

Lane Manual

Chapter 2 – ADMINISTRATION..... 1

    2.005 – GENERAL ..... 1

        2.005.006 – Board and Commissioners’ Exercise of Authority..... 1

        2.005.010 – Numbering System..... 1

        2.005.020 – Journals. .... 2

    2.010 – MANUAL MAINTENANCE AND AMENDMENT PROCEDURES..... 2

        2.010.030 – Maintenance of the Manual. .... 2

        2.010.035 – Orders Amending Manual Provisions. .... 3

        2.010.045 – Initiation, Drafting, and Processing the Proposed Manual Amendment..... 3

        2.010.050 – Distribution of the Manual..... 3

        2.010.055 – Failure to Comply. .... 3

    2.015 – CODE AMENDMENT PROCEDURES ..... 4

        2.015.060 – Changes to the Lane Code. .... 4

        2.015.065 – Initiation and Drafting of Amendments to the Lane Code. .... 4

        2.015.075 – Enactment of an Ordinance Amending the Lane Code..... 4

        2.015.082 – Lane Code and Lane Manual on the County’s Internet Website. .... 4

        2.015.095 – Administrative Procedures Manual. .... 4

    2.020 – RECORDS MANAGEMENT PROGRAM ..... 5

        2.020.105 – Records Management Program. .... 5

    2.025 – INSPECTION OF PUBLIC RECORDS AND REQUESTS FOR INFORMATION ..... 5

        2.025.150 – Policy Statement. .... 5

        2.025.155 – Purpose. .... 6

        2.025.160 – Definitions. .... 6

        2.025.162 – Responses to Public Records Requests. .... 6

        2.025.163 – Procedures for Public Records Requests. .... 7

        2.025.165 – Procedures for Inspection of Public Records. .... 9

        2.025.170 – Procedure for Requests for Information..... 9

        2.025.175 – Grievance. .... 10

    2.030 – PROTECTION OF PERSONAL INFORMATION ..... 10

        2.030.182 – Policy Regarding HIPAA..... 10

        2.030.183 – Policy Regarding Oregon Consumer Identity Theft Protection Act. .... 11

        2.030.185 – Public Records on County Internet Website..... 11

        2.030.187 – Scope..... 12

Lane Manual

2.030.189 – Policy ..... 12

2.035 – PERSONNEL ..... 13

    2.035.190 – Personnel Definitions..... 13

2.040 – UNCLASSIFIED SERVICE ..... 15

    2.040.191 – General Statement of Policy. .... 15

    2.040.192 – Compensation, Duration, and Term of Service..... 15

2.045 – PERSONNEL RULES FOR CLASSIFIED SERVICE ..... 15

    2.045.220 – General Statement of Policy. .... 15

    2.045.230 – Classification Plan..... 16

    2.045.235 – Compensation Plan. .... 17

    2.045.240 – Recruitment, Testing, Appointment and Probation. .... 18

    2.045.250 – Physical Examinations. .... 18

    2.045.275 – Separation in Good Standing. .... 18

    2.045.280 – Appeal Procedures. .... 18

    2.045.285 – Records and Reports. .... 19

    2.045.290 – Payroll Certification..... 19

    2.045.295 – Retirement. .... 19

    2.045.300 – Health and Life Insurance. .... 20

    2.045.305 – Outside Employment. .... 20

2.050 – OTHER PERSONNEL POLICIES ..... 21

    2.050.350 – Reimbursement for Moving Expenses. .... 21

    2.050.355 – Release of Employee Information..... 21

    2.050.365 – Political Activities. .... 21

    2.050.370 – Accident/Disability Payments. .... 22

    2.050.372 – Notaries Public. .... 23

    2.050.374 – Charitable Contributions Payroll Deductions Program..... 23

    2.050.376 – Travel Expense Reimbursement Policy. .... 24

    2.050.378 – Lane County Employee Assistance Program..... 24

    2.050.380 – Drug Free Work Place Policy. .... 25

    2.050.382 – Sexual Harassment Policy. .... 25

    2.050.384 – Workplace Violence Policy. .... 26

    2.050.385 – Fraud Prevention Policy. .... 26

    2.050.386 – Elected Officials' Transition Policy. .... 27

Lane Manual

2.055 – DIVERSITY POLICY..... 27

    2.055.390 – Diversity Is a Key to the Future Success of Lane County..... 27

    2.055.395 – Definitions. .... 28

2.060 – EMPLOYEE REPRESENTATION ..... 28

    2.060.405 – Authority. .... 28

    2.060.410 – American Federation of State, County, and Municipal Employees, Local 2831 General Unit..... 29

    2.060.412 – Lane County Peace Officers' Association, Inc. .... 29

    2.060.414 – Lane County Prosecuting Attorneys' Association. .... 29

    2.060.418 – Lane County Association Local 626. .... 29

    2.060.422 – Administrative Professional Association of Lane County, Inc. .... 29

    2.060.425 – Federation of Oregon Parole and Probation Officers, Parole & Probation Unit..... 29

    2.060.430 – American Federation of State, County, and Municipal Employees, Local 2831-Nurses. .... 30

    2.060.435 – American Federation of State, County, and Municipal Employees, Local 2831-5-Physicians. .... 30

2.065 – EMPLOYEE OPERATION OF AIRCRAFT ..... 30

    2.065.505 – Policy Statement. .... 30

2.070 – EMPLOYEE AND VOLUNTEER OPERATION OF PERSONAL AUTOMOBILES ON COUNTY BUSINESS..... 30

    2.070.550 – Policy Statement. .... 30

2.075 – COMMERCIALLY LEASED VEHICLES ..... 31

    2.075.552 – Procedure..... 31

2.080 – FLEET SERVICES ..... 31

    2.080.605 – Policy Statement. .... 31

    2.080.610 – Purpose. .... 31

    2.080.615 – Responsibility. .... 31

    2.080.625 – Motor Vehicle Accidents/Insurance Coverages. .... 31

    2.080.636 – Monthly Automobile Allowance. .... 36

    2.080.637 – Private Mileage Reimbursement. .... 36

    2.080.640 – Credit Cards..... 36

2.085 – USE OF THE COUNTY LOGO..... 37

    2.085.700 – Policy. .... 37

    2.085.701 – Policy Exceptions..... 37

Lane Manual

2.085.705 – Restrictions on Use. .... 37

2.085.710 – Design Authorization..... 37

2.085.715 – Appearance. .... 38

2.085.720 – Basic Design, Format, and Color. .... 38

2.085.725 – Reports, Documents and Printed Forms..... 39

2.085.730 – Pamphlets and Brochures. .... 39

2.085.735 – Decals. .... 39

2.085.740 – Uniform Patches..... 40

2.085.745 – Highway, Road, Building, Park. .... 40

2.085.750 – Miscellaneous Use. .... 41

2.085.765 – Alterations..... 41

2.090 – COUNTY LANDS AND BUILDINGS ..... 41

2.090.805 – Public Parking..... 41

2.090.825 – Demolition of Structures..... 41

2.090.830 – County Facility Naming, Memorial, and Donated Object Policy..... 42

2.090.832 – Criteria for Naming, Memorials, and Donated Objects. .... 42

2.090.834 – Authority. .... 42

2.090.840 – Vending Machine Operations. .... 43

2.090.850 – Vendors and Solicitors. .... 43

2.090.860 – Information Booth. .... 43

## Chapter 2 – ADMINISTRATION

### 2.005 – GENERAL

#### 2.005.006 – Board and Commissioners’ Exercise of Authority.

The general guidelines in this section are set forth for the purpose of clarifying lines of authority in a county government such as Lane County’s, in which an elected five (5) member board exercise both legislative and administrative powers.

- A. The Board exercises its legislative and administrative powers primarily through the use of:
  - 1. Ordinances. Ordinances are legislative acts of the Board enacting general, uniform, and permanent procedures and requirements relating to the affairs of Lane County. Ordinances are enacted under the authority of Oregon law, the Home Rule Charter, or both, and require two readings before the Board at least thirteen (13) days apart.
  - 2. Orders. Orders are administrative acts of the Board, expressions of general policy and procedures or procedural rules necessary for the Board to organize the conduct of its own business under authority of Oregon law, the Home Rule Charter, or Lane County Ordinances. Orders require only one reading before the Board.
  - 3. Rules. Rules are the administrative regulations of the Board applicable to particular subject areas (e.g., personnel rules, safety rules), or a series of related orders referred to collectively as Rules. Rules may also include acts of County officers, commissions or committees that have been promulgated in the exercise of delegated functions (e.g., Department procedural rules, rules for conduct of Planning Commission business approved in public session).
- B. The Board acts collectively as a board, and its individual Commissioners exercise authority or perform functions only as appointed or delegated by the Board.
- C. Fifteen (15) Minute Rule.
  - 1. Individual Commissioners may ask any county employee for information. A County employee may not expend more than fifteen (15) minutes on such a request. A copy of all such information requests should be sent to the employee’s supervisor.
  - 2. In the event an individual Commissioner needs more information or assistance on a particular issue or matter that can be produced in fifteen (15) minutes of employee time, an individual Commissioner may request the Board provide authority for additional assistance beyond that provided under the Fifteen (15) Minute Rule.

(Order 72-12-27-1, 12.27.72; Order 09-4-29-2, 4.29.09; Order 17-09-12-01, 9.12.17)

#### 2.005.010 – Numbering System.

- A. Ordinances.
  - 1. General Ordinances. General ordinances are numbered by using a system of two (2) two-digit (2) numbers separated by dashes, the first pair of which represent, in consecutive sequence, the numerical place each ordinance in the series of general ordinances enacted during a particular year; the second pair of digits the year the ordinance was enacted. For example, 4-74 is the number of the fourth general ordinance enacted in 1974.

2. Special Ordinances. Special ordinances are numbered sequentially without regard to the year adopted and usually relate only to zoning or rezoning.
- B. Orders. All orders of continuing application to the administration of Lane County Government are numbered using a set of four numbers, separated by dashes. The first number in the set consists of the last two (2) digits of the year the order was adopted; the second is the number of the month of that year; the third the number of that day of the month and; and the last represents the numerical place of the order in sequence of orders enacted on that day. For example, the first order enacted on March 2, 1973, would be numbered as follows: 73-3-2-1.
- C. Resolutions. Resolutions follow the same numbering system as is used for orders.  
(Order 72-12-27-1, 12.27.72; Order 17-09-12-01, 9.12.17)

### **2.005.020 – Journals.**

The records of the Board must be kept in a separate journal, and be distinguished as follows:

- A. Ordinances, including all ordinances enacted, commencing January 3, 1963.
- B. Orders, including all orders of continuing application to the administration of Lane County government commencing January 3, 1963.
- C. Minutes, which are the public record of the proceedings of the Board.  
(Order 78-7-26-1, 7.26.78; Order 17-09-12-01, 9.12.17)

## **2.010 – MANUAL MAINTENANCE AND AMENDMENT PROCEDURES**

### **2.010.030 – Maintenance of the Manual.**

The Lane Manual is maintained by the following procedures:

- A. Additions, deletions, or other changes to the Lane Manual may only be made by order of the Board. The adopting order is the official version of the action of the Board.
- B. The Office of Legal Counsel is responsible for codification of the Lane Manual, must review and approve proposed revisions, and will determine the placement of new or altered sections in the Manual. The Office of Legal Counsel will keep the Manual as current as reasonably possible, in a format conducive to public use.
- C. The Office of Legal Counsel may make editorial changes and corrections in the Manual that do not alter the sense, meaning, effect or substance of any order without Board action. Changes and corrections may include matters such as alteration, rearrangement, or renumbering of titles, chapters, appendices, sections or any other parts of the Manual; alteration of or numbering or cross-reference systems to make the organization more logical, readable, or understandable; striking figures or words that are repetitious or unnecessary; alteration of capitalization, punctuation, style, or other types of format for the purpose of uniformity; and correction of clerical, typographical, or editorial errors.
- D. The Office of Legal Counsel will maintain a history of the adoption and amendment of each section of the Manual by recording the number and effective date of each amending order at the end of the affected section.

(Order 01-12-5-7, 12.5.01; Order 17-09-12-01, 9.12.17)

**2.010.035 – Orders Amending Manual Provisions.**

The order presented to the Board for substitution of new sections for existing sections, addition of new sections, or removal of existing sections must be in the general format described below.

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 17-\_\_-\_\_-\_\_

IN THE MATTER OF AMENDING LANE  
MANUAL CHAPTER 2 TO REVISE  
PROVISIONS FOR DRAFTING BOARD  
ORDERS (LM 2.010.035)

The Board of County Commissioners of Lane County ORDERS as follows:

Lane Manual Chapter 2 is hereby amended by removing, substituting or adding the following section(s):

REMOVE THESE SECTIONS

INSERT THESE SECTIONS

2.010.035

2.010.035

Said sections are attached hereto and incorporated herein by reference. If any section, subsection, sentence, clause, phrase or portion of this Order or the referenced Lane Manual provisions are for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion is deemed a separate, distinct, and independent provision, and such holding does not affect the validity of the remaining portions

Adopted this \_\_\_\_ day of \_\_\_\_\_ 2017

\_\_\_\_\_  
Chair, Lane County Board of Commissioners

(Order 01-12-5-7, 12.5.01; Order 17-09-12-01, 9.12.17)

**2.010.045 – Initiation, Drafting, and Processing the Proposed Manual Amendment.**

The procedure for amendment of the Lane Manual is the same as the procedure for amendment of the Lane Code, as described in LM 2.015.065 through LM 2.015.082, substituting only the words "Manual" for "Code," and "order" for "ordinance"; however a proposed order for amendment of the Lane Manual requires only one reading as provided in LM 2.005.006A.1 and LM 2.005.006A.2.

