

MAKING A  
GREAT  
PLACE



# Policy manual

**MERC Venues - complete edition**

Full-time and limited duration  
employees

July 2014



## About Metro

Clean air and clean water do not stop at city limits or county lines. Neither does the need for jobs, a thriving economy, and sustainable transportation and living choices for people and businesses in the region. Voters have asked Metro to help with the challenges and opportunities that affect the 25 cities and three counties in the Portland metropolitan area.

A regional approach simply makes sense when it comes to providing services, operating venues and making decisions about how the region grows. Metro works with communities to support a resilient economy, keep nature close by and respond to a changing climate. Together we're making a great place, now and for generations to come.

Stay in touch with news, stories and things to do.

**[www.oregonmetro.gov/connect](http://www.oregonmetro.gov/connect)**

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# MERC PERSONNEL POLICIES

Updated Jul 2014

Please review the enclosed Metro and MERC personnel policies carefully. You are responsible for familiarizing yourself with these policies and complying with them during your employment. Current personnel policies are available on the Intranet (Metro's internal intranet system) at <http://imet.metro-region.org/policies>. Your department may also have specific work rules for you to follow in addition to these policies. If you have questions or concerns about any Metro or MERC policies or procedures, please ask your supervisor or contact Antoinette Gasbarre, Human Resources Manager, at (503) 797-1571.

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 Metro | *Policies and procedures*

**Subject** General Provisions and Separability  
**Section** Human Resources  
**Approved by** MERC Commission

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**EXCERPT FROM MERC PERSONNEL POLICIES (2007)**

*Policy is under review. Numbering has been changed from original manual; content is from former Sections 1 - 2, MERC Personnel Policies (2007).*

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**GENERAL PROVISIONS**

**1. Purpose and Objectives**

The purpose of these Policies is to implement the provisions of Metro Code Section 6.01.090 by adopting and maintaining a system of personnel administration for the Metropolitan Exposition-Recreation Commission ("Commission"), and to achieve for Commission facilities the following goals:

- a. To provide and maintain a system of personnel administration in which the appointment and retention of persons in Commission employment shall be achieved on the basis of promoting the public welfare and implementing the Commission's responsibilities.
- b. To establish and maintain a position classification plan that shall group all positions in Commission employment into classifications based upon their duties and responsibilities.
- c. To provide a compensation plan for all represented and part-time non-represented employees, which shall include for each classification a minimum and/or maximum rate and such intermediate rates as the Commission considers necessary and equitable.
- d. To provide for full-time, non-represented employees (and any represented employees who become part of the plan through collective bargaining procedures) a merit-based compensation plan that rewards the employees' performance and contribution and that links pay increases to the achievement of individual and group goals and specific performance factors.
- e. To promote efficiency, economy, and public responsiveness in the operation of Commission facilities.
- f. To provide that employees covered by these rules shall be subject to proper conduct, the satisfactory performance of work, and the availability of funds.

## **2. Employment At Will**

All Commission employees are at-will employees who have the right to end their employment with the Commission at any time for any reason. The Commission reserves the same right to terminate employees at any time for any reason, with or without cause and with or without prior notice. These policies do not alter Commission employees' at-will employment, do not constitute an express or implied contract, and are not intended to be contractually binding. No contract of employment can be created, nor can an employee's status be modified, by an oral or written agreement (except a valid collective bargaining agreement), or course of conduct, except by a written agreement signed by both the Chair and Secretary-Treasurer of the Commission on behalf of the Commission.

The Commission retains all managerial and administrative rights entrusted to it and conferred on employers inherently and by law. These include, but are not limited to: the right to exercise judgment in establishing and administering policies, practices and procedures, and to make changes in them; the right to take whatever action is necessary in the Commission's judgment to achieve the Commission's mission and goals; and the right to set standards of productivity and services to be rendered. Any failure of the Commission to exercise any such prerogative or function in a particular way shall not be considered a waiver of the Commission's right to exercise that prerogative or function in the future or to preclude it from exercising the prerogative or function in some other way. Nothing contained in this section or elsewhere in the Personnel Policies shall be construed as any guarantee of hours worked per day or per week. These Personnel Policies shall apply to all employees of the Commission except in the following circumstances:

- a. Where a conflict exists between these Personnel Policies and the terms of a valid collective bargaining agreement, the collective bargaining agreement shall govern; and
- b. Where a collective bargaining agreement contains any type of grievance resolution procedure, that procedure, including any procedural and/or substantive limitations placed upon it by the collective bargaining agreement, shall be the sole and exclusive remedy for employees in that bargaining unit, and the grievance procedure established by these policies shall not apply to those employees for any purpose.

## **3. Ability to Promulgate Work Rules**

Notwithstanding anything in these Personnel Policies, the Commission or designee retains the right to promulgate work rules for the orderly operation of its business. Nothing in these Personnel Policies is intended to limit or impair management's right on behalf of the Commission to promulgate, enforce and when necessary change its work rules.

## **4. Personnel Policy Administration**

- a. The Commission by adoption of these personnel policies delegates overall administration of these Personnel Policies to the General Manager. Whenever a question arises as to the meaning or interpretation of provisions of these policies, the interpretation given by the General Manager or designee shall be final and binding.
- b. The MERC Human Resources Manager shall:

- i. Act as the agent of the General Manager in administering all the provisions of the Personnel Policies;
  - ii. Prepare and recommend to the General Manager revisions and amendments to the Personnel Policies. However, the Commission and/or its designee shall retain ultimate decision making authority for modifying these personnel policies.
- c. The Commission delegates its authority over all employees to the General Manager, providing, however, that the initial appointment of facility directors shall be subject to Commission approval. In all other respects, the General Manager shall be the Hiring Authority for all employees. The General Manager's authority shall include the ability to negotiate separation agreements when appropriate and desirable.
- d. The Commission may engage outside services from persons or agencies for specific personnel projects or studies recommended by the General Manager.

### **SEPARABILITY**

If any section, subsection, sentence, clause, or phrase of these policies is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these policies.

 Metro | *Policies and procedures*

**Subject** Definitions  
**Section** Human Resources  
**Approved by** MERC Commission

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**EXCERPT FROM MERC PERSONNEL POLICIES (2007)**

*Policy is under review. Numbering has been changed from original manual; content is from former Section 4, MERC Personnel Policies (2007).*

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**DEFINITIONS**

1. Certain terms used in these Personnel Policies are defined as follows:
  - a. Appointment: The filling of a position properly authorized by the Commission.
  - b. At-will Employer: An employer who has the legal right to terminate its employees without notice and without cause.
  - c. Collective Bargaining Agreements: Labor agreements recognized by the Commission.
  - d. Commission: The Metropolitan Exposition-Recreation Commission created by Metro Code Chapter 6.01 for the purpose of managing regional trade and spectator facilities.
  - e. Days: Days means calendar days unless specifically provided otherwise.
  - f. Event Employees: Part-time, non-benefited employees hired for the purpose of staffing trade and spectator events.
  - g. Exempt Position: A position exempt from mandatory overtime compensation.
  - h. Facilities: The Oregon Convention Center (OCC); the Portland Metropolitan Exposition Center (EXPO); the ~~Portland Center for the Performing Arts (PCPA)~~, **Portland's 5 Centers for the Arts** and any other facilities as may be added to the Commission's responsibility over time.
  - i. Facility Director: A Commission employee who serves as the General Manager's designated representative and is responsible for the management of a Commission facility.
  - j. Fiscal Year: A 12-month period beginning July 1 and ending June 30.
  - k. Flexible Work Schedule: An alternative work schedule approved by the Facility Director, other than the established normal work schedule, but which includes the same number of total hours per pay period as other full-time positions.

- l. First Opportunity Target Area (FOTA): A geographic area designated by the Commission for the purpose of providing first opportunity for available jobs to disadvantaged residents living in economically distressed neighborhoods in the immediate vicinity of the Oregon Convention Center or such other geographic area as may be determined by the Commission at a later date. The boundaries are determined by the Commission.
- m. Full-time Employee: A position in which the scheduled hours of work are 40 hours per week and which is provided for in the adopted Commission budget.
- n. General Manager: The designated representative of the Commission. The Commission by adoption of these Personnel Policies delegates to the General Manager overall administrative responsibility for MERC facilities.
- o. Grievance: A written expression of an alleged violation of these Personnel Policies, submitted by an employee(s) for the purpose of obtaining adjustment.
- p. Hiring Authority: The General Manager or designee, to whom authority is delegated for all employees in full-time and part-time service.
- q. Holiday: Unless defined differently in a recognized collective bargaining agreement, a holiday is the 24-hour period between 12:01 AM and 12:00 midnight of the day on which a holiday is “observed,” for office employees who regularly work Monday through Friday. For those employees whose work schedules are other than Monday through Friday, the holiday is the 24-hour period between 12:01 AM and 12:00 midnight on the “actual” holiday.
- r. Human Resources Department: Metro Human Resources Department.
- s. Human Resources Manager: MERC Human Resources Manager (known internally at MERC as the Human Resources Director).
- t. Hourly Rate: The rate of compensation for each hour of work performed by hourly staff.
- u. Immediate Family: Unless defined differently in a recognized collective bargaining agreement or by applicable law, immediate family means husband, wife, son, daughter, father, mother, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, grandparents, grandchildren, domestic partner and equivalent relatives of the employee’s domestic partner or any relative living in the employee’s household. *Update (Dec. 2012): definition varies by policy (see applicable policy).*
- v. Internal Recruitments: A recruitment for a vacant position in which only current regular status MERC employees, and current Metro employees who are eligible under the Metro Code, may be considered as internal candidates.
- w. Job Classification: A group of job positions with similar duties, responsibilities and authority, for which the same qualifications may be required, and for which the same pay range shall be applied, and which is included in the Commission’s compensation plan.
- x. Job Share: A job share position is a full-time position which is shared by two employees.

- y. Layoff: A separation from employment because of organizational changes, lack of work, lack of funds, or for other reasons not reflecting discredit on the employee.
- z. Limited Duration: A full-time benefited position for a pre-defined amount of time for a specific purpose.
- aa. MERC: Metropolitan Exposition-Recreation Commission. A seven-member Commission appointed by the Metro Council President and confirmed by the Metro Council, responsible for overseeing the management of regional trade and spectator facilities.
- bb. Metro: Metropolitan Regional Government. The Commission's regionally elected governing body.
- cc. Non-benefited Position: Any position that is less than full-time.
- dd. Non-exempt Employee: A position that is eligible for overtime compensation.
- ee. Non-represented Employee: An employee who is not a member of a collective bargaining unit.
- ff. Part-time Employee: An employee who holds a non-benefited position in which the scheduled hours of work are less than 40 hours per week.
- gg. Personnel Action (PA): The Commission's administrative documentation of personnel decisions, such as hiring, promotion, and transfers.
- hh. Personnel Policies: Personnel Policies are the policies of the Commission created for the purpose of establishing the rules governing employment with the Commission, which may be changed or amended at any time, with or without advance notice, by the Commission.
- ii. Probationary Period: ~~A six-month continuation of the hiring process during which an employee is required to demonstrate fitness for the position into which they have been hired or promoted. Successful completion of any probationary period is for management's internal screening process only and does not convey any form of tenure or other expectation of continued or permanent employment.~~ **REPLACED - See Probation policy (Dec. 2012)**
- jj. Promotion: An employee moving from a position in one classification to a position in another classification having a higher maximum rate of pay.
- kk. Reclassification: A change in the classification of a position by raising it to a class with a higher rate of pay, reducing it to a class with a lower rate of pay, or changing it to another class at the same rate of pay. Changes are based upon the duties currently assigned to an existing position or to be assigned for a vacant position. A reclassification is made to ensure that the duties of the job being performed match the duties stated in the classification.
- ll. Regular Status Employee: An employee who has successfully completed the required initial probationary period and is appointed to fill a full or part-time position approved by the Commission.
- mm. Regular Status Position: A Commission-approved and -funded position.

- nn. Represented Employee: An employee who is a member of a certified collective bargaining unit recognized by the Commission.
- oo. Resignation: Voluntary separation from employment.
- pp. Temporary Employee: ~~A temporary hire appointed for the purpose of meeting emergency, non-recurring or short-term workload needs, or to replace an employee during an approved leave of absence. A temporary employee may be given a non-status appointment without open competition and consideration only for the purposes stated in this definition. Temporary appointments shall not be used to defeat the open competitive recruitment and selection process. Temporary employment shall not be used as any portion of a required probationary period.~~ ***REPLACED - See Temporary and Seasonal Employee policy (Nov. 2011).***
- qq. Trending: As used in the Commission's maintenance of non-represented salary structures, the statistical method used to adjust pay ranges to keep pace with the labor market.
- rr. Volunteer: An individual serving in a non-paid voluntary capacity is not considered a Commission employee.

 Metro | *Policies and procedures*

**Subject** Labor Organizations

**Section** Human Resources

**Approved by** MERC Commission

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**EXCERPT FROM MERC PERSONNEL POLICIES (2007)**

*Policy is under review. Numbering has been changed from original manual; content is from former Section 3, MERC Personnel Policies (2007).*

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**LABOR ORGANIZATIONS**

Employees of the Commission have the right to form, join, and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining on matters relating to wages, hours, and working conditions in accordance with the Oregon Revised Statutes and regulations of the Oregon Employment Relations Board.

 Metro | *Policies and procedures*

**Subject** Grievance Procedure  
**Section** Human Resources  
**Approved by** MERC Commission

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**EXCERPT FROM MERC PERSONNEL POLICIES (2007)**

*Policy is under review. Numbering has been changed from original manual; content is from former Section 14, MERC Personnel Policies (2007).*

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**GRIEVANCE PROCEDURE**

**1. General**

A grievance is a written expression of an alleged violation of these Personnel Policies, submitted by an employee(s) for the purpose of obtaining adjustment.

It is the policy of the Commission to provide for an orderly process whereby non-represented employees may have their dissatisfactions considered fairly and rapidly without fear of reprisal. Every effort should be made to first find an acceptable solution by informal means with the first-line supervisor.

**2. Procedure**

- a. An employee who believes a grievance exists which has not been resolved by informal means shall reduce the grievance to writing. The written grievance shall contain:
  - i. A clear and complete account of the action or inaction by the department head or supervisor, which adversely affected or affects the employee.
  - ii. The specific provision(s) of these Personnel Policies believed to have been violated or misapplied to the employee.
  - iii. The date of the circumstances giving rise to the grievance and the date of the employee's first knowledge of those circumstances, if later.
  - iv. The remedy sought by the employee to resolve the grievance.
- b. The employee shall present the written grievance to the supervisor within ten (10) business days of the occurrence of the circumstances giving rise to the grievance or the employee's first knowledge of those circumstances. The supervisor shall discuss the grievance with the employee and attempt to resolve it. If the written grievance is not resolved within five (5) business days from the date of submission of the written grievance to the department head, it may be submitted within another five (5) business days to the Facility Director.

- c. The Facility Director and the employee will attempt to resolve the grievance within ten (10) business days from the date of submission of the written grievance to the Facility Director. If the grievance remains unresolved after the ten (10) business day period, the employee must submit it within another five (5) business days to the General Manager.
- d. The General Manager will discuss the grievance with the Facility Director and the Human Resources Manager together, and an attempt will be made to resolve the grievance. The General Manager will respond to the grievant within fifteen (15) business days from the date the grievance was submitted to the General Manager. The decision of the General Manager shall be final and binding.
- e. Any or all time limits specified in these rules may be waived by mutual consent of all parties.
- f. Any grievance not taken to the next step by the grievant within the prescribed number of days after receipt of a response shall be deemed resolved.

# Metro | *Policies and procedures*

**Subject** Whistleblowing (Reporting Improper Conduct)  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*It is Metro's policy to promote ethical behavior and to comply with Oregon's Whistleblower Law. Employees, interns, volunteers and contractors are encouraged to report improper or unlawful conduct and may do so anonymously. Such reports serve the public interest and assist Metro in meeting high standards of public accountability. No employee or intern will be subject to disciplinary action or retaliation for making a good faith report or disclosure under this policy or for initiating or aiding in a criminal or civil proceeding.*

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## **Applicable to**

All employees, interns and contractors performing services for Metro.

Volunteers are also encouraged to report improper or unlawful conduct using the procedures described in this policy.

## **Definitions**

Disclosure: A formal or informal internal or extra-agency communication.

Employees: For the purposes of the Oregon whistleblower law, "employees" include contractors and their employees in addition to individuals who are employed directly by Metro.

Good faith: A sincere belief or motive.

Reckless disregard for truth or falsity: A conscious disregard of a substantial and justifiable risk that the information disclosed is false.

Reporter: An individual who makes a report or disclosure under this policy.

## **Guidelines**

1. Metro encourages its employees, interns, volunteers and contractors to notify Metro of improper or unlawful government action by Metro or its officials or employees.
2. No employee or intern will be subject to discipline or other retaliation for disclosing information he or she reasonably believes is evidence of:
  - a. A violation of any federal or state law, rule, or regulation by the agency;

- b. Serious agency misconduct that could undermine Metro’s ability to fulfill its public mission;
  - a. Gross misuse or waste of public resources or funds;
  - b. Abuse of authority in connection with the administration of a public program or the execution of a public contract; or
  - c. A substantial and specific danger to public health or safety resulting from agency action.
3. No employee or intern will be subject to discipline or other retaliation for initiating or aiding in criminal, civil, or administrative legal proceedings in good faith.

## **Procedures**

### **Reporting improper or unlawful conduct:**

1. Employees, interns, volunteers and contractors are encouraged to notify Metro of improper or unlawful actions in any Metro facility or department.
  - a. Reports may be made to any Metro manager, the Human Resources (HR) Department, and/or the Office of Metro Attorney (OMA).
  - b. Reports also may be made confidentially using Metro’s Ethics Line, which can be accessed online at [metroethicsline.org](http://metroethicsline.org), or by calling (888) 299-5460.
    - i. The Ethics Line is administered by the Metro Auditor’s Office. The auditor contracts with a hotline vendor, EthicsPoint, to maintain the reporting system and ensure confidentiality. EthicsPoint does not reveal the reporting party’s identity to Metro.
2. Metro will not discipline or retaliate against an employee or intern for making a good faith report under this policy. Employees will be subject to discipline only if:
  - a. The information disclosed is known by the employee or intern to be false, or is disclosed with reckless disregard for its truth or falsity; or
  - b. The disclosed information relates to the employee’s or intern’s own violations, mismanagement, gross waste of funds, abuse of authority, or endangerment of the public health or safety, in which case the employee or intern may be disciplined for the underlying conduct.
3. During its investigation of any disclosure listed above, Metro will not identify the individual making the disclosure without his or her written consent unless such identification is necessary to an investigation or legal process and allowable by law. In that case, Metro will protect the reporter’s confidentiality to the greatest extent possible without impairing the investigation or legal process.

### **Initiating or Aiding Administrative, Criminal or Civil Proceedings**

4. Metro will not discriminate or retaliate against an employee or intern because he or she has in good faith:
  - a. Reported criminal activity (or activity he or she believes to be criminal) to any person or caused criminal charges to be filed against any person;
  - b. Cooperated with a criminal investigation or testified at a criminal trial;

- c. Initiated, cooperated with, or testified at a civil administrative or court proceeding;
- d. Opposed harassment, discrimination, or other conduct prohibited by civil rights laws;
- e. Discussed, inquired about, or brought a claim for unpaid wages.

### **Legislative Testimony**

- 5. Metro will not prohibit, discourage, or otherwise interfere with an employee or intern responding to a legislative request to discuss the activities of Metro or any other political subdivision of the state.
  - a. An employee or intern is not required to inform Metro before engaging in the requested legislative discussion, unless the legislative request for information is directed to Metro and the employee or intern is responding on behalf of Metro.
  - b. Notwithstanding this policy, employees and interns are not permitted to:
    - i. Represent their personal opinions as the opinions of the agency;
    - ii. Disclose information required to be kept confidential by law;
    - iii. Disclose records exempt from disclosure, except as provided by law;
    - iv. Disclose information of an advisory nature to the extent that it is preliminary to any final agency determination of policy or action and covers other than purely factual materials.
  - c. Absences to testify before a legislative committee will be excused. Employees may take unpaid leave or use any type of accrued paid time off other than sick leave. Employees and interns are not required to disclose the purpose of the absence. Employee testimony on behalf of Metro is paid work time.

### **Whistleblowing in general**

- 6. Employees and interns are not required to notify Metro before engaging in activities protected under this policy and will not face discipline if they choose not to do so; however, Metro encourages individuals to bring problems to its attention so they can be addressed promptly. As noted above, reports may be made confidentially using the Ethics Line.
- 7. Discrimination, harassment, and retaliation are prohibited for activities undertaken in good faith under this policy even if the underlying complaint or report is ultimately not substantiated.
- 8. Anyone who experiences or observes discrimination, harassment, or retaliation on the basis protected activity under this policy should report the offending conduct using the procedures specified in this policy or in Metro's Discrimination and Harassment Policy.

### **Responsibilities**

#### **Employee/Intern/Volunteer:**

- Report illegal and unethical conduct by notifying a Metro manager, the Human Resources Department or the Office of Metro Attorney, or by using Metro's Ethics Line.

- Notify a Metro manager, the Human Resources Department, or the Office of Metro Attorney if you observe or become aware of any conduct that may constitute discrimination, harassment or retaliation for protected activity under this policy.

Supervisor/Manager/Department Director:

- Ensure that no employee or intern is subject to discipline, harassment or other retaliatory action for engaging in protected activity under this policy. Contact Human Resources immediately if you observe or become aware of any conduct that may constitute harassment or retaliation for protected activity under this policy.
- Cooperate with ethics investigations while protecting the reporter's confidentiality.

Human Resources Department:

- Cooperate with ethics investigations while protecting the reporter's confidentiality.
- Investigate any complaints of retaliation in violation of this policy.

**References**

ORS 659A.199 – 659A.236 (Oregon Whistleblower Law)

ORS 659A.030(1)(f) (prohibiting retaliation for opposing unlawful conduct)

OAR 839-010-0000 – 839-010-0140 (BOLI administrative rules)

ORS chapter 244 (Oregon Government Ethics Law)

OAR chapter 199 (Oregon Government Ethics Commission Administrative Rules)

Metro Ethics Hotline: metroethicsline.org; (888) 299-5460

Metro Ethics Employee Q&A (on Intranet)

# Metro | *Policies and procedures*

**Subject** Payroll Procedures  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Metro maintains payroll schedules and policies that ensure employees are paid in accordance with legal requirements.*

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### **Applicable to**

All employees.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

### **Definitions**

Payday: The calendar date on which checks are issued to employees.

Off-Cycle Checks: Checks issued on dates other than scheduled paydays. Due to bank timing constraints, direct deposit is not available for off-cycle payments.

Kronos: The software timekeeping system used by Metro to record employees' time worked, exception hours, and how that time should be allocated to funds, departments, programs, and projects.

Kronos Help Desk: The email inbox for all Kronos related questions, corrections, or issues (kronoshelpdesk@oregonmetro.gov).

### **Guidelines**

The Payroll Division will administer all functions of payroll within legal guidelines, ensuring employees are paid as directed by statutes, policies and collective bargaining agreements. All lawful withholdings and authorized deductions will be subtracted from gross earnings.

### **Procedures**

#### **Paychecks**

1. Employees shall be paid twice monthly on the 10<sup>th</sup> and 25<sup>th</sup> of the month.

- a. In the event the normal payday falls on a holiday, the payday shall be the workday before the holiday.
  - b. If the normal payday falls on a Saturday or a Sunday, the payday shall be the prior Friday.
- 2. Payroll deductions will be made for income tax withholding, workers' compensation insurance, and other deductions mandated by federal or state law. Other deductions that may be withheld include (but are not limited to):
  - a. health, dental, and vision insurance;
  - b. life insurance;
  - c. long-term disability, accidental death and dismemberment insurance;
  - d. 401(k) and Section 457 plan deductions;
  - e. Flexible Spending Account deductions;
  - f. PERS contributions;
  - g. union dues;
  - h. uniform deposits;
  - i. parking deductions; and
  - j. charitable donations, if requested by the employee and approved by the Chief Operating Officer.
- 3. Employees being paid by direct deposit will have their pay information available in printable format via PeopleSoft Self Service by 8am on payday. If a printed pay statement ("advice") is desired, the employee must request this service using Metro-provided forms.
- 4. Paychecks and pay statements will be distributed or made available to all departments no later than 11am on scheduled paydays. Individual distribution procedures are determined at the department level. Individual employees may not pick up paychecks directly from the Payroll Division, except that an employee may request Payroll to hold his or her final check for pick-up.

### **Underpayments**

- 5. The Payroll Division will remedy any underpayments as soon as possible after they are discovered and confirmed.
- 6. If an employee believes he or she has been underpaid, it is the employee's responsibility to notify his or her Supervisor, who will in turn notify the Payroll Division. If the Supervisor is unavailable, the employee may contact the Payroll Division directly.
- 7. Payroll will determine, in consultation with the Supervisor, whether there has been an underpayment.
- 8. If an underpayment has occurred as a result of incorrect Kronos data, the Supervisor will notify the Kronos Help Desk via email. The email must contain the following information:
  - a. Employee Name;
  - b. Employee ID;
  - c. Date of error;

- d. Explanation of correction needed; and
  - e. Account code change, if needed.
9. Once the Supervisor has notified the Kronos Help Desk of the error, Payroll staff will enter a historical edit into Kronos to record the correction.
  10. If the underpayment is not in dispute and the underpaid amount is more than 5% of the employee's current gross wages per pay period, an off-cycle check will be issued within 3 business days. If an undisputed underpayment is less than 5% of gross wages, the unpaid amount will be included on the next regular paycheck.
  11. If the Supervisor believes that the employee was paid correctly, the Supervisor will meet with the employee to explain why there is no underpayment. If the employee disagrees with this determination, he or she may follow the grievance procedure outlined in an applicable collective bargaining agreement or contact the Human Resources (HR) Department.

### **Overpayments**

12. Employees who are overpaid are required to repay Metro for any overpayment, regardless of the cause of overpayment.
13. If any employee believes he or she has been overpaid, it is the employee's responsibility to notify his or her supervisor immediately upon discovering the error. If the supervisor is not available, notification should be made to the Payroll Division.
14. Payroll will calculate the overpayment amount, identify the cause of the overpayment, and notify the employee in writing. The employee will be asked to sign an agreement acknowledging the overpayment and agreeing to a repayment schedule.
15. If the employee disagrees with the determination that an overpayment has occurred, he or she may follow the grievance procedure outlined in an applicable collective bargaining agreement or contact the HR Department.
16. Once a signed repayment agreement is received from the employee, Metro will collect funds from the employee until the overpayment is repaid in full. If authorized by a collective bargaining agreement, repayment will be made by payroll deduction.
17. If an employee's employment at Metro ends before an overpayment is fully collected, Metro may pursue legal options to collect the funds. Legal options may include the use of a collection agency or a private action in court.

### **Final Paychecks**

18. Supervisors must immediately contact the Kronos Help Desk to notify the Payroll Division of any upcoming voluntary or involuntary terminations so that employees receive their final checks in a timely manner as outlined by state law.
19. The termination date should ordinarily be the last date the employee is present at work and may not be extended by leave time or holidays. The HR Department may approve an exception to this rule in unusual circumstances, such as when an employee on leave is unable to return.
20. Supervisors will have all hours recorded and approved in Kronos no later than 10am on the employee's final day of employment.
21. Once Kronos time is approved, Payroll will process a final off-cycle check for the remaining wages due, minus all lawful taxes and deductions.

22. Payroll staff will mail or hold the check for pickup as directed by the employee.

### **Responsibilities**

#### Employees:

- Record accurate time for hours worked and leave taken in the Kronos time entry system by the end of the pay period as established by Payroll.
- Verify the accuracy of paychecks received.
- Notify Supervisor of any possible payroll errors. If the supervisor is unavailable, notify the Payroll Division.

#### Supervisors:

- Verify the accuracy of time reported by employees and approve time reports by the deadline established by Payroll.
- Notify Payroll via the Kronos Help Desk immediately after learning of any Kronos error that needs to be corrected.
- Notify the Payroll Division of any upcoming voluntary or involuntary terminations.

#### Payroll Division:

- Verify the accuracy of paychecks to data reported. Investigate and resolve any reports of overpayment or underpayment and refer matters to the HR Director or Office of Metro Attorney as appropriate.
- Disburse payroll checks and pay statements to departments for distribution to employees in accordance with this policy. Hold or mail final checks as requested by the employee.
- Obtain written authorization for deductions if required by law or Metro policy.

# Metro | Policies and procedures

**Subject** Employee Records: Personnel Files and Medical Files  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*It is Metro's policy to maintain personnel records and medical records separately and in accordance with state and federal law, and to comply with procedures designed to protect the accuracy and confidentiality of these records.*

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## **Applicable to**

All employees.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Definitions**

**Medical Records:** All records containing individually identifiable information about an employee or family member's health or medical history. Examples of medical records include personal medical information relating to:

- a. Employee health insurance and other benefits;
- b. Disability accommodation;
- c. Medical leave;
- d. On-the-job injuries and workers' compensation;
- e. Non-occupational medical conditions;
- f. Fitness for duty examination information; and
- g. Drug and alcohol testing results.

**Personnel Records:** All records used to determine an employee's qualification for employment, promotion, additional compensation, termination, or other disciplinary action.

1. Examples include:

- a. Job applications, résumés, and cover letters;
- b. Reference checks;

- c. Performance evaluations;
  - d. Records of promotions, transfers, and demotions;
  - e. Salary information;
  - f. Supervisory notes or memos used for disciplinary purposes or to determine terms and conditions of employment;
  - g. Disciplinary notices, including written records of oral warnings and reprimands, and related investigative records.
2. The personnel file may also include personal information that has been provided to Metro in the course of application and employment, except as specified below.
  3. Personnel records do not include:
    - a. Records relating to the conviction, arrest, or investigation of criminal conduct;
    - b. Confidential reports from previous employers;
    - c. Confidential medical records;
    - d. Payroll records;
    - e. Attendance records unless relevant to a disciplinary decision;
    - f. Routine supervisory notes that are not used for disciplinary purposes or decisions related to the terms and conditions of employment;
    - g. Grievance records.

### **Guidelines**

1. The Human Resources (HR) Department will maintain a personnel file containing each employee's personnel records. This file constitutes the official record of an individual's employment with Metro.
2. An employee's medical information will be kept in a confidential file maintained separately from the employee's personnel file.

### **Procedures**

#### **File Maintenance**

1. Personnel files and medical files will be maintained by the HR Department in a locked, confidential area.
  - a. Access to the personnel file will be limited to the employee, management staff, Office of Metro Attorney staff and HR Department staff.
  - b. Access to the confidential medical file will be limited to the employee, Office of Metro Attorney staff and HR Department staff. Management staff will be provided with medical information only as needed to manage work restrictions, requests for leave, disability accommodations, and medical response protocols (e.g., for an employee with a medical condition requiring particular first aid procedures) or to consider as a mitigating factor in a disciplinary process.
2. To assure proper records management, employees must notify the HR Department of any changes to their name, home address, phone number or emergency contacts.
3. Supervisors must promptly send HR:

- a. Copies of all notes or records used as a basis for discipline or to determine the terms and conditions of employment; and
  - b. Originals of all medical records.
    - i. Supervisors may not keep copies of medical records, except that they may retain information about modified duty restrictions, disability accommodations, and medical response protocols while they are in effect.
4. Metro will not place disciplinary records or other information that reflects critically upon an employee in the employee's personnel file without giving a copy to the employee.
- a. The employee will be asked to sign to acknowledge receipt, however a signature is not required to place the document in the personnel file.
  - b. In the event that the employee does not sign, the supervisor will note the date the document was presented to the employee.
5. Personnel records and medical records will be treated as exempt from public disclosure to the maximum extent permitted by Oregon Public Records law and other legal requirements.
- a. If contacted for an employment reference, Metro will provide the employee's dates of employment, positions held, and salary history. Metro may agree to provide additional information if requested by the employee.
  - b. In certain circumstances, disclosure of otherwise confidential records may be required by law. Metro will limit the scope of disclosure to information necessary to comply with the required legal process.
6. Metro will retain personnel records and medical records for a minimum of 3 years.

### **Viewing and Copying Personnel Records and Medical Records**

7. **Employees:** Employees may view their personnel files and medical files in the HR Department office during regular business hours.
- a. Employees are encouraged to make appointments in advance to ensure that HR staff will be available.
  - b. Employees will be given copies of material in their personnel files and medical files upon request. Metro will certify that the copies provided are true and correct copies of the originals.
  - c. Employees who are unable to come to the HR Department in person may call the department to make other arrangements.
  - d. An employee may provide written authorization to allow another person (such as a union representative) to view or obtain copies of his or her personnel file or medical file.
8. **Managers:** A manager may access an employee's personnel file or medical file only if there is a job-related reason to do so. Before viewing the file, the manager must sign a statement identifying the job-related purpose of the request and acknowledging confidentiality requirements. This statement will be reviewed by HR and considered prior to a decision regarding access.
9. **Former employees:** Following separation from employment, Metro will provide a former employee with a certified copy of his or her existing personnel records or

medical records within 45 days of a written request from the employee or his or her authorized representative.

10. Metro may charge a fee for providing information under this policy, but this fee will not exceed an amount reasonably calculated to recover the actual costs for copying and labor. Current employees will not be charged for viewing or copying their files.
11. No one other than HR Department staff is authorized to add or remove information from an official personnel file or medical file. Metro employees and managers who add or remove information without authorization may be subject to discipline.
  - a. If an employee or manager believes information should be added to a personnel or medical file, he or she may submit the information to the HR Department. The HR Department will determine whether it is appropriate to include in the file.
  - b. Documents may be removed from the employee's official personnel or medical file only upon the mutual agreement of the HR Director or designee and the employee or the employee's representative.
    - i. The Oregon public records law prohibits destruction of public records except when certain conditions are met. Documents that are removed from the official personnel file may be retained consistent with applicable law, but will not be used as a basis for future discipline or other employment decisions.
12. Original personnel records and medical records must be viewed in the presence of HR Department staff. Original records may not be removed from the HR Department without approval from the HR Director.

