu of medical insurance and vision exam coverage. The employee will be required to provide proof of other non-County group coverage at the time of the declination of County medical insurance and vision exam coverage, and is required to have continuous group medical coverage.

Employees hired on or after January 1, 2024 covered by **COUNTY** health insurance through another eligible participant will not be eligible for the opt-out provision.

- C. Dental Insurance. The **COUNTY** will provide fully paid employee and dependent dental insurance, (including adult orthodontic care) or, at the option of the employee, a dental maintenance plan.
- D. Life Insurance. The **COUNTY** will provide fully paid employee term life insurance including accidental death and dismemberment in the amount of \$50,000 or twice the employee's annual salary, whichever is greater;
- E. Occupational Life Insurance. The **COUNTY** will provide fully paid employee occupational life insurance in the amount, of \$10,000 in accordance with ORS 243.005 through 243.055;
- F. Long Term Disability. The **COUNTY** shall provide fully paid employee long-term disability insurance to provide 66-2/3% of gross income after ninety (90) days of disability; not to exceed the limits of the plan, \$10,000 or (\$6,667 per month); which shall not be decreased during the life of the *Agreement*.
- G. Liability Insurance. The **COUNTY** shall maintain liability insurance or self-funded protection per ORS 30.285;
- H. Supplemental Insurance. The **COUNTY** agrees to provide payroll deduction services for employees who elect to enroll and self-pay in one supplemental insurance policy subject to the **ASSOCIATION'S** choice.

## 8.2 PERS AND FICA ENROLLMENT

The **COUNTY** agrees to enroll each eligible and qualified employee in the following programs:

- A. The Public Employees Retirement System (PERS) or the Oregon Public Service Retirement Plan (OPSRP). The **COUNTY** shall pay the employer's portion of this cost.

The **COUNTY** will pay the employees' required six percent (6%) contribution.

- B. The Social Security System (FICA), for enrollment purposes, only.

## 8.3 RETIREE'S INSURANCE

- A. Upon retirement, all employees hired on or before July 1, 1987 and who have worked ten (10) full, continuous years prior to age seventy (70), shall be eligible for County-paid health insurance and may transfer from the active group to the retired group, provided such employees are eligible for and receiving PERS benefits.

- B. Upon retirement, all employees hired between July 1, 1987 and July 1, 1993 and who have worked twenty (20) full, continuous years prior to age seventy (70) shall be eligible for County-paid health insurance and may transfer from the active group to the retired group, provided such employees are eligible for and receiving PERS benefits.

- C. To qualify for Public Safety voluntary retirement, employees must be defined as Police Officers under ORS 237. 121 and. ORS 237.610, and be at least fifty (50) years of age. Other employees must be fifty-five (55) years of age or older or receiving benefits under the **COUNTY** long-term disability program regardless of age.

- D. It is understood that annual adjustments, if any, to health insurance benefits of retired employees will be determined in the sole discretion of the **COUNTY** and may or may not equal those of bargaining unit members.

## 8.4 PAID LEAVE OREGON

- A. An employee, who has a qualifying life event and are eligible, as defined by ORS 657B.010, or their designee, must notify the State of Oregon and the COUNTY of the need to take Paid Leave Oregon (PLO) leave thirty (30) days before a foreseeable qualifying reason. In an emergency, an employee, or their designee, must notify the COUNTY of the need to take

PLO within twenty four (24) hours of the commencement of the leave and must provide written notice within three (3) days of starting leave.

B. As outlined in the Administrative Procedures Manual (APM) Chapter 3, Section 35, employees may be eligible for a maximum of twelve (12) weeks of PLO per benefit year, with an additional two (2) weeks for limitations related to pregnancy.

C. Replacement wages will be paid by the State of Oregon. If the replacement wages do not equal the employee's gross base wage, the employee may choose to offset the reduction from their regular pay by charging time to their accrued leaves. Employees may also be eligible for Non-Occupational Disability Leave as outlined in Section 8.5 below.

D. Employees who are on PLO leave shall not accrue Time Management.

E. PLO, Non-Occupational Disability Leave, and FMLA/OFLA leaves run concurrently, unless otherwise prescribed by law. See the **COUNTY's** APM for more information.