(Order 01-12-5-7, 12.5.01; Order 17-09-12-01, 9.12.17)

**2.010.050 – Distribution of the Manual.**

Lane Manual will be made available on the Lane County Internet website.

(Order 93-3-31-8, 3.3.93; Order 03-2-26-7, 2.26.03; Order 17-09-12-01, 9.12.17)

**2.010.055 – Failure to Comply.**

The provisions of LM 2.010.035 through LM 2.010.045 are directory rather than mandatory, and failure to comply with them will not invalidate an order or a policy, procedure, or rule that has been promulgated by an order or resolution.

(Order 93-3-31-8, 3.3.93; Order 17-09-12-01, 9.12.17)

## **2.015 – CODE AMENDMENT PROCEDURES**

### **2.015.060 – Changes to the Lane Code.**

The general requirements for amending the Lane Code are established to standardize the procedures for amending the Code and are set forth in LC 2.005.020 through LC 2.005.025.

(Order 93-3-31-8, 3.3.93; Order 17-09-12-01, 9.12.17)

### **2.015.065 – Initiation and Drafting of Amendments to the Lane Code.**

Normally the Department most affected by the subject matter of the section or sections proposed to be amended will initiate and draft the new or amended Code sections, and submit these to the Office of Legal Counsel. That Office will assist as necessary, prepare the transmittal ordinance including instructions for substitution, when required, and in all cases must approve the Code sections and amendments as to their legal form prior to presentation to the Board for a first reading. The new or affected Code sections and the transmitting ordinance must be prepared in a nominal eight and one-half inches by eleven inches (8-1/2" x 11") page format with the words "Lane Code" centered at the top of each page. The Office of Legal Counsel will format the pages; place headings, section numbers and page numbers; and prepare and distribute appropriate Tables of Contents for the Lane Code and each of its chapters.

(Order 01-12-5-7, 12.5.01; Order 17-09-12-01, 9.12.17)

### **2.015.075 – Enactment of an Ordinance Amending the Lane Code.**

Upon the enactment of an ordinance amending the Lane Code, the Office of Legal Counsel will record the number of the ordinance and the effective date of the ordinance at the end of the affected sections.

(Order 01-12-5-7, 12.5.01; Order 17-09-12-01, 9.12.17)

### **2.015.082 – Lane Code and Lane Manual on the County's Internet Website.**

The Office of Legal Counsel will determine the appropriate formatting and method for making the Lane Code and Lane Manual available to the public on the County's website, and establish practices for maintaining the website versions in a current form. The Lane Code and Lane Manual versions are to be placed on the website for informational purposes, but the official version of the Lane Code is comprised of the enacting ordinances, and the official version of the Lane Manual is comprised of the adopting orders.

(Order 01-12-5-7, 12.5.01; Order 17-09-12-01, 9.12.17)

### **2.015.095 – Administrative Procedures Manual.**



The Lane County Administrative Procedures Manual (APM) contains administrative rules and procedures for implementing provisions of the Lane Code, Lane Manual, and Board policy. The APM may include, but is not limited to, rules and procedures for: County administration, budgeting, financial administration, risk management, and human resource management. In case of a conflict between the provisions of the APM, and the Lane Manual or Lane Code, the order of precedence is: first, the Lane Code; second, the Lane Manual, and third the APM.

(Order 93-3-31-8, 3.31.98; Order 17-09-12-01, 9.12.17)

## **2.020 – RECORDS MANAGEMENT PROGRAM**

### **2.020.105 – Records Management Program.**

- A. Purpose. The purpose of the records management program is to provide a policy in Lane County for the efficient and businesslike manner of maintaining public records and providing for their retention or destruction.
- B. Procedure. All Lane County records must be retained and destroyed in accordance with Oregon law, and regulations prescribed by the State Archivist. Records may only be destroyed pursuant to a records retention schedule prescribed or when approved by the State Archivist, or as specifically authorized by Oregon law. Destruction of records that fall outside the scope of the State Archives administrative rule must be approved in writing by both the County Archives Officer and County Counsel. A record of destruction must include a description of the records destroyed, including the inclusive dates of the records, and the date of destruction of the records.
- C. County Archives Officer. The Director of Operations is appointed the County Archives Officer, and is responsible for maintaining, retaining, and destroying public records in compliance with Oregon law.
- D. The Office of Legal Counsel will advise the County Archives Officer of any changes in Oregon statutes or administrative rules relating to the retention and destruction of records.

(Order 98-4-1-11, 4.1.98; Order 89-3-15-4, 3.15.89; Order 78-11-29-6, 12.6.78; Order 17-09-12-01, 9.12.17)

## **2.025 – INSPECTION OF PUBLIC RECORDS AND REQUESTS FOR INFORMATION**

### **2.025.150 – Policy Statement.**

It is the policy of Lane County that the public has a right to inspect any public record maintained by the County, consistent with Oregon Public Records Law (ORS Chapter 192). Pursuant to this policy:

- A. Responses to public requests for inspection of records and information should be done as soon as practicable and without unreasonable delay. Reasonable delays in responding may occur depending upon the nature of the request, workload and staffing of the office that must respond and other factors.
- B. To the extent practicable, the County will make certain public record information of general interest available on one (1) or more County websites, while providing protection from disclosure of personal information in the manner described in LM 2.030.187 through LM 2.030.189.

(Order 76-5-26-8, 12.26.76; Order 08-2-20-2, 2.20.08; Order 11-12-14-10, 1.1.12; Order 17-09-12-01, 9.12.17)

**2.025.155 – Purpose.**

The purpose of the rules contained in LM 2.025.150 through LM 2.025.175 is to establish a written procedure for making and responding to public record requests.

(Order 76-5-26-8, 12.26.76; Order 11-12-14-10, 1.1.12; Order 17-09-12-01, 9.12.17)

**2.025.160 – Definitions.**

As used in LM 2.025.150 through LM 2.025.175, the following terms have the meanings stated here:

“Certified copy” means a reproduction of a public record furnished by the County that is inscribed with a notation by the County employee reproducing the record, including the employee’s signature, date and the words “Certified Copy.” If the public record is not suitable for reproduction, a facsimile may be prepared and the notation “Certified Facsimile Copy,” signature and date inscribed.

“Copy” means a reproduction of a public record made at the request of a member of the general public.

“Custodian of records” means the person responsible for maintaining public records and furnishing a proper and reasonable facility for making memoranda or abstracts from the records during normal business hours.

“Exempt records” means those records specified in ORS 192.345, ORS 192.355, and records that are exempt under any other section of the Oregon Revised Statutes. Exempt records also include records that the County Counsel has determined exempt from public inspection.

“Fees” means those costs charged for providing copies of public records or requested information. Fees are calculated to reimburse the County for actual costs in making such records or information available.

“Public” means the “public” includes any natural person, corporation, partnership, firm or association.

“Public record” means a public record is any information that:

- A. Is prepared, owned, used or retained by a state agency or political subdivision and,
- B. Is necessary to satisfy the fiscal, legal and administrative or historical policy requirements or needs of the state agency or political subdivision.

“Public Records Officer” means the Public Records Officer is the County employee or employees designated pursuant to ORS 192.324 for receipt of public records requests.

“Request for information” means a request for limited or specified pieces of information extracted from one (1) or more records.

(Order 76-5-26-8, 12.26.76; Order 11-12-14-10, 1.1.12; Order 17-09-12-01, 9.12.17; Order 18-06-05-03, 6.5.18)

**2.025.162 – Responses to Public Records Requests.**

- A. A response to a public record request must be made as soon as practicable and without unreasonable delay. If the record is readily available for inspection, the records may be provided for inspection in accordance with the procedures in LM 2.025.165. If the record is not readily available

at the office where the request is made, a written public records request must be made as provided in LM 2.025.163.

- B. The County may request additional information or clarification from the requester for the purpose of expediting the response.
- C. In accordance with ORS 192.324(2), the response must acknowledge receipt within five (5) business days after receiving the request or complete the response to the request. The acknowledgement must include one of the following:
  - 1. A statement that the County does not possess, or is not the custodian of, the public record.
  - 2. Copies of all requested public records for which the County does not claim an exemption from disclosure under Oregon law.
  - 3. A statement that the County is the custodian of at least some of the requested public records, an estimate of the time the County requires before the public records may be inspected or copies of the records will be provided and an estimate of the fees that the requester must pay as a condition of receiving the public records.
  - 4. A statement that the County is the custodian of at least some of the requested public records and that an estimate of the time and fees for disclosure of the public records will be provided by the County within a reasonable time.
  - 5. A statement that the County is uncertain whether the County possesses the public record and that the County will search for the record and make an appropriate response as soon as practicable.
  - 6. A statement that state or federal law prohibits the County from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or other sanction. A statement under this paragraph must include a citation to the state or federal law relied upon by the County in making the statement.
- D. If the County asserts that one (1) or more requested records are exempt from public disclosure, the County must include a statement that the requester may seek review of the County's determination pursuant to ORS 192.401, ORS 192.411, ORS 192.415, ORS 192.418, ORS 192.422, ORS 192.427, and ORS 192.431.

(Order 08-2-20-2, 2.20.08; Order 11-12-14-10, 1.1.12; Order 17-09-12-01, 9.12.17; Order 18-06-05-03, 6.5.18)

### **2.025.163 – Procedures for Public Records Requests.**

The County will make available to the public the written procedures for making public records requests. These procedures must be posted on the County's website and available at the Board of Commissioners' Office.

- A. Form and Method of Requests.
  - 1. Certain County offices maintain particular records generally available to the public, such as the Assessment & Taxation office, Deeds & Records office, Sheriff's Office, and the Customer Service Center. Such records may be requested directly at these offices.
  - 2. Other public records requests must be made in writing. The written request may be submitted using a completed copy of the form contained in the Oregon Attorney General's Public Records

Lane Manual

and Meetings Manual (a copy of which is available on the County's website or from the Public Records Officer at the address below). A request may also be made in another written manner, so long as the request contains all of the information required on the Attorney General's form.

- 3. Written public records requests must be submitted by email to the Public Records Officer at [publicrecords@co.lane.or.us](mailto:publicrecords@co.lane.or.us) or in writing to:

Public Records Officer  
Lane County Office of Legal Counsel  
125 E. 8th Avenue  
Eugene, Oregon 97401

Requests made in any manner other than those stated in this section can and will require more time for a response.

- B. A person making a request may ask that the copies of the documents be produced in a specific format, such as compact disc, providing that the person pays the fee charged for this service.
- C. Fees must be calculated to reimburse the County for the actual costs of making records or information available. Fees must include the full cost of the staff providing the information, calculated at an hourly rate; plus two point five percent (2.5%) (to cover costs associated with building, maintenance, utilities, etc.); and copying fees as established in this section. Staff costs are to be computed on a quarter (1/4) hour basis. Other costs that may be included in the fees are:
  - 1. Staff time spent to locate, review, segregate, and/or redact exempt materials from requested records,
  - 2. Staff time spent to copy, certify, or mail records or supervise inspection of original documents.
  - 3. Staff time spent to search for and review records, even if the located records are subsequently determined to be exempt from disclosure or no records can be found.
  - 4. Supplies and materials used to produce information on audio tapes, video tapes, microfilm, magnetic tape, photo paper, CD, DVD, or other media.
- D. If fees are estimated to exceed twenty-five dollars (\$25), the Public Records Officer will inform the person making the request of the amount of the fees and may not proceed until receiving confirmation from the person making the request that the person agrees to pay the fees. If the requester fails to pay the fee within sixty (60) days of the date on which the County informed the requester of the fee, or fails to pay the fee within sixty (60) days of the date on which the County informed the requester of the denial of a fee waiver, the County shall close the request, pursuant to ORS 192.329(3)(b).
- E. Prior to delivery of the requested public record, the person making the request must pay the fees.
- F. Fixed copying costs are:

1. Copies (black and white)	\$ 0.25 per page
2. Copies (color)	\$ 1.50 per page
3. Copies (11" x 17" in black and white)	\$ 1.50 per page
4. Copying or Recording information to a CD	\$ 10.00 per CD
5. Copy of Annual Budget (per copy)	\$ 35.00

- G. The Office of Legal Counsel should be consulted if there is any question about whether a document is exempt from disclosure or should nevertheless be disclosed. Absent unusual circumstances, such

as litigation, the decision on whether to disclose is made by the Public Records Officer or the County Administrator.

(Order 8-2-20-2, 2.20.08; Order 11-12-14-10, 1.1.12; Order 17-09-12-01, 9.12.17; Order 18-06-26-01, 6.26.18)

### **2.025.165 – Procedures for Inspection of Public Records.**

The following procedures are required in responding to requests for inspection of public records.