## **Responsibilities**

### Employees:

- Comply with procedures for viewing and copying personnel files and medical files.
- Promptly notify your supervisor and the HR Department of changes to your name, home address and contact information, and emergency contacts.

### Supervisors and managers:

- Comply with procedures for viewing and copying personnel files and medical files.
- Promptly provide the HR Department with any notes or records used to determine an employee's qualification for employment, promotion, additional compensation, termination, or other disciplinary action.
- Promptly send any medical records received from an employee or any other source to the HR Department without keeping a copy, except that information about work restrictions, disability accommodations, and medical response protocols may be retained while they are in effect.
- Maintain the confidentiality of medical records and other private information.

### Human Resources Department:

- Maintain employees' official personnel file and medical file in accordance with this policy and applicable legal and contractual requirements.

- Oversee the inspection and copying of personnel records.

### **References**

ORS 652.750 (personnel records)

ORS 192.001 *et seq.* (public records)

Metro Records Retention Schedule

 Metro | *Policies and procedures*

**Subject** Selection of Employees  
**Section** Human Resources  
**Approved by** MERC Commission

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**EXCERPT FROM MERC PERSONNEL POLICIES (2007)**

*Policy is under review. Numbering has been changed from original manual; content is from former Section 9, MERC Personnel Policies (2007).*

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**SELECTION OF EMPLOYEES**

- 1. Equal Employment Opportunity *REPLACED IN PART - See Equal Opportunity and Affirmative Action policy (Nov. 2011) and Veterans' Preference policy (Nov. 2011)***

*<DELETION>*

Recruitment efforts will be coordinated in cooperation with the hiring department. Recruiting publicity will be distributed through appropriate media to meet promotional, First Opportunity, and Equal Opportunity guidelines. Such publicity will indicate that the Commission is an Equal Opportunity Employer and will be designed to attract a sufficient number of qualified candidates. Recruitment shall continue for a period of time sufficient to assure an opportunity for the promotional, First Opportunity, and general public applications as provided for in Section 9.1.D of these policies.

Any Commissioner or employee who has a question about MERC's Affirmative Action Program may obtain a copy from the Human Resources Manager.

The Commission has delegated the responsibility of making final hiring decisions to the General Manager or designee. The following sections describe the selection process that generally will be followed, but where the General Manager determines that an immediate appointment or hiring decision is necessary, the General Manager or designee retains the right to make such a decision.

- 2. Announcements and Posting**

- All promotions and appointments to vacancies shall be based on the requirements of the position and organizational and operational needs of the Commission. All recruitment periods listed below may be extended only with the approval of the General Manager or designee prior to the announcement of any recruitment.
- Internal Recruitment *REPLACED IN PART - See Probation policy (Dec. 2012)*

Internal recruitments are openings for which current full and part-time regular status employees ~~who have successfully completed their initial probationary period~~ and Metro employees who qualify as internal candidates under the Metro Code may apply before members of the general public will be considered. There will be no internal application process for limited duration positions. ***Update (Dec. 2012): Employees are permitted to apply for other positions at Metro while on initial probation but will be required to serve an additional probationary period upon beginning a new position.***

The internal recruitment will be posted for seven (7) calendar days. Postings will be placed prominently in employee areas in all Metro and Commission facilities. Internal applicants will be given first consideration for these internal recruitments. Internal applicants who meet the minimum qualifications and pass the supplemental screening for the position may be interviewed in this internal recruitment process.

Should no internal applicant be selected through this process, the First Opportunity area recruitment process will begin, unless the hiring manager has approved simultaneous internal and First Opportunity recruitments, as specified below.

c. First Opportunity Recruitment

The First Opportunity Program is intended to provide maximum employment opportunities for economically disadvantaged residents living in the First Opportunity Target Area. In order to expedite the recruitment process in instances of entry-level recruitments or recruitments for hard to fill positions, a hiring manager may approve commencing the First Opportunity recruitment process simultaneously with the internal recruitment process.

First Opportunity recruitments are openings for First Opportunity area applicants for vacant positions. In addition to standard recruiting techniques, good faith outreach efforts will be made through target area job training and economic development agencies to identify, recruit, assist, and if necessary, train and refer such applicants. When vacancies occur, the First Opportunity recruitment will be posted and advertised for 14 calendar days. Postings will be placed prominently in employee areas in all Metro and Commission facilities and will be advertised as employment opportunities in at least one First Opportunity Target Area newspaper. First Opportunity applicants will be given consideration for the employment opportunities after the internal recruitment process has concluded. First Opportunity applicants who meet the minimum qualifications and pass the supplemental screening for the position shall be interviewed in this First Opportunity Target Area recruitment process.

Should no First Opportunity Target area applicant be selected through this process, the general recruitment process will begin, unless the Facility Director has approved simultaneous commencement of all recruitment methods, as specified below.

d. General Recruitment

In the event no qualified applicant is selected through the internal or First Opportunity process, standard recruiting techniques will be used to attract a sufficient number of qualified applicants from which one or more may be selected. In order to expedite the recruitment process in instances of specialized industry positions, the Facility Director may approve commencing all recruitment methods (internal, First Opportunity, and standard) simultaneously. The period of recruitment will be indicated on job announcements and advertisements.

### **3. Voluntary Demotion**

The standard selection process may be waived by the Human Resources Manager or designee in the event of a voluntary demotion when the demoted employee is deemed qualified and a vacancy exists.

### **4. Applications**

The Commission or designee may elect to receive and/or screen the applications.

# Metro | *Policies and procedures*

<b>Subject</b>	Equal Opportunity and Affirmative Action
<b>Section</b>	Human Resources
<b>Approved by</b>	Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*It is the policy of Metro to ensure that equal employment opportunity exists for all applicants, employees and interns without regard to race, color, religion, sex, national origin, age, marital status, familial status, gender identity, sexual orientation, disability, veteran status, or any other status protected by law. Equal opportunity and consideration will be given in all phases of employment, including recruiting, selecting, hiring, transferring, promoting, compensating and terminating employees. Metro maintains an affirmative action plan to foster inclusion of under-represented groups in the workforce.*

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## **Applicable to**

All employees, interns and applicants.

## **Definitions**

**Equal Opportunity:** Fair treatment of applicants, interns and employees in all aspects of personnel administration without regard to race, color, religion, sex, national origin, age, marital status, familial status, gender identity, sexual orientation, disability, veteran status, or any other protected class under state and/or federal law.

**Affirmative Action:** A set of specific and result-oriented procedures through which Metro works to promote equal employment opportunities and non-discriminatory practices.

**Affirmative Action Plan:** The affirmative action plan informs and directs the organization to foster inclusion of under-represented groups in the workforce. It includes a biennial report outlining Metro's utilization of women and minorities in its workforce as it compares to the availability of qualified women and minorities in their respective recruitment area. Goals and action items are established based on the utilization data and the Diversity Action Plan.

## **Guidelines**

1. All Metro employees will work to promote the intent and requirements of this policy in all employment, employee relations, internships and personnel practices.
2. Recruitment, selection, and promotion of employees will be based on the employee's knowledge, skills, and abilities as they relate to the requirements of the job, and will be administered without regard to any legally protected class except where there is a bona fide occupational qualification. All other aspects of personnel administration will be administered based on job-related criteria or seniority. Metro internships will also comply with all applicable laws and policies related to equal opportunity and non-discrimination.

## Procedures

1. Metro will update and distribute an agency affirmative action plan on a regular basis; analyze the plan to identify underutilization of women and minorities in the workforce; and provide outreach to underutilized groups.
2. Metro will regularly review recruitment and selection procedures and other personnel processes for instances of perceived disparate impact on protected groups and will revise procedures and processes as appropriate to maintain equity.
3. Metro will provide a complaint procedure to address complaints of discrimination and harassment and will investigate and address complaints as appropriate. (Metro's Discrimination and Harassment policy outlines the complaint procedure).
4. The Human Resources Director will serve as the agency's designated Affirmative Action Officer, and will manage and implement Metro's Affirmative Action Plan.

## Responsibilities

### Employees:

- Help ensure that the work environment is free of discrimination and harassment.
- Adhere to this policy by supporting equal opportunity for all employees and interns.
- Refrain from engaging in harassment and discrimination.
- Uphold all employee values, specifically that of respect.

### Supervisors:

- Make employment-related decisions based on job-related criteria.
- Seek assistance from Human Resources as needed to understand and carry out responsibilities as they relate to equal opportunity.
- Monitor the workplace to help ensure there is no harassment or discrimination.

### Human Resources Department:

- Undertake a program of affirmative action to communicate, particularly to minorities, women, persons with disabilities, and veterans, that employment opportunities are available based on individual merit, and to actively encourage all persons to seek employment and to strive for advancement.
- Update the Affirmative Action Program Utilization and Availability Analysis every two years or as required to maintain effective conformance with this equal opportunity policy.
- Determine appropriate steps and take necessary action if a complaint is initiated relating to this policy.

## References

- Metro Affirmative Action Plan
- Discrimination and Harassment Policy

# Metro | *Policies and procedures*

**Subject** Veterans' Preference Policy  
**Section** Human Resources, Employee Benefits  
**Approved by** Dan Cooper, Acting Chief Operating Officer

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## **POLICY**

*Oregon law requires Oregon public employers to devise a "uniform method by which special consideration is given to eligible veterans and disabled veterans seeking public employment." Metro, as a public employer, will give eligible and disabled veterans preference in the selection process for available positions.*

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## **Applicable to**

All employees and applicants for employment.

## **Definitions**

**Eligible veteran:** To qualify as a veteran eligible to receive preference, a person must have served in the Armed Forces of the United States, been discharged under honorable conditions, and

1. Served for more than 178 consecutive days; or
2. Served for at least one day in a combat zone; or
3. Received a qualifying military decoration for service in the Armed Forces.

**Disabled veteran:** To qualify as a disabled veteran eligible to receive preference, a person must have served in the Armed Forces of the United States and meet one of these criteria:

1. Served for 178 days or less and were discharged under honorable conditions because of a service-connected disability; or
2. Entitled to disability compensation under laws administered by the United States Department of Veterans Affairs; or
3. Awarded the Purple Heart for wounds received in combat.

**Preference:** Those applicants who are deemed to be an eligible veteran or disabled veteran and meet minimum qualifications:

1. Will be included in the first round of interviews; and
2. Will receive preference in the interview evaluation. Eligible veterans shall be given a 5% preference and disabled veterans shall be given a 10% preference over non-veteran candidates.

3. During the interview, all eligible and disabled veterans will be asked this question: "How has your military service experience provided you with the skills and qualifications relevant to this position?"

### **Guidelines**

1. Metro is required by law to give eligible and disabled veterans preference in the selection process for positions, including promotions, that have been opened for recruitment.
2. In order to be deemed eligible for Veterans' Preference, applicants must:
  - a. Follow and complete the application process required of all applicants;
  - b. Complete and submit required Veterans' Preference paperwork providing proof of their eligibility with their application; and
  - c. Pass minimum qualification screening as set by Human Resources.

### **Procedures**

1. All veterans who apply for Veterans' Preference will be screened for eligibility by Human Resources Recruitment and Selection.
2. When an applicant pool contains at least one applicant who is an eligible veteran or disabled veteran, Human Resources will contact the hiring manager to explain the steps required for compliance with the preference process.
3. All eligible and disabled veterans will be invited to participate in the first round of interviews. During the interview, eligible veterans shall be given a 5% preference and disabled veterans shall be given a 10% preference over non-veteran candidates. In addition, during the interview, all eligible and disabled veterans will be asked this question, "How has your military service experience provided you with the skills and qualifications relevant to this position?"

### **Responsibilities**

#### Supervisors:

- Follow the Veterans Preference procedure during the employee selection and hiring process.
- Ask for guidance from Human Resources when questions arise.

#### Human Resources:

- Screen and determine eligibility for all veterans who apply for Veterans' Preference.
- Notify the hiring manager when they have eligible and/or disabled veterans in the applicant pool.
- Inform and advise hiring manager on the policy and procedure for applying Veterans' Preference in the selection and hiring process.

### **References**

ORS 408.225, 408.230, and 408.235; OAR 105-040-0010 and 105-040-0015.

# Metro | Policies and procedures

**Subject** Immigration Reform and Control Act  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*It is the policy of Metro to comply with the Immigration Reform and Control Act of 1986, which requires employers to verify work eligibility and proof of identity for all employees hired after November 6, 1986. Employers must maintain documentation of such eligibility for three years from the date of verification or one year after the person's employment is terminated.*

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## **Applicable to**

All employees hired after November 6, 1986.

## **Definitions**

**I-9 Form:** The I-9 Employment Eligibility Verification form issued by the Department of Homeland Security – U.S. Citizen and Immigration Services. The I-9 form is used to verify a person's identity and eligibility for employment in the United States.

**Human Resources Representative:** A member of the Metro Human Resources Department or their designee.

**Acceptable Documentation:** Specific documents used to show proof of identity and eligibility to work in the United States. These documents are listed on the I-9, Employment Eligibility Verification form and are the only ones that an employer is allowed to accept.

## **Guidelines**

1. A new employee will receive an employment confirmation letter notifying him or her of the requirement to provide documentation on the first day of employment that verifies identity and eligibility to work in the United States.
2. The Human Resources representative collecting the I-9 form must review and verify the documentation and certify to the genuine appearance of the documents presented.
3. The I-9 form must be completed in the Metro Human Resources Department or by a Human Resources representative on or before the employee's first day of work.

The I-9 form includes a list of acceptable documents. The documents must be current. As long as documents submitted by the employee fulfill the requirements listed on the I-9 form, the employer may not ask for specific pieces of identification or request to view a specific document,

4. An employee who cannot produce the required documents or an “acceptable receipt in lieu of the document” will be terminated. “Acceptable receipts in lieu of document” are listed on the I-9 form.
5. If employees have alien or visa status, they may not work past the visa expiration date unless eligibility for employment is re-verified. It is the responsibility of the employee to obtain an extended visa or work permit. If the visa or work permit is not extended, the employee will be terminated.
6. A new I-9 form must be completed for rehired employees unless the employee is rehired within 3 years of completion of the original I-9 form.

### **Procedures**

1. A new employee will either report to the Metro Human Resources Department or meet with a Human Resources representative to complete the I-9 form prior to beginning work. Before the form can be approved, the new employee must provide documentation that establishes identity and eligibility for working in the United States.
2. The Human Resources representative will ensure that Section 1 is properly completed and will complete the I-9 form by examining the original document(s), providing the information requested, and signing the form. The document(s) presented must appear to be genuine and relate to the individual. Photocopies of the document(s) should be attached to the I-9 form.
3. Employees who provide documents that demonstrate limited work authorization will be required to provide updated information upon expiration. The updated information will be attached to the original I-9 form.
4. If documents have expired, Human Resources will update and record the new document title, number, and expiration date (if any) of the documents the employee presents.
5. A new I-9 form must be completed if the version of the original I-9 form has since been replaced by a newer version or if an employee is rehired 3 years after the initial hire date.
6. Completed I-9 forms are retained in the Metro Human Resources Office for three years from the date of verification or one year after the person’s employment is terminated.

### **Responsibilities**

#### Employees:

- Before beginning work, new employees must complete an I-9 form and provide documents as described in the form in order to confirm their identity and eligibility to work in the United States. If applicable, employees will provide the Metro Human Resources Department with updated immigration documents upon expiration.

#### Hiring Managers:

- Instruct new employees to report to the Metro Human Resources Department or meet with a Human Resources representative to complete the I-9 form before starting work.
- Verify with the Metro Human Resources Department that the I-9 form is completed.
- Contact the Metro Human Resources Department if they have any questions about correct documentation or procedures.

Metro Human Resources Department:

- Ensure that every new employee fills out the I-9 form and check to make sure that the new employee has provided acceptable documentation. If applicable, verify employee's eligibility documents, notify employees and managers of expired status, and ensure that updated documents are provided.
- Maintain all I-9 forms in a secure location.

**References**

Form I-9, Employment Eligibility Verification Form

# Metro | Policies and procedures

**Subject** Employment of Minors  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Metro may hire minors between the ages of 14 and 18 in compliance with applicable law. Due to legal restrictions on the type of work minors may perform and the hours during which they may be employed, Metro is able to employ minors in a limited range of positions.*

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## **Applicable to**

All employees.

## **Definitions**

Minor: A person under the age of 18.

## **Guidelines**

1. Metro will not employ minors under the age of 14.
2. Metro must verify the age of every minor hired and post an employment certificate issued by the State of Oregon Bureau of Labor and Industries.
3. State and federal law regulate minors' work hours and the types of work they may perform. Supervisors of employees who are minors must comply with all legal requirements.

## **Procedures**

1. A supervisor who is considering hiring minors must contact the Human Resources (HR) Department prior to offering employment. The HR Department will review job duties, applicable laws and regulations and will give advice on procedures and scheduling.
2. Job offers to minors will be made contingent upon age verification at hire. Acceptable documents for age verification include a birth certificate, state identification card, drivers' license, or passport. Metro may accept other documents as proof of age only if permitted by law.
3. Metro must maintain and post an employment certificate issued by the State of Oregon Bureau of Labor and Industries (BOLI) Child Labor Unit.

- a. The HR Department will complete and submit the certificate application. The application requires Metro to estimate the number of minors to be employed during the following year and describe their anticipated job duties and use of equipment. Department Directors must provide this information to the HR Department promptly upon request.
  - b. Department Directors must ensure that a current employment certificate is posted in a conspicuous place in every department where minors work.
  - c. If minors' work duties are changed at any time, Metro must submit a Notice of Change Form to the BOLI Child Labor Unit. Supervisors must notify the HR Department before changing minors' work duties so that the HR Department can evaluate the anticipated change for legal compliance and submit the necessary paperwork.
4. If a minor is required to report to work, Metro must provide enough work (or compensation in lieu of work) to allow the employee to earn at least one half of the scheduled day's earnings. If a minor employee arrives for a scheduled shift but is not needed for the entire shift, the employee's supervisor is responsible for ensuring that this time is recorded correctly in Kronos.

#### **Work hours, meals and rest periods**

5. Minors who are 14 or 15 years old may not work:
- a. During school hours;
  - b. More than three hours on any school day;
  - c. More than eight hours on a non-school day;
  - d. Before 7 a.m. or after 7 p.m., except that they may work as late as 9 p.m. between June 1 and Labor Day;
  - e. More than 18 hours per week during the school year; or
  - f. More than 40 hours per week when school is not in session.
6. All minors who are 16 or 17 years old may work up to 44 hours per week (subject to overtime requirements), and may work the same number of hours per day as adult employees.
7. All minors must receive a paid rest break of at least 15 minutes for every work session of four hours or the major portion thereof (i.e., for any period longer than two hours).
8. Minors must receive at least 30 minutes for lunch, beginning no later than five hours after reporting for duty.
- a. Minors who are 14 or 15 years old must be completely relieved of all duties during lunch.
  - b. Minors who are 16 or 17 years old may perform work or remain on call during the lunch period when business conditions require it, but in that case they must be paid for the entire lunch period.

#### **Prohibited job duties**

9. Oregon law contains specific safety-related restrictions on the types of work minors may perform. Supervisors and managers must obtain advance approval from the HR Department for all work duties to be assigned to minors.

10. Legal restrictions on job duties include, but are not limited to, the following:
- a. Minors with drivers' licenses may drive to and from work but may not drive on public roads while on the job.
  - b. Minors are not permitted to operate power-driven machinery. Minors who are 14 or 15 years old may not work in areas where power-driven machinery is used.
  - c. Minors are not permitted to lift excessive weight.

## **Responsibilities**

### Supervisors:

- Contact the HR Department if you are considering hiring minors, and before changing the work duties of employees who are minors, to ensure legal compliance.
- If a minor reports to work for a scheduled shift but is not needed for the entire shift, make the appropriate adjustments in Kronos to ensure the employee will receive pay for at least half the scheduled shift. Contact the Kronos Help Desk with any questions.
- Monitor and ensure compliance with legal requirements regarding minor employees' work hours, meals and rest periods, and prohibited job duties. Notify HR or the Office of Metro Attorney of any questions or concerns about compliance.

### Department Directors:

- Monitor and ensure compliance with legal requirements regarding minor employees' work hours, meals and rest periods, and prohibited job duties. Notify HR or the Office of Metro Attorney of any questions or concerns about compliance.
- Respond promptly to HR requests for information about anticipated and current employment of minors.
- Ensure that a current compliance certificate from the State of Oregon Bureau of Labor and Industries is posted conspicuously in every department where minors work.

### Human Resources Department:

- Verify the age of every minor employee at hire or delegate verification duties to a trained supervisor.
- Advise supervisors and managers about legal compliance and best practices.
- Complete and submit the annual employment certificate application.

## **References**

ORS 653.305 et seq.; OAR 839-021-0006 et seq.

Fair Labor Standards Act (FLSA), as amended 29 USC §201 et seq; 29 CFR Parts 570 to 580.

# Metro | Policies and procedures

**Subject** Nepotism and Personal Relationships in the Workplace  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Metro complies with applicable laws regulating the employment of family members and household members in public employment and maintains procedures to prevent favoritism or unfairness in the workplace due to family and personal relationships.*

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## **Applicable to**

All employees, interns, volunteers and applicants for these positions.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Definitions**

**Chain of command:** A sequence of positions in which there are increasing levels of supervisory authority. For example, if Director A supervises Manager B who in turn supervises Employee C, Director A and Employee C are in the same chain of command even though the supervisory relationship is indirect. Positions may be in the same chain of command even if they are based at different worksites.

**Family members:** For the purposes of this policy, family members include spouses, children (including stepchildren), parents (including stepparents), siblings (including half and step siblings), aunts, uncles, nieces, nephews, grandparents, grandchildren, domestic partners and equivalent family members of an employee's spouse or domestic partner.

**Nepotism:** Favorable treatment based on a close personal relationship without regard to merit.

**Span of Control:** All positions in a subordinate reporting relationship to a supervisor or manager.

## **Guidelines**

1. No employee or applicant for employment or promotion will be treated differently or adversely solely because a family member works or has worked for Metro, subject to the other requirements of this policy.

2. Family members, household members and romantic partners shall not work together in a direct supervisory-subordinate relationship under any circumstances.
3. Family members, household members or romantic partners in the same department, chain of command, or span of control are cautioned to conduct themselves professionally or be subject to discipline and possible separation of the working relationship.
4. Employees must notify the Department Director or HR Director of any current or potential supervisor-subordinate relationships that may be prohibited or subject to a review requirement under this policy.

## **Procedures**

### **Employment decisions**

1. An employee may not appoint, employ, promote, discipline, demote, or fire a family member, household member or romantic partner.
  - a. No employee may participate in any official discussion or decision related to the employment of a family member, household member, or romantic partner, even if the employees do not work in the same department, chain of command, or span of control.
    - i. Example: No employee may serve on an interview panel or otherwise participate in the screening process for a position for which a family member, household member or romantic partner is a candidate.
    - ii. Exception: Metro may obtain an employee's statement about an employee who is a family member, household member or romantic partner if it is material to an internal or legal investigation and consistent with business necessity and applicable law. The relationship will be noted and taken into account when evaluating the statement.
  - b. In order to comply with legal conflict of interest requirements, the HR Director and Office of Metro Attorney (OMA) must be consulted immediately in any situations that could fall under this policy.

### **Supervisory relationships**

2. Family members, household members, and romantic partners shall not work together in a direct supervisory-subordinate relationship under any circumstances.
  - a. If employees are in a relationship prohibited by this policy, they must notify the Department Director or HR Director and propose a plan for separating the supervisory-subordinate working relationship.
  - b. One employee or the other must transfer to a different position in the agency or leave employment within 30 days. The HR Director may extend this time period if there is a clear plan and timeline for separation and an extension is consistent with Metro's legal, ethical, and business interests.
  - c. The affected employees are responsible for recommending which employee will transfer or leave employment. The final determination will be made by the HR Director.
  - d. If no solution is reached within the designated time period, both employees will be terminated.

## **Responsibilities**

### Employees:

- Notify the Department Director or HR Director of any current or potential supervisor-subordinate relationships that may be prohibited or subject to review under this policy.

### Department Directors:

- Notify the HR Director of any current or potential supervisor-subordinate relationships that may be prohibited or subject to Director review under this policy.

### HR Director:

- Make decisions about current or potential supervisor-subordinate relationships that may fall under this policy in consultation with the Department Director and OMA.

## **References**

ORS 659A.309 (prohibition against discrimination solely because of employment of another family member)

ORS 244.177 – 244-179 (employment and supervision of family members and household members – requirements for public employers)

# Metro | Policies and procedures

**Subject** Criminal Background Check  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*In order to protect the wellbeing of its employees and the public and safeguard agency assets, Metro will conduct criminal background checks on all internal and external applicants selected as finalists for Metro positions, including internships and volunteer positions. In addition, this policy provides that current employees have an ongoing duty to disclose certain criminal convictions and other information as described below. The criminal background check is intended to assess individuals' fitness for complying with the job requirements. This policy is administered by the Human Resources Department with oversight by the Office of Metro Attorney.*

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## **Applicable to**

Current employees and internal and external applicants for Metro positions, including internships and volunteer positions.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Definitions**

**Arrest:** A criminal charge that may or may not have resulted in immediate incarceration or a subsequent conviction.

**Child Care Division Central Background Registry:** A registry maintained by the State of Oregon to ensure that all individuals working in or associated with childcare facilities and education programs receive criminal history and child protective services record checks.

**Direct Unsupervised Access:** Contact with children that provides an employee, volunteer or intern with the opportunity for personal communication or touch when not under the direct supervision of a childcare provider or another employee. *OAR 414-061-0020.*

**Fair Credit Reporting Act (FCRA):** FCRA is a federal law that regulates how consumer-reporting agencies use personal information.

## **Guidelines**

1. A criminal background check will be conducted for all applicant finalists for Metro jobs. Individuals who do not disclose all convictions requested on the application form may

be denied employment due to falsification of the application, as well as denied other employment opportunities for six months afterwards. Omissions discovered after employment may result in termination.

2. Finalists for positions with direct unsupervised access to children will be required to register with the State of Oregon's Child Care Division Central Background Registry.
3. Current employees are required to disclose criminal convictions that are drug-related or that relate to the qualifications or duties of their position. Current employees whose essential functions include driving, safety and security, financial and fiduciary responsibility, or direct unsupervised access to children must also disclose arrests that relate to these functions.

### **Procedures**

1. A criminal conviction will not necessarily bar an employee from hire or continued employment with Metro. HR will consider the following criteria when reviewing a conviction record:
  - a. Nature, gravity and frequency of the offense;
  - b. Duties of the position the employee holds or for which the candidate is applying;
  - c. Age of the individual at the time of conviction;
  - d. Time that has passed since the conviction;
  - e. Rehabilitation and/or other court-ordered treatment completed, if any;
  - f. Employee's entire work record or the applicant's work qualifications in total, rather than only one aspect of the individual's history.
2. An applicant who is still on probation or parole may be denied employment based on the above criteria. If a pre-employment arrest leads to a conviction after hire, it will be evaluated by Human Resources and the Office of Metro Attorney.
3. In addition to convictions, finalists for positions that involve financial or fiduciary responsibilities, safety and security, or direct unsupervised access to children may be denied a position because of underlying conduct leading to arrest in certain very limited circumstances. While an arrest itself is not a bar to employment, employment may be denied if the conduct underlying the arrest makes the individual unfit for the specific position. A consultation with the Office of Metro Attorney is required prior to rendering a no-hire decision based on an arrest record or an "open case" with Child Protective Services.
4. Metro may conduct a criminal background check for current employees who transfer or promote to, or work out of class in, positions with responsibilities that include safety and security, financial or fiduciary duties, or direct unsupervised access to children. A criminal background check may also be conducted if there is reason to believe that an arrest or undisclosed conviction has occurred that may be relevant to the safety of employees and customers or to the integrity of the organization.
5. All finalists will be provided a disclosure and will be required to sign a consent form for a background check. Metro will contract with an outside vendor to conduct criminal

background checks. All background checks will comply with Fair Credit Reporting Act (FCRA) requirements. If a finalist is not hired due to the background check, he or she will receive an “adverse action letter” including a notice of the individual’s right to obtain a free copy of the report from the agency and to dispute with the agency the accuracy or completeness of the information. The agency can then conduct a reasonable reinvestigation to determine whether the disputed information is inaccurate. If it is determined that the initial information was inaccurate, Metro may choose to hire the finalist.

6. Current employees must self-report criminal convictions that are drug-related or that relate to the qualifications or duties of the employee’s position. Reports should be made to Human Resources or the Office of Metro Attorney within 5 calendar days of conviction. This requirement is consistent with the Drug-Free Workplace Act, which imposes specific reporting requirements on federal grantees and contractors for drug-related convictions.
7. At the time of the standard pre-employment background check procedures, Human Resources will complete a driving record check. Finalists whose primary and essential duty will be driving a vehicle for Metro must successfully pass the driving record check. If the driving record does not meet Metro standards, Human Resources will reject the applicant.
8. An employee who drives for Metro as a primary function of his or her position must report all driving-related arrests and suspensions (in addition to convictions) within 5 calendar days.
9. An employee whose essential functions include safety and security, financial and fiduciary responsibility, or direct unsupervised access to children must report all arrests (in addition to convictions) related to these functions within 5 calendar days.
10. If a current employee’s background check or self-report discloses a conviction or arrest that is relevant to the employee’s ability to perform in his or her current position, the employee’s employment in that position may be impacted. OMA and HR will evaluate such situations and determine the appropriate outcome.

#### **Expunged records**

11. Applicants and employees shall not report convictions that have been expunged by a court.

#### **Responsibilities**

All applicants are required to disclose convictions and sign a background check authorization form in order to proceed in the hiring process. Applicants may be asked to provide supplemental information and should do so in a timely manner to be considered further for employment.

#### Employees:

- Report any criminal convictions that are drug-related or that relate to the qualifications or duties of the employee’s position to Human Resources or the Office of the Metro Attorney within 5 calendar days of conviction.
- Report driving-related arrests, suspensions and convictions within 5 calendar days if the employee drives for Metro as a primary function of his or her position.

- Report arrests within 5 days if they relate to the employee's essential functions related to safety and security, financial and fiduciary responsibility, or direct unsupervised access to children.
- Refrain from conducting their own unofficial background checks on potential employees.

Supervisors:

- Make offers contingent upon passing background checks and other pre-employment screenings.
- Hire a finalist only after receiving notification from HR that the finalist has successfully passed all applicable background checks.
- Ensure confidentiality of information.

Human Resources:

- Be responsible for the background check process. HR staff are the only persons authorized to administer the process and obtain information related to background checks.
- Provide finalists with information about their rights under FCRA and disclose that a "consumer report" will be obtained for employment purposes, when applicable.
- Ensure confidentiality and prompt processing of the information.

Office of Metro Attorney:

- Provide legal counsel to Human Resources to guide decision-making under this policy.
- Determine applicants' suitability for employment based on the information obtained through the recruitment process and forward recommendations to HR.

# Metro | *Policies and procedures*

**Subject** Temporary and Seasonal Employee Policy  
**Section** Human Resources  
**Approved by** Dan Cooper, Acting Chief Operating Officer

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## **POLICY**

*Metro hires temporary and seasonal employees to meet short-term, non-reoccurring or seasonal workload needs that are vital to the organization.*

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### **Applicable to**

All employees who are hired to work in a temporary or seasonal assignment.

### **Definitions**

Temporary Employee: An employee hired for the purpose of meeting emergency, non-recurring or short-term workload needs, or to replace an employee during an approved leave period.

Seasonal Employee: An employee hired to work during peak seasons of the year and who may be scheduled as needed during the remainder of the year.

Regular Employee: An employee who is appointed to fill a budgeted position, has passed a probationary period, and who is not temporary or seasonal.

Competitive recruitment: A recruitment for which a candidate submitted an application through an open recruitment process (either internal or external), interviewed for a position, and was selected for the position.

Non-recurring workload: Hires and assignments are made and budgeted to meet workload needs and are intended to stay within the 1040 hour limitation.

### **Guidelines**

1. Temporary employees shall be employed by Metro for non-recurring workload needs on a short-term basis not to exceed 1040 hours within 12 months from the date of hire. Temporary positions are not intended to undermine the competitive recruitment process, to replace regular employees, or to diminish regular employees' wages, hours or other conditions of work.
2. Temporary and seasonal employees are not eligible for an internal only recruitment unless hired as a result of a competitive recruitment. Temporary and seasonal employees work at-will, and are not guaranteed at any set number of hours.

## Procedures

1. A hiring manager shall notify Human Resources when a need for a temporary employee arises. Human Resources will conduct a competitive recruitment for temporary and seasonal employees.
2. If the department's need for temporary assistance is urgent, Human Resources will contact a temporary agency to request qualified candidates. If the temporary agency is not able to provide a qualified candidate for the position, a hiring manager may directly appoint a person to the temporary position provided the candidate possesses the specialized knowledge, skills and abilities required for the role.
3. All temporary or seasonal employees are required to pass the background check prior to employment regardless of the recruitment method used.
4. Human Resources will help the department prepare offer letters, which should be completed for all temporary positions. Offer letters should clearly state employment terms including the start date and anticipated end date of the position. If the end date is not certain, the offer will be for a duration not to exceed 1040 hours within 12 months from date of hire.
5. The department and Human Resources will ensure that any pay adjustments will be applied consistently to prevent inequity and adverse impact. With budget approval, supervisors have discretion to pay returning employees above the minimum pay or step in the respective range.
6. In a case in which a temporary employee is not fulfilling the full responsibilities of a regular classification employee, Human Resources, in consultation with the department, may create temporary classifications at a lower pay range.

## Responsibilities

### Employee:

- Maintain limit on work hours unless an extension has been authorized by management and, if the temporary employee is filling a position that would otherwise fall within the bargaining unit, agreed to by the union.
- No temporary or regular employee working directly for Metro shall report to work or engage in work with a temporary employment agency in a Metro assignment.