## **8.5 DISABILITY**

A. Non-occupational Illness or Injury

1. County Medical Leave (Short Term Disability) will be paid as follows:

- a. All employees who have completed six (6) months of regular employment with the **COUNTY** will be granted an eighty (80) hour Elimination Period Bank.
- b. This Elimination Period Bank (EPB) may only be used for the continuous 80-hour elimination period for approved Short Term Disability (STD) leave and once used will not be renewed.
- c. The EPB may not be donated or sold (converted), even at termination, nor does it accrue regular TM when used.
- d. EPB is not transferrable between **COUNTY** bargaining units and is ineligible for use if an employee continues **COUNTY** service under different representation. Nor will the employee utilized EPB granted by other bargaining units while represented by the **ASSOCIATION**. However, should an employee leave an **ASSOCIATION** represented position and return, any unused EPB from previous service will be eligible for use.

- d. After the first of the month following (six) 6 months of employment and Paid Leave Oregon (PLO) coverage has been determined, or notification of intent to not file has been received, the first two (2) weeks of STD (one (1) week equals 40 hours for full-time employees) is the Elimination Period and will be charged to the employee's accrued Leave Banks or may be taken as Unpaid Leave if all other approved Leave Banks have been exhausted.
  - e. Third and fourth weeks continue at one hundred percent (100%) pay;
  - f. Fifth (5<sup>th</sup>) and sixth (6<sup>th</sup>) weeks continue at ninety percent (90%) pay; (For full-time employee, this translates to seven hours twelve minutes (7.2) hours/day.)
  - g. Seventh (7<sup>th</sup>) and eighth (8<sup>th</sup>) weeks continue at eighty percent (80%) pay; (For full-time employee, this translates to six hours twenty-four minutes (6.4) hours/day.)
  - h. Ninth (9<sup>th</sup>) and tenth (10<sup>th</sup>) weeks continue at seventy percent (70%) pay; (For full-time employee, this translates to five hours thirty-six minutes (5.6) hours/day.)
  - i. Remaining time will be paid at sixty-six and two-thirds percent (66-2/3%) to the conclusion of ninety (90) days. (For full-time employee, this translates to five hours eighteen minutes (5.3) hours/day.)
  - j. All STD pay is less any PLO benefits for which the employee may be receiving until the employee is released to return to work.
  - k. An employee must provide Paid Leave Oregon (PLO) claim information to the designated absence management provider or submit a signed statement of intent to not file for PLO, in order for STD payments to be calculated.
2. Once an employee has received benefits under this provision, no further time shall be charged against an employee's time management leave until the employee has returned to work and subsequently suffered another illness or injury.

3. If the same illness or injury recurs, requiring the employee to leave work, and the employee has returned to work for twenty-eight (28) or less calendar days, or if the employee is remaining under a doctor's care and the doctor recommends additional time off for the same illness or injury, no additional time will be charged against the employee's accrued time management leave.
4. It is understood that disability leave for any reason shall not exceed that period during which the employee is in fact physically unable to return to work in full capacity, as substantiated by the employee's physician. Return to work in a limited duty capacity shall be counted as part of and shall not extend the ninety (90) day eligibility period.
5. It is understood that any time off charged to disability leave pursuant to this Section may require substantiation to the satisfaction of the **COUNTY** prior to compensation. Failure to provide satisfactory substantiation will result in denying compensation and may result in disciplinary action pursuant to Article 15, DISCIPLINE AND DISCHARGE, of this *Agreement*.
6. Employees who are on disability leave shall not accrue Time Management (Article 9) or holiday time/personal time off (Article 10.1-10.4). The **COUNTY** will not charge any holiday time/personal time off when an employee is off on disability leave.
7. Employees who have exhausted the ninety (90) calendar days short-term disability leave and who have a medical prognosis to be able to return to full duty within the next ninety (90) calendar days may request up to an additional ninety (90) consecutive calendar days of leave without pay.
8. Deputies who are approved for an additional ninety (90) days of unpaid leave per paragraph 8 are eligible to sell accrued leave (excluding Extended Illness Hours) up to the amount needed to match base pay plus certification pay and/or longevity pay plus the cost of maintaining health insurance benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA).
9. If an employee is unable to return to full duty within the first one hundred eighty days (180), the parties agree to meet prior to the one hundred eightieth day (180<sup>th</sup>) to discuss the employee's prognosis to a full return.