- A. To the extent possible requests for inspection of public records should be honored at the time the request is made, or as soon thereafter as practicable and without unreasonable delay.
- B. Requests to inspect public records should clearly identify specific records desired for inspection. The request must be made in writing, unless a writing is unnecessary to understand the request and provide the response.
- C. Records may not be removed by the public from the office where they are maintained, unless a procedure that protects and ensures the integrity of the records during removal has been established.
- D. No written notes, comments, or marks, may be made on any public record by any member of the public.
- E. A logging system for keeping track of original records made available to a member of the public must be maintained by each office for those records to be examined by the public or transferred to other County offices in the course of official County business. The system must:
  - 1. Clearly identify the records examined and the names of all individuals reviewing the record,
  - 2. Contain such information or notation as is necessary to determine whether the records are returned intact,
  - 3. Record the amount of time the records are in the public's possession,
  - 4. Contain a determination that the records were returned intact, and a record of any damage or markings thereon.
- F. An appropriate location within each office must be used for public review of records, which should be so situated as to permit monitoring by a County employee assigned responsibility for such monitoring.
- G. Departments may establish additional guidelines to maintain security of records in their possession.
- H. A person with a disability is entitled to a reasonable accommodation to enable that person to access public records, such as providing an enlarged version of the record, without additional charge.

(Order 83-9-27-3, 9.27.83; Order 11-12-14-10, 1.1.12; Order 17-09-12-01, 9.12.17; Order 18-06-05-03, 6.5.18)

### **2.025.170 – Procedure for Requests for Information.**

The following guidelines apply to requests for information. A request for information may be received by itself, or may supplement a records inspection request.

- A. Responses to requests for information is not mandated by law, and should be made with concern for maintaining normal County services.
- B. Oral requests for information should be answered at the time of the request if the information can be supplied quickly, without undue disruption of normal activities, in a convenient form, without lengthy explanation or costs.
- C. When a request for information can be answered more efficiently and appropriately by public inspection of records, the person making the request should be directed to the Public Records Officer.
- D. Requests that require research, evaluation, documentation, discussion, collation of materials from various sources, disruption of normal work or significant staff time must be submitted in writing. A fee may be charged for such requests using the methods described in LM 2.025.163B through LM 2.025.163E.
- E. The decision to supply information in response to requests for information is at the discretion of the Department receiving the request. Consideration should be given to Lane County's spirit of open government, but with concern for the type and amount of information requested and the costs and staff time required and with recognition of the benefits of cooperation with other governmental agencies, associations, groups, and individuals.
- F. A decision not to supply requested information should be made only after full consideration of the circumstances involved in the request and the response.

(Order 83-9-27-3, 9.27.83; Order 76-5-26-8; 5.26.76; Order 11-12-14-10, 1.1.12; Order 17-09-12-01, 9.12.17; Order 18-06-05-03, 6.5.18)

### **2.025.175 – Grievance.**

Any person or persons who believe themselves aggrieved as a result of the application of the procedures established in LM 2.025.150 through LM 2.025.170 may appeal to the County Administrator or the Board.

(Order 93-3-31-7, 3.31.93; Order 17-09-12-01, 9.12.17)

## **2.030 – PROTECTION OF PERSONAL INFORMATION**

### **2.030.182 – Policy Regarding HIPAA.**

It is Lane County's policy to support implementation of the federal Health Insurance Portability and Accountability Act (HIPAA) as it applies to health care functions and activities of certain Lane County Departments. This federal law and its implementing regulations promote patients' trust in the health care system by providing national standards protecting the privacy and security of their private health information and providing them rights to control access to such information. The uniform standards, code sets, and identifiers for carrying out administrative financial health transactions on line were designed to promote efficiency and flexibility in patient's receiving health care services and in billing and receiving payment from health plans and other payors. Members of the public and employees of Lane County are entitled to the same benefits and protections when their protected health care information is created or received by a Lane County Department program or activity providing health care or serving as a health plan, or health care clearinghouse covered by HIPAA.

The County Administrator is delegated authority to adopt procedures and guidelines to implement HIPAA to the extent it applies to work performed by Lane County Departments that are covered by that law.

While the Board made initial HIPAA decisions regarding health care components and personnel designations, the County Administrator is delegated authority to adopt additional procedures and guidelines addressing changes to health care component designations, and when necessary to select a replacement county HIPAA Privacy Officer subject to the approval of the Board, and to address other changes in Department HIPAA personnel designations and duties.

(Order 03-1-21-2, 01.21.03; Order 11-5-24-1, 05-24-11; Order 17-09-12-01, 9.12.17)

### **2.030.183 – Policy Regarding Oregon Consumer Identity Theft Protection Act.**

The Oregon Consumer Identity Theft Protection Act (the “Act”) codified at ORS 646A.600 through ORS 646A.628, is applicable to Lane County Departments that own, maintain or otherwise possess consumer personal information as defined by the Act.

- A. Generally, unless the information is protected through encryption, redaction or other methods, consumer personal information to which the Act applies includes a consumer’s first name or first initial and last name in combination with:
  - 1. A Social Security number;
  - 2. A driver’s license number or state identification card number issued by the Oregon Department of Transportation;
  - 3. A passport number or other United States issued identification number; or
  - 4. A financial account number, credit or debit card number, in combination with any required security code, access code or password that would permit access to a consumer’s financial account.
- B. Lane County Departments must establish administrative, technical and physical safeguards to protect the security, confidentiality and integrity of consumer personal information.
- C. Lane County Departments may not print, retain, or publicly display Social Security numbers except as allowed by the Act.
- D. In the event that consumer personal information held by Lane County in computerized form is subject to an unauthorized release, the Lane County Department involved will follow the public notification requirements provided by the Act and all adopted County administrative procedures.
- E. The County Administrator is delegated authority to adopt procedures and guidelines to implement the Act as it applies to Lane County Departments.

(Order 08-7-9-5, 7.9.08; Order 17-09-12-01, 9.12.17)

### **2.030.185 – Public Records on County Internet Website.**

The purpose of this policy is to provide procedures for Lane County in distributing public records information on the County Internet website, when that information could contain certain types of personal information. The following objectives were used in guiding this policy:

- A. Allow public ease of access to public records information that is currently being provided at County offices;
- B. The law may prohibit the County from disclosing certain personal information about members of the public; other personal information should be protected where feasible;

- C. Recognize that individuals who demonstrate a danger to personal safety or to the safety of a family member residing with them may request that a record containing their home address and telephone number not be disclosed;
- D. Promote public trust and confidence in the use of services and information provided by the County Internet website;
- E. Inform the public about the practices, procedures and principles for public records information that is distributed on the County Internet website.

(Order 02-3-12-4, 3.12.02; Order 17-09-12-01, 9.12.17)

**2.030.187 – Scope.**

This policy applies to public records information distributed from Lane County Internet websites when that information could contain personal information as that term is used in Oregon Public Records Law, applicable regulations, or judicial interpretations of these.

(Order 02-3-12-4, 3.12.02; Order 17-09-12-01, 9.12.17)

**2.030.189 – Policy.**

A. Personal Information. It is the County's intent to balance the public's interests in access to public records information on the County Internet website (now available only in County offices) and to protect certain personal information from disclosure when required and when feasible. The County intends to not distribute to the public the following personal information on the County Internet website:

1. Social security number;
2. Driver license number;
3. Mother's maiden name;
4. Credit card information;
5. Bank account information;
6. Residential telephone numbers;
7. Health or medical records;
8. Place of birth.

It is the County's intent to comply with all applicable laws and regulations that prohibit disclosure of certain personal information about members of the public. This includes some of the information in the list above.

Placing public records information on the County website may increase the availability of that information, as well as increase the risk of disclosure of personal information that may not otherwise be prohibited from disclosure. This may include other information listed above. Due to budget constraints, it is not feasible for the County to review each specific record or type of data prior to such a potential disclosure through the County website. It is the County's intent to distribute on the County website only those types of data or documents:



- a. where a majority of the data or documents would not contain personal information of the type listed above, or,
  - b. where a majority of the data or documents may include such personal information in a common location that can be deleted by that common field. The purpose of this policy is to balance the competing objectives of making public documents and data from those documents more readily available on the County website, but limiting the occurrence of disclosure of personal information not otherwise prohibited from disclosure. The County will determine the types of data and documents that, in its discretion, meet the criteria above. Nothing in this policy is intended to create a cause of action arising out of the County's implementation of this policy.
- B. **Non-Disclosure for Personal Safety Reasons.** Public records information distributed from the County Internet website will comply with the Oregon Public Records law. In certain instances, this will require the County Internet website to not release or make available a specific public record indicating the home address or telephone number of an individual that has made a request and has demonstrated there is a danger to personal safety or to the safety of a family member residing with them if the public record is disclosed.
- C. **Approval Process for Distributing Public Records Information.** Lane County Technology Management Team (TMT) is delegated the responsibility to review and approve the types of data and documents to be distributed on the County Internet website in accordance with this policy, including consideration of budgetary constraints. Departments will submit requests for Internet distribution approval per policy guidelines.
- D. **Related Policies, Guidelines or Standards.** The County Administrator is delegated authority to adopt administrative procedures and guidelines to implement this policy.

(Order 02-3-12-4, 3.12.02; Order 17-09-12-01, 9.12.17)

## **2.035 – PERSONNEL**

### **2.035.190 – Personnel Definitions.**

The following definitions apply to LM 2.040.191 through LM 2.060.430:

“Appointing Authority” means any person or group vested with authority to employ a person for work in the department.

“Appointment” means all means of selection and employment of Lane County employees.

“Assignment” means the assignment of an individual job to an appropriate classification or unclassified position based on the kind, difficulty and responsibility of the work actually performed in the job.

“Board” means the Board of County Commissioners of Lane County.

“Classification” means a system for objectively and accurately defining and evaluating the duties, responsibilities, tasks, and authority level of a job.

“Classification Plan” means a group of jobs in the County service sufficiently alike in authority, duties and responsibilities that the same qualifications may reasonably be required for, and the same schedule of pay equitably applied to, all jobs in the group.

“County Service” means County Classified and Unclassified service as defined in the Lane County Charter.

“Demotion” means the transfer of an employee from a job description in one classification to a job description in another classification having a lower maximum salary range.

“Extra-help Employees” means non-represented positions for a special or temporary purpose, which may not exceed five hundred twenty (520) hours or three (3) months in a fiscal year, whichever is longer.

“Job Description” means the written description of a classification or unclassified assignment containing a title, statement of authority, duties and responsibilities, and the desired minimum qualifications for the classification or assignment.

“Joint Employees” means persons employed jointly by the County and another governmental entity.

“Layoff” means a separation from the County service in a regular position because of a shortage of funds or materials, elimination of the position, or other reasons not reflecting discredit on an employee and for reasons outside the employee’s control.

“Limited Duration Employees” means persons employed in a budgeted position for a specified period of time.

“Merit Increase” means an increase from one step to a higher step within a salary range for the same classification as described in a compensation plan based on meritorious job performance.

“Part Time” means a position that is expected to function less than full time.

“Payroll Officer” means the County Administrator designee.

“Position” means the location and assignment of employment with Lane County.

“Promotion” means the transfer of an employee from a position in one classification to a position in another classification or grade within a broad-band classification having a higher salary range.

“Reclassification” means a change in job description of an individual job by raising it to a higher classification, reducing it to a lower classification, or moving it to another classification at the same level on the basis of significant changes in the kind, difficulty, or responsibility of the work performed in such job.

“Regular Position” means a position normally budgeted from year to year.

“Salary Range” means the level of pay for a particular job classification other than appointed contract positions or elected positions. A salary range consists of several rates of pay with a minimum and maximum rate.

“Salary Range Adjustment” means a salary range adjustment is an increase to a higher salary range to compensate for an increase in the cost of living, or to make a particular job classification more competitive in the job market.

“Transfer” means the change of an employee from one job description to another job description in the same or a different classification having the same maximum salary rate.

“Temporary Employee” means a position normally budgeted or approved one (1) time for not less than three (3) months nor more than twelve (12) months, except as modified by the Board.

(Order 17-09-12-01, 9.12.17; Order 21-10-12-13, 10.12.21)

## **2.040 – UNCLASSIFIED SERVICE**

### **2.040.191 – General Statement of Policy.**

- A. Purpose. The Lane County Home Rule Charter, Section 26(2) describes the offices and positions that provide the unclassified service of the County. The purpose of the provisions below is to augment the descriptions of those positions in the Charter, to identify appropriate use of the unclassified service, and to provide authority for the County Administrator to adopt appropriate administrative procedures in implementation.
- B. Delegation. The County Administrator is delegated authority to adopt procedures to implement and further regulate the use of the unclassified employment service.
- C. Relation to Classified Service. It is recognized that under the Charter, the classified service includes all offices and positions in the government of the County that are not included in the unclassified service. The Board interprets this to mean that the majority of County employment should fall within the classified service, and that the unclassified service is a means of implementing limited, specialized, or unique forms of assistance to the overall mission of County government.