### Supervisor:

- Anticipate and budget total costs of temporary and seasonal hires. This assessment includes potential PERS and unemployment costs.
- At the start of employment, a manager should indicate if a temporary employee is projected to reach the PERS threshold of 600 hours and 12 months of service, and manage hours appropriately.
- Ensure that a temporary employee's period of employment does not exceed the 1040 hour limit.
- If there is an emergency that may make it necessary to use a temporary employee for more than 1040 hours, prior to exceeding the limit, request approval from the department director and Human Resources to extend the hours.
- Ensure there is a distinction between regular staff and temporary staff with clear roles and responsibilities. Make it clear to all regular staff what the appropriate duties are for temporary employees.

- When work is offered to a temporary or seasonal employee and they decline the offer or report in advance that they will be unavailable for work, make note of that information and report it to Human Resources.
- Notify Human Resources if a temporary employee will not be called back for thirty days or more. Human Resources will then terminate the employee from the Human Resource Information System.

Human Resources:

- Manage and conduct competitive recruitments for temporary and seasonal employees.
- Track all temporary hours based on hours from time of hire and notify departments and hiring managers appropriately.
- Draft hire letters for the managers for temporary employees.
- Ensure that no contract is entered into with a temporary employment agency for services that would result in a temporary or regular Metro employee working concurrently for Metro and a temporary employment agency.
- Administer compensation for temporary employees in accordance with applicable policies and procedures.

**References**

Recruitment and Selection Manual

# Metro | *Policies and procedures*

**Subject** Internships  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Metro offers internships to promote community engagement and provide training opportunities for students and other members of the public. Internships may be paid or unpaid.*

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### **Applicable to**

All departments.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

### **Definitions**

**Internship:** A training opportunity for the educational benefit of the intern. Internships may be paid or unpaid; however, unpaid internships must comply with legal requirements to ensure that an employment relationship is not created under state and federal wage and hour laws.

### **Guidelines**

1. Metro departments may offer internships for students and/or other members of the public. Internships must provide educational experiences to the intern, and may be paid or unpaid.
2. Paid interns are employees of Metro and are subject to all applicable Metro personnel policies, work rules and procedures.
3. Unpaid interns are subject to Metro's personnel policies only where noted in the policies or otherwise provided by law. Unpaid interns may also be required to follow department procedures applicable to their work.
4. Interns are expected to meet the performance and conduct standards applicable to the internship opportunity and to fulfill their agreed commitments.

### **Procedures**

1. A department may offer internship opportunities at the discretion of the Department Director in consultation with the Human Resources Department.

- a. Relevant considerations include the department's supervisory capacity, the availability of educational work assignments, and the potential benefits to Metro and its constituent communities, such as promoting interest in Metro and increasing the diversity of applicant pools for regular employment.
  - b. An internship may be offered in collaboration with a school or other partner organization as long as the collaboration is consistent with Metro's mission and the internship complies with applicable law and Metro policies.
  - c. The Department Director or other designated hiring manager will determine whether the internship will be paid or unpaid. For paid internships, the rate of pay will be determined in consultation with HR.
2. The hiring manager must consult with the HR Recruitment Analyst before offering an internship. Recruitment and selection of interns will typically be in accordance with Metro's Recruitment and Selection policy.
  - a. The HR Department may approve modified procedures if appropriate, consistent with applicable law. For example, modified procedures may be necessary to facilitate collaboration with a school or other partner organization.
  - b. Interns who are over 18 years old must receive a background check.
  - c. Unpaid interns must sign an Acknowledgment of Unpaid Internship form on or before the date the internship begins.
3. Unpaid internships must comply with state and federal legal requirements. By law, unpaid internships must meet the following criteria:
  - a. The internship must supplement training that would be given in an educational environment, even though it includes actual Metro operations;
  - b. The internship experience must be for the benefit of the intern;
  - c. The intern must not displace regular part-time or full-time employees;
  - d. The intern must work under close supervision of existing staff;
  - e. Metro should derive no immediate advantage from the intern's activities, and on occasion its operations may actually be impeded;
  - f. The intern is not entitled to a job at the conclusion of the internship (he or she may apply for future opportunities in accordance with regular procedures);
  - g. Metro and the intern agree in writing that the intern is not entitled to wages for the time spent in the internship.
4. Paid interns are subject to all applicable Metro personnel policies, work rules and procedures. Departments are responsible for ensuring that paid interns review Metro's personnel policies, consistent with policy review and acknowledgment requirements for all Metro employees.
5. Departments are responsible for providing unpaid interns with an opportunity to review all applicable policies, work rules and procedures, including but not limited to the following:
  - a. Americans with Disabilities Act policy;
  - b. Criminal Background Check policy;
  - c. Discrimination and Harassment policy;
  - d. Domestic Violence, Sexual Assault, Criminal Harassment and Stalking Protections;
  - e. Driving and Vehicle Use policy (if applicable);
  - f. Information Technology: Acceptable Use policy (if applicable);
  - g. Military Servicemembers and Families – Leave Rights and Accommodation policy;

- h. Religious Accommodation policy
  - i. Whistleblowing (Reporting Improper Conduct) policy;
  - j. Workplace Violence policy;
  - k. All safety rules and procedures applicable to the assignment;
  - l. All conduct and performance standards, procedures, and other information applicable to the assignment.
6. Metro is legally restricted from providing direct or indirect compensation to its unpaid interns. Supervisors must request review from the Office of Metro Attorney (OMA) before offering new discounts, privileges, or other benefits to unpaid interns.
  7. Supervisors are required to track unpaid interns' work hours and report this information to the HR Department Payroll Division no later than 10 calendar days after the end of each quarter for workers' compensation purposes.
  8. An intern may be removed from his or her assignment with or without notice for any lawful, non-discriminatory reason. Removal may be appropriate in the event of conduct or performance problems or changing operational needs. Supervisors of interns must consult with the HR Department and/or OMA before removing an intern.
  9. Interns may contact their supervisor or HR with any questions or concerns.

## **Responsibilities**

### Supervisors and Managers:

- Consult with the Department Director and HR Recruitment Analyst before offering an internship.
- Work with Information Services and Facilities staff to arrange appropriate work space, equipment, and network access for the intern.
- Manage internships in accordance with applicable law and Metro policies. Consult with HR and OMA as needed and/or as directed by this policy.
- Ensure that unpaid interns have signed an Acknowledgment of Unpaid Internship and submitted it to HR on or before the date the internship begins.
- Provide interns with all applicable policies and procedures.
- Track unpaid interns' work hours and report this information to the HR Department Payroll Division no later than 10 calendar days after the end of each quarter.

### Human Resources Department:

- Advise staff and interns on policies as needed.
- Conduct appropriate background checks on potential interns.
- Obtain interns' signatures on Acknowledgment of Unpaid Internship forms and maintain files.
- Evaluate practices for consistency with the values and goals of the Metro Diversity Action Plan and advise hiring managers accordingly.

- Provide Equal Employment Opportunity disclosure and track demographics and other data as outlined in the Diversity Action Plan.

Interns:

- Sign and submit an Acknowledgment of Unpaid Internship on or before the first day of your internship.
- Comply with all applicable policies and procedures.
- Promptly advise your supervisor or his/her designee of any changes to your availability.
- Contact your supervisor or the HR Department with any questions or concerns.

**References**

Fair Labor Standards Act

Oregon House Bill 2669 (2013)

Americans with Disabilities Act policy

Criminal Background Check policy

Discrimination and Harassment policy

Domestic Violence, Sexual Assault, Criminal Harassment and Stalking Protections;

Driving and Vehicle Use policy

Information Technology: Acceptable Use policy

Military Servicemembers and Families – Leave Rights and Accommodation policy

Religious Accommodation policy

Whistleblowing (Reporting Improper Conduct) policy

Workplace Violence policy

**Attachment**

Acknowledgment of Unpaid Internship form



METRO

Acknowledgement of Unpaid Internship

To: Human Resources Department  
Name of Intern: \_\_\_\_\_  
Department: \_\_\_\_\_  
Beginning Date of Internship: \_\_\_\_\_

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I understand and agree to the following:

- a. As an unpaid intern, I am not entitled to wages or any other compensation for the time spent in this internship.
- b. I do not have an employment relationship or employment rights with Metro except as required by law.
- c. I am not entitled to a job at the conclusion of the internship. I may apply for future opportunities through Metro's regular recruitment and selection process.

\_\_\_\_\_  
Intern Signature

\_\_\_\_\_  
Date

# Metro | *Policies and procedures*

**Subject** Volunteers  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Metro values the contributions of volunteers throughout the agency. Metro's volunteer programs expand Metro's capacity to provide services, engage the community, and fulfill its mission while serving as good stewards of public funds.*

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## **Applicable to**

All departments.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Definitions**

**Volunteer program:** A program that provides and manages volunteer opportunities for a specific Metro department or facility.

**Volunteers:** Individuals who provide services to Metro without expectation of monetary or non-monetary compensation.

## **Guidelines**

1. Volunteers are not employees of Metro and are subject to Metro's personnel policies only where noted in the policy or otherwise provided by law. Volunteers may also be required to follow department procedures applicable to their work.
2. Volunteers are expected to meet the performance and conduct standards applicable to the volunteer opportunity and to fulfill their agreed commitments.
3. Metro employees may not volunteer to perform duties for Metro that are the same as, similar, or related to their normal job duties. Metro and its managers and supervisors may not require employees to perform volunteer work.

## Procedures

1. Metro's volunteer programs develop and manage volunteer opportunities in accordance with the applicable Metro policies and legal requirements and the specific needs of that program. Volunteer programs are responsible for recruiting and selecting volunteers, tracking volunteer assignments and hours, and establishing the expectations and procedures applicable to a particular volunteer assignment.
2. Volunteer programs are responsible for providing volunteers in recurring or ongoing assignments with an opportunity to review all applicable policies and procedures, including but not limited to the following:
  - a. Discrimination and Harassment policy;
  - b. Criminal Background Check policy;
  - c. Workplace Violence policy;
  - d. Driving and Vehicle Use policy (if applicable);
  - e. Information Technology: Acceptable Use policy (if applicable);
  - f. Whistleblowing policy
  - g. All safety rules and procedures applicable to the assignment;
  - h. All conduct and performance standards, procedures, and other information applicable to the assignment.
3. For one-day volunteer assignments, volunteer coordinators may provide policies for review as they deem appropriate.
4. Metro is legally restricted from providing direct or indirect compensation to its volunteers. Volunteer supervisors must request review from the Office of Metro Attorney (OMA) before offering new discounts, privileges, or other benefits to volunteers.
5. Supervisors are required to track volunteers' work hours and report this information to the HR Department Payroll Division no later than 10 calendar days after the end of each quarter for workers' compensation purposes.
6. A volunteer may be removed from his or her assignment with or without notice for any lawful, non-discriminatory reason. Volunteer supervisors must consult with the Human Resources (HR) Department and/or the Office of Metro Attorney before removing a volunteer for performance or conduct reasons.
7. Volunteers may contact their supervisor or HR with any questions or concerns.

## Responsibilities

### Volunteer Coordinators, Supervisors and Managers:

- Establish standards and procedures and manage volunteer programs in accordance with applicable law. Consult with HR and OMA as needed and/or as directed by this policy.
- Provide volunteers with all applicable policies and procedures.
- Track volunteers' work hours and report this information to the HR Department Payroll Division no later than 10 calendar days after the end of each quarter.

Human Resources Department:

- Advise staff and volunteers on policies as needed.
- Conduct appropriate background checks on potential volunteers.

Volunteers:

- Comply with all applicable policies and procedures.
- Promptly advise your supervisor or his/her designee of any changes to your availability.
- Contact your supervisor or the HR Department with any questions or concerns.

**References**

Criminal Background Check policy

Discrimination and Harassment policy

Driving and Vehicle Use policy

Information Technology: Acceptable Use policy

Whistleblowing policy

Workplace Violence policy

 Metro | *Policies and procedures*

**Subject** Classification Plan  
**Section** Human Resources  
**Approved by** MERC Commission

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**EXCERPT FROM MERC PERSONNEL POLICIES (2007)**

*Policy is under review. Numbering has been changed from original manual; content is from former Section 5, MERC Personnel Policies (2007).*

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**CLASSIFICATION PLAN**

**1. Purpose**

The purpose of the classification plan is to provide an inventory of specifications for each classification. A classification plan shall be developed and maintained so that all Commission positions may be appropriately compared to similar positions in the market place and to assess the internal relationship of Commission positions to one another, based on substantial similarity in components such as duties, responsibilities, authority, and qualifications.

The job classification shall summarize typical duties, responsibilities, and qualifications that apply to all positions within the classification. Managers and supervisors are responsible for ensuring that the duties assigned to employees are consistent with the relevant job classification.

**2. Classification of Positions**

a. New positions

All new positions require approval by the General Manager. Any new position that would require additional budget spending authority under Oregon law requires Commission approval.

b. New classifications

Any new classification added to the classification plan requires approval by the General Manager. Any new classification that would require additional budget spending authority under Oregon law requires Commission approval.

c. Reclassification of existing positions

Reclassification of an existing position from one classification to another existing classification shall be recommended at the discretion of the appropriate Facility Director, approved by the General Manager, and forwarded to the Human Resources

Manager or designee for analysis and review, provided the reclassification can be accomplished within the limitation of the current budget. At the discretion of the appropriate Facility Director, requests for reclassification may be initiated for the following reasons.

- i. Reorganization. When a department's reorganization plan is recommended by the Facility Director and approved by the General Manager, such plans may have reclassification implications. If reclassification is necessary, the General Manager shall request that the Human Resources Manager or designee perform the required analysis and review.
- ii. Significant Change in Duties. In such instances where the duties of a position change substantially on an ongoing basis so that the current classification is no longer appropriate, the Facility Director, with the approval of the General Manager, shall forward a proposal outlining the significant changes in duties, functions or the reassignment of duties, to the Human Resources Manager or designee to perform the required classification analysis and review.
- iii. Position Vacancy. When a Facility Director, with the approval of the General Manager, desires to change the classification of a vacant position, either upward or downward, the Facility Director, with the approval of the General Manager, shall forward a proposal outlining the significant function changes in duties or the reassignment of duties to the Human Resources Manager or designee to perform the required classification analysis and review.

d. Reclassification of a Full or Part-time Represented Employee

Reclassification of a represented employee's position will be conducted in accordance with collective bargaining agreements.

e. Reclassification Compensation

When an employee is reclassified to a position in a classification with a higher maximum pay rate, the employee shall be placed at the beginning pay rate of the salary range or receive an increase of 5 percent, whichever is greater, provided the employee's salary does not exceed the maximum of the new range.

When an employee is reclassified to a position in a classification with a lower maximum pay rate, the employee's pay shall not be changed. If the employee's current salary is over the maximum of the range of the allocated classification, the employee's salary will be "red circled." This means that the employee's salary will remain at his/her current level with no step, cost of living adjustment (COLA) or merit-based increases until the maximum of the range catches up to or exceeds the employee's current actual salary.

### **3. Employee Requested Classification Review**

An employee who questions the allocation of his/her position in its current classification may submit a written request to the Facility Director for review. Should the Facility Director determine further review is warranted, the Facility Director may request, upon approval by the General Manager, that the Human Resources Manager or designee perform the required classification analysis and review.

#### **4. Working out of Classification**

Whenever an employee is assigned to work temporarily in a higher classification for a period in excess of two weeks, he/she shall be considered as working "out of class" and shall be placed, from the date of the assignment, at the beginning pay rate of the higher classification or receive an increase of 5 percent, whichever is greater.

Requests for working out of class must be approved by the employee's supervisor in writing and follow the standard process through the Human Resources Manager. Such change will be effective the first day of employment in such a position.

An employee shall not work out of class for a period exceeding six (6) months within a twelve (12) month period unless approved in writing by the General Manager. Any employee working over sixty (60) days out of class must be approved by the Facility Director.

The Commission will approve the extension for an employee serving in the acting General Manager's status.

#### **5. Job Descriptions**

##### **a. Content**

A job description shall contain a summary of the most important features of a job including the general nature of the work performed. Each written job description shall include the class title, essential and secondary functions, a description of the duties and responsibilities of the position, and shall include a statement of the minimum qualifications necessary to successfully perform the work. Job descriptions are not meant to cover every aspect of the job or to reflect all possible reporting relationships.

##### **b. Interpretation**

Job descriptions are descriptive of job content; changes may be made from time to time as necessary.

##### **c. Performance Evaluations**

Individual performance evaluations for full-time non-represented employees shall reflect the key areas of responsibilities in the job description.

#### **6. Job Title**

A Facility Director may give a position a working job title that is consistent with the position's classification specification.

#### **7. Job Measurement**

In order to determine the appropriate compensation level for each non-represented full-time job in relationship to the labor market as well as to other Commission jobs, the Human Resources Manager or designee will conduct a classification and compensation study at least every fifth year. In years in which a study is not conducted, trending will be applied.

 Metro | *Policies and procedures*

**Subject** Compensation  
**Section** Human Resources  
**Approved by** MERC Commission

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**EXCERPT FROM MERC PERSONNEL POLICIES (2007)**

*Policy is under review. Numbering has been changed from original manual; content is from former Section 6, MERC Personnel Policies (2007).*

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**COMPENSATION**

**1. Maintenance of Pay Plans**

Pay plans for non-represented employees are established by the Commission after receiving recommendations from the General Manager and the Human Resources Manager. Pay plans for represented employees are developed through the collective bargaining process and are subject to ratification by the Commission.

**2. Pay Rates and Ranges for Part-time Employees**

Each part-time employee shall be paid a rate of pay within the pay range for the class to which the individual has been appointed. Part-time employees will receive pay increases from time to time at the discretion of the Commission.

**3. Pay Rates and Ranges for Full and Part-time Represented Employees**

Pay increases for all represented employees shall be administered in accordance with collective bargaining agreements.

**4. Pay Rates and Ranges for Full-time Non-represented Employees**

All MERC full-time non-represented employees are compensated in accordance with the Commission's merit-based compensation program, which is intended to compensate employees based on their job performance and contribution to MERC. Under this program, employees' base pay increases are tied to their performance as evaluated under section 8.1 of these policies. The General Manager or his or her designee shall administer its merit-based compensation program. Under the merit-based compensation program, employees do not receive annual cost of living adjustments to their pay.

a. Base Pay

Employees shall receive base pay with the pay range for their classification. Pay ranges reflect the market pay levels for similar jobs in the labor markets where the Commission

competes for qualified labor. The pay range minimum is the lowest base pay rate payable to an employee. The pay range maximum is the highest base pay that the Commission will pay for a job.

b. Market Measurement

To ensure that the Commission's pay ranges reflect the current market value of Commission jobs, the Human Resources Manager or designee will trend the salary ranges yearly. In addition, the Human Resources Manager or designee shall conduct a classification and compensation study at least every five years.

c. Pay Below the Range Minimum

No employee's pay will be below the minimum of the pay range for the employee's job. In the case of annual pay range adjustments, the Human Resources Manager or designee will review the pay impact on any employees whose pay falls below their respective pay range minimum following the range adjustment. Employees who fall below the new range minimum will be placed at the minimum of the range.

d. New Hire Rates

The starting pay for new hires is usually at or near the minimum of the pay range. In some situations it may be appropriate to recognize the candidate's experience. The Human Resources Manager or designee and the hiring manager will determine the starting pay of the new employee.

e. Annual Pay Increases

Each year the Commission will determine if an annual merit-based base pay increase will be provided to eligible employees. This decision will be based on the Commission's ability to pay and the pay practices of the outside labor market.

If the Commission authorizes annual pay increases, merit increases will be effective on a common date for eligible employees. To be eligible, employees must have been in their current classifications for at least six (6) months and have successfully completed probation in that classification. Base pay increase amounts will be determined by the General Manager on an annual basis, employing a merit matrix. The amount of an employee's increase shall be determined by the individual employee's performance rating for that year, and the individual employee's quartile position in his/her salary range. Merit increases may not result in an employee's salary falling above the range maximum.

f. Completion of Probation *REPLACED - See Probation policy (Dec. 2012)*

*<DELETION>*

**5. Lump Sum Award Program for Non-Represented Employees**

Each year, the General Manager, or designee, may recommend to the Commission a set of organizational goals to be the basis for results-based lump sum incentive awards for eligible staff, based on the organization's performance and ability to pay. Upon Commission approval of the program plan, the General Manager, or designee, will administer the lump sum award program.

## **6. Effects of Promotion on Pay for Full-time and Part-time Non-represented Employees and Full and Part-time Represented Employees**

An employee who is promoted will be placed at the minimum of the range or receive a five percent (5%) increase, whichever is greater. An employee who has been promoted is not eligible for merit-based pay increases while on promotional probation.

## **7. Voluntary Demotion**

If an employee voluntarily demotes, as approved by the Facility Director and General Manager, to a class having a lower pay range, the employee's pay rate shall not be reduced as long as the pay rate is within the pay range of the lower classification. If the employee's pay rate is above the pay range of the lower classification, the pay rate will be reduced to the maximum pay rate of the new range.

## **8. Disciplinary Demotion**

Disciplinary demotion will result in a reduction in pay to any level in the pay range of the lower class determined by the department head, and approved by the General Manager or designee. At the discretion of the department head and Facility Director an employee's pay may be red circled.

## **9. Lateral Transfer**

A lateral transfer is the voluntary or involuntary movement of a Commission employee from one classification to another classification having the same pay range or to another position in the same classification, as approved by the Facility Director and the General Manager. Lateral transfers within the same classification do not require completion of a new probationary period. In the case of a lateral transfer, the employee's pay will remain the same.

## **10. Pay Range Adjustments**

- a. A pay range adjustment is a change in pay range assigned to a particular classification as authorized by the Commission. Pay range adjustments are distinguished from step or merit-based increases and are not intended to give recognition to quality of performance. An employee whose pay range is adjusted will normally be placed at the closest comparable place in the new range without a reduction of pay. If the employee's salary is above the maximum of the new range, the employee's salary will be "red circled" until such time as it falls within the salary range.

When an employee's salary range is adjusted and the employee's salary falls below the salary range minimum, the employee's salary will be increased to the minimum of the adjusted salary range.

- b. Pay adjustments to non-represented classifications are implemented through trending and/or through a classification and compensation study, in accordance with Section 5.6 of these policies.

## **11. Overtime - Non-represented Non-exempt Employees**

- a. At a minimum the Commission shall pay overtime rates in accordance with applicable law with regard to payment of overtime wages. The Commission may choose to exceed the law.

- b. No overtime shall be worked by non-exempt employees without the prior approval of the department head or their designee.
- c. Overtime shall be paid at the rate of time and one-half (1 1/2) for the time actually worked in excess of the regularly scheduled forty (40) hours in one week. The workweek for MERC staff begins at 12:00 a.m. Thursday and ends at 11:59 p.m. on Wednesday.
- d. For the purpose of computing overtime, hours worked shall include only time actually worked by the employee, and shall not include holiday pay, vacation pay, sick pay, compensable on-the-job injury pay, or leaves of any type.

## **12. Overtime – Represented Non-exempt Employees**

For represented non-exempt employees, the Commission shall pay overtime rates in accordance with applicable law or as required by the applicable collective bargaining agreements, whichever is greater.

## **13. Exempt Employees**

- a. Exempt employees are not subject to overtime pay. It is understood that an exempt employee may have to work on occasion beyond business hours and that extra work hours beyond the usual workday or workweek are part of the job expectations for an exempt employee. Time worked on a holiday may be taken at a later date upon the approval of the supervisor.
- b. At the department head's discretion, some unrecorded personal time off may be utilized to accommodate a reasonable balance of flexible working hours. Recorded time off is not appropriate.
- c. The Commission expects that exempt employees will fulfill their position responsibilities and that their work performance will be evaluated by overall results, rather than merely by the number of hours worked. For this reason, infrequent absences of less than a half-day by an exempt employee that do not negatively impact expected work performance and productivity will not be tracked or covered through the use of leave accruals.

However, when an exempt employee has an absence of four hours or more, such absence should be covered through the appropriate leave accruals. Absences of less than a full day in cases where there are not available leave accruals must not result in salary reduction, and supervisors and exempt employees should explore options available to meet productivity expectations, such as flexing a particular week's schedule. Absences of a full day or more, where there are no available leave accruals, may result in reduction in salary earned for that pay period when authorized by the Facility Director or designee.

- d. Exempt employees are expected to complete their job in whatever amount of time it takes. If an exempt employee routinely completes their work in less than 40 hours a week their workload maybe adjusted by the supervisor, manager or Facility Director.

Excessive absences may indicate a work performance problem that should be addressed through performance evaluation and, if necessary, the disciplinary process.

- e. In accordance with law, exempt employees may not be suspended without pay except in increments of one week or more.

 Metro | *Policies and procedures*

**Subject** Overtime  
**Section** Human Resources  
**Approved by** MERC Commission

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**EXCERPT FROM MERC PERSONNEL POLICIES (2007)**

*Policy is under review. Numbering has been changed from original manual; content is from former Sections 16.10 – 16.12, MERC Personnel Policies (2007).*

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**OVERTIME**

**1. Overtime – Non-represented Non-exempt Employees**

- a. At a minimum the Commission shall pay overtime rates in accordance with applicable law with regard to payment of overtime wages. The Commission may choose to exceed the law.
- b. No overtime shall be worked by non-exempt employees without the prior approval of the department head or their designee.
- c. Overtime shall be paid at the rate of time and one-half (1 1/2) for the time actually worked in excess of the regularly scheduled forty (40) hours in one week. The workweek for MERC staff begins at 12:00 a.m. Thursday and ends at 11:59 p.m. on Wednesday.
- d. For the purpose of computing overtime, hours worked shall include only time actually worked by the employee, and shall not include holiday pay, vacation pay, sick pay, compensable on-the-job injury pay, or leaves of any type.

**2. Overtime – Represented Non-exempt Employees**

For represented non-exempt employees, the Commission shall pay overtime rates in accordance with applicable law or as required by the applicable collective bargaining agreements, whichever is greater.

**3. Exempt Employees**

- a. Exempt employees are not subject to overtime pay. It is understood that an exempt employee may have to work on occasion beyond business hours and that extra work hours beyond the usual workday or workweek are part of the job expectations for an exempt employee. Time worked on a holiday may be taken at a later date upon the approval of the supervisor.

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- d. Exempt employees are expected to complete their job in whatever amount of time it takes. If an exempt employee routinely completes their work in less than 40 hours a week their workload maybe adjusted by the supervisor, manager or Facility Director.

Excessive absences may indicate a work performance problem that should be addressed through performance evaluation and, if necessary, the disciplinary process.

- e. In accordance with law, exempt employees may not be suspended without pay except in increments of one week or more.

# Metro | *Policies and procedures*

**Subject** Sales Incentive Plan  
**Section** Human Resources; Visitor Venues  
**Approved by** MERC Commission

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## **POLICY**

*Sales Managers will participate in a sales incentive program. The incentive goals will be included in the annual budget and reviewed quarterly. If employees meet both individual and team goals, they will receive quarterly bonuses.*

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## **Applicable to**

MERC venue sales managers.

## **Definitions**

Sales incentive plan: Pre-established goals and criteria identified by management and approved by the MERC Commission or Metro COO. The plan will identify goals that are measurable, increase revenues to the department utilizing the program, provide a reward that motivates employees, and offer immediate rewards.

Sales incentive bonus: Compensation in lieu of any merit pay program, intended to reward program participants for meeting pre-established, quarterly, targeted goals to increase revenue. Employees participating in the plan are eligible for quarterly payments based on both individual and team objectives.

Sales incentive plan and program goals: The goals for the sales incentive programs are as follows:

- a. To increase sales of facility rentals and other services when compared to the same quarter in previous years;
- b. To ensure Metro's venues remain first class and operate as prestige facilities at the national/international level as measured by industry standards;
- c. To increase total economic impact to the region by increasing city-wide sales as measured in the annual economic impact study; and
- d. To retain a strong sales team by compensating them according to standard industry practices.

Sales incentive plan quarterly rating periods:

- a. July 1-September 30
- b. October 1-December 31
- c. January 1-March 31
- d. April 1-June 30

## **Guidelines**

1. The intention of this program is to align sales teams with industry practices in order to provide consistency and achieve strong results. The incentive structure gives management immediate feedback on successful programs at both the group and individual level. This is essential in market-driven industries like the hospitality industry. The bonus structure allows management to target current “need” periods with specific goals and incentives in order to increase bookings, revenues and facility utilization on an expanded basis.
2. Staff will receive rewards for generating immediate revenue as well as increasing bookings for successive years, specifically targeting an 18-24 month timeframe. Metrics for this will be meeting sales goals, feasibility of implementing across other departments, and staff feedback.
3. During the annual budget development process, financial compensation tied to this program will be incorporated and approved through the usual route. Metro Finance and Regulatory Services will affirm quarterly results and bonus payments (if any) following an audit of documentation submitted by the Director of Sales and the Facility Director will approve bonuses.

## **Procedures**

1. At the beginning of each fiscal year, management, in consultation with the MERC Commission or Metro COO, will determine overall sales incentive plan ratings and goals. These ratings will be metrics that are accessible from the Event Business Management System (EBMS) database or another program participant’s financial systems.
2. Upon approval, management will inform sales teams of their goals. All members of the team will participate in the sales incentive plan in lieu of any merit pay program. Management will collect and evaluate data at the end of each ratings period to determine if the sales team both as a group and individually have met quarterly goals. An audit of this information will be conducted by accounting staff during their regular quarter end process.
3. Following this audit, authorization for incentive payments (if any) will be forwarded to Human Resources Department for payroll processing.
4. If, during the employment performance assessment process, an employee receives an overall rating of Needs Development or Unsatisfactory, the employee will forfeit their eligibility to participate in the sales incentive plan until their performance improves.
5. The sales team will be eligible for salary increases if their salaries fall below the range of a new compensation plan or by a Consumer Price Index (CPI) trending of the overall compensation salary structure. The dollar amount budgeted for the sales incentive plan will be determined on an annual basis during the budget development process. Continuation of the plan and the budget must be approved as part of the regular budget process.

## **Responsibilities**

### Sales Team:

- Participants are expected to be familiar with the plan, goals, incentives, and the rating areas.

### Director of Sales:

- In conjunction with the Visitor Venues General Manager and other senior management, develop goals, budget, and rating areas.

- The Director of Sales is also responsible for communicating the annual plan to the sales team, managing the plan, and accountability for conducting a regular review of progress towards the goals with both the sales team staff and other senior management.

Finance and Regulatory Services:

- Review and audit quarterly results and approve transmission of the results to Human Resources for processing.

Facility Director:

- Oversee the Director of Sales' implementation and management of plan.
- Monitor and communicate quarterly results of the incentive plan to the Visitor Venues General Manager, MERC Commission, and other stakeholders.

 Metro | *Policies and procedures*

**Subject** Employee Benefits  
**Section** Human Resources  
**Approved by** MERC Commission

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**EXCERPT FROM MERC PERSONNEL POLICIES (2007)**

*Policy is under review. Numbering has been changed from original manual; content is from former Section 17, MERC Personnel Policies (2007).*

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**EMPLOYEE BENEFITS**

**1. New Employee Orientation**

All new employees must attend Metro's new employee orientation as soon as practical. The Human Resources Manager or designee is responsible for ensuring that each new employee is notified of this requirement and scheduled to attend the first new employee orientation available.

Facility Directors or designees are responsible for orientation of new employees of their facility.

**2. Health and Welfare Benefits**

- a. Benefits are available only to persons occupying full-time, budgeted positions.
- b. On the first day of the month following their first full month of full-time employment all full-time employees shall receive health, life, disability, vision and dental insurance, term life and accidental death and dismemberment insurance, Long Term Disability, dependent care and medical expense reimbursement pre-tax program, and a voluntary employee salary savings plan under Section 401(k) of the Internal Revenue Code.

**3. Voluntary Employee Savings Plans**

The employees of the Commission are offered voluntary savings plans under Sections 401(k) and 457 of the Internal Revenue Code. Employees may defer up to 90% of their gross salary, or IRS-mandated maximum amount, whichever is less, on a pre-tax basis into a 401(k) or 457 account.

**4. Retirement Fund (PERS)**

The Oregon Public Employees Retirement System (PERS) is governed by state law.

All employees of the Commission become a PERS member when they have worked six months for the Commission in a qualifying position requiring at least 600 hours per 12-month period. This six-month "waiting period" cannot be interrupted by more than 30 consecutive working days. The effective date of membership is the first day of the calendar month after the employee has met this requirement. ~~The Commission will pick up the employee's 6% contribution (except as otherwise provided by addenda to these policies).~~ **REVISED: Non-represented employees hired after July 1, 2011 will be responsible for the employee contribution.**

#### **5. State Unemployment Compensation**

The employees of the Commission are covered under the provisions and regulations of the Oregon Unemployment Compensation Insurance Laws.

#### **6. Professional Memberships**

The Commission acknowledges the value of professional memberships as a means of keeping abreast of professional trends or developments. Depending on the availability of funds and the benefit to the Commission, dues for professional associations may be paid by the Commission. Group memberships, or memberships in the Commission's name, are preferable to individual memberships. The Facility Director's or designee's written approval is required.

#### **7. Service Awards**

The General Manager or designee will establish and implement a service award program acknowledging and recognizing employees for length of service or other accomplishments. Any such award program or awards issued pursuant to the program shall not change any employee's status or eligibility for benefits.

#### **8. Employee Assistance Program**

When budgeted funds are available, the Commission may provide an employee assistance program to assist employees with problems they may be experiencing.

#### **9. Employees with Disabilities**

**REPLACED – See Americans with Disabilities Act policy (Dec. 2012)**

# Metro | Policies and procedures

**Subject** Marketing Rewards and Rebates  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Metro recognizes that employees are often presented with marketing rewards and incentives, including frequent flyer miles, hotel rewards, and credit card rewards and rebates, in the course and scope of their work. Consistent with state law, Metro will allow employees to retain these rewards as an ordinary employment benefit.*

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## **Applicable to**

All employees.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Definitions**

Ordinary fringe benefit: An employment benefit given in addition to one's wages or salary.