B. Occupational Illness or Injury

In the event of a leave of absence due to an illness or injury covered by Workers Compensation, the following shall apply:

1. Employees who sustain an injury or illness compensable by Workers' Compensation and who are unable to perform their assigned duties will be paid their full pay and benefits minus any applicable employee contributions for lost time for the first ninety (90) calendar days of the employee's on-the-job illness or injury. Such time shall not be charged against any earned leave balance.
2. Deputies or group workers who sustain an injury or illness compensable by Workers' Compensation and who are unable to perform their assigned duties will be paid their full pay and benefits minus any applicable employee contributions for the first ninety (90) calendar days of the employee's on-the-job illness or injury. Such time shall not be charged against any earned leave balance. The **COUNTY** shall maintain fully paid health benefits minus any applicable employee contributions during a worker's compensation qualified leave up to one hundred eighty (180) days from first date of authorized time loss or modified duty, provided that the medical prognosis indicates that the employee will be able to return to work within the one hundred eighty (180) days. The **COUNTY** agrees to subsidize the cost of continuation of the deputy's or group workers' health insurance and dental benefits, minus any applicable employee contributions, under COBRA for a maximum period of one hundred eighty (180) days from the effective date of the employee separation.
3. Employees on Worker's Compensation leave shall not have holiday time/personal time off deducted from their personal banks if they have not been released to work.
4. Employees on Workers' Compensation shall not accrue holiday time/personal time off if they have not been released to work.

**8.56** SUBROGATION

Any employee who sustains any illness or injury and continues to receive their regular wages from the **COUNTY** shall be obligated to return to the **COUNTY** any payment they may receive reimbursing them for lost wages from a third party(ies). For example, if the employee is a victim in a motor vehicle accident



and recovers lost wages from a third party(ies) or the third party's(ies) insurance carrier, the employee must reimburse the **COUNTY** for the disability wages paid by the **COUNTY**. In addition, it is recognized that the **COUNTY** has a right to initiate or join any proceedings against a third party(ies) to seek reimbursement of disability wages.

The parties recognize that many personal injury claims are settled for less than full value. If an employee believes a settlement of the claim against a third person was less than the full value of the claim, whether the employee spent a substantial amount of money in expert fees, court costs, to recover the claim, etc., the employee and the **COUNTY** will meet in an attempt to comprise the **COUNTY'S** right of subrogation. If that cannot be accomplished, the parties may mutually agree to submit it to an Arbitrator pursuant to the grievance procedure to establish an appropriate amount.

## **ARTICLE 10**

### **PAID LEAVE**

#### **10.1 HOLIDAYS**

In lieu of paid holidays, employees shall accrue holiday time/personal time (PT) off at the rate of 3.385 hours per biweekly pay period to an accumulation of eighty-eight (88) hours at any one time. Employees will be required to use PT when taking off a County recognized holiday. County recognized holidays are New Year's Day, Martin Luther King Jr.'s Day, President's Day, Memorial Day, Juneteenth (June 19), Independence Day (July 4th), Labor Day, Veterans Day, Thanksgiving Day, Christmas Day. The day of the week that the holiday falls in the calendar year will be the day the employee must code as PT. For example if July 4<sup>th</sup> falls on a Saturday, LCPOA employees will code PT on the 4<sup>th</sup> of July, not on the Friday before, which would be the County observed holiday for non LCPOA employees.

#### **10.2 MUTUALLY AGREED SCHEDULING**

Holiday time/personal time off may be taken at times mutually agreeable between the employee and the **COUNTY**. If mutual agreement cannot be reached after the employee has reached ninety-six (96) hours accumulation then the **COUNTY** may assign time off to be in conjunction with the employee's normal days off to avoid payment of overtime. Compensation for holiday/personal time off shall be at the straight time rate per hour taken.

#### **10.3 MAXIMUM ACCUMULATION OF HOLIDAY/PERSONAL TIME**

An employee may accumulate up to a maximum of one hundred four (104) hours if arrangements cannot be made to allow the employee to take holiday time/personal time off, and if the employee is unable to take holiday/personal time off due to **COUNTY** requirements, the employee may receive paid compensation at one and one half (1:1.5) times the applicable straight time rate in lieu of future accumulations one hundred four (104) hours until such time as accommodations can be made to allow time off.

#### **10.4 HOLIDAY/PERSONAL TIME PAYOFF**

Employees when terminated, who have accumulated holiday/personal time not to exceed the limits above, shall be paid for such holiday time/personal time off provided that such pay shall be at the straight time rate. If the employee dies, their personal representative shall be paid in the same manner.