(Order 03-6-4-8, 6.4.03; Order 17-09-12-01, 9.12.17)

### **2.040.192 – Compensation, Duration, and Term of Service.**

- A. Compensation. Compensation will be as provided below:
  - 1. Officers of the County. Compensation is set by the Board.
  - 2. Heads of County Departments. Compensation is set by the appointing authority.
  - 3. Appointive Members of County Boards and Commissions. Unless provided by the appointing authority, there is no compensation.
  - 4. Extra-help Employees. Compensation is an hourly rate determined at the time of appointment.
  - 5. Joint Employees. Compensation is to be determined by the joint employers.
- B. Benefits. Unless specified elsewhere or above, no benefits are paid or provided to members of the unclassified service. Statutory benefits will be paid only as required as a function of compensation.
- C. Duration. Except for the officers, members of the unclassified service serve at will.
- D. Behavior. Persons employed in the unclassified service are expected to comply with personnel policies (and procedures implementing them) that are designed to encourage respectful behavior among employees and with members of the public or that are designed to reduce liability for the County. These include, but are not limited to, the policies described in LM 2.050.380 Drug Free Work Place Policy, LM 2.050.382 Sexual Harassment Policy, LM 2.050.384 Workplace Violence Policy, and LM 2.055.390 through LM 2.055.395 Diversity Policy.

(Order 03-6-4-8, 6.4.03; Order 17-09-12-01, 9.12.17)

## **2.045 – PERSONNEL RULES FOR CLASSIFIED SERVICE**

### **2.045.220 – General Statement of Policy.**

- A. Purpose. The purpose of these rules is to implement and give effect to the provisions of the Lane Code, achieving for Lane County Classified Service the following objectives:
  - 1. Provide systematic, equitable and uniform principles governing matters pertaining to wages, hours, benefits and other employment relations matters.
  - 2. Ensure that appointments, terminations, promotions, demotions, layoffs, recalls, transfers, compensation, and other matters affecting the status of employees are accomplished in accordance with the principles of merit, fitness and accepted personnel administrative procedures, to contribute to attracting and retaining qualified persons for County service.
  - 3. Establish and maintain a plan of classification and compensation that is both internally equitable and externally competitive.
  - 4. Provide a method of assuring that County management and employees are properly informed as to their respective mutual employment obligations.
- B. Amendment and Administration. Authority for administration, application and interpretation of these rules and regulations is delegated to the Human Resources Department Director, whose responsibilities include a periodic review and recommended revisions as necessary, to ensure consistency with their purpose.
- C. Variations.
  - 1. The Human Resources Department Director may vary or modify the strict application of these rules and regulations where it is found consistent with their purpose and in the best interest of the County, subject to appeal pursuant to LM 2.045.280.
  - 2. Where any section, subsection, sentence, clause or phrase of these rules and regulations are found inconsistent with properly negotiated and ratified working agreements concluded through collective bargaining between Lane County and duly certified bargaining representatives, the terms of such agreements will prevail.
- D. Application. These rules and regulations, including but not limited to LM 2.045.220 through LM 2.045.305, apply to all County employees in the Classified Service.

(Order 98-9-9-9; 9.9.98; Order 06-11-29-4, 11.29.06; Order 17-09-12-01, 9.12.17)

**2.045.230 – Classification Plan.**

- A. Interpretations of Job Description and Specifications. The definitions in job descriptions and specifications are descriptive and not restrictive. The definitions are intended to describe the kinds of work performed in several classifications as determined by duties and responsibilities, and are not to be construed as declaring what the duties or responsibilities of any job description may be, or limiting or modifying the power of any appointing authority to assign, direct and control the work of employees under their supervision. The use of a particular expression or illustration as to duties will not be held to exclude others not mentioned that are of similar kind or quality, nor will any specific omission mean that such a factor is not included.
- B. Use of the Job Description. In determining where to place a job description within the classification plan, a description for each classification will be given for the general duties, specific tasks, responsibilities, qualification requirements and relationship to other job descriptions, which must be indicative of typical work being performed.

- C. Minimum Qualifications Statement. The minimum qualifications enumerated in a classification description must relate to the reasonable standards of experience and training required at the time of original appointment of a new employee and will not be construed as representing or measuring qualifications that employees already working in such a classification may actually possess.
- D. Use of Job Description Titles.
  - 1. The job description title will be the official title of every position assigned to the job description for the purpose of personnel actions and will be used on all payrolls, budget estimates and official records and reports relating to the position.
  - 2. Any other "working title" desired and authorized to be used by the appointing authority may be used as a designation of any position for purposes of internal administration or in contacts with the public.

(Order 98-4-1-11, 4.1.98; Order 82-12-15-8, 12.15.82; Order 06-11-29-4, 11.29.06; Order 17-09-12-01, 9.12.17)

#### **2.045.235 – Compensation Plan.**

- A. Merit Increases. A merit increase is not the same as a salary range adjustment. Merit increases may not be used in lieu of salary range adjustments.
- B. Eligibility Guidelines. The County Administrator is responsible to develop and maintain administrative procedures establishing a uniform policy and procedure with respect to the administration of the performance evaluation program for classified employees of Lane County.
- C. Movement to Another Classification. The County Administrator will develop and maintain administrative rules and procedures pertaining to the administration of promotions, demotions, transfers and the reclassification of Lane County employees.
- D. Cost of Merit Increases. Each Appointing Authority must certify that sufficient funds are available to cover the cost of merit increases and that no deficiency will be created as a result of increases.
- E. Salary Range Adjustments.
  - 1. Generally. The compensation plan for County personnel will provide reasonably competitive ranges of pay for each classification of employment. The Board may make adjustments in a salary range or ranges as necessary to attract and hold competent personnel and to provide equity between the various classifications.
  - 2. Cost of Salary Range Adjustments. Funds necessary to cover the cost of adjusting salary ranges are provided by the Board in a manner consistent with sound budget administration.
- F. Compensated Overtime Policy.
  - 1. Compensated Overtime. Compensated overtime work will not be permitted, unless such work is essential for the successful operation of the department or division. Regardless of whether overtime work is essential for the adequate operation of the department, all compensated overtime work must be authorized by the Department or division director prior to the overtime work. All overtime work must be compensated with either compensatory time off with pay, or by payment pursuant to the provisions of the Fair Labor Standards Act. The County Administrator must establish administrative procedures pertaining to the eligibility, authorization, and compensation for overtime work.

2. Exemptions from Compensated Overtime. The County Administrator will determine those classifications exempt from the Fair Labor Standards Act. Exemptions must be based on the criteria specified by the Act for executive, administrative, and professional employees. Such exempt classifications are to be designated in the compensation plan.
- G. Working Out of Class. Employees may be appointed temporarily to job classifications of a higher pay rate on a relief or fill-in basis during the absence of regularly appointed personnel. The County Administrator will develop and implement administrative procedures pertaining to the eligibility, authorization and compensation for working out of class.

(Order 93-3-31-7, 3.31.93; Order 17-09-12-01, 9.12.17)

#### **2.045.240 – Recruitment, Testing, Appointment and Probation.**

All policies and procedures pertaining to recruitment, testing, appointment, and probation must be in conformance with the Lane Charter, Lane Code, and Lane Manual, Oregon and Federal laws; and properly negotiated and ratified working agreements. In order to implement this policy the County Administrator will develop and maintain administrative procedures pertaining to recruitment, testing, appointments and probation.

(Order 93-3-31-7, 3.31.93; Order 17-09-12-01, 9.12.17)

#### **2.045.250 – Physical Examinations.**

In addition to otherwise qualifying for employment with Lane County, each person, prior to actual employment, may be required to successfully pass a physical examination by a competent medical doctor of the person's choice, at the applicant's expense.

(Order 98-4-1-11, 4.1.98; Order 06-11-29-4, 11.29.06; Order 17-09-12-01, 9.12.17)

#### **2.045.275 – Separation in Good Standing.**

- A. Bumping. The County Administrator may establish administrative procedures to implement a limited policy within the Sheriff's Office, wherein employees with greater seniority may in certain circumstances displace other employees with lesser seniority.
- B. Resignations. In order to resign in good standing, an employee must give the appointing authority not less than fourteen (14) days' advance written notice, unless the appointing authority, accepts a shorter period of notice due to extenuating circumstances. When possible, a resigning employee should give a minimum of thirty (30) calendar days' notice of separation to facilitate recruitment and training.
- C. Unemployment Compensation. The County will cover all classified employees under Oregon State Unemployment Compensation as an employer subject to Oregon Employment Division law.

(Order 83-6-15-17, 6.15.83; Order 17-09-12-01, 9.12.17)

#### **2.045.280 – Appeal Procedures.**

It is the intent of the Board of County Commissioners to provide a standardized appeal procedure for resolution of complaints filed by either regular non-probationary employees relative to personnel actions

or by unsuccessful applicants for employment alleging violation of the County's hiring policies. The County Administrator must establish administrative procedures implementing this Rule. Administrative Procedures adopted pursuant to this rule must be used to appeal both disciplinary and non-disciplinary personnel actions, with the exception of matters that are grievable under the grievance procedures of existing labor agreements. Any matters that may be grieved under an existing labor agreement are not subject to appeal under this Rule.

(Order 87-4-8-3, 4.8.87; Order 17-09-12-01, 9.12.17)

**2.045.285 – Records and Reports.**

- A. Division Attendance Record. Each Department must maintain records of attendance, vacation time management, compensatory time and overtime, and send this information to the payroll report for the pay period, certification by the appointing authority, and submission to the County financial services office. The County financial services office will record the information on the payroll and benefit accrual reports, which are available for inspection by the Human Resources Department Director financial officer, and to individual employees for inspection of their own records.
- B. Roster. The Human Resources Department Director must establish and maintain a roster of all employees in County service showing, for each employee, the employee's classification title, assignment, salary rate, date of employment, and such other employment data deemed pertinent by the Director.
- C. Reports to the Human Resources Department Director. Every appointment, transfer, promotion, demotion, dismissal, change of salary rate, leave of absence without pay, or other temporary or permanent change in the status of an employee must be reported to the Human Resources Department Director, in writing, on such form as the Director may require.

(Order 98-4-1-11, 4.1.98; Order 06-11-29-4, 11.29.06; Order 17-09-12-01, 9.12.17)

**2.045.290 – Payroll Certification.**

- A. Certification of Payroll Accuracy. Written certification of the appointing authority accompanying any payroll will constitute official notice that services for which payment is to be made have been performed and that funds are available and allocated for the purpose. The Human Resources Director will have previously certified approval and certification of the Personnel Action Forms that the persons named therein have been appointed and are employed in accordance with the provisions of the Lane Code, Lane Manual, and established County policies and procedures.  
  
Exceptions taken to unauthorized payroll items will be noted in writing and will constitute the Human Resources Department Director's official notification to the Board that such items are in violation of the Lane Code, Lane Manual, or established County policies and procedures.
- B. Effect of Payroll Checking. The Payroll Officer must not make or approve, or take any part in making or approving, any payment for personal service to any person holding a position in the County service unless the payroll bears the signature of the Department Director or Director's designee.

(Order 98-4-1-11, 4.1.98; Order 06-11-29-4, 11.29.06; Order 17-09-12-01, 9.12.17)

**2.045.295 – Retirement.**

Retirement is not considered mandatory upon an employee reaching any specific age.

(Order 97-10-29-4, 10.29.97; Order 17-09-12-01, 9.12.17)

**2.045.300 – Health and Life Insurance.**

- A. Coverage for Regular Employees. Employees in regular positions who regularly work twenty (20) hours or more each week will be eligible for life and health insurance, commencing on the first (1<sup>st</sup>) day of the month that follows the employee's completion of thirty (30) consecutive calendar days of service.
- B. Coverage for Limited Duration Employees. Employee in limited duration position who regularly work twenty (20) hours or more each week will be eligible for health insurance, commencing on the first (1<sup>st</sup>) day of the month that follows the employee's completion of thirty (30) consecutive calendar days of service.
- C. Other Employees. Temporary or seasonal employees are not eligible for County life and health insurance.
- D. Retired Employees.
  - 1. All employees hired on or after March 6, 1991, will not be eligible for retiree medical insurance benefits on a County-paid basis.
  - 2. Employees employed in regular positions on or before March 5, 1991, and who have worked ten (10) continuous years, will be eligible for the County-paid retiree medical plan. Under this plan:
    - a. Eligible employees who retire prior to age sixty-five (65) may remain on the County's health insurance plan until they are Medicare eligible.
    - b. As a pre-retirement incentive program, eligible employees who have not reached retirement age may self-pay premiums for health insurance for up to five (5) years, to allow such eligible employees to retain their eligibility for the County-paid retiree medical plan.
    - c. Upon reaching age sixty-five (65), eligible retired employees may receive reimbursement for Medicare supplemental medical insurance premiums, or Part B Medicare coverage paid to the Social Security Administration, or both. Eligible retired employees will be reimbursed at least quarterly for such Medicare payments.