Marketing rewards: Marketing programs are designed to enhance brand loyalty by cultivating an ongoing relationship between a marketer and a customer. Many loyalty programs reward purchases based on the dollar value of purchases made or the frequency of purchases. The most well-known loyalty programs are airline frequent flyer programs that offer discounts against future travel called award miles.

## **Guidelines**

1. As an ordinary fringe benefit of employment, all Metro employees are entitled to retain marketing rewards received in the course and scope of work, including but not limited to, frequent flier airline miles, hotel rewards, and credit card rewards and rebates.
2. Since such rewards are non-transferable and can only be used for an employee's personal use, Metro will not track the retention and use of these rewards. All rewards must be appropriately associated with travel or other business-related expenses as specified in Metro Executive Order 63 and MERC Personnel Policies 12.10. Employees are responsible for any tax liability associated with this benefit.

## **Responsibilities**

### Employee:

- Direct any questions to your supervisor, department director, or the Human Resources Benefits Manager regarding whether a particular marketing reward is being received through the course and scope of work and/or can properly be retained.

Supervisor:

- Familiarize yourself with this policy and respond to employee questions regarding coverage.
- Direct any questions that you cannot answer to the department director or the Human Resources Benefits Manager.

Department Director:

- Familiarize yourself with this policy and respond to employee questions regarding coverage.
- Direct any questions that you cannot answer to the Human Resources Benefits Manager.

Human Resources:

- Provide education regarding this policy.
- Answer employee, supervisor, and/or department director questions regarding the policy's applicability to particular situations.

**References**

Metro Executive Order 63  
MERC Personnel Policies 12.10

# Metro | *Policies and procedures*

**Subject** Probation  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Upon initial hire, promotion, transfer or demotion to a budgeted regular or limited duration position, all employees must successfully complete a probationary period to demonstrate fitness for the position.*

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### **Applicable to**

All employees occupying regular and limited duration positions.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

### **Definitions**

**Limited duration position:** A budgeted full-time or part-time position approved by the Chief Operating Officer (COO) or MERC Commission for a predetermined amount of time in order to meet a specific need.

**Probation:** A continuation of the screening process during which an employee is required to demonstrate fitness for the position to which the employee is appointed or promoted.

**Probationary employee:** An employee serving any period of probation.

**Promotion:** The movement of an employee from a position in one classification to a different position in a classification with a higher maximum salary rate.

**Reclassification:** A change in the classification of a position based on the duties currently assigned to an existing position or to be assigned for a vacant position. A position may be reclassified to a classification with a higher, lower, or equivalent rate of pay. If the position is filled, the incumbent employee is reclassified along with the position. A reclassification differs from a promotion, demotion or transfer in that the employee does not move to a different position; rather, the position is changed to a different classification.

**Regular status employee:** An employee who has successfully completed the initial probationary period and occupies a regular full-time or regular part-time position.

**Regular position:** A budgeted full-time or part-time position approved by the Metro COO or MERC Commission for an ongoing, indefinite time period.

## Guidelines

1. Upon initial hire, promotion, or lateral transfer to a regular or limited duration position, all employees must successfully complete a probationary period to demonstrate fitness for the position. The probationary period is typically six months, except as noted below or established by a collective bargaining agreement.
2. The probationary period provides the supervisor an opportunity to observe the employee's work; to train, instruct and aid the employee in adjustment to the position; and to reject any employee who does not meet the position's conduct and performance standards.
3. Successful completion of any probationary period is for Metro's internal screening process only and does not confer any form of tenure or other expectation of continued employment.
4. Upon successful completion of initial or promotional probation, non-represented employees will receive up to a 4% salary increase unless alternative arrangements have been made at the time of hire or promotion. Represented employees' pay is determined by collective bargaining agreement.

## Procedures

1. Metro's standard probationary period is six months.
  - a. The probationary period for a part-time employee must include a minimum of 400 hours, which may require a longer probationary period.
  - b. If an employee is absent from work for a total of 10 or more days during probation, the probationary period will be extended by the number of days the employee was absent.
  - c. With the approval of the Department Director and Human Resources (HR) Director, a supervisor may extend an employee's probation. The supervisor must provide the employee a written explanation of the reasons for the extension, with a copy to the HR Department.
2. During initial probation, employees will accrue sick leave but will not accrue vacation time or personal holidays. After completing probation, employees will receive a bank of vacation time and personal holidays equivalent to what they would have earned during probation.
  - a. Supervisors have discretion to grant probationary employees brief periods of leave without pay for illness for which the employee has insufficient accrued sick leave, for bereavement, or for any other appropriate purpose, subject to the department's operational needs.
  - b. Employees on probation after promotion, demotion or transfer may use any type of accrued time off subject to regular approval procedures.
  - c. Probationary employees may be entitled to additional types of leave as required by law.

3. Supervisors must evaluate employees' work performance and conduct at least twice during probation, once at or near the midpoint of the probationary period and again before the end of probation. Supervisors are encouraged to provide regular feedback in addition to formal performance evaluations.
  - a. If it is feasible and appropriate to do so, supervisors should notify the employee as soon as possible after conduct or performance problems arise to give the employee an opportunity to correct the problem.
  - b. Supervisors must submit performance evaluations to the Department Director and HR Department for review. Supervisors must consult with the Department Director and HR Director before terminating a probationary employee.
  - c. Before the conclusion of the probationary period, the supervisor must recommend whether the employee should be given regular status or terminated.
    - i. The supervisor's recommendation is subject to the Department Director's approval.
    - ii. If an employee does not pass probation, the supervisor must provide a written explanation to the employee with a copy to the HR Department.
4. **Initial hire:** All employees hired into a regular or limited duration position must complete a probationary period of six consecutive months of service.
  - a. Employees serving the initial six-month probationary period may be terminated without cause, with or without prior notice.
  - b. Successful completion of probation does not confer any form of tenure or a guarantee of continued employment. Non-represented employees are employed on an "at will" basis and can be terminated with or without cause in accordance with Metro's policies related to layoff and termination.
5. **Application for promotion, demotion or transfer:** Employees are permitted to apply for other positions at Metro while on initial probation but will be required to serve an additional probationary period upon beginning a new position.
6. **Promotions, demotions, and transfers:** Employees who are promoted, transferred, or voluntarily or involuntarily demoted and have completed initial probation at Metro must serve a three-month probationary period in the new position. Employees who have not completed initial probation must serve a complete six-month probationary period in the new position.
  - a. With the approval of the HR Director, the Department Director may reduce or waive this requirement if the employee has already completed initial probation and has previously demonstrated excellent performance in a position with the same or similar duties.
  - b. Employees who are unable to perform to the standards of the new position may be terminated. An employee in this situation is not entitled to reinstatement to the previous position but may apply for any suitable vacancy through the recruitment process.

- c. Upon successful completion of initial or promotional probation, non-represented employees will receive up to a 4% salary increase unless alternative arrangements have been made at the time of hire or promotion. There is no post-probationary pay increase for transfers and demotions.

7. **Reclassifications:** Employees whose positions are reclassified are not required to serve an additional probationary period and therefore do not receive a post-probationary pay increase.

## **Responsibilities**

### Employees:

- Become familiar with the performance expectations for your position and do your best to meet them. Ask your supervisor for guidance if you are having difficulty.

### Supervisors:

- Provide instruction and feedback to help employees meet performance expectations. Notify the employee as soon as possible after conduct or performance problems arise.
- Conduct performance evaluations at the midpoint and before the end of the employee's probationary period and provide copies to the employee, Department Director, and HR Department.
- Consult with the Department Director and HR Department if an employee is not meeting the standards necessary to pass probation.
- Provide a written explanation to the employee and the HR Department if an employee does not pass probation or if probation is extended.

### Department Directors:

- Consult with the supervisor and HR Department on decisions about employees' probationary status.

### HR Department:

- Consult with the supervisor and HR Department on decisions about employees' probationary status.
- Make appropriate adjustments to the employee's status in the applicable HR systems.

# Metro | *Policies and procedures*

**Subject** Performance Management  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*The purpose of performance management is to ensure that employees understand job expectations and receive timely feedback and coaching in order to be successful in their current job and prepared for future growth within Metro.*

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## **Applicable to**

All employees in regular and limited status positions; temporary and seasonal employees as determined by the Department Director.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Definitions**

**Coaching:** Guidance provided by supervisors to help employees succeed in meeting performance goals and/or to promote professional development.

**Performance cycle:** A probationary period or the timeframe between annual performance evaluations.

**Performance evaluation:** A formal evaluation of an employee's performance during the preceding performance cycle.

**Performance Improvement Plan (PIP):** A set of goals given to an employee who is not meeting performance expectations. The PIP gives specific details of the areas in which the employee must improve and the period of time during which that improvement should occur.

**Progress review:** A structured review conducted during a performance cycle to review an employee's progress toward meeting performance expectations and the goals set for that cycle.

## **Guidelines**

1. Performance management is an ongoing process that includes planning, feedback and coaching, and review.
2. Performance evaluations are conducted at the end of each probationary or annual performance cycle in order to summarize accomplishments and areas for development and to set goals for the upcoming performance cycle.

## Procedures

1. Shortly after an employee begins a new position or performance cycle, the supervisor should initiate a performance planning dialogue with the employee to clarify job responsibilities and identify goals.
2. Feedback and coaching should be ongoing throughout the performance cycle and can be initiated by either the employee or the supervisor.
  - a. Employees are encouraged to ask for feedback and clarification of performance expectations as needed.
  - b. Supervisors are encouraged to provide coaching as soon as possible when an employee's performance is falling short of expectations.
3. Supervisors are required to conduct formal performance evaluations at the end of an employee's probationary period and annually. In addition, a mid-year progress review is required and a mid-probation progress review is strongly recommended.
  - a. A satisfactory performance evaluation is not a guarantee of an increase in wages, salary or benefits, advancement or continued employment.
  - b. A copy of the performance evaluation is kept in the employee's official personnel file.
  - c. In the event that an employee disagrees with any portion of the supervisor's written comments, the employee may submit a written response, which will be included in the employee's personnel file along with the evaluation.
    - i. A response may be submitted at any time; however, the response must be submitted within 10 working days of receipt of the evaluation to be considered as part of the final evaluation. The supervisor has final authority for the evaluation.
    - ii. If an employee submits a written question or concern, the supervisor will discuss the employee's concerns with the employee and provide a written response.
4. Progress reviews and performance evaluations will be conducted in accordance with the Human Resources (HR) Department's Performance Planning and Evaluation Guide. Supervisors may contact HR for additional guidance as needed.
5. If an employee receives an unsatisfactory overall performance rating, the employee will be placed on a Performance Improvement Plan (PIP) with specific goals and timelines to improve performance. If an employee does not meet the PIP goals within the designated timelines, the employee may be subject to discipline.
6. A supervisor's failure to provide an employee with a performance evaluation or place the employee on a PIP does not guarantee that an employee's performance is satisfactory or waive management's right to pursue disciplinary action as appropriate. Employees should ask their supervisors and/or notify HR if they do not receive a timely mid-year progress review or performance evaluation.

## Responsibilities

### Employees:

- Ask your supervisor for clarification or feedback if you are unsure of performance expectations.

- Actively engage in the process, including goal-setting and self-evaluation.

Supervisors and Managers:

- Conduct performance planning, coaching and review in accordance with the Performance Planning and Evaluation Guide provided by the HR Department.
- Document employees' performance and provide feedback throughout the review cycle.
- Notify HR of performance concerns that may prevent the employee from passing probation or that may warrant disciplinary action.

Human Resources Department:

- Provide training opportunities to assist employees with job performance and career development.
- Develop and maintain performance management forms and guidance documents.
- Notify supervisors of timeframes for completing required evaluations.
- Advise managers on employee coaching and improvement plans as needed.
- Maintain copies of performance evaluations in employees' personnel files.

**References**

Performance Planning and Evaluation – A guide for employees and managers (available on the intranet on the HR Performance Management page or from the HR Department)

# Metro | *Policies and procedures*

**Subject** Training and Education  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Metro is committed to providing training and educational opportunities for employees to develop knowledge, skills, and abilities to excel in their current positions and prepare for future opportunities within Metro.*

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## **Applicable to**

All employees.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Definitions**

**Metro Learning Center:** An online resource for learning about training and educational opportunities at Metro. The Metro Learning Center allows employees to enroll in courses, launch online trainings, and view their personalized transcripts.

**Training:** Employees, upon hire or promotion, are expected to possess the general education and experience to perform the duties of their job successfully. If additional, job-related training is necessary for an employee to become more proficient, Metro will provide this training.

**Education:** Metro encourages employees to pursue educational opportunities or work programs for professional development that are relevant to the employee's work and that will enhance the employee's job-related skills. Depending on budgetary constraints, Metro may or may not reimburse employees for education-related expenses.

## **Procedures**

### **Training**

1. All regular status employees and temporary employees may participate in training courses offered through Metro or by outside entities. Employees must obtain advance approval from their manager before enrolling in training. Training opportunities are subject to budgetary limitations and priorities.

2. Metro will provide information about internal training opportunities to all employees through the Metro Learning Center.
3. Employees may participate in training offered by Metro during working hours provided it does not interfere with their work responsibilities. If management requires the training, it will be considered time worked for pay purposes.
  - a. Employees should request to attend Metro-sponsored training through the Metro Learning Center.
  - b. Employees should provide at least 24 hours notice when cancelling their enrollment.

### **Education**

4. Upon successful completion of the initial probationary period, all regular status, full-time employees and regular status, part-time employees (on a prorated basis) may pursue courses at a college or university that are directly related to their current position. Employees must receive approval at least thirty (30) day in advance from their department director and be performing their job duties at a satisfactory level in order to participate. The supervisor, manager, or Facility Director may approve time off with pay so an employee may attend courses or training which are related to the employee's current position and/or will result in improved job performance.
5. Employees may be reimbursed for tuition, textbooks, and related course material, with total reimbursement not to exceed \$1000 in any fiscal year. The tuition reimbursement per course shall not exceed the tuition rate for a similar course at Portland State University. The specific amount of reimbursement is at the department director's discretion and is subject to budgetary limitations and priorities.
6. If an employee terminates employment or is terminated for cause within one year of completion of the course, he or she shall refund Metro a proportional amount of the course costs. To determine the prorated amount, the course cost will be divided by 12 months. The employee will repay the cost less the prorated amounts for the months worked since completion of the course.
7. To receive reimbursement for courses at a college or university, an employee must:
  - a. obtain approval from their Department Director at least 30 days prior to proposed enrollment;
  - b. receive a grade of "C" or better or a "Pass" grade if the class is graded on a "Pass-Fail" basis;
  - c. provide proof of satisfactory completion of the approved course. Metro will make reimbursement within 30 days after receiving proof of satisfactory completion; and
  - d. show proof that they did not receive tuition reimbursement from other sources for the amount reimbursed by Metro.

### **Responsibilities**

#### Employees:

- Discuss training and professional development needs with their managers as part of the annual performance appraisal process (PACE).

- Satisfactorily complete training as outlined above.
- Apply newly acquired knowledge and skills to their work.

Supervisors:

- Discuss training and professional development needs with employees as part of the annual performance appraisal process.
- Work with employees to prepare development goals and identify training and development resources that align with their current position and/or promotional opportunities within Metro.

Department Directors:

- Prioritize training and development needs and provide appropriate budget and resources.

Human Resources:

- Communicate Metro-sponsored training opportunities to all employees.
- Collaborate with managers to identify training needs and resources.
- Coordinate delivery of training where appropriate and evaluate training effectiveness.

# Metro | *Policies and procedures*

**Subject** Metro Committees  
**Section** Office of the Chief Operating Officer; Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Metro committees provide valuable contributions to improve business operations and support our region's communities. To succeed, these committees need active participation from their members. This policy establishes procedures to support these committees and recognize employees' contributions.*

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## **Applicable to**

All employees who are members of ongoing internal committees.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Guidelines**

1. This policy applies to internal committees that serve an ongoing business need and for which membership crosses departments. Teams supporting finite projects or projects with external partners are excluded from these criteria.
  - a. Examples of committees that meet the criteria: Safety Committees, Joint Labor Management Committee for Health Benefits, Diversity Action Team, 401(k) Committee, Green Teams, Sustainability Committee.
  - b. Examples of committees that do not meet the criteria: Web design team.
2. The procedures outlined below are intended to support Metro committees by:
  - a. Clarifying documentation expectations;
  - b. Promoting transparency between participating employees and their supervisors; and
  - c. Creating an environment that recognizes employees' contributions.

## **Procedures**

### **Committee bylaws**

1. Each internal committee covered by this policy must have bylaws that follow the template attached to this policy. Bylaws must be reviewed by the respective Department Director and approved by the Senior Leadership Team and/or Deputy Chief Operating Officer.

- a. The bylaws should include:
  - i. Committee mission;
  - ii. Membership selection criteria;
  - iii. Terms of membership and requirements of members;
  - iv. Level of committee authority (i.e., advisory or decision making body) and decision-making process; and
  - v. Officer or chair responsibilities.
- b. Human Resources will house copies of bylaws for all committees.

2. When recruiting members, a committee should provide a copy of its bylaws to the interested employee.

### **Employee participation**

3. An employee must have a supervisor's approval to participate in a Metro committee. A supervisor may decide not to approve an employee's participation if it would prevent the employee from meeting the business needs of the department. Conversely, participation in some committees may be required to meet a department's business needs and employees may be assigned to participate.
4. The terms and hours of the membership commitment must be identified in advance and discussed with the supervisor.
5. The supervisor must adjust the employee's workload as necessary to allow the employee to participate on work time.
6. Committee participation should be noted as a goal in the employee's performance evaluation and appropriately documented for future review.

### **Fundraising and cash handling**

7. A committee that wishes to raise funds in support of its mission must receive authorization to do so from Metro's Chief Operating Officer (COO) or Deputy COO.
8. For fundraisers expecting minimal proceeds, committees must follow the cash procedures listed in Appendix A. Committees planning to conduct significant or repeated fundraising events should seek financial and legal advice concerning non-profit status and other critical issues.

### **Responsibilities**

#### Employees:

- Request supervisor approval to participate in a committee.
- Follow fundraising and cash handling procedures as applicable.

Supervisors and Managers:

- Assign and approve committee membership.
- Adjust employees' workloads and performance evaluation goals to reflect committee memberships.

Human Resources Department:

- Maintain copies of committee bylaws.

Committee:

- Complete draft bylaws following the format in the attached and seek approvals as outlined in this policy.

**Attachments**

Appendix A – Metro Committee Cash Handling Procedures

Appendix B – Template for Committee Bylaws

## **Appendix A**

### **Metro committee cash handling procedures**

#### Accepting Checks

1. Checks must be preprinted and include the issuer's name, address and must have a check number.
2. Checks must only be made payable to the committee conducting the fundraiser.
3. Foreign checks are not accepted.
4. Checks must not be post-dated (dated after current date) or stale-dated (dated more than 6 months prior to the current date).

#### Accepting Cash

1. The beginning cash fund must be counted by two people in charge of the fundraiser.
2. A petty cash box has to be used during the fundraising event.
3. During the fundraiser cash has to be counted in front of the customer.
4. When closing out, two people involved in the fundraiser have to count the total of the cash and fill out a cash report, stating the beginning fund balance, the sales amount and ending fund balance.
5. The balancing of cash and preparation of the cash report should occur immediately after the close of the event.

#### Depositing Cash

1. Fundraising proceeds should be deposited into the committee's bank account within three business days of the event.
2. Cash held until deposit should be kept in a locked secure area.

#### Reconciling the Bank Account

1. The bank account should be reconciled on a monthly basis and in a timely manner
2. A person without access to the bank account and not involved in the collection of fundraising amounts should be responsible for the monthly bank reconciliations.
3. Any discrepancies noted in the bank reconciliations should be reported to an individual with management oversight of the committee (Committee board member, president, etc.)

No credit cards can be accepted for fundraisers.

**Appendix B**

**(NAME) BYLAWS<sup>1</sup>**

*Adopted (Date)*

*Revised (Date)*

**ARTICLE I NAME**

The Committee shall be known as the (Name).

**ARTICLE II MISSION**

**ARTICLE III AUTHORITY**

Level of authority (advisory or decision-making body)

**ARTICLE IV MEMBERSHIP**

- Section 1: Criteria for membership
- Section 2: Terms of membership
- Section 3: Responsibilities of members
- Section 4: Attendance requirements
- Section 5: Selection and termination process

**ARTICLE V OFFICERS**

- Section 1: Selection/Election of Officers
- Section 2: Officers' responsibilities
- Section 3: Vacancies

**ARTICLE VI GOVERNANCE**

- Section 1: Annual work plan and reporting<sup>2</sup>
- Section 2: Budget development, tracking and reporting
- Section 3: Decision-making process
- Section 4: Quorum
- Section 5: Manner of Voting
- Section 6: Amendment of bylaws

**ARTICLE VII MEETINGS**

- Section 1: Schedule of meetings
- Section 2: Minutes
- Section 3: Conducting a Meeting

**SIGNATURES/DATE**

Committee Chairperson: \_\_\_\_\_

Date: \_\_\_\_\_

Department Director: \_\_\_\_\_

Date: \_\_\_\_\_

Deputy COO or Designee: \_\_\_\_\_

Date: \_\_\_\_\_

<sup>1</sup> See Metro Committees policy

<sup>2</sup> Annual report of progress due to Deputy COO or designee

 Metro | *Policies and procedures*

**Subject** Employee Conduct  
**Section** Human Resources  
**Approved by** MERC Commission

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**EXCERPT FROM MERC PERSONNEL POLICIES (2007)**

*Policy is under review. Numbering has been changed from original manual; content is from former Section 12, MERC Personnel Policies (2007).*

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**EMPLOYEE CONDUCT**

**1. General – Employee Responsibilities**

Employees are expected to maintain satisfactory work performance standards. Consistent with this expectation, an employee is encouraged to learn the performance criteria for the job and the guidelines, policies, procedures, work rules, standards of conduct established by the Commission, and any other applicable laws and regulations.

Commission employees shall not accept any outside employment that prevents them from performing the duties and responsibilities for their position or creates a conflict of interest. ***See also Outside Employment policy (Dec. 2012)***

Employees failing to comply with the standards outlined below are subject to disciplinary action up to and including termination.

**2. Political Activity**

- a. Nothing contained within this chapter shall affect the right of the employee to hold membership in and to support a political party, to vote as they choose, to privately express their opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings.
- b. No official, employee, or any other person shall attempt to coerce, command, or require any Commission employee to influence or to give money, service, or other things of value to aid or promote any political committee or to aid or promote the nomination or election of any person to public office.
- c. No public employee shall solicit any money, influence, service, or other thing of value or otherwise aid or promote any political committee or the nomination or election of any person to public office while on the job during work hours. However, nothing in this section is intended to restrict the right of a public employee to express personal political views.

### **3. Employee Whistle Blowing**

*REPLACED - See Whistleblowing policy (Oct. 2013)*

### **4. Abandonment of Position**

An absence of three consecutive days or shifts without notifying the supervisor or manager is job abandonment and may be considered a voluntary resignation.

### **5. Appearance and Conduct**

Public relations are an integral part of each Commission employee's job. Appropriate and neat appearance that ensures workplace safety and projects a professional image is essential to the productive and efficient operation of the workplace.

### **6. Attendance**

Tardiness and absenteeism adversely affect the efficiency and service level of the Commission. Employees who cannot report at the designated starting time must notify their supervisor immediately.

Absenteeism or tardiness that is unexcused or excessive in the judgment of the Commission will result in disciplinary action, up to and including dismissal.

### **7. Smoking**

Smoking and using tobacco is prohibited in Commission facilities except where otherwise designated.

### **8. Discrimination and Harassment**

*REPLACED - See Discrimination and Harassment policy (Nov. 2011)*

### **9. Drug/Alcohol Abuse Policy**

Employees may not possess, be under the influence of, or use any alcohol, intoxicant, or narcotic on the way to work, on the job, or on Commission premises (including parking lots, adjacent parking lots, or surrounding buildings). In addition, the unlawful manufacture, distribution, possession, or use of controlled substance is prohibited in the workplace and on Commission property.

If a representative of the Commission has reason to believe that an employee is unable to perform the duties of his/her job in a safe and productive manner, or if in management's opinion the employee's presence on the job creates a risk to the safety and well-being of the employee or others, the public or Commission property, the employee will be immediately suspended from the workplace.

- a. An employee who believes they have a problem involving the use of alcohol or drugs can ask a supervisor or the Human Resources Manager for confidential assistance. No discipline or discrimination will result from an employee asking for such assistance.

The Commission also agrees to work jointly with the employee to identify all Commission and, if applicable, union benefits and benefit programs that may be available to help deal with the problem, such as leaves of absence, sick pay, short-

term or long-term disability pay, and health insurance. Any continuing rehabilitation treatment will be paid for by the employee and whatever employee coverage for such treatment that is provided by the existing benefits package. The request for assistance and any later treatment program will be kept as confidential as possible under all the factual circumstances.

Although the Commission recognizes that alcohol and drug abuse can sometimes be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek such assistance BEFORE drug or alcohol problems lead to on-the-job safety or misconduct incidents, or violations of this policy and to corresponding disciplinary action. AFTER a drug or alcohol-related accident, an employee's willingness to seek Commission or outside assistance will NOT excuse the violation and generally will have no bearing on the determination of an appropriate penalty.

A "last chance agreement" will be required of an employee once the problems have been identified or assessed and a treatment program started. Failure to sign or to live up to the last chance agreement or treatment program obligation will be grounds for discipline, including termination.

b. Prohibited Conduct

- i. Alcohol. The possession, transfer, sale, offering, consumption or being under the influence of any intoxicating liquor while on Commission property is prohibited. IMPORTANT: The conduct prohibited includes consumption of any intoxicating liquor prior to reporting to work or during breaks or lunch periods or on the job, unless specifically associated with official Commission business.
- ii. Drugs. The possession, transfer, sale, offering, consumption or being under the influence of any narcotic, hallucinogen, stimulant, sedative, or drugs (except as authorized and prescribed by a physician and then only if reported to the supervisor prior to beginning work) while on Commission property or time (such as on customer's premises).

EXCEPTION: The use of medically prescribed or over-the-counter drugs during working hours is approved, and an employee shall have no obligation to inform their supervisor of such usage unless the prescribed or over-the-counter drug contains a warning notice of possible impairment which may prevent an employee from performing their job safely and adequately; for example, operating mechanical equipment. An employee must inform their supervisor that they are taking prescribed or over-the-counter drugs, which contain a warning of possible impairment prior to beginning work each day they are using the medication.

IMPORTANT: The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during breaks or lunch period or on the job. An employee who tests positive for any such substances by screening and confirmation tests, including an employee who tests positive as the result of an authorized prescribed substance that was not reported to the supervisor prior to beginning work, will be deemed "under the influence" for the purposes of this rule.

c. Right to Test

When the Commission reasonably suspects that an employee has consumed or is under the influence of alcohol or any other substance or is otherwise in violation of this policy, the Commission may require that the employee submit to appropriate tests for alcohol or prohibited drugs or substances in their system, including urinalysis. Failure to promptly give written consent, without qualification, to such testing and failure to provide samples for such testing will be grounds for immediate suspension pending further investigation and consideration, and for discipline, including termination.

The Commission will bear the expense of all testing under this provision requested by the Commission. A positive test must be confirmed by a second test, which uses a different methodology than the one used for the initial positive result. An employee subject to testing will, upon request, receive a sample of the tested substance so that the employee can submit it to an independent lab (chosen by the Commission) for verification.

The results of all investigations, tests, and discipline will be kept strictly confidential to the extent possible and permitted by law, except that such information will be made available on request by the employee.

d. Commercial Driver's License (CDL)

All Commission employees holding CDLs that operate commercial vehicles on behalf of the Commission will be subject to the federally mandated drug and alcohol testing requirements.

The Federal Highway Administration (FHWA) has promulgated rules to implement the Omnibus Transportation Employee Testing Act of 1991. These rules affect those employees required to maintain a CDL as part of their jobs. The Commission will follow and meet all Federal regulations.

## 10. Ethics Policy

All MERC Commissioners and employees are covered by the Oregon Government Standards and Practices Act. All Commissioners and employees must comply with all requirements of the state ethics laws for public officials and employees. Any Commissioner or employee who has a question about the state ethics laws may obtain a copy of the law's requirements from the Human Resources Manager.

## 11. Travel Policy

a. Policy Statement

Travel for the purpose of enhancing business opportunities and improving service and operations is an integral part of MERC's mission. It is the policy of the Commission to keep such expenditures at a cost-effective level without prejudicing the purpose of the travel.

It is the policy and practice of the Metropolitan Exposition-Recreation Commission (MERC) to reimburse its employees and Commission members for business travel expenses that are ordinary and necessary business expenses including: reasonable travel, lodging, subsistence, and related expenses incurred while conducting business, providing that the expenses are prudent and directly related to the individual's service on behalf of MERC.

Those who travel on MERC business are expected to neither gain nor lose financially with respect to such travel costs.

The provisions in this policy can only be exceeded under limited circumstances regardless of a department's ability to fund expenses at a higher level. The policy can only be exceeded with prior written approval of the Facility Director or General Manager.

- i. Purpose. This policy governs out-of-town and local travel used to conduct official Commission business.

The intent of the travel policy and procedures is to clearly identify, for MERC Commissioners and employees, those expenses considered a legitimate and appropriate part of MERC travel costs.

The procedures stipulate the way in which travel is to be arranged and details the various methods by which travel expenses may be paid.

- ii. Principles. Traveling employees are expected to exercise prudent judgment regarding the ordinary and necessary business expenses covered by this policy. This does not mean that the least expensive alternative available must always be adopted. It does mean that the employee is expected to exercise prudent judgment regarding expenses and cost should be an important determinant in decisions regarding travel arrangements.

Employees are encouraged to plan ahead in order to take advantage of the best possible travel rates. All efforts should be made to take advantage of reduced fares or discounts.

Prior to approving travel, managers should feel confident that the travel is necessary to meet facility and MERC objectives, the employee assigned to travel is the appropriate person for the assignment, and the expenditure to be incurred is budgeted, cost effective, and promotes the mission of MERC.

- iii. Administration. The Facility Director reviews and approves travel and travel expenditures. The Deputy General Manager, or designee, is authorized to oversee the reimbursement program, design and distribute forms and instructions, and carry responsibility for submitting claims to Metro for reimbursement in a timely manner. Claims will be processed in accordance with administrative procedures.

b. Travel Expenses – General

Local travel is defined as travel within a 55-mile radius of Portland. Personal car mileage is reimbursed at the current Internal Revenue Service allowable rate. Travel expenses related to travel 55 miles and under are considered local travel and are reimbursed through weekly expense reports.

Out-of-town travel is defined as travel in relation to official Commission business that requires the employee to travel more than 55 miles from Portland.

- i. Accommodations. When out-of-town travel requires overnight absence, reimbursement will be made for the actual cost of reasonably priced lodging not to exceed the single occupancy rate established by the hotel (unless employees share accommodations). Many establishments offer lower rates for government travelers. The employee should ask for and secure such rates

when they are advantageous to MERC. Lodging expenses in excess of the Runzheimer Meal-Lodging Cost Index may only be used if their use cannot be avoided or business demands it. No payment will be authorized for lodging in a private residence.

- ii. Airfares. Air travel expenses shall not exceed standard coach fare except for exceptional circumstances that must be explained and approved in writing by the Facility Director or MERC General Manager.
- iii. Alternative transportation. If an employee elects to use an automobile or train in lieu of flying, they will be reimbursed at the round trip coach air fare, the current mileage reimbursement or the train fare, whichever is lesser. If an employee cannot take a particular mode of transportation for health reasons they may be reimbursed at the current mileage reimbursement or coach train fare.

Reimbursement for use of a private automobile will be made at the current rate published by the IRS. Employees authorized to use a private automobile on MERC business are responsible for having a valid driver's license and liability insurance in an amount not less than the minimum State of Oregon required automobile insurance coverage.

With approval in advance by the Facility Director or General Manager, MERC travel may be combined with a vacation trip providing public and private expenses are separately accounted for. Any additional expense over the least expensive ticketing and accommodation costs for the business portion of the trip is the responsibility of the employee. All travel expenses must be based solely on the business portion of the trip.

- iv. Expenses - Other Transportation. When the use of a rental car is required as a business need rather than a personal convenience it may be approved by the Facility Director and shown in the Special Requirements section of the Travel Request Form.

It is the policy of MERC to use public transportation whenever possible. However, miscellaneous transportation expenses essential to the transaction of official MERC business will be reimbursed. These include, but are not limited to, taxi and bus fares, shuttles, parking fees, ferry and bridge tolls. A receipt is required except in cases where receipts are not commonly provided, such as bus fare.

- v. Acceptable Expenditures Related to Doing Business:
  - A. Registration fees required in connection with attendance at approved conventions, conferences, and official meetings.
  - B. Rental of space that is used to transact official business.
  - C. Charges for necessary personnel support services in connection with advancing MERC's business.
  - D. Business related faxes, e-mail, photocopies, computer/laptop hookup and support and telex charges made by an employee while away from their normal place of work will also be reimbursed.
  - E. Emergency purchases of materials and supplies.

- vi. Meals. Meals will be reasonable and reimbursed at actual cost based on receipts provided. Reasonable is defined by the Facility Director and/or General Manager.

Meal expenses for non-employees (except spouses, traveling companions, or other individuals not present for a MERC business-related purpose) may be reimbursed provided the claim details the business-related purpose of the hospitality. If the hospitality expense is anticipated to be significant the employee should receive approval in anticipation of incurring the expense. Gratuities for meal service are allowed up to 20% and should be included on the meal receipt.

- vii. Prospective Employees. Applicants for positions with high-level responsibility may, upon the approval of the Facility Director, receive travel expenses in connection with interviewing.

- viii. Automobile Mileage. Automobile mileage is reimbursed in accordance with the current rate published by the Internal Revenue Service.

- ix. Personal. Certain travel expenses, such as (but not limited to): in-house movies, special hotel facilities such as gyms, hairdressers, transportation costs to or from places of entertainment not associated with business, expenses of spouse or other traveling companions, non-business reading material, dependent care, pet boarding or house sitting expenses, loss or theft of personal effects, motor vehicle violations, or personal travel insurance are not eligible for reimbursement.