#### **10.5 BEREAVEMENT**

Employees shall be reimbursed for lost work as a result of a death in the employee's immediate family to a maximum of three (3) day's pay, (need not be

consecutive), or if out-of-state travel is required one (1) week's pay at the regular straight time hourly rate. Immediate family is defined as spouse, child (biological, adopted, foster, step-child, or the child of an employee's Registered Domestic Partner), mother, father, stepmother, stepfather, father-in-law, mother-in-law, grandparents, grandparents-in-law, grandchild, brothers, sisters, brother-in-law, sister-in-law, son-in-law, daughter-in-law, Registered Domestic Partner, domestic partner (affidavit on file), parent of a Registered Domestic Partner, a person with whom the employee is or was in a relationship of in loco parentis, any other relative residing in the employee's immediate household, and any other relationship as defined in the Administrative Procedures manual. County paid bereavement must be taken within ~~thirty (30) days~~twelve (12) months of death. Exceptions may be granted by the Sheriff or the Department Director for exceptional circumstances. An employee may also be entitled to OFLA bereavement leave, which runs consecutively to **COUNTY** paid bereavement leave. This OFLA bereavement leave is unpaid unless the employee elects to use time management. OFLA bereavement leave must be taken within sixty (60) days of the death and only for those individuals recognized by OFLA as immediate family.

#### **10.6 JURY DUTY**

An employee who appears for jury duty, or subpoenaed as a State's witness in any municipal, **COUNTY**, State or Federal Court shall, upon receipt by the **COUNTY** of all fees paid to the employee for such service, be reimbursed for loss of wages incurred as a result of such service. In addition, said employees shall be reassigned to day shift while on jury duty by way of administrative shift trade, without regard to the notice requirements of Article 6.4.

If an employee is released from jury duty more than one and a half (1-½) hours early, they shall contact their shift supervisor to see if they are required to report to duty. If the employee is released with less than one and a half hours (1-½) early the employee is not required to report back for duty.

# ADMINISTRATIVE PROCEDURES MANUAL



Chapter 3  
Section 35  
Issue [56](#)  
Date [XX/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 to be 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 of the leaves covered by this section unless specifically stated otherwise.

[PLO Rules](#)

[FMLA Rules](#)

[OFLA Rules](#)

## Oregon Sick Leave 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 [and/or the State of Oregon Employment Department](#) 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 [designated](#) absence management provider [and/or the State of Oregon Employment Department](#) 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 [and/or the State of Oregon Employment Department](#) the 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 [attending](#) physician. [P.L.O.](#), 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 [and/or the State of Oregon Employment Department](#). 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. [If there is a](#)

dispute between the employee and the State of Oregon Employment Department, the employee will need to follow the State's processes.

### 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. Employees may contact Human Resources with any questions or requests for accommodation.

## V. PAID LEAVES

### A. Paid Leave Oregon (PLO)

#### Eligibility

An employee must have a qualifying life event and have earned at least one thousand dollars (\$1,000) in wages in the base year or alternate base year as defined by ORS 657B.010 before they can apply for benefits. An employee who meets these criteria are eligible for benefits on the first (1<sup>st</sup>) day of employment, including new hires. Elected officials, full-time, part-time, limited duration, temporary, and extra help employees may be eligible for PLO benefits.

Qualifying life events are defined by ORS 657B.010 and include family leave for baby bonding, leave for care of a family member who has a serious health condition, medical leave for an employee's own serious health condition, and safe leave related to sexual assaults, domestic violence, harassment, or stalking.

#### Notification of Need for Leave

30-day notice: An employees, or person designated to represent the employee, must notify the County's designated absence management provider and the State of Oregon Employment Department of the need to take PLO thirty (30) days before a foreseeable qualifying reason, such as an upcoming surgery or adoption of a baby.

24-hour emergency notice: In an emergency, an employee, or person designated to represent the employee, must notify the County's designated absence management provider and the State of Oregon Employment Department of the need to take PLO within twenty four (24) hours of the commencement of the leave and must provide written notice within three (3) days of starting leave.

#### Length of Leave

Beginning September 3, 2023, employees may be eligible for a maximum of twelve (12) weeks of PLO leave per an individual's rolling forward benefit year. "Benefit year" is defined as a period of fifty two (52) consecutive weeks beginning the Sunday immediately preceding the day an employee commences PLO leave. Employees may be eligible to take up to two (2) additional weeks of PLO leave for limitations related to pregnancy. Employees may take leave intermittently, but may not take leave in increments less than one (1) work day.