(Order 97-10-29-4, 10.29.97; Order 06-7-19-3, 1.1.06; Order 17-09-12-01, 9.12.17; Order 18-02-27-03, 02.27.18; Order 21-10-12-13, 10.12.21)

**2.045.305 – Outside Employment.**

- A. Employees are prohibited from engaging in compensated outside employment (moonlighting) and certain volunteer activities without prior approval of the County. Any employee desiring to engage in such employment or activity must submit a Request for Collateral Employment Form describing the particulars of the proposed employment or activity to the employee's Department Director. Such requests must be updated by the employee on an annual basis.
- B. Any employee who has not obtained prior approval for outside employment or activities is subject to disciplinary action, which may include discharge.



(Order 98-4-1-11, 4.1.98; Order 97-10-29-4, 10.29.97; Order 06-11-29-4, 11.29.06; Order 17-09-12-01, 9.12.17)

## **2.050 – OTHER PERSONNEL POLICIES**

### **2.050.350 – Reimbursement for Moving Expenses.**

It is the policy of Lane County, when individuals are recruited out of the area to fill certain key positions, such as the Director of a Department, a Division Head, or certain key professional positions, that Lane County will provide some measure of reimbursement for moving expenses incurred by those individuals. The amount of reimbursement will be as follows:

- A. Fifty percent (50%) of the expenses of the move will be reimbursed by Lane County when the move is accomplished by a professional mover; or
- B. One hundred percent (100%) of the expenses of the move will be reimbursed by Lane County when the move is accomplished solely by the individual involved. The determination of what will be construed as "key position" and an "out of the area" recruitment will be made by the County Administrator.

(Order 98-4-1-11, 4.1.98; Order 17-09-12-01, 9.12.17)

### **2.050.355 – Release of Employee Information.**

Because each employee personnel file contains personal information which is both in the public's and individual employee's interest not to disclose, these files are confidential. However, members of the public may be furnished non-personal information about County employees such as name, employing department, position, wage classification and length of time employed by the County. The release of any employee information, however, for commercial, political or other associated purposes is strictly prohibited.

Personnel files are available to appointing authorities and those persons expressly authorized in writing by such appointing authorities, to members of the Board, the County Administrator and the Human Resources Department Director and their staff. Individual employees may examine their own files.

(Order 98-4-1-11, 4.1.98; Order 06-11-29-4, 11.29.06; Order 17-09-12-01, 9.12.17)

### **2.050.365 – Political Activities.**

This section provides a general summary of the law regarding the rights and limitations of County employees concerning political activities.

- A. You may NOT:
  - 1. As a public employee during working hours, solicit any money, influence, service or other thing of value in any form or aid, promote or oppose any political committee, the nomination or election of any person to public office, or the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder.
  - 2. Attempt to, or actually coerce, command or require a public employee to contribute in any manner, including money or any service, to any political committee, to the nomination or election

of any person to public office, or the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder.

3. Use your own name to donate another person's money in connection with a nomination or election.
  4. Use undue influence on another person in connection with voter registration, candidacy for an office, contribution or assistance to a candidate, or challenging a voter.
  5. Accept any employment with agreement to contribute any part of your compensation to a candidate or political committee.
- B. DO.
1. Make all your political contributions in your own name and pay to the political treasurer whose name is legally on file for the candidate or committee being contributed to.
  2. If your agency's primary activity is funded in whole or in part by federal grants or loans, inquire into the more restrictive federal law, mainly the Hatch Act, on political activity.
- C. You MAY.
1. Express your personal political views.
  2. Participate in political activities in the same manner as any other person except as expressly limited by state or federal statute or local ordinance (generally summarized above).
- D. If you have questions, consult an attorney of your choice.
- E. Consult the Oregon Secretary of State's publication entitled Restrictions on Political Campaigning by Public Employees.
- F. Each Department Director is required to post the following notice in a conspicuous place likely to be seen by all employees in that Department, in accordance with ORS 260.432:

-----  
ATTENTION ALL PUBLIC EMPLOYEES.

The restrictions imposed by the law of the State of Oregon on your political activities are that "No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views."

It is therefore the policy of the state and of your public employer that you may engage in political activity except to the extent prohibited by state law when on the job during working hours.

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(Order 73-11-13-2, 11.28.73; Order 86-8-27-11, 8.27.86; Order 08-6-3-1, 6.3.08; Order 17-09-12-01, 9.12.17)

**2.050.370 – Accident/Disability Payments.**

This section delineates Lane County policy regarding individual payment or reimbursements for County employees.

(Order 17-09-12-01, 9.12.17)

**2.050.372 – Notaries Public.**

The various County Departments have varying requirements to have notaries public conveniently available. Each Department Director will determine the requirements for notaries public within his or her own Department to best serve the public interest. For those notaries public positions authorized by Department Directors, Lane County will pay in connection with applications for appointment:

- A. The application fee.
- B. Cost of seal.

No employee who is a notary public and whose application fee or seal was purchased by Lane County may, during the period of appointment, charge a fee for any notarial service, except as authorized by Lane County. Any employee who notarizes acts of the County or its officers, employees or agents must keep and maintain a chronological journal of notarial acts as required by the applicable Oregon statutes and Oregon Administrative Rules. Any employee who notarizes acts of the County or its officers, employees or agents will enter into an agreement with the County for the County's retention and disposal of the notary public records that complies with applicable Oregon statutes and Oregon Administrative Rules governing such agreements.

(Order 95-11-28-1, 11.28.95; Order 17-09-12-01, 9.12.17)

**2.050.374 – Charitable Contributions Payroll Deductions Program.**

- A. Purpose. The Lane County Charitable Contributions Payroll Deduction Program has four (4) primary purposes:
  - 1. Encourage private support of basic need health and welfare programs that would otherwise require County funds.
  - 2. Lessen the County's burden of meeting basic health and welfare needs by providing a convenient, non-disruptive channel for County employees to contribute to agencies that directly serve those needs.
  - 3. Provide an avenue for steady private support for basic needs health and welfare programs. This is important because the County's volatile revenue base has resulted in a history of its being unable to deliver a consistent level of support for basic need services.
  - 4. Minimize time, expense and workplace disruption of County employee's participation in the campaign.
- B. Findings. The Board finds:
  - 1. There is a general consensus that basic needs health and welfare programs are worthwhile.
  - 2. A determination of basic health and welfare needs was made in a long-term study of the Lane County Human Services Delivery System during 1986, 1987, and 1988. The study's determination of basic needs was made well before, and independent of, any proposed change in the County's charitable contributions program.

3. Because these determinations were developed locally, they are likely to reflect values shared by County employees. A campaign centered around the current needs is therefore likely to be more successful than one which includes programs which do not have this general level of community support.
  4. A charitable contributions program directed at basic needs health and welfare programs avoids even the appearance of County government favoritism and/or entanglement with particular viewpoints.
- C. Management. The Office of County Administration will manage one (1) annual campaign for employees to make an annual contribution or authorize payroll deductions for eligible charities. The County Administrator may either manage the program or contract for campaign services, charity eligibility determinations, disbursements and public accounting of the funds. The fee for the service will be a percentage of funds contributed or deducted through the campaign.
- D. Charity Eligibility Criteria.
1. Any charity meeting all the following criteria are eligible for participation in the County charitable contributions program.
    - a. Organizations that are umbrella groups with not less than ten participating 501(c)(3).
    - b. Agencies must be registered with the IRS and exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.
    - c. Agencies must provide substantial services to Lane County residents.
    - d. Agencies must be in compliance with registration and filing requirements of Oregon's Charitable Trust and Corporations Act.
  2. Any charity denied participation may appeal that determination to the County Administrator, whose determination will be final.

(Order 98-4-1-11, 4.1.98; Order 95-11-28-1, 11.28.95; Order 17-09-12-01, 9.12.17)

#### **2.050.376 – Travel Expense Reimbursement Policy.**

It is the policy of Lane County that no employee should sustain personal monetary loss as a result of performing official County duties. The Expense Reimbursement Policy is designed to allow for the reimbursement of expenses incurred by employees when traveling on official business for the County. The County Administrator is authorized to establish administrative procedures to implement this policy.

(Order 98-4-1-11, 4.1.98; Order 17-09-12-01, 9.12.17)

#### **2.050.378 – Lane County Employee Assistance Program.**

- A. Lane County, as an employer, is primarily concerned with an individual's job performance. However, the County recognizes that job performance can be affected by circumstances outside the work environment such as financial instability, drug or alcohol abuse and emotional and family problems. In order to serve the needs of our employees and the citizens of the County, an Employee Assistance Program is provided to acquaint employees with appropriate community agencies to help them overcome their problems and restore them to full job efficiency.

- B. Strict confidence will be maintained between the Employee Assistance Program and the employee. No employee will, by admitting that a problem exists, endanger his or her job. Such admission and the steps taken to correct deteriorating job performance will be looked upon as evidence that the employee is concerned with improving his or her performance and with continuing employment with the County.
- C. This program is designed to:
  - 1. Identify problems at their earliest stages.
  - 2. Motivate the employee to seek help.
  - 3. Direct the employee towards the best assistance available.
  - 4. Correct the problem before it necessitates the loss of the employee.
- D. The Employee Assistance Program will be under the direction of the Human Resources Department Director who will administer the program on behalf of the Board.

(Order 98-4-1-11, 4.1.98; Order 06-11-29-4, 11.29.06; Order 17-09-12-01, 9.12.17)

**2.050.380 – Drug Free Work Place Policy.**

It is the policy of Lane County to ensure a drug-free work environment. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace. Any unlawful manufacture, distribution, or dispensation of a controlled substance in the workplace is cause for immediate discharge. Unlawful possession or use of a controlled substance in the workplace is cause for immediate disciplinary action that could result in discharge. The County Administrator is delegated authority to establish administrative procedures implementing this policy, including the sanctions for policy violation. The Administrator must also adopt policies necessary to keep Lane County government in compliance with Public Law 100-690 (the Anti-Drug Abuse Act). Pursuant to LC 2.020.225A, the Fair Board must likewise adopt policies and procedures to ensure a drug-free work environment at the fairgrounds.

(Order 98-9-9-9, 9.9.98; Order 17-09-12-01, 9.12.17)

**2.050.382 – Sexual Harassment Policy.**

It is the policy of Lane County that all employees should be able to work in an environment free from discrimination, including sexual harassment. Sexual harassment occurs when a person is subjected to unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Conduct of this type is improper when submission to the conduct is either an explicit or implicit term or condition of employment; when submission to or rejection of the conduct is used as a basis for employment decisions affecting the person(s) involved; when the conduct has the purpose or effect of substantially interfering with work performance or work environment. Such conduct is specifically prohibited by Lane County. Appropriate management and supervisory personnel will take prompt, corrective action when they become aware of sexual harassment. Any employee or applicant for employment who believes himself or herself subjected to sexual harassment or intimidation is encouraged to bring such incidents to the immediate attention of the Human Resources Department Director.

(Order 98-9-9-9, 9.9.98; Order 06-11-29-4, 11.29.06; Order 17-09-12-01, 9.12.17)

**2.050.384 – Workplace Violence Policy.**

It is the policy of Lane County to provide a workplace that is free from violent acts or threats of the same against another person's life, health, well-being, family or property. Such acts or threats of violence by words, gestures or symbols, are entirely unacceptable.

Violence in the workplace, as the term is used in this section, includes all violent acts, whether involving members of the public, County employees or both. Violence in the workplace includes, but is not limited to: striking, stabbing, shooting or otherwise causing bodily harm; making an oral (including by telephone) or written threat to cause any such bodily harm; displaying weapons or devices, or accessories clearly associated with weapons or devices in such a manner as to imply a direct threat to cause any such bodily harm; any other harassment or intimidation between co-workers that implies the threat of or potential for bodily harm to a co-worker's life, health, well-being, family or property.

Any employee who believes that he or she has been the target of violence or threats of violence, or has witnessed or otherwise learned of violent conduct by or directed at another employee should bring such incidents to the immediate attention of his or her supervisor, manager, Department Director, the Director of Human Resources, Department Director or, if applicable, union representative. Management and supervisory personnel will take prompt, appropriate action when they become aware of any aspect of violence in the workplace.

(Order 98-9-9-9, 9.9.98; Order 06-11-29-4, 11.29.06; Order 17-09-12-01, 9.12.17)

**2.050.385 – Fraud Prevention Policy.**

Lane County is committed to protecting its revenue, property, information and other assets. Lane County will not tolerate any misuse or misappropriation of those assets. It is the County's intent to fully investigate any suspected acts of "fraud," as it is defined in this policy, in an impartial manner regardless of the suspected wrongdoer's length of service, position, title or relationship to the County. Any act of fraud that is detected or suspected must be reported immediately and investigated in accordance with procedures specified in the Administrative Procedures Manual (APM). The County will make every reasonable effort, including court ordered restitution, to recover and receive compensation from any appropriate source for County assets obtained by fraud.

This policy applies to all elected and appointed officials, employees, and volunteers of Lane County and to employees of local boards, agencies, committees, and commissions over which Lane County has authority to require general policies to be followed. Nothing in this policy is intended to, or should it be interpreted, as abridging any rights that exist under law, rule or regulation, or applicable collective bargaining agreement. This policy does not operate to waive any right that may not be legally waived.