Long distance telephone calls home are allowed provided the frequency and duration of such calls is reasonable.

Employees are encouraged to minimize the cost of telephone calls made from hotels through the use of alternate calling methods.

The actual cost of reasonable laundry and/or dry cleaning as evidenced by a receipt.

- x. Non-meal Gratuities. Porter and bell services are authorized and limited to \$2.00 per bag. Porter and bell services do not require receipts for reimbursements.

- xi. Abuse

Intentional abuse of expense claims or other violation of these policies will result in disciplinary action up to and including termination.

c. Approval Authority

Employees must receive advance authorization to travel and incur travel-related expenditures by the Facility Director or designee. The General Manager authorizes travel-related expenditures for Facility Directors.

Significant changes in originally approved travel plans or costs require approval of the Facility Director or General Manager.

## 12. Confidentiality

Employees may work with, and may have access to, information that must be kept confidential. Such information includes customer and client data, product specifications, production techniques, personnel records and personnel matters, payroll data, financial data, sales and marketing activity and plans, trade secrets, and proprietary information. Confidential information may only be discussed with staff members and employees who have a work-related need for information. Failure to protect confidential information is a serious offense and subject to discipline up to and including termination. **UPDATE: This policy is not intended to restrict employees from legally protected speech, such as engaging in union activity or speaking as a private citizen on matters of public concern. Employees will not be disciplined for such conduct. Determinations under this provision will be made by the Office of Metro Attorney in accordance with applicable law. (Dec. 2012)**

## 13. Personal Use of Electronic Office Equipment and Network Access Policy

**REPLACED - See Information Technology: Acceptable Use policy (Oct. 2013)**

## 14. Workplace Violence

Workplace violence is defined as any act of physical, verbal or written aggression by an individual in or related to the work place. This includes, but is not limited to, verbal or physical threats or intimidation, assault or battery by an employee, former employee or visitor to a Commission workplace. Workplace violence also includes destruction or abuse of property.

The Commission is committed to maintaining a safe work environment free of all forms of violence for all Commission employees, agents of the Commission and customers. Any act of violence or intimidation, including verbal or physical threats, is strictly prohibited at all times and will lead to disciplinary action, which may include immediate termination.

## 15. Restriction of Weapons

- a. No Commission employee while on duty on the premises of Commission property, including Commission-owned or -leased parking areas, and no Commission employees while on duty, whether on Commission property or not, shall:
  - i. Possess a loaded or unloaded firearm. "Firearm" means a weapon, by whatever name known, including pistol, revolver, gun, or rifle, which is designed to expel a projectile by the action of an explosive, compressed air, or spring.
  - ii. Possess a dangerous weapon. "Dangerous weapon" means metal knuckles, straight razor, weapon of the type commonly known as a nunchaku, blackjack, sap, or sap glove, slingshot, bomb or bombshell, and any type of knife other than an ordinary pocketknife with a blade not longer than three and one-half inches. When carried with intent to use the same unlawfully against another, "dangerous weapon" also includes any instrument or device capable of inflicting injury to the person or property of another.
  - iii. Possess or discharge fireworks or explosives of any nature.
- b. Exception: Commission employees who have been authorized specifically and in writing by the Commission or General Manager to possess firearms or dangerous weapons as part of their job duties.

## **16. Accepting and Taking Items from Exhibitors**

No Commission employee is permitted to accept or take items from exhibitors, promoters, clients, or performers. Accepting or taking such items is subject to disciplinary action up to and including termination.

## **17. Inclement Weather**

- a. All employees are to assume that all buildings are open as normally scheduled unless they are told otherwise by their Facility Director.
- b. Employees not scheduled to work or scheduled to be on approved leave during any facility closure due to inclement weather will be compensated consistent with the work schedule or approved leave and shall record their time according to the applicable leave policy.
- c. In the event that a Facility Director or designee determines that inclement weather conditions justify shortening the workday for facility employees, the modified hours will be treated as the full workday for employees who report to work. Any employee who is unable to report to work may take the time as unpaid leave or may charge the absence to any accrued leave balance, except sick leave, but shall not be credited with paid time for the modified schedule. Non-exempt employees who require additional travel time may take the time as unpaid leave or may charged the additional time to any accrued leave balance, except sick leave. Employees unable to work the full modified schedule shall follow applicable procedures for notifying a supervisor of the absence.
- d. If a facility is closed due to inclement weather, employees who are scheduled to work will be paid for their normal work hours. If the inclement weather day was a previously scheduled vacation day, personal day or day off, it will be treated as such.

## **18. Drivers' Licenses**

All employees driving on property managed by MERC or parking in MERC-owned or -operated parking facilities must have a valid driver's license.

 Metro | *Policies and procedures*

**Subject** Discipline and Discharge  
**Section** Human Resources  
**Approved by** MERC Commission

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**EXCERPT FROM MERC PERSONNEL POLICIES (2007)**

*Policy is under review. Numbering has been changed from original manual; content is from former Section 13, MERC Personnel Policies (2007).*

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**DISCIPLINE AND DISCHARGE**

**1. General**

Nothing in these Personnel Policies precludes managers and supervisors from establishing work rules that are consistent with these policies for efficient operation and administration of the job site, or precludes supervisors from having private discussions with employees. These discussions may be in the form of assignment, instruction, or any other job-related communication. Any disciplinary action may be grieved under the grievance procedure established in ~~Section 14~~ by these policies. The Commission reserves the right to enter into last chance agreements with its employees.

- a. Disciplinary actions shall include, but not be limited to, oral or written reprimand, suspension, reduction in pay, transfer, demotion and/or dismissal from employment. Any of these disciplinary actions may be utilized. It may not be necessary in every circumstance that the discipline be taken progressively.

The Commission reserves the right to discipline employees, up to and including termination, whenever:

- i. The employee's performance is unsatisfactory, or
  - ii. The Commission feels discipline or termination is appropriate for other reasons, or
  - iii. Whenever it is determined that such action is in the best interests of the Commission.
- b. The following behaviors are some (not all) examples of the types of conduct that will result in disciplinary action. The listing of these examples is for illustrative purposes, and in no way limits the Commission's authority and discretion to discipline or terminate employees pursuant to paragraph (A) of this section.
    - i. Abandonment of position;

- ii. Abuse of leave privileges;
- iii. Unauthorized absence from duty;
- iv. Below standard work performance
- v. Discourteous treatment of any member of the public or any Commission employee, including but not limited to intentional tortious conduct;
- vi. Any rude, boorish, insulting, intimidating, abrasive, bullying or threatening behavior that can be construed as creating an unproductive work place or hostile work environment.
- vii. Possessing, using, transferring, offering or being under the influence of any intoxicants or narcotics during work hours;
- viii. Fraud in securing appointment or promotion;
- ix. Insubordination including, but not limited to, refusal or failure to follow the directive of a supervisor or other designated management staff, failure to comply with an established work rule or procedure, or discourteous behavior towards members of management;
- x. Misuse of Commission property, funds, or records;
- xi. Neglect of duty;
- xii. Habitual or excessive absence or tardiness, or abuse of sick leave privileges;
- xiii. Failure to cooperate or interfering with an internal investigation;
- xiv. Willful deceit;
- xv. Willful violation of established safety policies;
- xvi. Any conviction by a court of law that demonstrates an impaired ability to properly perform work for the Commission, or that would cause an embarrassment or inconvenience to the Commission;
- xvii. Inability to get along with fellow employees so that work being performed is hindered or below standard;
- xviii. Violation of any Commission regulation;
- xix. Any falsification of information during the employment application or employment appointment process, regardless of when discovered;
- xx. Harassment or discrimination;
- xxi. Theft, including personal or public property;
- xxii. Sleeping on the job;
- xxiii. Gambling on Commission premises, including but not limited to card and dice games;

- xxiv. Bringing weapons on Commission property;
- xxv. Falsification of documents;
- xxvi. Violation of these personnel policies, established work rules, or other management directives.

c. Procedures for Suspension, Reduction in Pay, Transfer, Demotion, or Dismissal

Information gathered by the supervisor will be reviewed by the Human Resources Manager and the Facility Director prior to the supervisor taking any suspension, reduction in pay, transfer, demotion or dismissal action. If the Human Resources Manager or designee determines a basis for discipline may exist, then:

- i. An employee may be suspended, with or without pay, pending disciplinary action. The General Manager must approve any proposed suspension without pay.
  - ii. A written notice of contemplated disciplinary action shall be delivered to the affected employee in person or by mail. This notice shall state the reasons for the proposed action and will include:
    - A. The alleged conduct by the affected employee;
    - B. The violation(s); and
    - C. A date, time, and place for the affected employee to have an opportunity to address the violation(s) at a pre-disciplinary meeting.
  - iii. Upon completion of the pre-disciplinary process, a written notice of the actual disciplinary action taken, if any, shall be delivered to the affected employee in person or by mail. This notice shall state the disciplinary action taken, the violation(s), and the effective date of the disciplinary action. This notice shall be a permanent part of the affected employee's personnel record.
  - iv. No failure by the Commission to follow any of the procedures described herein shall be grounds for invalidating disciplinary action, including termination, which is otherwise deserved on the merits. Additionally, the Human Resources Manager may, in his or her discretion, dispense with all or part of these procedures, with or without notice to the employee.
- d. The affected employee may grieve the final disciplinary action pursuant to the grievance procedure established in these policies. In the case of a dismissal action, the grievance shall be filed at Step 2, with the General Manager, with a copy to the Human Resources Manager or designee.

# Metro | *Policies and procedures*

**Subject** Discrimination and Harassment  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Metro is committed to promoting and maintaining a work environment that is free from all forms of discrimination, harassment, intimidation, hostility and offensive behavior.*

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## **Applicable to**

All employees, elected officials, interns, volunteers, visitors, contractors and vendors.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Definitions**

**Discrimination:** An act having adverse effect on one or more individuals because of race, color, religion, sex, national origin, age, marital status, familial status, gender identity, sexual orientation, veteran status, disability or perceived disability, or any other status protected by law. It may be intentional or unintentional.

**Harassment:** Behavior which is reasonably perceived by the recipient as unwelcome and includes, but is not limited to, the use of verbal/written derogatory or discriminatory statements, denigrating jokes, unwelcome touching, offensive remarks, put-downs, epithets, slurs or negative stereotyping, displays, objects or materials which create an offensive work environment. Harassment has the purpose or effect of creating an intimidating, hostile, abusive or offensive work environment; unreasonably interfering with an individual's work performance; or otherwise adversely affecting an individual's employment and employment related opportunities.

Harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, offensive, fails to respect the rights of others, lowers morale, and/or interferes with work effectiveness.

**Unlawful Harassment:** Any harassment as defined above that is based on a protected class status or singles someone out because of their protected class, and where: 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

**Retaliation:** Treating someone negatively or differently because that person has filed a complaint under this policy, exercised his or her rights under state or federal law, or participated in a harassment investigation.

Protected Class: Any individual or group of individuals for whom there is an established law prohibiting discrimination, harassment, or retaliation. Examples of protected classes are race, color, religion, sex, national origin, age, marital status, familial status, gender identity, sexual orientation, veteran status or disability.

## **Guidelines**

1. Any practice or behavior which acts to discriminate against or harass an employee, intern, volunteer or applicant because of his or her race, color, religion, sex, national origin, age, marital status, familial status, gender identity, sexual orientation, veteran status, disability or perceived disability, or any other status protected by law, is in direct conflict with Metro's commitment to ensuring a discrimination and harassment-free work environment. Such behavior, or tolerance of such behavior, on the part of management or employees violates Metro's policy and may result in disciplinary action up to and including termination, even if the conduct does not necessarily constitute a violation of the law.
2. This policy applies to all conduct on any of Metro's premises and to conduct off Metro's premises that has an effect on an employee's work environment.
3. No employee, elected official, intern, volunteer, visitor, contractor or vendor may engage in any of the following conduct (this list represents examples and is not intended to be all-inclusive):
  - a. Making unwelcome sexual advances, requesting for sexual favors, or engaging in other inappropriate verbal or physical conduct of a sexual nature.
  - b. Making stereotypical offensive comments, jokes, innuendo or threats about a person's protected class status (e.g. race, color, religion, sex, national origin, age, marital status, familial status, gender identity, sexual orientation, veteran status or disability).
  - c. Bringing suggestive or offensive objects or pictures, cartoons, or graphics onto Metro premises, either electronically or otherwise.
  - d. Making suggestive or insulting sounds or obscene gestures, leering, staring, or whistling.
  - e. Making unwanted physical contact with others, such as touching, grabbing, pinching, brushing the body, neck or back rubs, coerced sexual intercourse or assault.
4. Management and elected officials must demonstrate by their own conduct that they support and enforce Metro's policy. For example, managers must take prompt action when they observe inappropriate conduct or when a complaint is made, and are expected to provide leadership in carrying out the policy's intent. If a manager learns of any potential discrimination or harassment in the workplace, they must immediately contact the Metro Human Resources department.

## **Procedures**

### **Complaint Procedure**

1. Any employee, intern, volunteer or elected official subjected to discrimination or harassment is encouraged to proceed under the Complaint Procedure in this policy. Individuals who observe or who are aware of situations involving discrimination or harassment should immediately notify their supervisor, the Human Resources Director, or any other manager at

Metro. Discretion will be used during the investigation in order to maintain as much confidentiality as is possible without compromising the ability to effectively complete the investigation.

- a. If a complaint, whether informal or formal, is concerning a Councilor, the complaint shall be forwarded to the Council President or Human Resources Director. If the complaint, whether informal or formal, is about the Council President, the complaint shall be forwarded to the Deputy Council President or Human Resources Director.
  - b. If a complaint, whether informal or formal, is about the Chief Operating Officer, the complaint shall be forwarded to the Council President or Human Resources Director.
  - c. If a complaint, whether informal or formal, is about the Auditor, the complaint shall be forwarded to the Chief Operating Officer or Human Resources Director.
  - d. If a complaint, whether informal or formal, is concerning the Human Resources Director, the complaint shall be forwarded to the Chief Operating Officer.
  - e. If a complaint, whether informal or formal, is about the Metro Attorney, the complaint shall be forwarded to the Council President or Human Resources Director.
2. Formal Complaint Procedure: A formal complaint alleging an act of discrimination or harassment by an employee, elected official, intern, volunteer, visitor, contractor or vendor may be submitted in writing to the Human Resources Director.
- a. A written complaint should include the following information:
    - i. the complainant's name and protected class status (e.g., race, religion, sex, national origin, disability, age, veteran status, sexual orientation, etc.) if applicable;
    - ii. the nature of the complaint, the date the alleged violation occurred, the name of the person who is the subject of the complaint, and the names of any witnesses present; and
    - iii. if the complaint is in regard to a vendor, contractor or subcontractor, the name of that organization.
  - b. The Human Resources Director or his or her designee shall:
    - i. thoroughly investigate the complaint and establish a file of findings;
    - ii. submit the findings with a recommendation to the Department Director or his or her designee;
    - iii. inform the alleged harasser of the determination and any action to be taken; and
    - iv. notify the complainant that the investigation has been completed and relevant avenues of appeal, if appropriate.
3. Informal Complaint Procedure: Some individuals alleging an act of unlawful discrimination or harassment may wish to go through an informal process. The following informal procedure is established to address that need; however, a person making a complaint is not required to use this procedure either in lieu of or prior to proceeding with a formal complaint.

- a. Any person alleging an act of discrimination or harassment by another employee, elected official, intern, volunteer, visitor, contractor or vendor has occurred, may verbally request an informal investigation of the allegation by either his or her Manager/Director, or the Human Resources Director.
  - b. The Manager/Director, or Human Resources Director or his or her designee shall, after appropriate investigation of the complaint, determine what informal remedial action, if any, shall be taken. The Manager/Director, or Human Resources Director or his or her designee shall inform the complainant and alleged harasser of the determination and any action to be taken. The details of any disciplinary action taken against the alleged harasser will not be disclosed to the complainant.
  - c. If the complainant does not feel that the informal procedure satisfactorily resolves his or her complaint, or if the complainant does not want to initiate the informal procedure, he or she may proceed with the formal complaint procedure described above.
  - d. All management and supervisory personnel who have received a report or complaint of discrimination or harassment shall immediately inform Metro's Human Resources Director. The Human Resources Director shall make arrangements for the prompt and proper investigation of such report or complaint.
  - e. Discretion will be used during the investigation in order to maintain as much confidentiality as possible while still being able to effectively complete the investigation.
4. Job Applicant Complaint Procedure: Any individual who has made application for employment and alleges that an act of unlawful discrimination has occurred may file a complaint in writing to the Human Resources Director as set forth in the formal procedure outlined above.

### **Retaliation**

5. An employee, intern or volunteer who files a complaint of discrimination or harassment, participates in the investigation of a complaint, or reports or opposes harassing or discriminatory behavior shall not be subject to adverse treatment as a result of such activity. In addition, any individual who is the subject of, or is aware of, a complaint must refrain from taking any retaliatory actions against the person who complained, or against others participating in the investigation.
6. Any form of retaliation related to a discrimination or harassment complaint may result in discipline up to and including termination.
7. Any employee, intern or volunteer who believes he or she has been retaliated against for filing a complaint or otherwise participating in any investigation under this policy should immediately report the circumstances to the Human Resources Director.

### **Responsibilities**

#### Employee/Intern/Volunteer:

- Demonstrate support of the policy by your own conduct; refrain from engaging in behaviors which constitute harassment, discrimination or retaliation.

- If you are comfortable doing so, tell employees or other individuals who violate this policy to stop the offensive behavior.
- Immediately notify your supervisor, Human Resources Director or any Metro manager if you observe or are aware of situations involving discrimination, harassment or retaliation in the workplace.

Director/Manager/Supervisor:

- Monitor and ensure that the work environment is free from discrimination, harassment and retaliation.
- Demonstrate support and enforcement of the policy by your own conduct, and provide leadership in carrying out this policy's intent.
- Take all complaints of discrimination or harassment seriously.
- Immediately notify Human Resources if you learn of any actual or potential discrimination, harassment or retaliation in the workplace.

Human Resources:

- Upon notification of potential discrimination, harassment or retaliation in the workplace, immediately conduct a thorough investigation.
- Take appropriate action in order to end discrimination, harassment or retaliation in the workplace.

**References**

Title VII of the Civil Rights Act of 1964 (Pub. L. 88-352) (Title VII), as amended, 42 U.S.C. § 2000e *et seq.*

ORS 659A.030

2013 Oregon Laws Ch. 379 (House Bill 2669)

Additional information can be obtained from the Oregon Bureau of Labor and Industries ([www.boli.state.or.us](http://www.boli.state.or.us)) or the Equal Employment Opportunity Commission ([www.eeoc.gov](http://www.eeoc.gov)).

 Metro | *Policies and procedures*

**Subject** Ethical Requirements for Employees, Officers, Elected and Appointed Officials  
**Section** Human Resources  
**Approved by** Office of the Executive

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**EXCERPT FROM METRO CODE 2.02.120 (2005)**

*Policy is under review. Numbering is from original Code provision.*

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**METRO CODE §2.02.120 - Ethical Requirements for Employees, Officers, Elected and Appointed Officials**

- (a) The purpose of this section is to establish a Code of Ethics for Metro public officials which is consistent with current public policy established by the Oregon Legislative Assembly. Failure to comply with the provisions of this Code shall be grounds for disciplinary action for employees of Metro.
- (b) "Public official" means any employee, officer, elected official or appointed member of a board, commission or committee of Metro.
- (c) All public officials of Metro shall strictly comply with the following requirements:
  - (1) No public official shall use official position or office to obtain financial gain for the public official, other than official salary, honoraria or reimbursement of expenses, or for any member of the household of the public official, or for any business with which the public official is associated.
  - (2) No public official or candidate for office or a member of the household of the public official or candidate shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts with an aggregate value in excess of ~~\$100~~ **\$50 (see ORS 244.025 as amended)** from any single source who could reasonably be known to have a legislative or administrative interest in any governmental agency in which the official has or the candidate, if elected, would have any official position or over which the official exercises or the candidate, if elected, would exercise any authority.
  - (3) No public official shall solicit or receive, either directly or indirectly, and no person shall offer or give to any public official any pledge or promise of future employment, based on any understanding that such public official's vote, official action or judgment would be influenced thereby.
  - (4) No public official shall further the personal gain of the public official through the use of confidential information gained in the course of or by reason of the official position or activities of the public official in any way.

- (5) No person shall offer during any calendar year any gifts with an aggregate value in excess of ~~\$100~~ \$50 to any public official or candidate therefor or a member of the household of the public official or candidate if the person has a legislative or administrative interest in a governmental agency in which the official has or the candidate, if elected, would have any official position or over which the official exercises or the candidate, if elected, would exercise any authority.
- (d) The Auditor and every member of the Council of Metro shall be required to comply with the reporting requirements established by ORS 244.060, including the filing of a Statement of Economic Interest on an annual basis as required by state law. A copy of the Statement of Economic Interest shall be filed with the Chief Operating Officer at the time of filing with the appropriate state agency.
- (e) The Chief Operating Officer, the Metro Attorney, the Chief Financial Officer, and all members of the Metropolitan Exposition-Recreation Commission and all Department Directors shall file annually with the Chief Operating Officer a Statement of Economic Interest which is substantially consistent with that required by ORS 244.060.
- (f) Public officials shall comply with the following requirements regarding the declaration of potential conflicts of interest and recording the notice of a potential conflict:
- (1) If the public official is an elected public official or an appointed public official serving on a board or commission, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official.
  - (2) If the public official is any other appointed official subject to this chapter, notify in writing the person who appointed the public official to office of the nature of the potential conflict, and request that the appointing authority dispose of the matter giving rise to the potential conflict. Upon receipt of the request, the appointing authority shall designate within a reasonable time an alternate to dispose of the matter, or shall direct the official to dispose of the matter in a manner specified by the appointing authority.
  - (3) Nothing in subsection (1) of this section requires any public official to announce a potential conflict of interest more than once on the occasion which the matter out of which the potential conflict arises is discussed or debated.
  - (4) Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so.
  - (5) When a public official gives notice of a potential conflict of interest, the potential conflict shall be recorded in the official records of the public body.

*(Ordinance No. 89-305A, Sec. 3. Amended by Ordinance No. 94-523B; Ordinance No. 02-965A, Sec. 1; and renumbered by Ordinance No. 05-1082, Sec. 1.)*

 Metro | *Policies and procedures*

**Subject** Mandatory Reporting of Child Abuse  
**Section** Human Resources; Office of Metro Attorney  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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**POLICY**

*All Metro employees are required to report suspected child abuse to the proper authorities in accordance with Oregon law, whether or not the employee is at work when they witness or learn of the abuse.*

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**Applicable to**

All employees.

**Definitions**

Child: An unmarried person under 18 years of age.

Child abuse: Physical or mental injury to a child that is not accidental and that endangers the welfare and safety of a child. Examples of child abuse include:

- a. Assault and any physical injury to a child that has been caused by other than accidental means. This includes an injury that appears in conflict with the explanation given for the injury;
- b. A mental injury that includes observable and substantial impairment to the child's mental or psychological ability to function caused by cruelty to the child, with a due regard to the culture of the child;
- c. Sexual abuse that includes incest, rape, sodomy, sexual penetration, fondling, voyeurism and sexual harassment;
- d. Sexual exploitation of a child, including contributing to the sexual delinquency of a minor and allowing, encouraging or hiring a child to engage in prostitution;
- e. Negligent treatment or maltreatment of a child, including failure to provide adequate food, clothing, and shelter or medical care that is likely to endanger the child's health or welfare;
- f. Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare;
- g. Buying or selling a person under 18 years of age except legitimate adoptions or domestic relations planning;

- h. Permitting a person under 18 to remain on premises where methamphetamines are being manufactured;
- i. Unlawful exposure to a controlled substance that subjects a child to a substantial risk of harm to health or safety;
- j. Physical injuries that include bruises, cuts, burns, scalds, head injuries, internal injuries, poisoning, electrical shocks, fractures, sprains that are not accidental.

“Abuse” does not include reasonable discipline unless the discipline results in one of the conditions described in a. through j. above.

**Mandatory child abuse reporter:** Under Oregon law, mandatory reporters include employees of “public or private organizations providing child-related services or activities.” Because Metro provides child-related activities, all Metro employees are mandatory reporters even if they do not work directly with children.

**Law enforcement agency:**

- a. A city or municipal police department;
- b. A county sheriff’s office;
- c. The Oregon State Police;
- d. University police departments and officers;
- e. A county juvenile department.

**Guidelines**

1. All Metro employees must immediately report suspected child abuse to the local office of the Department of Human Services, to the designee of the department, or to a law enforcement agency within the county where the person making the report is located at the time of the contact as required by Oregon law and outlined in this policy. See Procedures below.
2. Child abuse reporting is a 24 hour a day, 7 day a week personal obligation. The law applies regardless of whether the suspected abuse occurs at work or while off-duty. A report must be made even if the suspected child abuse did not occur on Metro premises and has no connection to Metro.
3. If an employee observes or suspects child abuse on Metro premises or related to Metro activities, the employee must also inform a supervisor immediately. While telling a supervisor does not fulfill the employee’s individual mandatory reporting obligation under the law, it is important to ensure that Metro is aware of the abuse and can take all necessary steps to protect the child.
4. For additional information about mandatory child abuse reporting, please see Frequently Asked Questions: Mandatory Reporting of Child Abuse in Oregon.

**Procedures**

1. Under Oregon law, a Metro employee must make an immediate oral report by telephone or other means following the procedures below whenever he or she has reasonable cause to believe:
  - a. Any child with whom a Metro employee comes in contact has suffered abuse; or
  - b. Any person with whom a Metro employee comes in contact has abused a child.

2. The report must be made to a local office of the Department of Human Services, to DHS's designee, or to a law enforcement agency within the county where the reporter is located at the time of the contact with the child or suspected abuser.
  - a. The report may be made by telephone or by other oral or written means.
  - b. For emergency situations, call 911
  - c. For non-emergency situations, contact:
    - i. Local office of the Department of Human Services
      - Multnomah County: 503-731-3100, 800-509-5439
      - Clackamas County: 971-673-7112, 800-628-7876
      - Washington County: 503-681-6917, 800-275-8952
    - ii. A law enforcement agency such as the local police department, county juvenile department, county sheriff or Oregon State Police:
      - Portland Police Bureau: 503-823-3333
      - Multnomah County Sheriff: 503-988-4300
      - Clackamas County Sheriff: 503-655-8211
      - Oregon State Police – Portland Area Command: 503-731-3020
3. The report should include the following information, if known:
  - a. The name and address of the child;
  - b. The name and address of the child's parents;
  - c. The child's age;
  - d. The type and extent of the abuse, including any previous evidence of abuse;
  - e. The explanation given for the abuse;
  - f. Any other information that will help establish the cause of the abuse or identify the abuser.
4. If the suspected abuse occurred on Metro premises or in connection with Metro activities, the employee must inform a supervisor as soon as possible in addition to making the report described above.

## **Responsibilities**

### Employee:

- Any time, on or off the job, that you have reasonable cause to suspect child abuse, immediately make a report to the local office of the Department of Human Services or for emergencies call 911. Ask your supervisor or the Human Resources Department if you need additional information.
- Inform your supervisor immediately if you observe or learn of an incident of child abuse on Metro premises or related to Metro activities.

### Supervisor/Manager/Director:

- If an employee reports suspected child abuse, take appropriate steps to protect the child and report the incident to the Office of Metro Attorney for follow-up.

Office of Metro Attorney:

- Coordinate any follow-up to reported incidents of child abuse.

Human Resources Department:

- Design and implement educational training on child abuse reporting.
- Take appropriate action in response to reports of violations of this policy.

**References**

ORS 419B.005 to 419B.045, amended by House Bill 2622

2013 Oregon Laws Ch. 129 (H.B. 2622)

Frequently Asked Questions: Mandatory Reporting of Child Abuse in Oregon

# Metro | Policies and procedures

**Subject** Information Technology: Acceptable Use  
**Section** Information Services; Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Information, computer systems and devices are made available to users to optimize employee productivity in support of Metro's business processes. The purpose of this policy is to inform technology users of the appropriate and acceptable use of information, computer systems and devices.*

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## **Applicable to**

All employees and other users of Metro agency information-related technology, services or systems.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Definitions**

Access: To instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system or computer network.

Computer Software: Computer programs, procedures and associated documentation concerned with the operation of a computer system.

Encryption: Use of a process to transform data into a form in which the data is unreadable or unusable without the use of a confidential process or key.

Information System: Computers, hardware, software, storage media, networks, operational procedures and processes used in the collection, processing, storage, sharing or distribution of information within, or with access beyond ordinary public access to, Metro's shared computer and network infrastructure.

Technology Asset: A data processing device that performs logical, arithmetic or memory functions, including the components of a computer and all input, output, processing, storage, software or communication facilities that are connected or related to such a device in a system or network. Technology assets include, but are not limited to, computers, tablets, telephones, and other messaging devices.

Technology Services: Information systems that are functioning on the public network subscribed to by Metro, including services found on the Internet that hold and process mail, files or streams of information.

Users: All Metro employees, volunteers, vendors and contractors who access Metro information assets, and all others authorized to use Metro information technology for the purpose of accomplishing Metro's business objectives and processes.

## **Guidelines**

- 1. Users have no right to expect that any information created on, kept on, or transmitted through the Metro information system is private.**
  - a. All information created or kept on Metro information systems, including email, is subject to review for compliance with public records law, regardless of whether the content is business-related or personal.
  - b. Metro documents, communications and work products stored on personally owned devices are also subject to public records law. The use of personally owned electronic devices such as home computers, laptops, smart phones and tablets to access Metro's internal networks may subject the personal device to review and possible disclosure.
  - c. Metro may monitor all electronic communications and information contained on its systems. Metro may monitor any and all email traffic passing through its email system as well as website visits, other computer transmissions, and any stored information created or received using Metro's information systems.
  - d. Metro will disclose or maintain the confidentiality of information in accordance with applicable law.
2. Metro information systems and devices are provided for business purposes only; however, Department Directors may approve limited, incidental personal use consistent with the terms of this policy.
3. Metro expects employees to comply with normal standards of professional and personal courtesy and conduct in their use of email and other electronic communications.
4. The Information Services Department is responsible for issuing guidance, consistent with this policy, to address changing technology or business needs. At a minimum, newly issued guidance will be posted on the IS intranet page and notification will be emailed to employees with Metro email addresses.
5. Violation of terms of this policy may result in the limitation, suspension or revocation of access to Metro information systems and can lead to other disciplinary action up to and including termination.

## **Procedures**

### **General security protocols**

1. All users must be authorized by Information Services to use Metro technology assets.
2. Users are responsible for the security of their passwords and accounts. Users must keep their passwords confidential. Passwords must be changed on a regular basis and should be complex enough that they cannot be easily discovered.

3. Users of Metro information systems shall respect the confidentiality of other users' information. Users shall not attempt to:
  - a. access third-party systems without prior authorization by the system owners;
  - b. obtain other users' login names or passwords;
  - c. attempt to defeat or breach computer or network security measures;
  - d. intercept, access, or monitor electronic files or communications of other users or third parties without approval from the author or responsible business owners;
  - e. review the files or information of another user without a specific business need to do so.
4. **Remote access:** Users may access Metro networks and email from remote locations only with proper authorization and through the use of agency-approved and agency-provided remote access systems or software.
  - a. Telecommuting is subject to applicable Metro policies and collective bargaining agreements.
5. **Software:** Non-approved software, including but not limited to desktop and workgroup applications, screen savers, browsers, application plug-ins and games, may not be downloaded or installed from the Internet, portable computer and storage devices, or other external sources without prior approval from Metro Information Services.
  - a. Approved software is listed on the IS Department intranet page.
  - b. Employees who have an ongoing business need to download non-approved software may request an exception from the requirement to obtain prior approval each time. Such requests must be supported by the employee's supervisor and submitted to the IS Department in writing. IS will evaluate the request with due consideration to the employee's business need, Metro's operational readiness, and the potential security impact. If the request is granted in whole or in part, IS will provide a written description of the expanded approval.
  - c. The IS Director has final authority over software approval decisions.
6. **Privately owned electronic devices:** Privately owned devices may not be connected to Metro networks, wireless access points, computers or other equipment without prior approval from Metro Information Services.
  - a. Privately owned devices such as laptops, smart phones and tablets may be connected to the email server over the public internet in accordance with IS Department guidance.
  - b. Hardware devices that are not required for assigned work must not be attached to a Metro-provided computer. All hardware attached to Metro systems must be appropriately configured, protected and monitored so it will not compromise Metro technology assets.
7. **Instant messaging and streaming video/audio:** Departments may allow the use of Instant Messaging (IM) and other communications or messaging alternatives for business purposes. Departments may also allow the use of streaming video/audio for business purposes. However, these uses must be approved, documented, and adequately secured and must comply with Metro records and information management policies. The IS Department is authorized to monitor IM communications and video/audio streams as needed for business or legal reasons.

8. Technology assets must not be used in a manner that impairs the availability, reliability or performance of Metro business processes and systems or unduly contributes to system or network congestion.
9. Users are required to report evidence of computer viruses, security breaches, or unauthorized access to the IS help desk as soon as possible.
10. Metro-provided email systems and Internet access for the public must be secured appropriately in order to protect Metro technology assets.
11. Metro may employ additional security controls, such as limited workstation access, in order to protect Metro technology assets and maintain a secure environment.
12. Information Services is responsible for monitoring the use of information systems and assets. At a minimum, IS will monitor on a random basis and for cause. Monitoring systems or processes will be used to create usage reports and the resulting reports will be reviewed by Information Services management for compliance.