### Contributions

The County will pay the statutorily required employer's contribution of the 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.

### Payment/Limitations

An employee whose average weekly wage is equal to or less than the State Average Weekly Wage (SAWW) under ORS 657.150(4)(e) receive one hundred percent (100%) of the Employee's Average Weekly Wage (EAWW). An employee whose average weekly wage is more than the SAWW receive sixty five percent (65%) of the SAWW, plus fifty percent (50%) of the EAWW that is greater than sixty five percent (65%) of the SAWW. Employees will receive payment through the State of Oregon Employment Department. Any applicable employee paid benefit contributions will be held in arrears until the employee receives a paycheck from the County.

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~~ weekly wage (regular scheduled hours). Employees do not accrue Time Management (TM) while on PLO.

### Exhaustion of Leave

If an employee exhausts eligibility under PLO they may be ineligible for short-term disability (STD) for the same occurrence, but may be eligible for long-term disability.

### Employee Status Upon Return to Work



An employee who has been employed for at least ninety (90) calendar days is entitled to return to the position they held prior to the start of leave if that position still exists. If the position no longer exists, the employee must be restored to any available equivalent position with equivalent benefits, pay and other terms and conditions of employment.

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

### Eligibility

Employees in regular positions are eligible for short-term disability (STD) the first of the month following (six) 6 months of employment. 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. Employees in limited duration positions may elect to self-pay for short-term disability (STD) insurance coverage. An employee must provide Paid Leave Oregon (PLO) claim information to the designated absence management provider, or submit a signed statement of intent to not file for PLO, in order for STD payments to be calculated.

### Length of Leave

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

### How Paid Payment/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 (80) hours of leave will be charged against any accrued and/or earned time leave. 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-Eighty (80) hours will be charged to TM unpaid unless an employee chooses to utilize available accrued leaves, vacation or comp time. Time Management (TM) Donations are not allowed for the elimination period.

After PLO wage coverage is determined through the designated absence management provider and the elimination period has been satisfied, wage continuation will be paid as follows based on the State Average Weekly Wage (SAWW) and Employee's Average Weekly Wage (EAWW):



**Pay Covered by PLO and STD**

<u>Pay Covered by <b>STD only</b></u>		<u>Earnings Less than SAWW</u>		<u>Earnings More than SAWW</u>	
		<u>PLO</u>	<u>STD</u>	<u>PLO</u>	<u>STD</u>
<u>Weeks 1-2</u>	<u>Elimination Period (First eighty (80) hours of absence) 0% of pay</u>	<u>100%</u>	<u>0%</u>	<u>65% + 50% EAWW</u>	<u>0%</u>
<u>Weeks 3-4</u>	<u>Two (2) weeks continue at 100% pay</u>	<u>100%</u>	<u>0%</u>	<u>65% + 50% EAWW</u>	<u>Difference between PLO and 100% of pay, if any</u>
<u>Weeks 5-6</u>	<u>Next two (2) weeks continue at 90% pay</u>	<u>100%</u>	<u>0%</u>	<u>65% + 50% EAWW</u>	<u>Difference between PLO and 90% of pay, if any</u>
<u>Weeks 7-8</u>	<u>Next two (2) weeks continue at 80% pay</u>	<u>100%</u>	<u>0%</u>	<u>65% + 50% EAWW</u>	<u>Difference between PLO and 80% of pay, if any</u>
<u>Weeks 9-10</u>	<u>Next two (2) weeks continue at 70% pay</u>	<u>100%</u>	<u>0%</u>	<u>65% + 50% EAWW</u>	<u>Difference between PLO and 70% of pay, if any</u>
<u>Weeks 11+</u>	<u>Remaining time will be paid at sixty-six and two-thirds percent (66-2/3%) to the conclusion of ninety (90) days</u>	<u>100%</u>	<u>0%</u>	<u>65% + 50% EAWW</u>	<u>Difference between PLO and 66-2/3% of pay, if any</u>

- ~~• 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~~ available accrued leaves during the ninety (90)-day period to supplement their pay up to the amount of the employee's regular scheduled weekly hours.

Exhaustion of Leave

At the end of the ninety (90) calendar day County-paid, short-term, non-occupational medical leave, PLO, 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 Employees may~~ 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.