At its most basic, fraud is the act of using dishonesty as a tool for personal gain. For the purposes of this Policy, the definition includes any misuse or attempt to misuse a County asset for personal gain or purposes unrelated to County business. Examples of fraud include, but are not limited to:

- A. Stealing or removing County assets;
- B. Using County equipment, facilities, supplies or funds for purposes unrelated to County business for personal gain; and
- C. Obtaining County funds or compensation through dishonesty.

Procedures to carry out this policy are further clarified in the Administrative Procedures Manual. Any APM changes related to this policy must be reviewed by the Finance and Audit Committee prior to adoption by the County Administrator.

(Order 16-06-07-07, 6.7.16; Order 17-09-12-01, 9.12.17)

### **2.050.386 – Elected Officials' Transition Policy.**

The public need requires that newly elected County officials be adequately oriented and prepared in order to achieve an orderly assumption of office. Therefore, the following transition policy applies to each newly elected County Commissioner, Sheriff, Assessor, District Attorney, and Justice of the Peace:

- A. Orientation. After the election results have been certified, if the newly elected official requests an overview of the County functions and programs the County Administrator will coordinate.
- B. Staff Support. During the period between the election and taking office, the County will provide staff support for each newly elected official, including office space, materials and supplies, and clerical assistance as arranged by the County Administrator.
- C. Reimbursement for Expenses. Each newly elected official is entitled to reimbursement for necessary expenses incurred in the transition activities in an amount not to exceed one hundred dollars (\$100) per month, transportation from the Motor Pool as may be necessary for such activities and such liability and workers' compensation coverage as is needed to protect County liability for such transition activities.
- D. Outgoing Commissioners will provide complete files and case histories on pending or unfinished business to incoming Commissioners, and generally provide for a smooth transition.

(Order 98-9-9-9, 9.9.98; Order 17-09-12-01, 9.12.17)

## **2.055 – DIVERSITY POLICY**

### **2.055.390 – Diversity Is a Key to the Future Success of Lane County.**

We are charged with providing effective government services in an increasingly competitive and diverse environment. The diversity policy contained in LM 2.055.390 is intended to be an expression of intent and aspiration on the part of the Lane County Board of Commissioners and is to be used to guide the County government in benefiting from and being responsive to the changing population that provides both the County's workforce and its customer base. The more successfully we are able to conduct our business in a diverse community the more diverse our presence must be in that community.

Diversity transcends race and gender, affirmative action and Equal Employment Opportunity. It means respecting and valuing differences, such as those based on age, disability, race, sex, religion, color, national origin, language, ethnicity, socio-economic status, sexual orientation, gender identity, veteran's status, and political beliefs. In order to collaborate successfully with the diverse communities we serve, the County must be cognizant and respectful of our differences both in the community and the worksite. Most importantly, all in the County must rethink our approach to diversity. No longer are such issues just matters of social policy or historical reciprocity. Diversity, and the respect and understanding of the integrity and worth of all cultures, peoples and lifestyles is today and will continue to be simply good business.

Policy. Lane County will demonstrate its commitment to diversity through the way in which it provides County services, through its employment practices, through its funding decisions, and through its appointments to County boards, commissions and committees by:

- A. Ensuring that all County services, programs and activities are provided to its diverse communities in ways that are sensitive to and responsive to differences, including accessibility for persons with disabilities;
- B. Ensuring that all County-funded services are provided, and funding decisions are made, in a manner that recognizes, addresses and is reflective of the cultural diversity of the communities served;
- C. Demonstrating a commitment to workplace diversity through implementation of affirmative action plans and development of cultural sensitivity and cultural competency among other employees; and,
- D. Ensuring that all County boards, commissions, and committees are reflective of the diversity of the Lane County population.

(Order 94-6-1-1, 6.1.94; Order 95-11-28-1, 11.28.95; Order 04-11-10-11; 11.10.04; Order 07-10-31-11, 10.31.07; Order 17-09-12-01, 9.12.17)

### **2.055.395 – Definitions.**

The following definitions apply to LM 2.055.390:

“Cultural Diversity” means differences in race, ethnicity, language, nationality, or religion among various groups within a community or organization.

“Cultural Sensitivity” means demonstrating sensitivity to cultural differences and similarities, and effectiveness in using cultural symbols (e.g., language) to communicate a message.

“Diversity” means a broad definition that includes a wide range of individuals with unique needs and talent beyond the observable differences of race, gender, and age, but the additional characteristics of marital status, sexual orientation, family status, political affiliation, education or socioeconomic status, and disabilities.

“Workplace Diversity” means recognition of the variety of differences among workers across many different dimensions, including but not limited to race, culture, age, or gender, and the different perspectives and values that may be inherent in those differences. Valuing diversity implies a philosophy while managing diversity involves the translation of the philosophy of valuing diversity into organizational goals and objectives.

(Order 95-11-28-1, 11.28.95; Order 17-09-12-01, 9.12.17)

### **2.060 – EMPLOYEE REPRESENTATION**

#### **2.060.405 – Authority.**

The following organizations and associations are certified to represent the employees of Lane County who are not employed in a confidential or supervisory capacity, as described by the below-listed negotiating units, and as further described in the applicable collective bargaining agreements.

(Order 93-3-31-7, 3.31.93; Order 17-09-12-01, 9.12.17)



**2.060.410 – American Federation of State, County, and Municipal Employees, Local 2831 General Unit.**

The American Federation of State, County and Municipal Employees, Local 2831, is certified to represent all temporary, probationary and non-probationary employees in permanent positions except those persons employed in the District Attorney's Office, or as extra help, or in classifications represented by other bargaining units, or those employed in certain classifications specified on the agreement, who do not voluntarily join AFSCME.

(Order 93-3-31-7, 3.31.93; Order 17-09-12-01, 9.12.17)

**2.060.412 – Lane County Peace Officers' Association, Inc.**

The Lane County Peace Officers' Association, Inc. is certified to represent all probationary and non-probationary employees in regular positions classified by and employed in the Sheriff's Office, Juvenile Group Workers and Senior Juvenile Group Workers in the Department of Health and Human Services, and the Motor Carrier Enforcement Officer in the Department of Public Works exclusive of persons so employed and classified but in a confidential capacity as defined by ORS 243.650(6) or persons in a supervisory capacity as defined by ORS 243.650(14).

(Order 93-3-31-7, 3.31.93; Order 17-09-12-01, 9.12.17)

**2.060.414 – Lane County Prosecuting Attorneys' Association.**

The Lane County Prosecuting Attorneys' Association is the exclusive bargaining representative of employees of the Office of the District Attorney in the classifications of Deputy District Attorney 1, 2, 3, 4, Senior Prosecutor 1, 2, 3, and Team Leader.

(Order 93-3-31-7, 3.31.93; Order 17-09-12-01, 9.12.17)

**2.060.418 – Lane County Association Local 626.**

The Lane County Association Local 626 is the sole and exclusive representative of all employees classified as indicated in Schedule A of the bargaining contract exclusive of persons so employed and classified but in a supervisory or confidential capacity.

(Order 93-3-31-7, 3.31.93; Order 17-09-12-01, 9.12.17)

**2.060.422 – Administrative Professional Association of Lane County, Inc.**

The Administrative Professional Association of Lane County, Inc. is the exclusive representative of all employees employed in positions classified as indicated in Schedule A of the bargaining contract or successor contracts, exclusive of persons so employed and classified but in a confidential or supervisory capacity and persons so employed on June 30, 1987, who have not voluntarily joined the union.

(Order 93-3-31-7, 3.31.93; Order 17-09-12-01, 9.12.17)

**2.060.425 – Federation of Oregon Parole and Probation Officers, Parole & Probation Unit.**

Federation of Oregon Parole and Probation Officers, Lane County Chapter is the sole and exclusive representative of all temporary, probationary and non-probationary employees in budgeted positions of Parole and Probation Officers as defined in State law, exclusive of those employed in a confidential or supervisory capacity, extra help employees.

(Order 17-09-12-01, 9.12.17)

**2.060.430 – American Federation of State, County, and Municipal Employees, Local 2831-Nurses.**

The American Federation of State County and Municipal Employees Local 2831 is the exclusive representative of all employees employed in classifications included in Appendix A of the Nurses bargaining contract, excluding such employees in supervisory or confidential capacities and extra help employees, for the purpose of collective bargaining with respect to wages, hours, benefits and other employment relations matters.

(Order 17-09-12-01, 9.12.17)

**2.060.435 – American Federation of State, County, and Municipal Employees, Local 2831-5-Physicians.**

The American Federation of State County and Municipal Employees Local 2831-5 is the exclusive representative of all primary care physicians employed in the Community Health Centers of Lane County in classifications included in Appendix A of the Physicians bargaining contract, excluding such employees in supervisory or confidential capacities, unclassified professional exempt, temporary and extra help employees, for the purpose of collective bargaining with respect to wages, hours, benefits and other employment relations matters.

(Order No. 19-10-15-04, 10.15.19)

**2.065 – EMPLOYEE OPERATION OF AIRCRAFT**

**2.065.505 – Policy Statement.**

Employees may not operate fixed or rotary wing aircraft for County business purposes.

(Order 73-13-2, 11.28.73; Order 17-09-12-01, 9.12.17)

**2.070 – EMPLOYEE AND VOLUNTEER OPERATION OF PERSONAL AUTOMOBILES ON COUNTY BUSINESS**

**2.070.550 – Policy Statement.**

With Department Director approval, employees and volunteers may use their own personal automobiles on County business, provided they carry the required statutory types and amounts of automobile insurance. As a self-insured entity, Lane County has not and does not provide uninsured motorist coverage beyond the statutorily required minimum amount, if any.

(Order 83-11-30-2, 1.1.84; Order 05-7-6-2, 7.6.05; Order 17-09-12-01, 9.12.17)

## **2.075 – COMMERCIALLY LEASED VEHICLES**

### **2.075.552 – Procedure.**

Departments wishing to use leased vehicles must present the request to the Lane County Department of Public Works Fleet Manager for consideration. The Fleet Manager, or his or her designate, will evaluate the lease request, investigate available alternatives (i.e. utilizing present fleet vehicles), and either approve or disapprove the leasing request.

(Order 89-5-31-3, 5.31.89; Order 17-09-12-01, 9.12.17)

## **2.080 – FLEET SERVICES**

### **2.080.605 – Policy Statement.**

The Board of County Commissioners authorizes the County Administrator to administer and enforce rules, policies, and procedures for all Lane County vehicles and equipment fleet operations and services, inclusive of any further supplements or amendments hereto. The rules, policies, and procedures are applicable to all County vehicles or equipment owned, leased, or operated by all Lane County Departments or any other group, district or agency governed by the Board.

(Order 98-4-1-11, 4.1.98; Order 17-09-12-01, 9.12.17)

### **2.080.610 – Purpose.**

The purposes of the rules, policies, and procedures developed by the County Administrator as authorized by the Board are the following:

- A. That every effort will be made to provide adequate transportation whenever and wherever the need is apparent and justified.
- B. That the Fleet Services Fund (Fund 619) operates on a self-sustaining basis.
- C. That modern, well-equipped vehicles and equipment will be maintained and fully utilized at the lowest possible cost.

(Order 98-4-1-11, 4.1.98; Order 17-09-12-01, 9.12.17)

### **2.080.615 – Responsibility.**

The Board directly and specifically charges each Department Director with the responsibility of ensuring that all employees of their individual Department who operate County vehicles or equipment are thoroughly aware of the contents of the rules, policies, and procedures and that they comply at all times, and that all vehicles or equipment assigned to their individual Department are maintained as directed.

(Order 98-4-1-11, 4.1.98; Order 17-09-12-01, 9.12.17)

### **2.080.625 – Motor Vehicle Accidents/Insurance Coverages.**

- A. Accidents. In the event of an accident, the employee operating the vehicle should take the following steps:

1. Stop.
  2. Ascertain if anyone is injured. If so, take action for obtaining ambulance and medical care.
  3. Follow reporting procedures as specified in the Administrative Procedures Manual.
  4. Accident expenses incurred will be billed directly to Risk Management. User Departments are financially responsible for all vehicle accidents involving employee or vehicles assigned to the Department. Risk Management will bill the user Department for any costs not collected from a third (3rd) party.
- B. Uninsured Motorists. As a self-insured entity, Lane County has not and does not provide uninsured motorist coverage beyond the statutorily required minimum amount. Pursuant to ORS 30.282, Lane County has established a self-insurance fund against liability of Lane County, its officers, employees and agents acting within the scope of their employment or duties. As a self-insurer pursuant to Oregon Revised Statutes, Lane County complies with the provisions of Oregon state law. Nothing in this chapter is to be construed as adopting procedure or limits to liability other than that required by Oregon state law.
1. Definitions. As used in this section, the following words and phrases have the meaning indicated:
    - “Bodily Injury” means bodily injury, sickness or disease, including death resulting therefrom.
    - “County Vehicle” includes a bus, van, car, or other vehicle used to transport passengers and owned or operated by or on behalf of Lane County.
    - “Passenger” is any person, or their heirs, representatives or assigns, who is upon, entering onto, or alighting from, a Lane County vehicle, except that “passenger” does not include any Lane County employee acting within the scope of employment.
    - “Uninsured Vehicle,” except as provided below, means:
      - a. A vehicle with respect to the ownership, maintenance or use of which there is no collectible automobile bodily injury liability insurance, in at least the amounts or limits prescribed for bodily injury or death under Oregon state law applicable at the time of the accident with respect to any person or organization legally responsible for the use of such vehicle, or with respect to which there is such collectible bodily injury liability insurance applicable at the time of the accident but the insurance company writing the same denies coverage thereunder or, within two (2) years of the date of the accident, such company writing the same becomes voluntarily or involuntarily declared bankrupt or for which a receiver is appointed or becomes insolvent. It is disputable presumption that a vehicle is uninsured in the event the passenger and Lane County, after reasonable efforts, fail to discover within ninety (90) days from the date of the accident, the existence of a valid and collectible automobile bodily injury liability insurance applicable at the time of the accident.
      - b. A “hit and run vehicle” as defined below.
      - c. A “phantom vehicle” as defined below.