### **Restriction of personal use of Metro technology assets**

13. Internet use increases the risk of exposing Metro technology assets to security breaches. Metro can only accept this risk for business uses.
  - a. Business use includes accessing information related to employment with Metro, such as accessing benefit-related information. Approved sites for this purpose are the Oregon Public Employees' Retirement System (PERS), Employee Assistance Program (EAP), Oregon Savings Growth Plan and union contract information.
  - b. Department Directors may determine whether to allow limited incidental personal internet use, such as to check weather conditions or in case of emergency.
  - c. Metro has discretion to determine if an employee's use is personal or business. Employees will not be disciplined for personal use without an opportunity to explain any business reasons for the use.
14. Email is to be used for Metro-related business only, except as follows:
  - a. Department Directors may allow employees limited, incidental personal use as long as it does not violate other requirements of this policy and there is no significant cost to the agency.
  - b. Email may be used for union business to the extent allowed in the applicable collective bargaining agreement.
15. Metro employees are responsible for exercising good judgment regarding the reasonableness of personal use of Metro's technology assets. No personal use of Metro information systems shall interfere with staff productivity, pre-empt any business activity, consume more than a trivial amount of resources, or be used for personal gain.
  - a. Users may not use Metro technology systems to play computer games, regardless of whether Internet-based, personal, or included with approved software applications.
  - b. Metro systems may not be used for hosting or operating personal Web pages; non-business-related postings to Internet groups, chat rooms, or list services; or creating, sending or forwarding chain emails.

- c. Metro information systems, other than the intramet bulletin board, may not be used for personal solicitation. Systems may not be used to lobby, solicit, recruit, sell or persuade for or against commercial ventures, products, religious or political causes, or outside organizations.

### **Prohibited uses**

16. Metro networks and systems shall not be used to intentionally view, download, store, transmit, or retrieve any information, communication or material that:
  - a. is harassing or threatening; is obscene, pornographic or sexually explicit;
  - b. is defamatory;
  - c. fosters hate, bigotry, discrimination or prejudice or makes discriminatory reference to race, age, gender, sexual orientation, gender identity, religious or political beliefs, national origin, health or disability;
  - d. is untrue or fraudulent;
  - e. is illegal or promotes illegal activities;
  - f. is intended for personal profit;
  - g. facilitates Internet gaming or gambling; or
  - h. contains offensive humor.
17. Under certain circumstances, there may be legitimate business reasons to access materials that are otherwise prohibited. Employees should obtain supervisor approval before accessing such materials.
18. Users shall not intentionally destroy data in an attempt to misrepresent data in Metro information systems.
19. Personal hardware or software may not be used to encrypt any Metro-owned information except with express prior permission and direction from Information Services.
20. Users shall not send email or other electronic communication that attempts to hide the identity of the user or represent the user as someone else. Users shall not utilize proxy devices or servers to hide their identity or to circumvent existing security. No use of scramblers, remailer services, drop-boxes or identity-stripping methods is permitted.

### **Additional legal requirements**

21. All information created on or stored within Metro's applications, systems, devices and networks, whether on or off-premises, is the sole property of Metro and subject to its sole control, except as required by contract. In addition, all Metro documents, communications and work products are the sole property of Metro, regardless of whether the information is stored, accessed or transmitted via Metro-owned or personally owned devices such as computers, tablets, and cell phones.
  - a. No part of Metro agency systems or information is or may become the private property of any system user.
  - b. Metro owns all legal rights to control, transfer, or use all or any part or product of its systems.

- c. Metro is under no obligation to store or forward the contents of an individual's email inbox, outbox or contact list either during or after their employment.
22. Use of Metro information systems must comply with copyrights, licenses, contracts, intellectual property rights and laws associated with data, software programs and other materials made available through those systems.
23. Users must comply with Metro's records retention policies.

## **Responsibilities**

### Employees:

- Take reasonable steps to ensure the physical security of Metro technology assets and passwords and report missing, lost or stolen Metro technology assets to their supervisor immediately.
- Use Metro technology assets in a manner consistent with the Acceptable Use Policy, seeking answers to any questions about the policy from their supervisor or the IS help desk as needed.

### Supervisors:

- Ensure that authorized users have received training on acceptable use through the Metro Learning Center software or have received and signed a hard copy of the policy.
- Submit new account request forms for new employees.
- Review and update employee access when requested.
- Ensure employees are using Metro technology assets in a manner consistent with the Acceptable Use Policy and guard against inappropriate use of such assets by employees.
- Coordinate with the agency's Information Services and Human Resources Departments on violations of acceptable use of Metro technology assets.

### Department directors:

- Ensure that department purchases for Metro technology assets are restricted to only those necessary for the conduct of official business and that standards for hardware and software are followed.
- Ensure appropriate usage of Metro technology assets and compliance with applicable rules and policies.

### Information Services:

- Implement firewall, anti-virus, role provisioning, password controls, web surfing and Email filtering mechanisms, ensure their maintenance, and monitor logs and reports for system performance and compliance.
- Report policy violations to the Human Resources Department and/or supervisory staff as appropriate.

- Create hardware and software standards with the help of a technical standards committee and publish hardware and software standards on at least an annual basis.
- Review policy annually to determine applicability. Publicize new guidance on the intramet and by email.
- Update filters by employee or group to include items required as part of the job when directed by a manager.

Human Resources Department:

- Alert Information Services of policy violations when appropriate.

**Related References**

- Information Services Department intramet page:  
<http://imet.metro-region.org/index.cfm/go/by.web/id=3265>
- Social Media policy

# Metro | *Policies and procedures*

**Subject** Social Media Policy  
**Section** Communications; Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer

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## **POLICY**

*Metro recognizes the value of social media in connecting with the citizens of the Metro region. Metro finds social media to be a valuable tool to further the goals of the Metro Compass. This policy establishes expectations for employee use of social media. Metro has an overriding interest in what is "spoken" on behalf of Metro on social media sites.*

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## **Applicable to**

All employees.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of the collective bargaining agreement will prevail.*

## **Definitions**

**Social Media:** Primarily internet and mobile-based tools for sharing and discussing information. The term most often refers to activities that integrate technology and social interaction. Examples include but are not limited to:

- a. Weblogs: blogs, vlogs, microblogs
- b. Wikis
- c. Social bookmarking
- d. Social networking
- e. Podcasts
- f. Videos

**Social Media Site:** A website that leverages social media tools for its visitors. Examples include but are not limited to:

- a. Facebook
- b. Twitter
- c. LinkedIn
- d. YouTube
- e. MySpace
- f. Flickr
- g. Wikipedia

**Moderator:** A Metro employee authorized to moderate public comments on a Metro social media account.

User: A Metro employee authorized to post or publish to a Metro social media account.

Public Record: As defined by Oregon Revised Statutes (ORS) 192.005(5), a public record is “a document, book, paper, photograph, file, sound recording or machine-readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use.”

### **Guidelines**

1. All Metro social media users and moderators shall comply with this policy and the laws cited herein as well as the Metro Charter, Code and other applicable policies. Applicable policies include but are not limited to the Metro Email/Voicemail Policy, Network Access Policy, Restrictions on Political Campaigning by Public Employees, Discrimination and Harassment Policy, and the Code of Ethics.

### **Personal Use of Social Media**

2. Metro employees using social media for personal use outside of work are cautioned not to give the false impression that they are speaking on behalf of Metro. The intention of this provision is to avoid misleading the public.
  - a. Employees shall avoid using Metro-generated content, including Metro’s logo, venue logos, or other Metro branding, in a way that may lead a reader to believe they are viewing Metro’s official website.
  - b. Employees who are known by the public to be Metro employees are encouraged to include a disclaimer on their personal social media accounts stating that the opinions and posts contained there are personal and are not endorsed by Metro.
3. Metro employees using social media shall have no expectation of privacy for any data posted during work time or while using Metro equipment.
4. Metro employees using social media for personal use outside of work may be subject to discipline for posts on personal blogs, profiles, and other social media accounts that are related to Metro and adversely impact the Metro work environment. Examples of social media conduct for which an employee may be disciplined include disclosing confidential information or threatening, harassing, or violating the privacy of others at Metro.

For the purposes of this provision, confidential information includes the following:

- a. Other employees’ identifiable personal information, such as medical information and social security numbers, unless permission is specifically granted by the employee;
- b. Information about confidential personnel matters, such as disciplinary information or information about job applicant performance during the selection and hiring process, unless permission is specifically granted by the employee;

- c. Information about interview or test questions used in the selection process that may provide an unfair advantage during the hiring process;
  - d. Information about security measures in place to protect employees, the public, and/or Metro assets;
  - e. Information that is subject to attorney-client privilege;
  - f. Any other information that is required to be kept confidential by law or Metro policy.
5. This policy is not intended to restrict employees from legally protected speech, such as engaging in concerted labor activity or speaking as a private citizen on matters of public concern. Employees will not be disciplined for such conduct. Determinations under this provision will be made by the Office of Metro Attorney in accordance with applicable law.

## **Procedures**

### **Using Metro's Social Media Channels**

1. A department or venue may enter into an agreement with a social media site to create a forum for interacting with the public when there is a proven need to do so and staff capacity to regularly update and moderate the online conversation.
2. To request permission for access to a social media site, employees must fill out the attached Social Media Access Request form and submit it, with supervisor and manager approval, to the Communications Director. If the Communications Director authorizes the Social Media Access Request, social media content management will be formally added to the individual employee's job description.
3. Users must familiarize themselves and comply with all Terms of Use of the social media host site. Each user shall retain a copy of the host's Terms of Use and be alert to any modification to those terms. Departments may establish their own procedures for monitoring changes to host sites' Terms of Use.
4. Whenever possible, all Metro social media accounts will display the Metro logo and tag "Making a great place" for consistency and authenticity. Metro has ownership of the Metro logo, which can only be used by Metro for Metro business. Venues that choose to display their own venue logo instead of the Metro logo shall ensure the registration of their trademark logo with the State of Oregon.
5. Users who are authorized to establish or maintain a Metro social media account shall ensure that all public comment capabilities are disabled unless they are essential to the purpose of the social media account. If public comments are enabled, the following steps must be taken:

- a. If possible, use a “click to agree” disclaimer that includes the Social Media Terms of Use, Prohibited Content and Disclaimer statement.
  - b. If there is no “click to agree” function available, the Social Media Terms of Use, Prohibited Content and Disclaimer statement must be posted in a conspicuous location on the profile or information page for the social media site.
  - c. If the formatting of the social media site cannot accommodate the full text of the Social Media Terms of Use, Prohibited Content and Disclaimer statement in a prominent location on the account, the user must include a hyperlink to the full disclaimer in a prominent location on the site.
6. Each Metro social media account shall prominently post one of the two following Terms of Use, Prohibited Content and Disclaimer statements:

Metro - Social Media Terms of Use, Prohibited Content and Disclaimer

We welcome you and your comments to Metro’s [Social Media account type]. The purpose of this site is to [mission / purpose of page]. We encourage you to submit your questions, comments, and concerns, but please note this is a moderated online discussion site and is not a public forum.

Metro reserves the right to delete submissions that contain vulgar language, personal attacks of any kind, or offensive comments that target or disparage any ethnic, racial, sexual or religious group. Further, Metro also reserves the right to delete comments that are: (i) spam or include links to other sites; (ii) off topic; (iii) advocate illegal activity; (iv) promote particular services, products, or political organizations or campaigns; (v) contain personal attacks; (vi) contain confidential or proprietary information; (vii) raise privacy concerns; (viii) identify a minor; or (ix) infringe on copyrights or trademarks.

Metro does not endorse or sponsor any comment made on this site by parties other than Metro. Such comments do not reflect the opinions and position of the Metro regional government or its officers and employees. If you have any questions concerning the operation of this online moderated discussion site, please contact \_\_\_\_\_ at phone/email\_\_\_\_\_. The comments made on this site may be considered public records and may be maintained and reproduced.

or

Metro - Social Media Terms of Use, Prohibited Content and Disclaimer

We strive to provide our guests with a positive experience when visiting our venues and websites. Please post respectfully.

This site is for your comments, questions, and concerns relating to [insert

specific mission/purpose of the applicable Visitor Venue's page]. We encourage your input, but please note this is a moderated online discussion site and not a public forum.

[Applicable Visitor Venue] reserves the right to remove submissions that contain vulgar language, personal attacks of any kind, or offensive comments that target or disparage any ethnic, racial, sexual or religious group.

[Applicable Visitor Venue] also reserves the right to delete comments that are: (i) spam or include links to other sites; (ii) off topic; (iii) advocate illegal activity; (iv) promote particular services, products, or political organizations or campaigns; (v) contain personal attacks; (vi) contain confidential or proprietary information; (vii) raise privacy concerns; (viii) identify a minor; or (ix) infringe on copyrights or trademarks.

The comments expressed on this site do not reflect the opinions and position of the [applicable Visitor Venue] or its officers and employees. If you have any questions concerning the operation of this online moderated discussion site, please contact \_\_\_\_\_ at phone/email\_\_\_\_\_. The comments made on this site may be considered public records and may be maintained and reproduced by [insert Visitor Venue].

7. If outside links are permitted, the Metro social media account shall prominently post the following "Links Disclaimer":

Metro – Outside Links Disclaimer

Links to external Internet sites do not constitute Metro's endorsement of the content of those sites, policies, or statements contained therein. Web links are often updated or deleted, and the user is cautioned to conduct his/her own research before following a link contained herein or elsewhere.

8. Metro's social media channels are designed to be moderated discussion sites rather than public forums. A moderator shall delete, in their entirety, any comments that violate the Social Media Terms of Use and Prohibited Content statement. A copy of all deleted comments shall be retained for Metro's records, including the date, time, and identity of the poster, when available, and a brief description of why the comment violates the Metro comment policy.
9. Moderators shall not discriminate against public speech based on content or viewpoint except as provided in the Social Media Terms of Use and Prohibited Content statement.
10. Users shall establish social media accounts using a Metro or venue email address. Using a Metro or venue email address will ensure that:
  - a. Personal and professional communications are separated;
  - b. Metro is able to back up public conversations because of Metro's ownership and control of the email address;

- c. Metro has access to the social media account when the employee is out on vacation or otherwise away from the office; and
  - d. Metro and the public can determine that the social media account is legitimately Metro's (and not a rogue site generated from a private email address).
11. All users shall be trained on appropriate and effective use of social media in order to meet Metro's goals. Only those employees who are both authorized and trained shall engage in social media activities on Metro's behalf.
  12. Users shall not make any posts on Metro's social media sites that include the following:
    - a. Confidential information;
    - b. Nonpublic or otherwise sensitive information;
    - c. Defamatory, libelous, offensive or demeaning material;
    - d. Inaccurate or misleading information;
    - e. Information that would invade the privacy of others;
    - f. Information or opinions related to legal matters, litigation or parties involved in legal or litigation matters;
    - g. Statements promoting or opposing election petitions, candidates, political committees or ballot measures in violation of restrictions on political campaigning by public employees;
    - h. Personal matters regarding yourself or others;
    - i. Illegal or banned substances and narcotics;
    - j. Pornography or other offensive or illegal materials; or
    - k. Uncivil, tactless, incendiary or combative statements.
  13. Each user is responsible for publishing accurate and clear information to social media accounts and quickly making corrections or clarifications as needed. Users must clearly indicate corrections and clarifications and include the time and reason for the correction or clarification.

#### **Records Retention Requirements**

1. Users and moderators must maintain and preserve records in compliance with Oregon public records law, ORS 192.001 *et seq.* Metro is required to maintain records for the period provided in the retention schedule for that type of record.
  - a. In some instances, individual departments have their own records retention schedules for their records. These must be approved by the State where they

differ from what is found in the state statute. Users and moderators must be familiar with their department's record retention schedules and preserve records in accordance with those schedules.

- b. The public records law applies whether the site is hosted by Metro or a third party.
2. **Managing Social Media Content that is Officially Maintained Elsewhere.** Under the ORS definition, a public record does *not* include: "Extra copies of a document, preserved only for convenience of reference" (ORS 192.005(5)(d)). Users can greatly simplify their retention responsibilities by using Social Media applications exclusively to provide the public with links or references to content that is officially maintained elsewhere. Using this approach, the links or references posted on Social Media sites would be considered convenience copies that need to be retained only "as needed" or "until superseded."
3. **Managing "Original" Social Media Content.** It is possible that users will publish original content via social media, and that content requires retention. Public comments to Metro social media sites may also constitute a public record. Almost all of this "original" content will fall into one of the categories below.
  - a. **Speeches/Statements/News Releases/Program Activity Records:** For retention purposes, a Metro blog posting (for example) is the equivalent of a public speech. An on-the-spot written or photographed account of a Metro event or summary of Metro activities pushed out via any social media will be considered a "report." If any of these statements or reports contains policy or historically significant content, they must be retained permanently. Otherwise, they have a two-year retention from the time they are "published."
  - b. **Correspondence:** Incoming messages from the public that arrive via a Metro social media site will be treated as correspondence. For correspondence that originates on a Metro social media site and that merits a response to an individual (as opposed to a public posting), the user would be advised to take that correspondence "offline" and, if possible, communicate directly with the individual and maintain that correspondence using established procedures for correspondence management. Much of the correspondence between elected officials and the public is considered "policy and historical" and warrants permanent retention.
  - c. **Content Associated with a Specific Function or Activity:** If a user establishes a social media site as a public entry point to solicit specific information (e.g. conducting a poll) or launch a process (e.g. placing an order), the information received must then be retained along with other records associated with that function or activity using the appropriate retention schedule.
4. **Preserving Social Media Content – Technology.** Metro does not currently endorse a single, preferred method of capturing and preserving social Media content. Before activating a social media account, users must consult with Information Services and the Metro Records Officer to create a plan for managing any content that constitutes an official Metro record.

## **Responsibilities**

### Employees:

- Become familiar with this policy and comply with its terms.
- Refrain from representing comments on a non-Metro site as Metro-endorsed or as acting in the capacity of a Metro representative.

### Supervisors and Managers:

- Oversee employee compliance with this policy.
- Provide preliminary approval of Social Media Access Requests before they are submitted to the Communications Department.
- Consult with the Office of Metro Attorney before disciplining an employee for personal social media use.

### Communications Department:

- Approve or deny Social Media Access Requests.
- In consultation with the Office of Metro Attorney, provide guidance to social media users and moderators as needed.

## **References**

Record Retention Policy: Executive Order No. 91  
Oregon public records laws, ORS 192.001 *et seq.*  
Oregon restrictions on political campaigning by public employees, ORS 260.432.

## **Attachment**

Social Media Access Request Form and Policy Compliance Agreement

# Attachment

## Social Media Access Request Form and Policy Compliance Agreement

### Employee Information:

Full Name: \_\_\_\_\_ System Login: \_\_\_\_\_  
Employee Number: \_\_\_\_\_ Department: \_\_\_\_\_  
Title: \_\_\_\_\_ Supervisor Name: \_\_\_\_\_  
Phone Extension: \_\_\_\_\_

**Employee Acknowledgement:** I understand and will follow the rules for conduct established in Metro’s Network Access Policy, Social Media Policy and all other relevant Metro policies. Failure to abide by these policies will subject me to discipline in accordance with Metro personnel policies and any applicable Collective Bargaining Agreement. (Access these policies on the Intramet Human Resources Page.)

Employee name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Communications Director Approval

This request was approved by the Communications Director.

### Director and Supervisor or Designee Endorsement

I am hereby requesting that the employee named above be given access to the requested social media site on the below business justifications.

Director: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Supervisor: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Business Justifications and Work Plan for Social Media Use

- a) What type of social media and specific platform do you plan to use?
- b) What is the business need and justification for this media site?
- c) What is the purpose of this communication?
- d) Who is the targeted audience?
- e) Will this be a one-time use or ongoing?
- f) What is the fiscal impact of adding this media site?
- g) Are public comments to be allowed or authentically facilitated?

1. If public comments are allowed or authentically facilitated, the website must include, in a prominent location, the Metro Comment Policy and disclaimer of limited public forum. All Metro employees with posting authority must read and consistently comply with the Comment Policy and limited public forum disclaimer.

h) What email address will be used for establishing the account/site?

\_\_\_\_\_@oregonmetro.gov

i) Name of the employee(s) that plans to:

1. Author content:
2. Proofread content:
3. Post content:
4. Respond to comments in a timely manner, if necessary:
5. Moderate comments for compliance with Comment Policy:
6. Maintain record retention to comply with retention schedule:

j) What Metro "voice" is desired? Will a user of this social media channel be speaking as an individual, as a department or facility, or on behalf of Metro as a whole?

k) Will posts include unique information or will they direct users to find information on the Metro or Venue website?

l) What is the anticipated number of hours per week required for this project?

m) Do you commit to using the latest browser and installing all security patches to maintain network integrity?

n) Have the individuals named on this form been trained on the appropriate and effective use of social media to meet Metro's goals?

1. Who gave the training? [Communications/OMA/Other:\_\_\_\_\_]

2. Date and location of training: \_\_\_\_\_

 Metro | *Policies and procedures*

**Subject** Charitable Solicitation  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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**POLICY**

*Financial contributions may not be solicited from Metro employees on the job during working hours except through the Metro Charitable Giving Campaign or in accordance with a special exception approved in accordance with this policy.*

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**Applicable to**

All employees.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

**Definitions**

Metro Charitable Giving Campaign: Metro's official annual campaign to raise funds for charitable organizations.

Charitable solicitation: A request for a financial contribution to benefit any charitable, personal or other cause.

Financial contribution: The donation of money or other financial sponsorship (such as a purchase).

**Guidelines**

1. The Metro Charitable Giving Campaign is the only fundraising campaign that may solicit financial contributions from Metro employees on the job during working hours, including through Metro's email system, unless a unique need of special interest to Metro warrants an exception as described below under Procedures.
2. This policy is not intended to restrict an employee from:
  - a. Attending or participating in fundraising activities as part of the employee's job duties;
  - b. Attending, participating in, or contributing to fundraising activities on a voluntary basis on the employee's personal time.

## Procedures

1. In the event of a unique need of special interest to Metro, exceptions to the prohibition on charitable solicitation during working hours may be granted by the Chief Operating Officer on a case-by-case basis.
2. Department Directors have discretion to announce fundraising solicitations and events for causes that benefit or are closely related to the business of their department. Such announcements may be made by the Director or designee during working hours without requesting an exception from the COO as long as the following conditions are met:
  - a. The announcement is not directed to employees outside of that director's department;
  - b. The announcement clearly indicates that participation is voluntary and not work-related;
  - c. The announcement does not violate state law restricting on-the-job political activity and political solicitation of public employees.
3. **Passive fundraising by employees:** Department Directors have discretion to approve a location and timeframe for employees of that department to leave solicitation materials, such as for school fundraisers, for review by other department employees *outside* of work time. Employees may also leave these materials in designated employee break rooms or post information on Metro's intramet bulletin board.
4. Employees may contact the Human Resources Department to discuss any concerns about charitable solicitation at Metro.

## Responsibilities

### Employees:

- Refrain from conduct prohibited by this policy.
- Inform your supervisor if a unique need of special interest to Metro may warrant an exception to this policy.

### Supervisors, Managers and Department Directors:

- Refer any employee requests that may warrant an exception to this policy to the attention of the Chief Operating Officer.
- Department Directors: Determine whether, where and when employees may post solicitation materials in your department for passive fundraising outside of working hours.
- Ensure that any fundraising announcements are consistent with this policy and applicable law.
- If you permit employees to post solicitation materials, do not prohibit solicitation or make other distinctions based on the nature of the cause for which funds are solicited. Refer any questions to the Office of Metro Attorney.
- Ensure that any Metro committees authorized to solicit funds from employees comply with the fundraising and cash-handling procedures found in the Metro Committees policy.

Chief Operating Officer:

- Approve or deny requests for special exceptions to permit charitable solicitation of employees on the job during working hours.

**References**

Metro Code § 2.02.250

Metro Committees policy

ORS 260.432

# Metro | *Policies and procedures*

**Subject** Outside Employment  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Metro employees shall not accept any outside employment that may create a conflict of interest or prevent them from meeting applicable performance standards.*

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## **Applicable to**

All employees.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Guidelines**

1. Metro employees shall not accept any outside employment that may create a conflict of interest or prevent them from meeting applicable performance standards.
2. Employees are welcome to pursue opportunities that do not violate this policy. Therefore, Metro will consider alternate arrangements that may eliminate the conflict of interest or performance concerns and allow the employee to accept the outside employment.

## **Procedures**

1. Outside employment creates a conflict of interest if it:
  - a. Involves use of Metro work time, facilities, equipment or supplies;
  - b. Involves the use of the employee's influence as an employee of Metro;
  - c. Involves the receipt of money or other benefits for duties performed as a Metro employee;
  - d. Involves competing with Metro in providing a service or product; or
  - e. Involves time demands that interfere with the employee's availability for scheduled work, including mandatory and prescheduled overtime or other extra work that may be required, or that makes the employee unable to meet the performance expectations for his or her position.

2. Employees are required to notify their supervisors before accepting outside employment that could potentially violate this policy. Employees must also report employment that may give the appearance of impropriety, even if no actual conflict of interest exists.
  - a. Employees should provide notice as soon as possible to allow Metro to evaluate the potential conflict and determine whether the employment is permitted under this policy.
    - i. The employee should advise Metro if he or she is subject to a deadline for responding to an offer of outside employment.
    - ii. Metro will make an effort to respond within the requested timeframe; however, it may not be feasible to do so in every circumstance.
  - b. The supervisor must provide the employee with a written response within 14 days of the request and maintain a copy in the supervisory working file. Supervisors must consult with the Human Resources Department before disciplining an employee under this policy or discouraging the employee from accepting the proposed employment.
3. If Metro determines that a potential conflict of interest exists, Metro will consider whether there are feasible alternate arrangements that will eliminate the conflict and allow the employee to accept the outside employment.
4. Metro has sole discretion to determine whether a potential conflict of interest exists and whether alternate arrangements are feasible to eliminate the conflict. If Metro determines that a conflict exists, Metro will communicate its determination and reasoning to the employee in writing.
5. If Metro determines that a potential conflict of interest exists, the employee must follow management directives to eliminate the conflict.
6. An employee who is found to have violated this policy will be subject to discipline up to and including termination. Performance concerns will be managed according to regular policies and procedures.

## **Responsibilities**

### Employees:

- Notify your supervisor before accepting or continuing employment that may fall under this policy.

### Supervisors and Managers:

- Clearly communicate expectations for scheduling availability and job performance to employees.
- Consult with the Human Resources Department about any potential violations of this policy.

### Human Resources Department:

- Evaluate potential conflicts of interest in consultation with Office of Metro Attorney.
- Investigate options for eliminating potential conflicts of interest or performance concerns and advise supervisors, managers, and employees accordingly.

 Metro | *Policies and procedures*

**Subject** Work Schedules  
**Section** Human Resources  
**Approved by** MERC Commission

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**EXCERPT FROM MERC PERSONNEL POLICIES (2007; updated 2013)**

*Policy is under review. Numbering has been changed from original manual; content is from former Section 16.0, MERC Personnel Policies (2007).*

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**WORK SCHEDULES**

1. The normal workweek shall be 40 hours, Thursday through Wednesday. In order to provide the best service to the public, facility directors may establish operating schedules for departments that vary from the normal work schedule. Nothing contained in this section or elsewhere in the Personnel Policies shall be construed as any guarantee of hours of work per day or per week.

- a. Flexible Work Schedules

Supervisors and managers may establish employee work schedules, which vary from the normal work schedule. The Facility Director or designee must approve all flexible work schedules.

- b. Job Share **REPLACED** – See *Job Sharing policy (Oct. 2013)*

<DELETION>

- c. Telecommuting

Telecommuting is defined as transportation and work alternatives that substitute home-to-work commuting with working at home or at satellite work locations. In order to telecommute an employee must receive written authorization by the Facility Director.

- d. Part-time Positions

With the written agreement of the Facility Director(s) and supervisor(s), part-time non-benefited positions may be combined to increase an employee's hours but not for the purpose of receiving benefits.

- e. Lunch and Breaks

All employees shall be allowed a lunch break of at least thirty (30) minutes, but not more than one hour for every work shift of at least six hours. All employees are

entitled to a fifteen (15) minute paid break period for every four-hour segment or major portion thereof in the work period. If an employee works a shift longer than 10 hours they are entitled to three paid rest breaks.

 Metro | *Policies and procedures*

**Subject** Holidays  
**Section** Human Resources  
**Approved by** MERC Commission

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**EXCERPT FROM MERC PERSONNEL POLICIES (2007; updated 2013)**

*Policy is under review. Numbering has been changed from original manual; content is from former Section 16.1, MERC Personnel Policies (2007), updated 2013.*

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**HOLIDAYS**

1. The following shall be considered holidays for full-time employees. However, Personal Days ~~(16.1 C)~~ cannot be utilized by employees in their initial probationary period.

<u>HOLIDAY</u>	<u>DATE</u>
New Year's Day	January 1
Martin Luther King, Jr.'s Birthday	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday Following Thanksgiving Day	Fourth Friday in November
Christmas Day	December 25
Three Personal Days	Open

- a. Exempt employees working on a holiday will be compensated at their regular rate of pay and the holiday will be accrued to be taken at a later date within the same fiscal year. Non-exempt employees who work on a holiday and are eligible for overtime compensation shall receive one-and-one-half (1 1/2) time compensation for the time worked if the employee has actually worked 40 hours during the week in which the holiday occurs. If the employee has not worked 40 hours during the week in which the holiday occurs, payment for time worked will be at straight time. Additional holiday compensation does not apply to personal days ~~(16.1 D)~~.
- b. For those individuals who work more than eight (8) hours a day (i.e., 9, 10, or 12 hour days) as their normal schedule, the number of holiday hours paid for personal and recognized holidays shall be equal to the number of hours in their regular workday.
- c. The three (3) personal days may be used at the employee's discretion during the fiscal year in which they accrue.

Employees hired between July 1 and October 31 will receive three (3) personal days; employees hired between November 1 and February 29 will receive two (2) personal days; and employees hired between March 1 through June 30 will receive one (1) personal day. Requests to use personal days will be handled as vacation leave ~~(16-2C)~~. If the personal holidays are not taken within the fiscal year, they will be lost.

Personal days cannot be utilized by employees in their initial probationary period.

Employees hired between January 1 and June 30 may carry their personal holiday(s) earned during probation until the end of the following fiscal year.

- d. Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. Whenever a holiday falls on a Sunday the following Monday shall be observed as the holiday. Full-time employees working an irregular workweek shall receive the same number of holidays as employees working a regular workweek unless otherwise defined in a collective bargaining agreement.

***Update (Oct. 2013) – Veterans Day:*** All veterans who served on active duty for at least 6 months and received a discharge under honorable conditions are eligible to take Veterans Day off if they would otherwise be required to work that day, unless it would cause a significant economic or operational hardship to Metro. In that case, the employee will be granted an alternate day off to honor his or her service. Requests for Veterans Day off must be made 21 days in advance or within the timeframe specified by the department's scheduling procedures.

 Metro | Policies and procedures

**Subject** Vacation  
**Section** Human Resources  
**Approved by** MERC Commission

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**EXCERPT FROM MERC PERSONNEL POLICIES (2007)**

*Policy is under review. Numbering has been changed from original manual; content is from former Section 16.2, MERC Personnel Policies (2007).*

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**VACATION LEAVE**

1. Vacation leave with pay for full-time employees shall accrue at the rate shown below:

TOTAL YEARS OF SERVICE	ACCRUAL RATE AT 24 PAY PERIODS PER YEAR	VACATION RATE PER YEAR
0 through 4	3.34 hours	80 hours
5 through 9	5.00 hours	120 hours
10 through 14	5.84 hours	140 hours
15 through 19	6.67 hours	160 hours
20 through 24	7.50 hours	180 hours
25 or more	8.34 hours	200 hours

2. Employees who have successfully completed the probationary period and have received a full-time appointment are eligible to take accrued vacation leave with pay. However, employees will not be allowed to accrue more than two hundred and fifty (250) hours of vacation leave. Vacation leave beyond two hundred and fifty (250) hours will be lost, ~~unless reasons for an exception receive approval by the Facility Director and General Manager.~~ Accumulations must be within stated limits as of June 30 each fiscal year. Excess vacation accruals will be lost if not used by June 30, ~~unless reasons for an exception receive approval by the Facility Director and General Manager.~~

***Update (Feb. 2010) – Accrual cap:** Effective July 1, 2010, the 250-hour limit is firm. Employees who reach the 250-hour cap stop accruing vacation until they take vacation time and reduce their accrual level below 250 hours. Once the accrual level drops below the 250-hour maximum, they will then accrue time based on the schedule in the applicable personnel policy or collective bargaining agreement.*

### 3. Scheduling of Vacations

Vacation requests shall be submitted through the supervisor and approved by a manager on an "Employee Leave Request Form." Request for vacation leave shall be submitted at least two (2) weeks prior to desired vacation time. Personal days shall be scheduled in the same manner as vacation leave. ~~If no exception has been granted and the employee would lose accrued vacation time because a request was denied by the supervisor, the employee may request an exception to exceed the 250-hour limit.~~

### 4. Vacation Pay upon Termination

A full-time employee who has successfully completed the initial probationary period, has been appointed to regular status, and is separated from the Commission, shall be entitled to payment for accrued vacation leave, including accrued personal days. In no case shall payment be for more than the maximum accumulation. In case of death, compensation for accrued vacation leave including personal days accrued as vacation shall be paid in the same manner that salary due is paid.

### 5. Transfer of Vacation Leave Credits

Under normal circumstances leave accruals are not transferable. However, upon written request of a regular Commission employee to the General Manager, the voluntary transfer of vacation leave hours may be authorized on a limited, carefully monitored basis as follows:

- a. Only employees eligible to accrue vacation may request transfer of vacation leave hours.
- b. Each request will be reviewed and approval granted or denied on a case-by-case basis by the General Manager.
- c. Requests must be due to a catastrophic illness of the requesting employee only.
- d. The requesting employee must have no accrued sick leave balance and no accrued vacation leave balance at the time of the request.
- e. Upon approval of the General Manager the requesting employee, or another Commission employee they have designated, may initiate requests to Commission employees for the transfer of accrued vacation leave hours.
- f. Employees wanting to voluntarily transfer accrued vacation leave hours to the requesting employee may do so only as follows:
  - i. The transferring employee's Facility Director must authorize the transfer of hours by signature, and such authorization will indicate the transfer of hours can be accomplished within the facility fiscal year budget;
  - ii. The transfer of accrued vacation leave hours cannot exceed a total of 40 hours per transferring employee for each individual requesting employee for each fiscal year;
  - iii. If the transferring employee's vacation leave balance has reached the capped limit, the employee cannot uncap their accrued hours to allow for a transfer of hours. Transferred hours must be deducted from accrued hours at or below the applicable cap.