#### C. Oregon Sick Time (ORS Chapter 653)

##### Eligibility

All County employees who do not receive ~~TM~~ Time Management (TM) or ~~PTO~~ Paid Time Off (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 for Oregon sick time.

##### Accrual

Under this section V ([BC](#)), 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 (91<sup>st</sup>) 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/OFLA](#) 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 [eighteen \(18\)](#) or for a newly placed foster child under [eighteen \(18\)](#), or for a child over [eighteen \(18\)](#) 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 [declared under Oregon Revised Statutes \(ORS\) 433.411](#), or an emergency declared under [ORS 401.165](#), employees may become eligible if:-
  - [They have been employed for at least thirty \(30\) days immediately before the leave begins.](#)
  - [The employee has worked an average of at least twenty-five \(25\) hours per week during the thirty \(30\) days immediately preceding the leave.](#)
- To care for a child who requires home care due to the closure of the child's school or childcare provider as a result of a public health emergency. Employees may be asked to provide the following verification for this type of leave request:
  - [The name of the child requiring home care;](#)
  - [The name of the school or childcare provider that is subject to closure.](#)
  - [A statement from the employee that no other family member of the child is willing and able to care for the child.](#)
  - [A statement that special circumstances exist that require the employee to provide home care for the child if the child is older than fourteen \(14\) years of age.](#)
- To take steps to secure an existing home to ensure the health and safety of the employee or the employee's minor child or dependent if an emergency evacuation order of level 2 (SET) or level 3 (GO) is declared under [OAR 839-009-0345](#) if the affected area subject to the order includes either the employee's worksite or the employee's home address.
- To care for self if the air quality index or heat index is declared at a level where continued exposure to such levels would jeopardize the health of the employee per [OAR 839.009.0345](#).

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 (180) days (~~180~~) of their most recent county separation date, and ~~are~~is 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.

#### 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 (80)-hour employee elimination period, County paid health benefits will 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, as described in sections V. A. and B. above. If the employee's disability extends beyond the ninety (90) day period, and the employee is not released by the attending 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:

InsideLane -> Employee Info -> Benefits -> ADA Accommodation Process -> Pregnancy Accommodation in the Workplace Notice

#### E. Paid County Bereavement Leave

Due to the death of a covered immediate family member, as defined below, 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, step--grandchild, stepmother, stepfather, step--grandparent, great--grandparent, father-in-law, mother-in-law, son-in-law or daughter-in-law, sister-in-law, brother-in-law, grandparent-in-law, great grandparent-in-law, parent, grandparent or great grandparent 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 twelve (12) months ~~thirty (30) days~~ of the death. Paid bereavement leave is separate from an employee's total amount of eligible OFLA leave. An employee may also be entitled to OFLA bereavement leave, which runs consecutively to County paid bereavement leave and is unpaid, unless the employee elects to use available accrued leave. See section VI. C. below.

Managers are responsible for ensuring bereavement leave is used appropriately as outlined above. Requests for exceptions to this policy must be approved by the Human Resources Director.

#### F. Paid Military Training Leave

##### Eligibility

Regular status employees, including elected officials, may receive Paid Military Training Leave upon hire. All other employees are eligible after six (6) months of service.

##### Length of 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 Federal fiscal training year (October 1 – September 30), without loss of time wages, 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.

#### 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 ~~FM, vacation or comp banks~~available accrued leave.

### Eligibility

- FMLA- Employee has worked for a total of at least twelve (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 one hundred eighty (180) consecutive calendar days in a position with an average of twenty-five (25) hours per week during the one hundred (180)- day period unless the leave is for Parental leave. For certain public health emergencies declared under ORS 433.411, or an emergency declared under ORS 401.165, employees may become eligible if:
  - Employed for at least thirty (30) days immediately before the leave begins;
  - Worked an average of at least twenty five (25) hours per week during the thirty (30)

Employees reemployed or returning within one hundred eighty (180) days who were eligible for OFLA leave at the time of their separation from employment, or the beginning of their temporary cessation of work, will be eligible to take OFLA leave immediately upon reemployment or return.

Employees reemployed or returning within one hundred eighty (180) days who were not yet eligible for OFLA leave at the time of their separation from employment, or the beginning of their temporary cessation of work, will be eligible to take OFLA leave immediately upon reemployment or return.