Uninsured vehicle does not include:

- a. An insured vehicle;
- b. A vehicle that is owned or operated by a self-insurer within the meaning of any motor vehicle financial responsibility law, motor carrier law, or any similar law;

- c. A vehicle that is owned by the United States of America, Canada, a state, a political subdivision of any such government or an agency of any of the foregoing;
- d. A land motor vehicle or trailer, if operated on rails or crawler-treads while located for use as a residence or premises and not as a vehicle.

“Hit and Run Vehicle” means a vehicle that causes bodily injury to a passenger arising out of physical contact of such vehicle with a County vehicle that the passenger is occupying at the time of the accident, provided:

- a. there cannot be ascertained the identity of either the operator or the owner or such hit and run vehicle; and
- b. the passenger having an uninsured motorist claim or someone on behalf of the passenger having the uninsured motorist claim must report the accident within seventy-two (72) hours to a police, peace or judicial officer, to the Department of Transportation of the State of Oregon or to the equivalent department in the state where the accident occurred, and must file with Lane County Risk Management within thirty (30) days thereafter a statement under oath that the passenger or the legal representative of the passenger has a cause or causes of action arising out of such accident for damages against a person or persons whose identity is unascertainable, and setting forth the facts in support thereof.

“Phantom Vehicle” means a vehicle that caused bodily injury to a passenger arising out of an accident that is caused by a motor vehicle that has no physical contact with the County vehicle, provided:

- a. there cannot be ascertained the identity of either the operator or the owner of such phantom vehicle;
- b. the facts of such accident can be corroborated by competent evidence other than the testimony of the passenger having an uninsured motorist claim resulting from the accident; and
- c. the passenger having an uninsured motorist claim or someone on behalf of the passenger having an uninsured motorist claim must report the accident within seventy-two (72) hours to police, peace or judicial officer, to the Department of Transportation of the State of Oregon or to the equivalent department in the state where the accident occurred and must file with Lane County Risk Management within thirty (30) days thereafter a statement under oath that the passenger or the legal representative of the passenger has a cause or causes of action arising out of such accident for damages against a person or persons whose identity is unascertainable, and setting forth the facts in support thereof.

## 2. Coverage.

- a. A claim for bodily injury or death sustained while a passenger on a County vehicle arising out of the ownership, maintenance or use of an uninsured vehicle and caused by the fault of the uninsured motorist is limited to the benefits enumerated below:
  - (1) Twenty-five thousand dollars (\$25,000) because of bodily injury to or death of one passenger in any one accident;
  - (2) Subject to that limit for one (1) passenger, fifty thousand dollars (\$50,000) because of injury to or death of two (2) or more passengers in any one accident;
  - (3) Coverage that is provided only to extent of legal liability of the uninsured motorist and is subject to the limitations of LM 2.080.625B.2.a(1) and LM 2.080.625B.2.a(2).

- b. The limit of liability stated as applicable to “each passenger” is the limit of Lane County’s uninsured motorist benefits for all damages because of bodily injury sustained by one passenger as the result of any one (1) accident and, subject to the above provision respecting each passenger, the limit of liability stated as applicable to “each incident” is the total limit of Lane County’s liability for all damages because of bodily injury sustained by two (2) or more passengers as the result of any one accident.
  - c. Any payment made under this coverage to or for a passenger will be applied in reduction of any other amounts the passenger may be entitled to recover from Lane County as a result of any one accident. Nothing in this chapter is intended to expand Lane County’s liability for any one accident or claimant, beyond those limits imposed by Oregon Revised Statutes. Any amounts paid to any person pursuant to this uninsured motorist procedure will be applied in reduction of Lane County’s maximum liability limits to any one person or for any one accident, as established by Oregon Revised Statutes.
3. Claims Procedures. The following procedure must be utilized in making claim for compensation under this chapter.
- a. As soon as practicable, the passenger or other person making claim will give Lane County Risk Management written proof of claim, under oath if required, including full particulars of the nature and extent of the injuries, treatment, and other details entering into the determination of the amount payable hereunder. The passenger and every other person making claim hereunder must submit to examinations under oath by any person named by Lane County and subscribe the same, as often as may reasonably be required. Proof of claim will be made upon forms furnished by Lane County.
  - b. Upon reasonable request of and at the expense of Lane County, the passenger will submit to physical examinations by physicians selected by Lane County and will upon request from Lane County, execute authorization to enable Lane County to obtain medical reports and copies of records necessary to evaluate the claim.
  - c. If, before Lane County makes payment of loss hereunder, the passenger or the passenger’s legal representative must institute any legal action for bodily injury against any person or organization legally responsible for the use of a vehicle involved in an accident, a copy of the summons and complaint or other process served in connection with such legal action will be forwarded immediately to Lane County Risk Management by the passenger or the passenger’s legal representative.
  - d. Passenger must provide Lane County with a sworn statement that no other insurance is available, if requested.
4. Reduction in Lane County’s Payments.
- a. Any amount payable under the terms of this chapter are reduced by:
    - (1) All sums paid on account of bodily injury or death by or on behalf of the owner or operator of the uninsured vehicle and by or on behalf of any other person or organization, including Lane County, jointly or severally liable together with such owner or operator for such bodily injury or death; and
    - (2) The amount paid and the present value of all amounts payable on account of bodily injury under any workers’ compensation law, disability benefits law or any similar law.
  - b. This coverage applies only as excess over any other collateral benefits to which the injured person is entitled, including but not limited to, other uninsured motorist coverage, insurance benefits, governmental benefits or gratuitous benefits available to the passenger and will

then apply only in the amount by which the applicable limit of liability of this coverage exceeds the sum of the applicable limits of liability and all such other insurance; stacking of coverage is not allowed.

5. Rights Against Uninsured Motorist. In the event of payment to any person under this coverage:
  - a. Lane County is be entitled to the extent of such payment to the proceeds of any settlement or judgment that may result from the exercise of any rights of recovery of such person against any uninsured motorist legally responsible for the bodily injury because of which such payment is made.
  - b. Such person must hold in trust for the benefit of Lane County all rights of recovery that he has against such other uninsured person or organization because of the damages that are the subject of claim made under this coverage, buy only to the extent that such claim is made or paid herein.
  - c. If the passenger is injured by the joint or concurrent act or acts of two (2) or more persons, one (1) or more of whom is uninsured, the passenger has the election to receive from Lane County any payment to which he would be entitled under this coverage by reason of the act or acts of the uninsured motorist, or the passenger may, with the written consent of Lane County, proceed with legal action against any or all persons claimed to be liable to the insured for such injuries. If the passenger elects to receive payment from Lane County under this coverage, then the passenger must hold in trust for the benefit of Lane County all rights of recovery the passenger has against any other person, firm or organization because of the damages that are the subject of claim made under this coverage, but only to the extent of the actual payment made by Lane County.
  - d. Such person must do whatever is proper to secure, and will do nothing after loss to prejudice, such rights.
  - e. If requested in writing by Lane County, such person will take, through any representative not in conflict with such person, designated by Lane County, such action as may be necessary or appropriate to recover such payment as damages from such other uninsured person or organization, such action to be taken in the name of such person, but only to the extent of the payment made hereunder. In the event of a recovery, Lane County must be reimbursed out of such recovery for expenses, costs and attorney fees incurred by it in connection therewith.
  - f. Such person must execute and deliver to Lane County such instruments and papers as may be appropriate to secure the rights and obligations of such person and Lane County as established by this provision.
6. Time Limitation. No cause of action will accrue to the passenger under this coverage unless within two (2) years of the date of the accident:
  - a. Suit for bodily injury has been filed against the uninsured, in a court of competent jurisdiction and, within two (2) years from the date of settlement or final judgment against the uninsured motorist, the passenger has formally instituted arbitration proceedings or filed an action against Lane County in a court of competent jurisdiction;
  - b. Agreement as to the amount due under the coverage has been concluded;
  - c. The passenger has filed an action against Lane County in a court of competent jurisdiction.

7. Condition Precedent. No action lies against Lane County unless, as a condition precedent thereto, the passenger and legal representative of the passenger have fully complied with all the terms of this chapter.
8. Tort Claims Notice. Nothing in this chapter is to be construed to relieve the passenger from the notice requirements or to alter the limitations of liability found in the Oregon Tort Claims Act.

(Order 89-5-31-3, 5.31.89; Order 05-7-6-2, 7.6.05; Order 07-12-12-3, 12.12.07; Order 17-09-12-01, 9.12.17)

**2.080.636 – Monthly Automobile Allowance.**

- A. Eligibility. Elected officials and those employees who have individual employment contracts that provide for transportation, and other staff as designated by the County Administrator may choose a monthly allowance for the use of their personal vehicle, Private Mileage Reimbursement for County business mileage not including commuting mileage, or a permanently assigned vehicle. Individuals may make an election each December that will be effective for the following year. The election of either receiving the Vehicle allowance or having a permanently assigned vehicle will be reported as taxable in accordance with Internal Revenue Service regulations.
- B. Amounts Specified. The monthly allowance will be equal to the current Private Mileage Reimbursement Rate times one thousand (x 1,000). (Example: 24 cents (.24) PMR x one thousand (1,000) equals two hundred forty dollars (\$240) monthly automobile allowance.) An individual who receives the monthly allowance will not be eligible for mileage reimbursement unless travel extends beyond the boundaries of Lane County.
- C. Limitations. Monthly allowance recipients must pay all expenses associated with the operation of their vehicles. The County will not provide fuel, lubricants, service, maintenance or repairs for personal vehicles.
- D. Fleet Vehicles. Individuals who receive a monthly allowance will be expected to use their personal vehicles for all of the transportation associated with the performance of regular duties and within the expected scope of their responsibilities. The use of a County fleet vehicle is permissible only in those instances when an individual is required to drive an unusual distance, beyond that which would be found in the aforementioned "regular duties" or "expected scope of responsibilities." For purposes of this regulation, an unusual distance will include any distance beyond the boundaries of Lane County.

(Order 94-12-21-13, 12.21.94; Order 89-5-31-3, 5.31.89; Order 17-09-12-01, 9.12.17)

**2.080.637 – Private Mileage Reimbursement.**

When vehicle usage is occasional, or access to a departmental or Fleet Pool vehicle is limited or unavailable, an employee may choose, with the permission of their supervisor to use his or her own vehicle and receive Private Mileage Reimbursement. The Private Mileage reimbursement rate is equal to the Federal Internal Revenue Service authorized rate. Rate changes become effective thirty (30) days after IRS announcement.

(Order 89-5-31-3, 5.31.89; Order 17-09-12-01, 9.12.17)

**2.080.640 – Credit Cards.**



Gas and oil company credit cards may be issued to County employees for use in conjunction with County-owned vehicles assigned to them. Initiation of a request for issuance of a credit card must come from the Department Director of the department to which the individual in need of such a credit card is assigned. The request must include a statement of necessity indicating the reason the employee may not be able to utilize the County service facilities. The request must be forwarded by the Department Director to the Lane County Fleet and General Services Manager, who authorizes the issuance of such credit cards. It is the responsibility of each Department Director, however, to ensure that credit cards are issued and used only by authorized employees when servicing by the County service station is impractical, such as on extended trips away from County service facilities.

(Order 89-5-31-3, 5.31.89; Order 17-09-12-01, 9.12.17)

## **2.085 – USE OF THE COUNTY LOGO**

### **2.085.700 – Policy.**

The County logo may only be used for Lane County government identification. No other use is allowed. The logo is intended to provide a cohesive identity symbol for Lane County government that will facilitate effective public communication. No other logo may be used by Lane County Departments or Divisions, with the exception of those departments headed by elected officials: the Sheriff's Office, District Attorney's Office, and Tax Assessor's Office.

(Order 93-3-31-7, 3.31.93; Order 17-09-12-01, 9.12.17)

### **2.085.701 – Policy Exceptions.**

An exception to LM 2.085.700 may be made, at the discretion of the County Administrator, for logos or identities for Lane County enterprise programs or projects. For the purpose of this section, enterprise programs are defined as programs or projects that require specific outreach or marketing to targeted markets, and require the visibility or cachet of a non-governmental program. Enterprise programs may either be of short or long duration and may include projects undertaken jointly with non-county entities. Where possible, the Lane County logo must appear with the enterprise identity.