- g. Normal leave accruals will not continue for requesting employees while they are on paid leave status as a result of transferred hours. However, health and welfare benefits provided for any other employee on paid leave status will continue for the requesting employee for as long as they remain on paid status.
- h. Any transferred vacation leave hours unused by the requesting employee shall be returned to all transferring employees' vacation leave accrual balances on a pro-rated basis.
- i. Copies of approved requests and approved transfers of hours must be sent to the Human Resources Manager and Human Resources Department.

 Metro | *Policies and procedures*

**Subject** Sick Leave  
**Section** Human Resources  
**Approved by** MERC Commission

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**EXCERPT FROM MERC PERSONNEL POLICIES (2007)**

*Policy is under review. Numbering has been changed from original manual; content is from former Section 16.3, MERC Personnel Policies (2007).*

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**PAID SICK LEAVE**

Sick leave is intended to be used for illness, injury or other temporary physical disability, and is not to be used for personal time off or to extend holidays or vacation periods (except as defined in the "Sick Leave Credit" section of these policies). No compensation for accrued sick leave shall be provided for any employee upon termination of employment.

1. Accrual of Sick Leave

Paid sick leave shall accrue at the rate of four and one-third (4.33) hours per payroll period or 104 hours per year. Part-time employees shall not accrue sick leave. Sick leave shall not accrue during any period of leave of absence without pay, for any reason.

2. Use of Sick Leave

An employee may use their accrued sick leave when temporarily unable to perform their work duties by reason of personal illness, injury, disability, medical or dental care, or illness, injury or physical disability of a person living in the employee's household.

3. Sick Leave Credit

Full-time employees who use twenty-four (24) hours or less of sick leave within one (1) fiscal year period shall accrue eight (8) additional hours of vacation leave in exchange for eight (8) hours of sick leave at the end of the fiscal year.

4. On the Job Injury Leave

When employees are injured on the job, they are eligible to receive time loss compensation in accordance with state law establishing workers' compensation benefits.

5. Sick Leave Certification

A supervisor or manager may require certification of the attending physician or practitioner to substantiate that an illness or injury prevents the employee from working,

or requires the presence of the employee, or requires changes in the terms of their employment.

To the extent provided by law, the Commission may require an employee to submit to a medical examination to confirm that an illness or injury prevents an employee from performing essential job functions or that the employee poses a threat due to a medical condition. If the Commission requires a medical examination it will bear the cost not covered by insurance. In any event, the supervisor or manager shall have final authority to decide if any sick leave usage is appropriate.

 Metro | *Policies and procedures*

**Subject** Job Sharing  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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**POLICY**

*Metro permits two employees to share one full-time position if, in Metro's judgment, the position lends itself to a job sharing arrangement without decreasing efficiency or increasing the net cost of the position to Metro.*

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**Applicable to**

All employees.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

**Definitions**

Full-Time Equivalent (FTE): the number of total work hours divided by the maximum number of compensable hours in a full-time schedule.

**Guidelines**

1. A budgeted full-time position may be shared by two employees if, in Metro's judgment, the position lends itself to a job sharing arrangement without decreasing efficiency or increasing the net cost of the position to Metro.
  - a. For positions represented by a union, each job share employee will be budgeted at .50 FTE (20 hours per week). For non-represented positions, FTE may be divided according to business need and the needs and preferences of the employees.
2. Benefits will be prorated between the two employees in proportion to each employee's budgeted work hours. The benefits associated with a job share position may not exceed the benefits of an equivalent full-time position. An employee working in a job share position will be treated as a part time employee for purposes of calculating leave accruals.
3. Job share partners must have the same classification (since the classification is associated with the position) but may be paid at different rates, consistent with applicable collective bargaining agreements and policies.

## Procedures

1. A budgeted full-time position may be designated a job share position with the approval of the Department Director and HR Director.
2. To initiate a request for job sharing, employees should first discuss the request with their immediate supervisor, who will discuss the request with the Department Director. The decision whether to proceed with the request is at the Department Director's discretion based on operational needs and budget considerations.
3. If the Director supports the request, the employees must submit a written proposal to the Director, signed by both employees. The proposal should describe the proposed division of work hours and duties.
4. The Department Director will forward the proposal to the Human Resources (HR) Benefits Manager. The HR Benefits Manager will review the proposal to ensure compliance with applicable laws and policies related to benefits and discuss any concerns with the Department Director. The HR Benefits Manager will then forward the request to the HR Director who will approve or deny the request and notify the Department Director and Human Resources Information Systems (HRIS) Analyst. The Department Director is responsible for communicating the response to the affected employees.
5. Employees in job sharing arrangements are required to maintain the same performance, productivity and customer service standards that would be expected if the position were filled with one full-time employee. The immediate supervisor is responsible for managing the days and hours worked and the duties assigned to each employee. Job share partners and their supervisors are expected to work together to develop appropriate procedures to balance workloads and share information effectively.
6. Employees in job sharing arrangements may be required to track their work hours, even if they are paid on a salary basis, to facilitate management of the position and ensure compliance with legal requirements. Supervisors are responsible for managing work hours consistent with the approved job share arrangement.
7. If, in the judgment of the Department Director, the job share arrangement is not meeting Metro's business needs, the Department Director may terminate the arrangement upon 30 days' notice to the affected employees. The affected position may be converted to two part-time positions if consistent with business needs. Any resulting changes to the terms and conditions of employment will be in accordance with Metro's personnel policies and the applicable collective bargaining agreement, if any.
8. If one partner in a job sharing arrangement separates from employment, the supervisor and Department Director will determine whether to recruit for a new job share partner, convert the position to two part-time positions, or convert the position to one regular full-time position. This decision is at management's discretion based on operational needs and budget considerations.
  - a. If the position is converted to a regular full time position, the remaining job share employee will be offered the opportunity to assume the position on a full-time basis.
  - b. If the former job share employee is unable to assume the offered full-time position, he or she will be laid off following procedures in the applicable policy or collective bargaining agreement and the full-time position will be opened for recruitment.

## **Responsibilities**

### Employees:

- Discuss job sharing requests with your immediate supervisor and submit a signed written proposal.
- Share information with your job share partner to ensure efficiency and seamless customer service.
- Track work hours and submit them to your supervisor (salaried, overtime-exempt employees: only if required by supervisor).

### Supervisors:

- Ensure that job share employees are meeting applicable performance and customer service standards and that workloads and work hours are consistent with the job share agreement.

### Department Director:

- Determine whether to support or deny job share requests.
- Submit job share proposals to the HR Department.

### Human Resources:

- Track job share arrangements throughout the agency.
- Benefits Manager: Review job share proposals for compliance with applicable laws and policies.
- Director: Approve or deny job share proposals and notify Department Director and HRIS Analyst.
- HRIS Analyst: Complete data entry to allocate payroll and benefits in accordance with approved proposals.

# Metro | Policies and procedures

**Subject** Religious Accommodation  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*It is Metro's policy to provide reasonable accommodation for an employee's sincerely held religious beliefs, observances and practices unless such accommodation would cause an undue hardship to Metro's operations. Metro will not discriminate on the basis of religion.*

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## **Applicable to**

All employees and interns.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Definitions**

**Religious Beliefs, Observances and Practices:** The definition of "religious beliefs, observances and practices" that Metro applies will be in accordance with the constitutional definition of those terms as determined by applicable law. A general guideline is that religious beliefs are moral or ethical beliefs as to what is right and wrong that are sincerely held with the strength of traditional religious views, even though the beliefs themselves may be nontraditional, if those beliefs concern "ultimate ideas" about "life, purpose, and death." Social, political, or economic philosophies, as well as mere personal preferences, are not "religious" beliefs protected by law.

**Undue Hardship:** A significant difficulty or expense. Undue hardship is determined on a case-by-case basis in accordance with applicable law. Co-workers' or supervisors' mere dissatisfaction with the requested accommodation is not an undue hardship. Factors influencing a determination of undue hardship include, but are not limited to:

- a. Business necessity;
- b. Safety and health concerns;
- c. Financial cost and overall financial resources available; and
- d. Resulting personnel problems, such as staffing needs, interference with other employees' rights, or the effect on seniority systems mandated by union contract.

## **Guidelines**

1. The intent of this policy is to provide reasonable accommodation for employees' and interns' sincerely held religious beliefs, observances and practices, consistent with state and federal law.
2. Common examples of religious accommodation include:

- a. Accommodation or time off to engage in religious practices, attend religious services, or observe a holy day as required by the employee's religion.
  - b. Accommodation of religious dress or grooming practices (e.g. required hairstyles or facial hair).
3. There is no prescribed manner of providing reasonable accommodation. Metro will consider all possibilities as they apply to its operational requirements. Criteria for determining whether an employee's requested accommodation is reasonable include:
  - a. The nature of the job;
  - b. The number of employees who can do that job;
  - c. The effects of transferring the employee;
  - d. The effects of accommodation on other employees;
  - e. The requirements of applicable collective bargaining agreements; and/or
  - f. Scheduling and overtime problems.
4. The Human Resources (HR) Department may request verification that the request is based on a sincerely held religious belief. Metro is not required to accommodate requests that are based merely on an individual's personal preference. Determinations of whether a requested accommodation pertains to a sincerely held religious belief, whether verification is necessary, and what verification may be appropriate will be made on a case-by-case basis consistent with applicable law.
5. It is unlawful to harass, discriminate against, or take any adverse employment action in regards to an individual because of his or her religion or because he or she has requested or received an accommodation under this policy. Anyone who experiences or observes discrimination, harassment, or retaliation on the basis of religious beliefs or requests for religious accommodation should report the offending conduct using the procedures specified in Metro's Discrimination and Harassment Policy.

### **Procedures**

1. An employee or intern may initiate a request for religious accommodation by contacting his or her supervisor or the HR Department.
2. Upon receipt of a request for accommodation, the supervisor shall notify the HR Benefits Manager. The HR Department, in consultation with the Office of Metro Attorney, will be responsible for determining whether a requested accommodation is reasonable and whether it will result in undue hardship to Metro.
3. The HR Benefits Manager will contact the employee or intern to discuss the requested accommodation, and will consult with the supervisor and other managers as needed to determine the impact of the requested accommodation on Metro operations.
4. If it is determined that the requested accommodation would pose an undue hardship, the HR Benefits Manager will coordinate an interactive process to determine whether a mutually acceptable alternative accommodation is available.
5. The HR Benefits Manager may require additional information to verify that the requested accommodation is based on a sincerely held religious belief and/or a religious requirement.
6. Failure to timely submit verification may result in the delay of accommodation approval.

7. After receiving sufficient verification, the HR Benefits Manager will inform the employee or intern of whether a requested or alternative accommodation will be granted.
8. The employee or intern is required to comply with all applicable policies and work rules while the request for accommodation is under consideration, or if the request is denied.
9. If special circumstances make it necessary to expedite the approval process, the HR Benefits Manager may grant an accommodation on a provisional basis before receiving verification, with the understanding that there is no guarantee the requested accommodation will be granted permanently.
10. Anyone with concerns about the religious accommodation process may contact the Director of Human Resources or Office of Metro Attorney to discuss the matter.

## **Responsibilities**

### Employee/Intern:

- Notify the immediate supervisor or HR Department if religious accommodation is needed.
- Provide additional information as requested by the HR Benefits Manager.
- Be willing to discuss mutually agreeable alternative accommodations if necessary to avoid undue hardship to Metro's operations.
- Continue to follow all employment policies and work rules until accommodation is approved.

### Supervisor:

- Notify the HR Benefits Manager of any requests for religious accommodation.
- Work with the HR Benefits Manager to determine the impact of the requested accommodation on operations.

### Human Resources Department:

- Contact the employee or intern and engage in an interactive process to determine whether a reasonable accommodation is appropriate.
- Request documentation as necessary to certify eligibility for accommodations and/or protected leave.
- Work with the supervisor and other managers as needed to determine the impact of the requested accommodation on operations.
- Determine whether the requested accommodation poses an undue hardship.
- Notify the employee or intern of the decision and discuss possible alternative accommodations if the requested accommodation is denied.

## **References**

ORS 659A.030; ORS 659A.033

2013 Oregon Laws Ch. 379 (House Bill 2669)

Title VII of the Civil Rights Act of 1964 (Sections 701 and 702)

29 CFR §1605.1 (definition of sincerely held religious belief; codifies federal case law)

Metro Discrimination and Harassment Policy

# Metro | Policies and procedures

**Subject** Americans with Disabilities Act (ADA)  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Metro complies with the Americans with Disabilities Act and corresponding state law. In keeping with Metro's commitment to equal opportunity, Metro will not discriminate against any individual based on disability and will ensure that reasonable disability accommodation is provided to allow qualified individuals with disabilities to perform the essential functions of their positions and enjoy equal benefits and privileges of employment.*

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## **Applicable to**

All employees, interns and applicants.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Definitions**

**Americans with Disabilities Act (ADA):** A federal law designed to protect individuals with disabilities from discrimination. For purposes of this policy, the focus will be on the employment-related portion of the ADA.

**Disability:** A substantial impairment of a major life activity. Temporary impairments of short duration, such as colds, flu, sunburn, or broken bones that heal normally, are typically not disabilities.

**Essential function:** The fundamental duties of a position that an individual with a disability holds or desires. Considerations in determining essential functions include the time it takes to perform the function; the consequences of not performing that function; whether the position exists to perform that function; and whether there are others who can perform that function.

**Genetic information:** For the purposes of this policy, genetic information includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

**Interactive process:** An informal process between an individual with a disability and an employer in an effort to identify potential reasonable accommodation.

**Major life activity:** Major life activities include, but are not limited to: caring for oneself; performing manual tasks; seeing; hearing; eating; drinking; sleeping; walking; standing; lifting; bending; twisting; speaking; breathing; cognitive functioning; learning; education; reading; concentrating; remembering; thinking; communicating; operation of a major bodily

function, including but not limited to functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions; working. To be substantially limited in the major life activity of working, an individual must be significantly restricted in the ability to perform a class of jobs or a broad range of jobs in various classes as compared to the ability of an average person with comparable skill, experience, education or other job-related requirements needed to perform those same positions.

Qualified individual: An individual who is able to perform the essential functions of his or her position with or without reasonable accommodation.

Reasonable accommodation: Any modification or adjustment to a position or the work environment that will enable a qualified individual with a disability to participate in the application process or perform essential job functions. Reasonable accommodation also includes adjustments to provide a covered individual the same employment rights and privileges enjoyed by those without disabilities.

Substantially limits: Restricts one or more of an individual's major life activities as compared to most people in the general population. This analysis is made without regard to whether the individual can reduce the effects of the impairment through the use of mitigating measures, with the exception of ordinary eyeglasses and contact lenses.

Undue hardship: A significant difficulty or expense.

## **Guidelines**

1. Metro will not discriminate against any employee, intern or applicant because the individual has a disability or a record of disability; is regarded as having a disability; is associated with a person with a disability; or has inquired about, received, or requested reasonable accommodation.
2. Metro will provide reasonable accommodation to employees, interns and applicants with disabilities unless to do so would result in an undue hardship. When an otherwise qualified employee or intern has a disability, Metro will engage in an interactive process to determine whether he or she can perform the essential functions of his or her position with reasonable accommodation.
3. In accordance with the Genetic Information Non-Discrimination Act of 2008, no genetic information, including family medical history, will be requested or considered as part of the accommodation process.

## **Procedures**

### **Applicants for employment or promotion**

1. Reasonable accommodation will be provided to disabled applicants for employment, internship or promotion if necessary to complete the application process.
  - a. If a physical capacities test is necessary before beginning regularly scheduled work, the test will be required only after a conditional offer of employment has been made, consistent with the requirements of the ADA.
  - b. If the results of a physical capacities test indicate that an employee is unable to perform essential functions of the position, Metro will initiate an interactive process with the employee to determine whether disability accommodation is appropriate.

### **Current employees and interns**

2. An individual with a disability may request an accommodation if needed to perform the essential functions of his or her position.
  - a. The individual should initiate the request by contacting his or her supervisor or the Human Resources Benefits Manager.
  - b. Upon receipt of a request for accommodation, the supervisor shall immediately notify the HR Benefits Manager.
3. The employee or intern will be asked to meet with the HR Benefits Manager to engage in an interactive process to discuss the disability in relation to the essential functions of the position and to identify reasonable adjustments or changes that may allow the individual to perform these essential functions.
  - a. Prior to the meeting, HR will inform the individual that they may have a union representative, family member, or other appropriate person present during interactive process meetings.
  - b. An employee or intern may choose to decline participation in the interactive process at this point or at any other time. This decision will suspend Metro's further assessment of potential disability accommodations until the employee or intern re-initiates a request. HR will twice seek to initiate such a dialogue before closing the matter due to non-participation. A closure of this nature will not prevent the employee from initiating the ADA process at a later date for the same or different medical reasons.
  - c. The HR Benefits Manager will write a letter outlining the duties of the position to the employee's or intern's health care provider and will request a signed medical release from the employee or intern. The release will authorize the health care provider to provide a medical opinion and relevant medical information as to whether the individual can perform the full scope of the essential duties of the position and what, if any, accommodation(s) are recommended.
  - d. Metro will reimburse the employee or intern for out-of-pocket costs for providing medical documentation required under this policy in accordance with applicable law.
  - e. The HR Benefits Manager will review the health care provider's responses. If the documentation is insufficient to establish the existence of a disability and the need for accommodation, the HR Benefits Manager will explain why the documentation is insufficient and allow an opportunity to provide the missing information.
    - i. With the employee's or intern's written consent, the HR Benefits Manager may request follow-up information directly from the employee's health care provider.
    - ii. If necessary to confirm or clarify the need for accommodation, Metro may require the employee or intern to go to a second health care provider chosen by Metro for an independent medical opinion at Metro's expense.

- f. The HR Benefits Manager, the employee or intern, and the supervisor will meet to discuss the requested accommodation and, if appropriate, other potential accommodations that may allow the employee or intern to perform the essential functions of his or her position. HR and the employee's supervisor will jointly determine if a reasonable accommodation is available, and if so, they will arrange for timely implementation.
4. If a reasonable accommodation cannot be made so that an employee may continue to successfully perform in his or her current position, the HR Recruitment and Selection Manager will conduct a thorough review of available positions to determine if there is an available, suitable position for which the employee may be eligible.
5. If the suggested accommodations will create an undue hardship to Metro's operations as defined by the ADA, the HR Benefits Manager will meet with an employee to determine if any other benefit options may be appropriate. If no other options are found, Human Resources will meet with the department Director and Office of Metro Attorney to determine if a termination is necessary due to inability to perform the job.
6. Metro will provide reasonable accommodation to help employees meet performance and conduct standards; however, Metro is not required to waive performance or conduct standards that are job-related and consistent with business necessity or to rescind discipline or an evaluation warranted by poor performance if the employee has not requested accommodation.
  - a. An employee who has a disability that may cause performance or conduct problems is encouraged to seek reasonable accommodation before problems arise.
  - b. Consistent with the ADA, Metro will not accommodate or extend job protections based on current use of illegal drugs.
7. Information obtained regarding an individual's medical condition or history will be kept in separate medical files and treated as confidential, except as follows:
  - a. Supervisors and managers may be informed regarding necessary restrictions on the individual's duties and necessary accommodations.
  - b. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.
  - c. Officers and employees of the Equal Employment Opportunity Commission and the Bureau of Labor and Industries investigating compliance will be provided relevant information upon request.
8. Anyone with concerns about the ADA process, including the outcome of the interactive process, may contact the Director of Human Resources or Office of Metro Attorney to discuss the matter.
9. Anyone who experiences or observes discrimination, harassment, or retaliation related to disability should report the offending conduct using the procedures specified in Metro's Discrimination and Harassment Policy.

## **Responsibilities**

### **Employee/Intern:**

- Notify the supervisor or HR Benefits Manager that an accommodation is being requested.
- Meet with the HR Benefits Manager to begin the ADA interactive process and follow up as requested.
- Provide a medical release for Metro to obtain relevant medical information.
- Report any discrimination, harassment, or retaliation related to disability using the procedures specified in Metro's Discrimination and Harassment Policy.

Supervisor:

- Timely respond to all ADA requests by notifying HR.
- Participate in a discussion with the employee or intern and HR regarding reasonable accommodation.
- Coordinate with the Human Resources Department and the employee or intern to implement any necessary accommodations.
- Refer any reports or observations of discrimination, harassment, or retaliation related to disability to the HR Department.
- Maintain the confidentiality of medical information.

HR Benefits Manager:

- Provide the employee or intern with the appropriate forms to obtain medical documentation.
- Obtain necessary medical information from the applicable health care professional(s) in order to verify the need for accommodation and identify potential solutions.
- Ensure that genetic information is not requested or considered during the accommodation process.
- Work with the employee or intern and the supervisor to determine if reasonable accommodation(s) can be made.
- Coordinate implementation of any necessary accommodations.
- Maintain medical information in a confidential file separate from the personnel file.

**References**

Americans with Disabilities Act of 1990 (ADA) as amended- 42 U.S.C. 12101 et seq., 29 C.F.R. 1630 et seq.

ORS 659A.103 – 659A.142; OAR 839-006-0200 – 839-006-0265 (Oregon disability law).

2013 Oregon Laws Ch. 379 (House Bill 2669)

Genetic Information Nondiscrimination Act of 2008 (GINA) - Pub.L. 110-233, 122 Stat. 881 (2008).

# Metro | *Policies and procedures*

**Subject** Modified Duty for Non-Occupational Medical Conditions  
**Section** Human Resources; Finance and Regulatory Services (Risk)  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*In limited circumstances, Metro may provide temporary modified duty (also known as “light duty”) for injuries or medical conditions that were not incurred on the job at Metro.*

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### **Applicable to**

All employees.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

### **Guidelines**

1. Metro will temporarily modify the work assigned to employees with temporary non-occupational medical conditions only if the following criteria are met:
  - a. The employee can complete all the essential job functions as outlined in the employee’s classification description;
  - b. There is a business need for the work to be performed; and
  - c. There is no financial cost to Metro (e.g. equipment purchases) required to place the employee on modified duty.
2. Metro does not provide transfers to accommodate restrictions due to non-occupational medical conditions except as required by law or other Metro policies.
3. Employees who are unable to perform their regular duties due to non-occupational medical conditions may have additional options under other laws and Metro policies, including the Americans with Disabilities Act (ADA), Oregon Family Leave Act (OFLA), Family and Medical Leave Act (FMLA), and Metro’s Pregnancy Transfer and Leave policy. Metro also provides modified duty for on-the-job injuries covered by Metro’s workers’ compensation insurer. Employees should consult the applicable Metro policies and contact the Human Resources (HR) Department for more information if needed.

### **Procedures**

1. To request modified duty, employees must provide their supervisor or the HR Department with written restrictions from their health care provider.

- a. Supervisors must forward this information to HR immediately.
  - b. If more information is needed to clarify the restrictions or evaluate the suitability of possible transfer options, the HR Department may request that the employee provide additional information before a decision is made on the employee's request.
2. Modified duty for non-occupational conditions is typically limited to 30 days or less except as required by law or other Metro policies. In unusual circumstances, the C.O.O. or GM may approve an extension of modified duty beyond the standard 30-day period provided there is no adverse impact to Metro's operations.
3. Metro may remove an employee from the modified duty assignment before the end of the 30-day period for any of the following reasons:
  - a. The employee's medical restrictions are lifted or change substantially such that the modified duty assignment is no longer appropriate;
  - b. The employee is unable or unwilling to meet the attendance, performance and conduct expectations for the modified duty assignment; or
  - c. Continuation of the modified duty assignment is not consistent with Metro's business needs.
4. If an employee is medically restricted from performing the duties of his or her position but modified duty is not appropriate under the terms of this policy, the employee will not be permitted to work until the employee is no longer subject to medical restrictions.
5. An employee on modified duty whose medical restrictions are lifted or changed must give his or her supervisor a copy of the release or revised restrictions before the employee's next scheduled work shift or within three business days, whichever comes first.
6. Metro will return an employee to his or her regular duties only upon receipt of a medical release indicating that the employee is able to perform all the duties of that position.
7. Employees with non-occupational medical conditions may have additional options for extended modified duty or a leave of absence under the Americans with Disabilities Act (ADA), the Oregon Family Leave Act (OFLA), the Family and Medical Leave Act (FMLA), and/or other Metro policies.
8. An employee who is unable to return to his or her former position upon the conclusion of the modified duty assignment due to continued medical restrictions may be subject to termination in accordance with regular attendance policies except as provided by applicable law or other Metro policies.

## **Responsibilities**

### Employees:

- Provide your supervisor with written restrictions from your physician.
- Fulfill the performance and conduct expectations for the modified duty assignment. Consult with your supervisor if guidance is needed.
- When your restrictions are lifted or changed, give a copy of the release or new restrictions to your supervisor before your next scheduled work shift or within three business days, whichever comes first.
- If you are unable to return to your regular position at the end of your modified duty assignment, consult Metro policies and contact the HR Department to explore any other options you may have for modified duty or a leave of absence.

Supervisors and Managers:

- Notify the HR Department and Risk Management of all employee requests for modified duty.
- Promptly send any medical information received from an employee or another source to the HR Department without keeping copies, except that a copy of the employee's work restrictions may be retained while the restrictions are in effect. Maintain the confidentiality of all medical information.
- Consult with the HR Department before making changes to an employee's work assignment.
- Provide guidance to the employee as to the performance and conduct expectations for the modified duty assignment.
- Instruct employees to consult Metro's personnel policies and contact the HR Department to explore their options if they are unable to return to their regular assignment at the conclusion of modified duty.

Human Resources Department:

- Maintain all medical information in the employee's confidential medical file in accordance with legal requirements.
- Advise supervisors and employees on options for modified duty and leaves of absence as applicable.

**References**

Americans with Disabilities Act Policy

Family and Medical Leave Policy

Leave without Pay policy

# Metro | Policies and procedures

**Subject** Family and Medical Leave  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*It is the policy of Metro to grant Family and Medical Leave to eligible employees in accordance with federal and state law. Family and Medical Leave is intended to ensure that eligible employees have the opportunity to take protected leave to care for oneself or a family member with a serious illness or injury, to care for a sick child, and/or to care for a newborn child, newly adopted child, or newly placed foster child in the employee's home. In addition, the Family and Medical Leave Act provides protected leave for eligible employees to care for family members who are covered military service members or veterans recovering from a serious illness or injury sustained in the line of duty and to handle exigencies related to active duty. The Oregon Family Leave Act also provides protected bereavement leave to grieve the death of an immediate family member. Employees may also be entitled to protected leave for additional purposes under other federal and state laws and Metro policies. Lastly, represented employees may have greater leave rights under their applicable collective bargaining agreement with Metro.*

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## **Applicable to**

All employees.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Types of Leave Covered By This Policy**

**Serious Health Condition Leave:** An eligible employee may take leave on a continuous or intermittent basis for his or her own serious health condition or to care for an immediate family member with a serious health condition.

**Parental Leave:** An eligible employee may take leave to care for a newborn, newly adopted or newly placed foster child. Parental Leave may be taken any time within 12 months of the birth, adoption, or placement of the child. Parental Leave may also be used to complete legal procedures prior to the adoption.

**Sick Child Leave:** An eligible employee may take leave to care for their child due to a non-serious health condition requiring home care. Non-serious health conditions include a cold, the flu, or a condition not requiring hospitalization. Metro may request a doctor's note after the fourth occurrence of such leave.

### Military Family Leave:

Caregiver Leave. Leave to care for a military service member or veteran who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious illness or injury incurred or aggravated in the line of covered active duty. For purposes of caregiver leave, an eligible employee is the spouse, son, daughter, parent or “next of kin” of the military service member. Eligible employees may take up to 26 weeks of leave during a single rolling consecutive 12-month period for this reason. Leave to care for a military service member, when combined with all other Family and Medical Leave, may not exceed 26 weeks in a single 12-month period.

Qualifying Exigency Leave. Leave allows eligible employees to take up to 14 days to handle exigencies related to a family member’s active duty military service or call to active duty. Qualifying exigency leave is specifically intended to cover events other than medical needs, including making financial, legal or childcare arrangements or to facilitate rest and recuperation. Eligible employees may also take leave to care for a military member’s parent who is incapable of self-care when the care is necessitated by the member’s covered active duty. For purposes of exigency leave, an eligible employee is a spouse, son, daughter, or parent of a military service member on active duty (or notified of an impending call or order to active duty) in support of a contingency operation. Metro and the employee must agree to both the timing and duration of any such leave. This leave will be counted against the employee’s 12-week FMLA leave entitlement.

*Note: Military service members, veterans, and their families have additional employment rights, including protected leave rights, under other laws and Metro policies. Please contact the Human Resources Department if you have any questions related to military service, military leave, or veteran status.*

Bereavement Leave: Leave taken by an eligible employee to grieve the death of an immediate family member; to make necessary arrangements related to the death; and/or to attend the funeral or alternative ceremony. An eligible employee is entitled to take up to two weeks of unpaid leave per death, up to a maximum of 12 weeks per leave year. OFLA bereavement leave must be completed within 60 days after the date on which the employee receives notice of the death. The leave will be counted against the employee’s 12-week OFLA leave entitlement. OFLA bereavement leave does not alter or expand any paid funeral or bereavement leave that may be available under Metro policies or collective bargaining agreements and runs concurrently with any paid leave.

### **Definitions**

Family and Medical Leave: Leave rights are governed by both the federal Family and Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA). Family and Medical Leave is protected leave that allows a covered employee extended time off work on a continuous or intermittent basis under the following circumstances:

- a. to receive treatment or recover from a serious health condition as defined under applicable law;
- b. to respond to a serious health condition of an immediate family member;
- c. for the birth of a child, or placement with the employee of a child under the age of 18 (or older if the child is mentally or physically disabled) for adoption or foster care;

- d. to care for a sick child;
- e. to care for a spouse, son, daughter, parent, or next of kin who is a covered military service member recovering from a serious illness or injury sustained in the line of duty;
- f. to handle qualifying exigencies arising from the fact that the employee's spouse, son, daughter or parent is a covered service member who is on active military duty, or who has been notified of an impending call to active duty status; or
- g. to grieve, attend the funeral, and/or make necessary arrangements related to the death of an immediate family member.

Eligible employees have reinstatement and/or reemployment rights after using Family and Medical Leave. An employee's benefits remain in place while he or she is off work on approved Family and Medical Leave. Family and Medical Leave must be paid from accrued leave time. Once paid leave accrual is exhausted, approved Family and Medical Leave shall be unpaid.

Eligible Employee: Specific eligibility requirements apply under state and federal law. Metro's Human Resources Department will review all leave applications and determine eligibility consistent with state and federal law.

- a. To qualify for FMLA, an employee must have been employed by Metro for a total of at least 12 months (if months are non-consecutive, there can be no more than a seven year break in service), and must have worked at least 1250 hours during the 12-month period immediately preceding the leave.
  - i. Periods of absence due to service covered by the Uniformed Services Employment and Reemployment Rights Act are counted in determining an employee's eligibility for FMLA leave.
- b. To qualify for OFLA, employees must have been employed by Metro for a period of 180 calendar days immediately preceding the date leave begins, and must have worked an average of 25 hours per week during the preceding 180-day period. If the leave is to care for a newborn child or newly placed adopted or foster child, case employees must meet the 180-day requirement only.

Health Care Provider: A person who is primarily responsible for providing health care to an eligible employee or family member; who is a licensed physician, podiatrist, dentist, psychologist, optometrist, naturopath, registered nurse, nurse practitioner, direct entry midwife, certified nurse midwife nurse practitioner, regulated social worker, or chiropractic physician (only to the extent that treatment consists of manual manipulation of the spine to correct a subluxation demonstrated to exist by x-ray); and who is performing within the scope of his or her license. A person who is primarily responsible for treatment solely through spiritual means, such as a Christian Science practitioner, may also be considered a health care provider.

Immediate Family Member: Immediate family members include the employee's spouse, child (biological, adopted, foster step, or for whom the employee stands *in loco parentis*), parent (or individual standing *in loco parentis* of the employee); parent-in-law, grandparent, grandchild, domestic partner, and child or parent of a domestic partner.

Rolling Consecutive Twelve Month Period: Each 12-month period begins on the date of the first day leave is actually taken. Leave taken for any qualifying reason during that 12-month

leave year will be deducted from the 12-week leave allowance. Once the period has expired, the 12-month period recommences with the first day of the next Family and Medical Leave taken.

Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves one of the following:

- a. Hospital Care/Inpatient Care. Hospital Care/Inpatient Care is an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with, or consequent to, such inpatient care.
- b. Absence Plus Treatment. A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
  - i. Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g. a physical therapist) under orders of, or on referral by, a health care provider; or
  - ii. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
- c. Pregnancy Disability or Prenatal Care. Any period of incapacity due to pregnancy or leave for prenatal care.
- d. Chronic Conditions Requiring Treatments. A chronic condition which:
  - i. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
  - ii. Continues over an extended period of time; and
  - iii. May cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.).
- e. Permanent/Long-term Conditions Requiring Supervision. A period of permanent and long-term incapacity due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
- f. Multiple Treatments (Non-Chronic Conditions). Any period of absence to receive multiple treatments (including any associated period of recovery) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

## Procedures

1. Generally, eligible employees may take a maximum of 12 weeks of Family and Medical Leave within a rolling forward, consecutive 12-month period. Each 12-month period begins on the first day of actual leave taken. Leave may be taken continuously, intermittently, or, under certain circumstances, on a reduced workweek schedule. Except for limited circumstances, Federal Family and Medical Leave typically runs concurrently with other leaves, including time loss for Workers' Compensation. Oregon

Family and Medical Leave typically runs concurrently with other leaves except Workers' Compensation leave.