Employees reemployed or returning within one hundred eighty (180) days who were not yet eligible for OFLA leave at the time of their separation from employment, or the beginning of their temporary cessation of work, will receive credit for the time worked for the County prior to the break in service for the purpose of establishing OFLA eligibility.

Employees reemployed or returning more than one hundred eighty (180) days from the separation of employment, or beginning of their temporary cessation



of work, must reestablish eligibility for OFLA leave and will not receive credit for prior service.

Any OFLA leave taken by an employee who has been reemployed or who has returned to work within any one (1) year period is applied toward the employee's OFLA leave entitlement.

- Oregon Military Family Leave Act (OMFLA)- Employee has worked an average of at least twenty (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 and limited duration 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 sixty (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~~An employee who is a victims of domestic violence, harassment, sexual assault or stalking, or ~~if they are~~who is 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~~An employee 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~~An employee taking leave must contact the ~~County's third party leave administrator~~designated absence management provider; 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~~designated absence management provider.

## 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 (6) 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 up to a maximum of four (4) 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 upon request.

National Guard and Military Reserve Service: In addition to ~~annual~~ Paid Military 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 or other confirming documentation to Human Resources upon request.

Peace Corps: Leaves of absence for at least two (2) 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 upon request.

### 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 upon request.

Use of Accrued Benefits: Employees may use ~~TM, vacation or compensatory time~~ available accrued leave 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~~ An employee who receives 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~~ An employee who ~~are~~ is ordered to report for military training or duty will be released from ~~duty~~ County service 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 or other confirming documentation are to be provided to ~~the immediate supervisor and~~ Human Resources as soon as they become available upon request.

### Return to Work or Reinstatement

Regular Military Service and Peace Corps Service: Within ninety (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 (3)- 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 ninety (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.

### F. Unpaid Active Duty Military Family Leave

A FMLA--eligible employee with a spouse or same-sex domestic partner who is a member of 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 fourteen (14) days of unpaid leave, or employees may use available accrued leave. Leave time taken counts toward the total FMLA twelve (12) week entitlement.

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

### G. Leave of Absence to Donate Bone Marrow

An employee who works an average of twenty (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 forty (40) hours of their accrued leave. The total number of hours of leave within the forty (40)- hour maximum is determined by the requesting employee. If an employee does not have a balance of forty (40) hours of accrued leave available, any remaining absence requested up to the forty (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 thirty (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 base wages~~pay, the County will subsidize the difference to a maximum of their current ~~net pay~~base wages.
3. If State pay is equal to or greater than employee's regular ~~net pay~~base wages, 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 thirty (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. Employees on an unprotected leave without pay for one (1) calendar month or more will not be eligible for any insurance benefits, except 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 Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Employees may ~~C~~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 (3) months. Employees may ~~C~~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

Effective Date

DRAFT



MEMORANDUM OF UNDERSTANDING

LWOP Exception at Hire  
MOU POA-24-01

This Memorandum of Understanding is entered into, by and between Lane County hereinafter referred to as COUNTY, and Lane County Peace Officers Association (LCPOA), hereinafter referred to as ASSOCIATION, for the purposes of establishing an exception to use of pre-approved Leave Without Pay (LWOP) for new employees.

1. The parties agree to modify the Collective Bargaining Agreement (CBA) as follows:
  - a. Article 9, Section 9.5 – “During the course of the year, absences from work for any reason other than on-the-job illness or injury covered by Worker’s Compensation or holiday time/personal time off shall be charged against the employee’s accrued leave balance. Earned leave shall accrue whenever an employee is on pay status with the COUNTY. The Sheriff may authorize a pre-approved exception of leave without pay (LWOP) in lieu of charging time to the employee’s accrued leave balance for new employees of the Sheriff’s Office who request pre-approval of time off for specific dates as a condition of hire. Such exception must be documented in the employee’s offer letter. Employees do not accrue earned leave when on leave without pay.”
2. All other requests for LWOP will follow normal CBA and Administrative Procedures Manual (APM) approval/denial procedures.
3. The parties agree to memorialize this agreement during successor negotiations in 2025.
4. This agreement shall be effective retroactively to September 28, 2023 following signatures of both parties.

For the ASSOCIATION:


  
Eric Churchill, President

1/4/24  
Date

For the COUNTY:

  
Inga Wood, Labor Relations Manager

1/5/2024  
Date

  
Clifton Harrold, Sheriff

1/4/2024  
Date