(Order 04-9-1-6, 9.1.04; Order 17-09-12-01, 9.12.17)

### **2.085.705 – Restrictions on Use.**

No additional words or symbols may be added to the encroachment area (open area) of the logo, except as provided in LM 2.085.701 and LM 2.085.715.

(Order 93-3-31-7, 3.31.93; Order 17-09-12-01, 9.12.17)



### **2.085.710 – Design Authorization.**

In order to facilitate regularity and conformity of logo use, the County Administrator may delegate authority to the County's Public Information Officer to oversee materials normally exposed to public view, including those in electronic and Internet form.

(Order 93-3-31-7, 3.31.93; Order 17-09-12-01, 9.12.17)

**2.085.715 – Appearance.**

The logo may be used alone, or with additional Department or division names below it. When such names are added, the lettering must conform to the logo's width, but may extend to two or more lines when necessary. A small trademark sign must be placed to the extreme lower right of the logo. The designated color for the logo is Pantone 634C, its CMYK equivalent (100C, 0M, 9Y, 47K), its RGB equivalent (0R, 108G, 140B), its web hex equivalent (#006C88), or grayscale when color is unavailable. An alternate black and white line-art version of the logo differs from the color and grayscale versions in that the waves and internal vertical lines are removed, and should only be used when the color or grayscale version cannot be used due to printing or imaging limitations. The logo may not be used with other logos except as provided in Lane Manual.

Color version	Black and White Version
	

(Order 93-3-31-7, 3.31.93; Order 02-10-16-1, 11.13.02; Order 03-01-06-7, 1.6.03; Order 17-09-12-01, 9.12.17)

**2.085.720 – Basic Design, Format, and Color.**

The logo must be used on all printed matter according to the following:

Letterheads, Envelopes and Business Cards.

- A. Design. A standard design will be used by all Lane County Departments. Exceptions must be approved only by the County Administrator.
- B. Lettering.
  - 1. The words "Lane County Oregon" are an integral part of the logo and may not be re-typeset or altered.
  - 2. Copy and names of persons must be set in Avenir 85.
  - 3. Return addresses will be set in caps and lower case Avenir Light.
- C. Letterhead Stationery. Names and titles of Commissioners, the County Administrator, and elected Department Directors may appear in letterhead design under the logo, but other position names and titles may not be used unless approved by the County Administrator. The names should be in Avenir 85 and Avenir Light.
- D. Envelopes. Names of Departments, Divisions or offices may be shown with appropriate return address. Fonts used should be Avenir Light for Lane County and Department and for the return address.
- E. Business Cards.

1. Will measure three point five inches (3.5") wide and two inches (2") tall.
2. Will be printed on eighty pound (80lb) uncoated cover paper with thirty percent (30%) recycled content.
3. Logo will be printed in one color, Pantone 634U.
4. The person's name, title, phone and address will be type set in Avenir 85 and Avenir Light and printed in black or Pantone 634U.

(Order 93-3-31-7, 3.31.93; Order 02-10-16-1, 11.13.02; Order 17-09-12-01, 9.12.17)

#### **2.085.725 – Reports, Documents and Printed Forms.**

- A. All reports, documents and printed forms must at least have the logo printed in the same color as the printed form. If a second color is used for logo, it must be Pantone 634C, or CMYK, RGB, web hex equivalent, or black.
- B. Guidelines for placement of such materials will be established by the County Administrator.
- C. Material design authorization may be approved by the Public Information Officer.

(Order 93-3-31-7, 3.31.93; Order 02-10-16-1, 11.13.02; Order 17-09-12-01, 9.12.17)

#### **2.085.730 – Pamphlets and Brochures.**

The logo must be used on all interpretive materials prepared by all branches of Lane County government:

- A. Placement. The logo and words must be easily visible. The appropriate relationship of the logo to text must comply with LM 2.085.715. Additional words or Department names may be placed after or below the logo.
- B. Lettering. The "Lane County Oregon" lettering is integrated into the logo and should not be re-typeset or altered.
- C. Color. Color must be specified as Pantone 634C, or approximate color if not available, or black.
- D. Size. Size of the logo will be appropriate to the publication and lettering used within.

(Order 93-3-31-7, 3.31.93; Order 02-10-16-1, 11.13.02; Order 17-09-12-01, 9.12.17)

#### **2.085.735 – Decals.**

Two (2) kinds of decals may be used, one (1) for exterior surfaces and one (1) of interior type for use in windows.

- A. Design. Decals may be either cut to shape, or rectangular with both logo and words "Lane County Oregon" included.
- B. Color. Color of logo is Pantone 634C, with lettering in white, and Department or Division names underneath in Pantone 634C or its CMYK equivalent.
- C. Use of Decals.
  1. Motor Vehicles.

- a. Interior decals must conform to the motor pool regulation in Lane Manual.
- b. Size of decal is approximately three inches (3") by five inches (5").
2. Heavy Equipment, such as trucks, tractors, crawlers, and carryalls.
  - a. Exterior type decal with words "Lane County Oregon" placed on door or body of equipment.
  - b. Size approximately six inches (6") by twelve inches (12").
3. Small Equipment, such as bicycles and hardhats.
  - a. Exterior type decal should be placed only in convenient, visible location on the outer surface of equipment.
  - b. Size will be approximately three inches in diameter (3").

(Order 93-3-31-7, 3.31.93; Order 02-10-16-1, 11.13.02; Order 17-09-12-01, 9.12.17)

#### **2.085.740 – Uniform Patches.**

- A. Design. Patch must include logo with any Department or Division lettering below and conforming to the width of logo. Shape of the total patch is rectangular.
- B. Color. The background color of the patch and the bound embroidered edge must be white. Logo should be in Pantone 634C or equivalent thread color and the lettering "Lane County Oregon" must be white, with any department or Division lettering below the logo in Pantone 634C. If Pantone 634C is not available, the closest thread color match should be used.
- C. Size. Approximately two inches (2") by four inches (4").
- D. Use of the Patch.
  1. Shirts and Outer Garments. Patch must be centered over the left breast pocket leaving one-half inch (1/2") between the top of the pocket and the bottom of the patch, or, it may be centered on the left sleeve, with the top of the patch two inches (2") below the shoulder seam. Department or name patches should be on the left sleeve.
  2. Headgear. The patch must be centered on the front of caps.

(Order 93-3-31-7, 3.31.93; Order 02-10-16-1, 11.13.02; Order 17-09-12-01, 9.12.17)

#### **2.085.745 – Highway, Road, Building, Park.**

Logo must be used on all County signs, where practical and when not in violation of the Uniform Traffic Manual.

- A. Size. The logo must be large enough so that it can be readily recognized when read with the sign contents.
- B. Color. The color of the logo must be Pantone 634C, or its CMYK equivalent.
- C. Placement. When the logo is used in conjunction with department or division names, both should be used in proper relationship as defined in LM 2.085.715. In addition, for signs that are horizontal, department or division names may be placed to the right of the logo.

(Order 93-3-31-7, 3.31.93; Order 02-10-16-1, 11.13.02; Order 17-09-12-01, 9.12.17)

**2.085.750 – Miscellaneous Use.**

A. Jewelry.

1. Design. The die will be of the logo only. The open area of the logo must not be used as a background for any additional symbol or words.
2. Color. Gold or sterling metal or two colors of enamel with one being Pantone 634CVC or approximate color match.
3. Size. Three quarter inch (3/4") in diameter.

B. Design and Use on Miscellaneous Items. Design and use of the logo on miscellaneous items, including plaques, certificates, flags, and banners, must be approved by the County Administrator. Unless inappropriate, the colors of the logo will be Pantone 634CVC or approximate color background with white lettering "Lane County Oregon."

(Order 93-3-31-7, 3.31.93; Order 02-10-16-1, 11.13.02; Order 17-09-12-01, 9.12.17)

**2.085.765 – Alterations.**

No alternate shapes or relationship of design elements may be used without prior approval of the County Administrator.

(Order 93-3-31-7, 3.31.93; Order 02-10-16-1, 11.13.02; Order 17-09-12-01, 9.12.17)

**2.090 – COUNTY LANDS AND BUILDINGS**

**2.090.805 – Public Parking.**

Pursuant to the authority granted by LC 2.060.005A, and within the administrative framework provided by LC 2.060.005B, the public parking policy is designed to facilitate the use of County-owned parking facilities by the public and County employees, and to ensure that these facilities are made available in a uniform and equitable manner. It is recognized that providing parking for employees in proximity to County work locations contributes to productivity and morale, and for that reason, rates for employee parking may be discounted from the public parking rates. For the limited purpose of compliance with the state ethics rules, any difference between public and employee rates is considered part of the compensation package for County officers and employees. The County Administrator is delegated authority and responsibility to develop and maintain administrative procedures necessary to implement this policy. The County Administrator is further delegated the authority to implement and administer a qualified transportation fringe benefit plan for employees under Section 132 of the Internal Revenue Code.

(Order 84-6-12-1, 6.12.84; Order 08-5-14-3, 5.14.08; Order 17-09-12-01, 9.12.17)

**2.090.825 – Demolition of Structures.**

The Capital Projects Manager will examine all buildings, structures, and improvements and County-owned property not required for use for County purposes, and at such time as it is determined that said

buildings structures, and improvements should be removed, the Manager is authorized and directed to cause said buildings, structures, and improvements to be removed from County-owned property, including the recommending of the necessary implementing contracts to the County Administrator.

(Order 98-4-1-11, 4.1.98; Order 17-09-12-01, 9.12.17)

**2.090.830 – County Facility Naming, Memorial, and Donated Object Policy.**

The policies and procedures set forth in LM 2.090.830 through LM 2.090.834 are for the purpose of establishing a uniform policy in Lane County for the naming of County facilities and placement of memorials on County property. The County recognizes that there are names and memorials that antedate the adoption of these policies, however, the nature, character, or location of such earlier recognitions or memorials do not establish a precedent for future approvals. This policy does not apply to the placement of cornerstones, plaques, or similar devices used to commemorate completion or dedication of a public facility or property.

(Order 17-09-12-01, 9.12.17)

**2.090.832 – Criteria for Naming, Memorials, and Donated Objects.**

- A. It is the policy of Lane County, in the selection of names and determination on placement of memorials and donated objects, to encourage:
  - 1. Selection of names that reflect the County's history, geography, and diversity,
  - 2. Recognition of individuals who have made a significant contribution to the County, or individuals who have made significant public contributions outside the County but have a direct connection to Lane County,
  - 3. Sponsorship, through funding or support, to the construction, development, maintenance, or operation of the County facility or property, and
  - 4. Placement of memorials and donated objects in a manner that supports the intended or dedicated use of the location.
- B. Except in extraordinary cases, consideration will not be given to naming of County facilities or property after either a person now living or a person who has been deceased less than three (3) years, except in recognition of a donation or sponsorship to pay for a significant portion of the cost of the facility or property.
- C. Except in extraordinary cases, placement of permanent memorials or donated objects must be based on an apparent relationship between the honoree or object and the proposed memorial location.
- D. After selection of a name, or acceptance of a memorial or donated object, the County will use reasonable efforts to ensure continuation of the recognition; however, the County cannot guarantee that any County facility or property or the name, memorial, or object attached thereto will not be subject to redevelopment or change indefinitely.

(Order 17-09-12-01, 9.12.17)

**2.090.834 – Authority.**

- A. Under these policies and procedures, the Board of County Commissioners will review and take appropriate action on all proposals for naming County facilities or placement of memorials on County property, except as provided herein.
- B. The County Administrator is granted authority to establish Administrative Procedures to carry out the policy contained in LM 2.090.830 through LM 2.090.834.
- C. Notwithstanding the provisions of this section, the County Administrator is delegated authority to make determinations on:
  - 1. Naming of non-public portions of County buildings or smaller unenclosed areas within larger public facilities, such as parks, and
  - 2. Placement of temporary memorials or objects.

(Order 17-09-12-01, 9.12.17)

**2.090.840 – Vending Machine Operations.**

Pursuant to ORS Chapter 346, persons who are blind have the exclusive right to operate vending machines at all County facilities. All recommendations for placement of vending machines on County property must be directed to the County's financial officer, who will inform the Oregon Commission for the Blinds provided in ORS 346.520. If the Commission for the Blind declines to make an offer to provide such vending machines, the County may contract with a private vendor as provided in LM Chapter 20.

(Order 98-4-1-11, 4.1.98; Order 17-09-12-01, 9.12.17)

**2.090.850 – Vendors and Solicitors.**

Vending and solicitation are prohibited by the County on County property, except in the cafeteria or at newsstands or vending machines, to prevent interference with the work of County employees and the public's conduct of business with the County. Department directors are responsible to enforce this policy in their departments. The County Administrator or the Administrator's designee is responsible for enforcement in areas not under the authority of a single department, such as corridors, hallways, conference and meeting rooms, patios, walkways, and parking lots.

(Order 98-4-1-11, 4.1.98; Order 17-09-12-01, 9.12.17)

**2.090.860 – Information Booth.**

The information booth is staffed by volunteers each workday as volunteer availability allows. The written material available to the public in the information booth must be limited exclusively to information authored by federal, state, or local governments.

(Order 98-4-1-11, 4.1.98; Order 17-09-12-01, 9.12.17)