2. Eligible employees who work less than 40 hours per week will have a pro-rated number of hours available based on the average hours worked over the previous 12 months.
3. Employees initially request leave through Metro's electronic timekeeping system. Employees without electronic access may request leave using a **Leave Request Form**, available from the Human Resources Department. This requires approval by the immediate supervisor. The approved leave request is then forwarded to Human Resources to determine if the employee is eligible under FMLA/OFLA. When the need for Family and Medical Leave can be anticipated, the employee should submit a leave request to his or her supervisor at least 30 days prior to the commencement of the leave. If leave is unexpected, notice should be provided as soon as possible.
4. Notification of eligibility will occur within 5 days of receipt of the leave request. At that time, the appropriate **Certification Form** will be sent to the employee.
  - a. An employee requesting leave related to a family member's or his or her own serious health condition will receive a Medical Certification Form, which he or she may forward to their treating medical provider to certify the need and duration of leave.
  - b. An employee requesting Sick Child Leave may be asked for medical verification after the 4<sup>th</sup> occurrence.
  - c. An employee requesting Military Family Leave for exigencies unrelated to a serious health condition may provide a copy of the service member's military orders as certification of the need for leave.
  - d. An employee requesting Bereavement Leave may provide a copy of a death certificate, obituary notice, funeral announcement, or other similar documents that can confirm eligibility for leave.
5. In an emergency, an employee may initially make a verbal request for Family and Medical Leave to Human Resources or his or her supervisor. The employee must provide enough information to put Human Resources on notice that protected Family and Medical Leave is requested or may be appropriate under the circumstances. A verbal request must be followed up with the completed Certification Form within 15 calendar days of receiving the request for certification.
6. Human Resources will notify the employee whether or not his or her time off from work qualifies as protected leave.
7. Failure to complete the Medical Certification Form in full and timely submit it to Human Resources may result in the delay of leave approval. It is the employee's responsibility to make sure the health care provider completes the form in full, including specific information regarding requested leave dates, times, and frequency.
8. Metro reserves the right to place employees who fail to return the Medical Certification Form on FMLA.
9. Metro may provide a temporary reassignment for a pregnant employee unable to perform her job duties without significant risk to the health and safety of the employee and the pregnancy, if there is suitable, available work for which the employee is qualified to perform, and the reassignment can be reasonably accommodated. If there is no suitable, available work for which the employee is qualified for temporary reassignment, Metro shall provide a pregnancy leave of absence if the leave can be reasonably accommodated.

10. An employee who takes Family and Medical Leave has a duty to make reasonable efforts to schedule medical treatment or supervision on days off or around their current work schedule, subject to the approval of the health care provider, in order to minimize disruption of Metro's operations.
11. Employees on leave must follow the call-in procedures in their respective collective bargaining agreement, non-represented employee policy and/or work rule. Employees must provide sufficient information to communicate that the absence is for a purpose covered by protected leave.
12. Family and Medical Leave must be paid from accrued personal leave time. Once paid leave accrual is exhausted, approved Family and Medical Leave shall be unpaid.
13. Health and welfare coverage will continue at the same level of benefits and contributions for employees on Family and Medical Leave as for active benefit-eligible employees. Employees taking approved leave without pay are required to make direct payment to Metro for their premium payments on elected benefits.
14. If an employee fails to return from leave, Metro is entitled to recover the full amount of health premiums the agency paid on behalf of the employee while on leave, except in cases where the employee fails to return due to their own serious health condition.
15. Prior to returning to work from leave for an employee's own serious health condition, the employee will be required to submit a release for work from their health care provider to the Human Resources Department. The Human Resources Department will then review the release and file it in the employee's confidential medical file.
16. An employee returning from Family and Medical Leave shall be reinstated with no greater or lesser rights in employment than if the employee had not taken the leave.
17. Employees who do not return to work by the date specified by their health care provider may be disciplined, up to and including dismissal.
18. No employee will be subject to retaliation for taking or inquiring about protected leave.

## **Responsibilities**

### Employees:

- Request the leave through Metro's timekeeping system or by completing a Leave Request Form and obtain the appropriate supervisor authorization. This leave form is then sent to the Human Resources Department to determine eligibility. Become familiar with the Leave packet that includes Frequently Asked Questions, Your Rights Under FMLA, and the certification form that will be sent to you if it is determined you are eligible for leave.
- If you are requesting Family and Medical Leave for your own or a family member's serious health condition, you are required to provide medical certification. Such medical certification shall come from an approved health care provider and must be submitted to the Human Resources Department 30 days prior to the anticipated leave, or in the case of emergency leave, no later than 15 days of the receipt of certification.
- Employees are responsible for ensuring the medical certification is completed in full by the treating provider including the dates of absence, anticipated date of return and any intermittent frequency for leave. Leave approval may be delayed if the medical certification is not complete.

- If an employee's anticipated return to work date changes, he or she shall immediately notify Human Resources by providing a written medical update from the approved health care provider.
- Upon approval, the FMLA letter will include your return to work date and requirements to provide a physician's release for duty, if necessary.
- Complete Kronos coding appropriately. If you have any questions, be sure to check with your department timekeeper.
- If you are requesting intermittent Family and Medical Leave, you are still required to provide 30 days advance notice when at all possible. You must also follow the call-in procedures in your respective collective bargaining agreement, non-represented employee policy and/or work rule. You must provide sufficient information to communicate that the absence is for a purpose covered by protected leave. When possible, physician's visits and care for family members should be scheduled around your work schedule to minimize disruptions of Metro's operations.
- Metro will periodically request recertification as necessary. Periodically check in with the supervisor as to return to work status while on leave.

Supervisors:

- Notify the Benefits Manager and the employee when you think an employee may be on leave that would qualify as Family and Medical Leave and forward approved Leave Request Forms to Human Resources.
- Communicate with the Benefits Manager on staffing issues and the employee's return to work timeline.
- If an employee directly provides you medical paperwork, forward it to the Benefits Manager; do not keep it in the employee file on site.

Human Resources:

- Within 5 days of the receipt of a Leave Request Form or electronic leave request, Human Resources will provide an employee with initial eligibility determination and a Family and Medical Leave certification form.
- Within 10 days of receipt of the Medical Certification form, Human Resources will determine if the situation qualifies under Family and Medical Leave and notify the employee and the supervisor of its determination or need for further information.
- Notify an employee and supervisor 30 days prior to the end of the allowable Family and Medical Leave.
- Notify an employee if they are in a leave without pay status and are required to pay their portion of Health & Welfare benefits and any supplemental life insurance. If appropriate, provide notice for availability of Long Term Disability insurance.
- Maintain all medical information in a confidential medical file in Human Resources.
- Metro may request a second or third opinion regarding a Medical Certification Form. Metro may also request recertification if an employee requests an extension of leave, the duration or nature of the condition has changed significantly or Metro receives information contrary to the employee's reason for the absences.
- If an employee requests additional leave time beyond that provided under FMLA/OFLA, Human Resources will discuss with the employee all available options, including those provided under the Americans with Disabilities Act.

## References

Oregon Family Leave Act, ORS 659A.150 – 659A.186.

Family and Medical Leave Act, 29 USC Ch. 28

<http://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>

[http://www.oregon.gov/BOLI/TA/docs/OFLA\\_Poster\\_2014.pdf](http://www.oregon.gov/BOLI/TA/docs/OFLA_Poster_2014.pdf)

 Metro | *Policies and procedures*

**Subject** Funeral Leave  
**Section** Human Resources  
**Approved by** MERC Commission

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**EXCERPT FROM MERC PERSONNEL POLICIES (2007)**

*Policy is under review. Numbering has been changed from original manual; content is from former Section 16.5, MERC Personnel Policies (2007).*

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**FUNERAL LEAVE**

1. Use of Funeral Leave

A maximum of three (3) days leave with pay shall be allowed a full-time employee to attend the funeral of the employee's immediate family member. Time not worked because of such absence shall not affect accrual of vacation or sick leave.

2. Additional Leave

If travel is required, additional days (chargeable to sick leave) may be allowed upon application to the employee's supervisor or manager.

3. Under special circumstances, leave to attend a funeral may be granted by the supervisor or manager upon the death of a person other than the employee's immediate family member.

4. Employees will be granted four (4) hours of time off with pay, chargeable to any accrued leave, to attend the funeral service of a co-worker.

5. When an employee participates in a funeral service, the employee will be granted four (4) hours time off with pay chargeable to any accrued leave to attend such funeral service subject to the approval of the supervisor or manager.

***EXCERPT FROM MERC PERSONNEL POLICIES (2007) DEFINITIONS:***

***Immediate Family:*** Unless defined differently in a recognized collective bargaining agreement or by applicable law, immediate family means husband, wife, son, daughter, father, mother, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, grandparents, grandchildren, domestic partner and equivalent relatives of the employee's domestic partner or any relative living in the employee's household.

***NOTICE:*** Effective January 1, 2014, the Oregon Family Leave Act (OFLA) has been amended to include bereavement leave. Please see Metro's Family and Medical Leave policy for more information.

# Metro | *Policies and procedures*

**Subject** Pregnancy Transfer and Leave  
**Section** Human Resources; Finance and Regulatory Services (Risk)  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Metro may provide modified duty, a temporary transfer, or a leave of absence for a pregnant employee who is unable to perform any or all job duties without undue risk to the health and safety of the employee or the pregnancy.*

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## **Applicable to**

All employees who are or may become pregnant.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Guidelines**

1. Metro may provide modified duty, a temporary transfer, or a leave of absence for a pregnant employee who is unable to perform any or all job duties without undue risk to the health and safety of the employee or the pregnancy.
  - a. Metro will grant a leave of absence only if modified duty and temporary transfer are not feasible within the terms of this policy, except that if necessary an eligible employee may be granted leave pending consideration of modified duty and transfer options.
2. This policy is intended to address situations that do not meet the legal requirements for coverage under the Americans with Disabilities Act (ADA), Oregon Family Leave Act (OFLA), Family and Medical Leave Act (FMLA). Pregnant employees may have additional options for extended modified duty, transfer, or leave under those laws or other Metro policies. Employees should consult the applicable Metro policies and contact the HR Department for more information as needed.

## **Procedures**

1. To request modified duty, employees must provide their supervisor or the HR Department with written medical restrictions from their health care provider.
  - a. Supervisors must forward this information to HR immediately.

- b. Employees who work around chemicals may find it helpful to ask their health care provider to review copies of the Material Safety Data Sheets (MSDS) for their work area. Supervisors will ensure that MSDS sheets are available to employees.
  - c. If more information is needed to clarify the restrictions or evaluate the suitability of possible transfer options, the HR Department may request that the employee provide additional information before a decision is made on the employee's request. With the employee's consent, the HR Benefits Manager may request follow-up information directly from the employee's health care provider.
  - d. Employees are not required to meet eligibility requirements under the ADA, OFLA or FMLA to qualify for modified duty, transfer or leave under this policy.
  - e. Metro will not assume a pregnant employee is unable to perform regular duties without a request by the employee.
  - f. The employee must meet all the attendance, conduct, and performance expectations for the modified duty or transfer position.
2. A temporary transfer will be provided only if:
- a. It is not feasible to modify the duties of the employee's current position;
  - b. There is an available position for which the employee is qualified;
  - c. The duties in the temporary position are consistent with the employee's medical restrictions; and
  - d. The transfer does not create a hardship to Metro's operations.
3. Metro may remove an employee from a modified duty or transfer assignment for any of the following reasons:
- a. The employee's medical restrictions are lifted or change substantially such that the modified duty or transfer assignment is no longer appropriate;
  - b. The transfer assignment is needed for an employee with a disability that requires accommodation or for an employee with on-the-job injury covered by the Workers' Compensation system;
  - c. The employee is unable or unwilling to meet the attendance, performance and conduct expectations for the modified duty or transfer assignment; or
  - d. Continuation of the modified duty or transfer assignment will create a hardship to Metro's operations.
4. If modified duty or temporary transfer is not feasible, Metro will provide a leave of absence unless it would create a hardship to Metro's operations.
- a. A leave of absence for pregnancy will be paid from accrued paid time off. Once accrued paid time off is exhausted, leave will be unpaid.
  - b. If the employee is benefits-eligible, benefits will be continued for as long as the employee's leave is paid by accruals. For unpaid leave, benefits will continue through the last day of the month following the month in which unpaid leave begins. After that date, leave will be without benefits unless the employee elects to continue benefits at the employee's own expense.
    - i. If the leave is covered by OFLA/FMLA, benefits will continue as described in that policy.
  - c. Leave will be excused for as long as the employee is unable to perform any suitable and available positions due to pregnancy-related medical restrictions.

- d. Leave granted under this policy will not be counted against the employee's attendance record for purposes of discipline or performance evaluations.
5. The position of an employee who has been transferred or is on leave may be filled on a temporary basis or kept vacant until the employee is reinstated.
6. An employee whose medical restrictions change or are lifted must notify the supervisor and submit a copy of the release or revised restrictions to the HR Department by the employee's next scheduled work shift or within three business days, whichever comes first.
7. Metro will reinstate an employee to their regular position prior within ten business days of receiving a medical release indicating that the employee is able to perform all the duties of that position, unless the position has been eliminated or the employee is no longer eligible for the position for reasons unrelated to the pregnancy transfer or leave.
  - a. In the event that the employee's regular position is eliminated, the employee will be subject to layoff consistent with applicable policy and contract provisions.

## **Responsibilities**

### Employees:

- Submit a request for modified duty, transfer or leave to your supervisor or the HR Department along with appropriate medical documentation.
- Fulfill the performance and conduct expectations for a modified duty or transfer assignment. Consult with your supervisor if guidance is needed.
- If your restrictions are lifted or changed, give a copy of the release or new restrictions to your supervisor by your next scheduled work shift or within three business days, whichever comes first.
- If you are unable to return to your regular position at the end of your modified duty assignment, consult Metro policies and/or contact the HR Department to explore any other options you may have for modified duty or a leave of absence.
- Request and code leave time consistent with this policy and regular timekeeping procedures.

### Supervisors and Managers:

- Notify the Department Director and HR Department if an employee requests modified duty, temporary transfer, or a leave of absence due to pregnancy risks.
- Promptly send any medical information received from an employee or another source to the HR Department without keeping copies, except that a copy of the employee's work restrictions may be retained while the restrictions are in effect. Maintain the confidentiality of all medical information.
- Consult with the HR Department before making changes to an employee's work assignment.
- Provide guidance to the employee as to the performance and conduct expectations for the modified duty assignment.
- Direct employees to consult Metro's personnel policies and/or contact the HR Department to explore their options if they are unable to return to their regular assignment at the conclusion of approved modified duty, transfer or leave.

Human Resources Department:

- Maintain all medical information in the employee's confidential medical file in accordance with legal requirements.
- Notify the Department Director upon receipt of a request for modified duty, transfer or leave under this policy.
- Provide advice on options for modified duty, temporary transfer and leave as needed.

**References**

Americans with Disabilities Act Policy

Family and Medical Leave Policy

Leave without Pay policy

# Metro | *Policies and procedures*

**Subject** Nursing Mothers Accommodation  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*In accordance with federal and state law, Metro provides unpaid rest periods and designated locations for employees to express milk for children up to eighteen months.*

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### **Applicable to**

All employees.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of the collective bargaining agreement will prevail.*

### **Definitions**

**Designated Location:** A private area in close proximity to an employee's workstation, other than a public restroom or toilet stall, to express milk.

**Rest Period:** Duration in which employees are entitled to unpaid leave in accordance with wage and hour laws and guidelines.

**Work Time:** The regular schedule for which an employee is paid to work. In order to comply with the law, supervisors may have to offer an employee a flexible schedule.

### **Guidelines**

The intent of this policy is to comply with the Patient Protection and Affordable Care Act (PPACA) and Oregon law and to accommodate women who wish to breastfeed.

### **Procedures**

1. Metro will supply a list of designated locations that meet the above guidelines and will be responsible for maintaining these locations in accordance with state and federal laws.
2. The supervisor and employee should determine a mutually agreeable schedule for breastfeeding rest periods.
3. Employees covered under this policy are entitled to a 30-minute unpaid rest period to express milk for every four hours of work. The rest period(s) should be taken approximately

in the middle of the work period and, if possible, at the same time as the other rest breaks or meal periods provided to the employee. If the employee's rest period to express milk overlaps with a regular paid rest break, Metro will compensate the employee for the time of the paid rest break but not the remaining time of the break to express milk.<sup>1</sup>

- Supervisors are to consider flexible schedules to accommodate individual employees' needs. With supervisor approval, if an employee takes unpaid rest periods to express milk, the employee may work before or after their shift to make up the amount of time used during the unpaid rest break. If the employee does not work to make up the time used during unpaid rest periods, Metro will not compensate the employee for this time.<sup>2</sup>

Example: If a regularly scheduled 8 am to 5 pm employee takes two 30-minute breaks, the employee can be required to work an additional half hour to offset the two break periods.

- If the employee no longer has need for the provisions of this policy or no longer qualifies, she should inform her supervisor and return to a regular work schedule.
- In calculating hours worked towards benefit eligibility, time spent on authorized leave under the law will count towards hours worked. For example, if a 20 hour a week employee takes 30 minutes of unpaid leave each shift for the purpose of expressing milk, that time will count towards the required 20 hour minimum for benefit eligibility.

## **Responsibilities**

### Employee:

- Provide written or verbal notice to her supervisor that she intends to express milk upon returning to work or at any later point prior to her child's eighteenth month birthday.
- If unable to determine an agreed upon schedule with their supervisor, the employee should contact Metro Human Resources for assistance.
- Will be responsible for storing breast milk. An employee may bring a cooler or insulated food container or use a Metro refrigerator open for personal use at the worksite.

### Supervisor:

- Become familiar with this policy and the designated locations at their worksite.
- Upon request for accommodation to express breast milk, supervisors will discuss scheduling issues with the employee and work out a mutually agreeable plan.
- Consider flexible schedules to accommodate employees' needs.
- Contact Metro Human Resources if questions arise regarding designated locations or scheduling.

### Human Resources Department:

- Work with employees and supervisors to accommodate employee requests to express breast milk.
- Maintain a current list of designated locations at every Metro worksite and inspect them periodically to make sure they comply with the policy. When feasible, obtain employee feedback when a new designated location is established.

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<sup>1</sup> Does not apply to exempt employees.

<sup>2</sup> Does not apply to exempt employees.

# Metro | Policies and procedures

**Subject** Jury Duty and Witness Leave  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*It is Metro's policy to comply with Oregon law allowing employees to take leave from work for jury duty without the loss of any employment benefits. Metro also provides leave to employees who are subpoenaed as witnesses. Benefits-eligible regular status and limited duration employees will be granted paid leave for jury duty and qualifying witness service.*

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## **Applicable to**

Excused leave: All employees.

Paid leave in addition to accruals: Regular status and limited duration employees who are eligible to receive benefits from Metro.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of the collective bargaining agreement will prevail.*

## **Definitions**

Subpoena: An order issued by the court requiring you to appear in person at a certain place, date and time to testify as a witness about a particular case.

## **Guidelines**

1. All Metro employees will be excused from work when summoned for jury duty or subpoenaed to appear as a witness before a court, legislative committee or judicial or quasi-judicial body in a matter in which the employee is not a party.
2. Paid leave will be granted to benefits-eligible regular status and limited duration employees during jury duty or witness service except as specified below. Paid leave granted under this provision is in addition to the employee's regularly accrued paid leave.
3. With the employee's agreement, Metro may petition for removal of an employee from jury duty if the employee's absence would cause an undue hardship to Metro's operations.
4. Metro will not coerce or retaliate against employees due to their jury or witness service.
5. If an employee is required to appear in a matter in which he or she is a party, time off may be granted subject to attendance policies and work rules. Such time off must be paid from the employee's accrued paid time off. If the employee does not have accrued time off, the leave will be unpaid.

6. If an employee is required to appear in court or before another government body in connection with his or her assigned duties, such time (including travel time) will be paid work time. The employee will pay to Metro any fees received for this service.
7. Employees who are required to appear in court in connection with their status as a victim of a personal felony, domestic violence, sexual assault, harassment or stalking may have additional rights under other Metro policies. Please see Metro's Crime Victims' Leave Policy and Domestic Violence, Sexual Assault, Harassment and Stalking Protections Policy or contact the HR Department for more information.

## Procedures

1. An employee summoned for jury duty or subpoenaed as a witness should notify his or her supervisor as soon as possible and provide a copy of the jury summons or subpoena. The employee should request leave using Kronos or with a leave request form if they do not have access to Kronos.
2. The excused period of leave is the amount of time the employee is required to be present for jury or witness service during his or her regular work hours. Paid leave will be granted to benefits-eligible regular status and limited duration employees for jury duty or witness service in addition to the employee's regularly accrued paid leave time.
  - a. If the employee serves for less than a full day and works for the remainder of the day, leave will also include reasonable travel time to or from the employee's work site.
  - b. An employee who is released from jury or witness service with four hours or more remaining in his or her shift will be expected to return to work for the remainder of the shift unless the supervisor determines in advance that an exception should be made due to staffing adjustments made to accommodate the leave.
  - c. An employee who is released from jury or witness service with fewer than 4 hours remaining in his or her shift must consult with his or her supervisor for instruction on whether to return to work for the remainder of the day.
  - d. If an employee serves for less than a full day but the supervisor directs him or her to stay home for the remainder of the shift, paid jury duty/witness leave will apply.
  - e. If an employee serves for less than a full day but chooses not to return to work, the remaining period of the workday will be unpaid unless the employee chooses to use accrued paid leave time.
  - f. Employees who work non-standard shifts should consult with their supervisor. The employee's supervisor may approve a temporary shift change or partial paid leave if appropriate under the circumstances.
3. An employee on leave for jury duty service will have his or her benefits continue for the duration of jury service and witness leave.
4. If it is permitted by the applicable court or forum, an employee granted paid leave to serve as a juror or witness must waive all fees received for this service, with the exception of travel allowance. If the court or forum does not allow fees to be waived, employees receiving paid leave must pay any fees other than travel allowance to Metro.
  - a. Fees should be remitted by signing over the check to Metro and delivering it to the Metro Financial and Regulatory Services Department, Accounts Receivable.
  - b. Employees who take unpaid leave or who serve as a juror or witness on their own time or while on accrued leave may keep all fees associated with this service.

5. An employee on jury duty or witness leave must keep his or her supervisor informed of any changes to his or her anticipated return date and time. If the duration of leave is not known at the outset, the employee should follow regular call-in procedures.

## **Responsibilities**

### Employee:

- Notify your supervisor if leave is needed to serve as a juror or witness.
- Give a copy of the jury summons or witness subpoena to your supervisor as soon as possible.
- Code leave time as jury duty leave in Kronos or notify your supervisor if assistance with Kronos is needed while on leave.
- Keep your supervisor informed of any changes to your anticipated return date. If you are released from witness or jury service after a partial day, return to work or contact your supervisor for instruction in accordance with this policy.
- Waive or pay to Metro any fees, other than travel allowance, received in connection with jury or witness service for which paid leave is awarded.
- If you experience any adverse employment action or negative treatment as a result of taking leave under this policy, report it following the procedures outlined in Metro's Discrimination and Harassment Policy.

### Supervisor:

- Coordinate with the Department Director to ensure that operational needs are met while the employee is on leave.
- Ensure that leave is coded appropriately in Kronos.

### Department Director:

- Petition the court to excuse an employee from jury service if the employee's absence would constitute an undue hardship.

### Financial and Regulatory Services - Accounts Receivable:

- Receive and process jury and witness fees.

## **References**

ORS 10.061 (jury duty fees); ORS 10.090 (jury duty employment protections)

Metro Discrimination and Harassment Policy

# Metro | Policies and procedures

**Subject** Military Leave – Servicemembers and Families  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*It is Metro's policy to comply with all state and federal laws providing employment protections to military servicemembers, veterans, and their families. Protections covered by this policy include leave rights for military servicemembers and their spouses and domestic partners and a prohibition against discrimination.*

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## **Applicable to**

Protected leave: Employees who are U.S. military servicemembers, veterans, or spouses or domestic partners of servicemembers.

Non-discrimination: All employees, interns, volunteers and applicants.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Definitions**

**Eligible employee:** Specific eligibility requirements apply under state and federal law and are detailed below under Procedures. Metro's Human Resources (HR) Department will review all leave applications and determine eligibility consistent with state and federal law.

**Domestic partner:** For the purposes of this policy, "domestic partner" means a same-sex domestic partner registered with the State of Oregon or an opposite-sex domestic partner confirmed by an affidavit on file with Metro.

**Reasonable efforts:** Actions that do not place an undue hardship on Metro's operations, including training.

**Reinstatement:** An employee's return to the position they formerly held following a leave of absence.

**Reemployment:** An employee's return to Metro and placement in a suitable alternate position following a leave of absence. Reemployment is different from reinstatement. Options for reemployment are evaluated in situations in which the employee cannot be reinstated to his or her former position.

**Service:** The performance of duty on a voluntary or involuntary basis in a uniformed service that may involve active duty, active duty for training, initial active duty for training, inactive duty for

training, full-time duty in the National Guard, funeral honors duty or an examination to determine fitness for uniformed service.

Undue hardship: Significant difficulty or expense.

Uniformed Services: The United States Army, Navy, Air Force, Marine Corps, Coast Guard, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency.

## **Guidelines**

### **Discrimination Prohibited**

1. Metro will not discriminate against any individual because of their uniformed service or retaliate against any person for exercising or attempting to exercise rights under this policy.

### **Leave rights**

2. Military servicemembers, veterans, members of an organized state militia, and the spouses and domestic partners of U.S. servicemembers are entitled to leave from work without any risk of adverse employment consequences under the circumstances described below.
  - a. Absences under this policy may not be counted against an employee's attendance record.
  - b. Employees will be restored to their position without any loss of employment benefits after leave is concluded.
3. In addition to the types of leave outlined in this policy, the Family and Medical Leave Act provides protected leave for eligible employees to care for family members who are covered military servicemembers or veterans recovering from a serious illness or injury sustained or aggravated in the line of covered active duty, and to handle exigencies related to the servicemember's call to active duty. Please see Metro's Family and Medical Leave Policy for more information.
4. In addition to leave for military service, employees may be entitled to leave for certain types of non-military government service, such as the Peace Corps and certain search and rescue operations. Please contact Human Resources for more information if needed.

### **Other Protections**

5. Military veterans may also be eligible for preference in hiring and promotions in accordance with Oregon law. Please see Metro's Veterans' Preference Policy for more information.
6. Disabled servicemembers and veterans, as well as other disabled employees, may be entitled to reasonable accommodation under the Americans with Disabilities Act (ADA). Please see Metro's Americans with Disabilities Act Policy for more information.

## **Procedures**

### **Discrimination Prohibited**

1. Employees and interns who experience or observe discrimination, harassment, or retaliation on the basis of military service or the exercise of rights under this policy should report the

offending conduct using the procedures specified in Metro's Discrimination and Harassment Policy.

### **Military Leave**

2. **Eligible employee:** An employee who leaves employment, other than in some temporary, seasonal, or part-time positions, for the purpose of military training, examination, and/or service. The employee's absences from Metro for uniformed service must total five years or less. The employee must not have been separated from military service under other than honorable conditions.
  - a. Temporary and seasonal employees are eligible for reinstatement following military leave unless their employment with Metro prior to uniformed service was for a brief, nonrecurrent period and there is no reasonable expectation that the employment would have continued indefinitely or for a significant period.
  - b. There are some exceptions to the five-year limit, including initial enlistments lasting more than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls, especially during a time of national emergency.
  - c. There is no time limit on the amount of time reservists may spend in training.
  - d. Reinstatement and reemployment protections do not depend on the timing, frequency, duration, or nature of an individual's service as long as the basic eligibility criteria are met.
3. An eligible employee who takes time off for military duty is generally entitled to reinstatement to his or her former position.
  - a. The returning veteran or reservist will be treated as if he or she had remained on the job instead of performing military service. Employees who are subject to a seniority system will continue to accrue seniority during their military service. Employees will be paid at the rate they would have received from raises based on time worked if they had stayed on the job.
  - b. Reinstatement rights apply even if a replacement has been hired for the position.
  - c. Metro will make reasonable efforts, including training or retraining, to enable returning servicemembers to refresh or upgrade their skills to help qualify for reinstatement or reemployment.
  - d. If the servicemember is unable to return to his or her former position, for example due to disability, Metro will make reasonable efforts to reemploy the servicemember in a comparable alternative position.
    - i. Metro will provide reasonable accommodation for disabilities in accordance with applicable law.
    - ii. If the employee is not qualified for an alternative position, Metro will make reasonable efforts to help the employee become qualified.
  - e. In rare cases, Metro may be unable to reemploy a returning servicemember. For example, reemployment rights may be limited in the following circumstances, consistent with applicable law:
    - i. Metro's circumstances have changed so much that reemployment is impossible or unreasonable;
    - ii. The employee is no longer qualified for the former position or a comparable alternative position, he or she cannot become qualified with

reasonable efforts by Metro, and reemployment would impose an undue hardship on Metro's operations; or

- iii. The returning employee's former position no longer exists and there is no appropriate alternative position for which the employee is or may become qualified with reasonable efforts by Metro. Metro is not required to create a position for a returning servicemember if the position no longer exists.

4. Pay status:

- a. Servicemembers, including reservists or National Guard members, are permitted but not required to use their accrued paid leave time for military leave.
- b. Employees who are members of the National Guard, National Guard Reserve or any reserve component of the U.S. Armed Forces or Public Health Service and who have been employed by Metro for six months or more may receive up to 15 consecutive calendar days of paid leave per federal fiscal year for periods of initial or annual temporary active duty for training. This equates to eleven (11) paid work days for those working a five (5) day work week and nine (9) paid work days for those working a four (4) day work week.

5. Notification requirements before taking leave: Servicemembers should provide advance written or verbal notice to Metro unless giving notice is impossible, unreasonable, or precluded by military necessity. An employee should provide notice as far in advance as is reasonable under the circumstances.

6. Notification requirements for return to work:

- a. Employees returning from active duty of less than 31 days must return to work at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period.
- b. Employees returning from active duty of more than 30 but fewer than 180 days must notify the Metro Human Resources Department of their intention to return to work within 14 days of release from service.
- c. Employees returning from active duty of more than 180 days must notify the Metro Human Resources Department of their intention to return to work within 90 days of release from duty.
- d. Reservists and members of the National Guard returning from training must inform Metro's Human Resources Department of their training obligations and report back at the next regularly scheduled work period.

7. After returning from service, a returning veteran will not be discharged except for cause for a period of one year. A returning reservist will not be discharged except for cause for a period of six months.

**Oregon Military Family Leave Act**

- 8. Eligible employee: An employee who has worked an average of 20 hours per week, and who is a spouse or domestic partner of a member of the U.S. Armed Forces, National Guard or military reserve forces.
- 9. An eligible employee whose spouse or domestic partner has been notified of an impending call or order to active duty or impending leave from deployment is entitled to a total of 14 work days of unpaid leave per deployment with continuation of benefits under the Oregon Military Family Leave Act (OMFLA).

- a. Leave may be taken before the servicemember's deployment and/or while the servicemember is on leave.
  - b. Leave need not be taken in one, uninterrupted period, but may be taken intermittently.
    - i. For the purpose of intermittent leave, OMFLA leave is calculated for an employee by multiplying the number of hours the employee normally works per day by 14.
    - ii. If an employee's schedule varies from day to day, a daily average of the employee's work hours over the previous 12 months will be used for calculating the employee's normal work day.
  - c. Leave taken under this policy is counted against the employee's general leave entitlement under the Oregon Family Leave Act (OFLA). Please see Metro's Family and Medical Leave Policy for more information about OFLA.
  - d. If multiple deployments occur within the employee's OFLA leave year, the employee is entitled to use all OMFLA leave until his or her OFLA entitlement is exhausted.
  - e. If the leave is also covered by the exigency leave provisions of the Family and Medical Leave Act (FMLA), Metro may run OMFLA leave and FMLA leave concurrently. Please see Metro's Family and Medical Leave Policy for more information about FMLA.
10. An employee who intends to take leave must notify his or her supervisor or the Human Resources Department by requesting leave through Kronos or submitting a Leave Request Form within five business days of an impending call or order to active duty or impending leave from deployment.
11. An employee who takes military spouse leave may draw on any accrued paid leave to which the employee is entitled for any part of the leave. He or she may also choose to take unpaid leave rather than using accrued paid leave.

### **Veterans' Leave**

12. Eligible employee: An employee who is a veteran undergoing medical treatment, recuperation or therapy for a serious injury or illness that occurred any time within five years of service in the U.S. Armed Forces. The employee must not have been separated from military service under other than honorable conditions.
13. An eligible employee may take up to 14 weeks of leave to recover or seek treatment for a qualifying illness or injury.
14. Veterans' leave, when combined with all other family or medical leave under the Family and Medical Leave Act and the Oregon Family Leave Act, may not exceed 26 weeks in a single 12-month period. Please see Metro's Family and Medical Leave Act policy for more information.

### **Responsibilities**

#### Employee:

- Notify Metro of your need for leave as specified by the procedures for the specific type of leave.
- Notify Metro of your intention to return to work as specified by the procedures for the specific type of leave.

- Provide documentation as requested by the Human Resources Department.
- Report any discrimination, harassment, or retaliation based on military service or the exercise of any rights under this policy.

Supervisor:

- Notify the HR Benefits Manager of any requests for leave.
- Work with the HR Benefits Manager to make any operational adjustments that may be necessary.
- Ensure that no employee is subject to discrimination, harassment, or retaliation based on military service or the exercise of any rights under this policy.

Human Resources Department:

- Immediately notify the Department Director of any requests for leave under this policy.
- Request documentation as needed to verify eligibility for leave.
- Determine the employee's eligibility for protected leave and notify the employee as soon as possible.
- Notify the employee if leave will be charged against the employee's OFLA and/or FMLA entitlement.
- Work with the Supervisor and Department Director to make any necessary operational adjustments.
- Ensure that an employee hired to replace a servicemember on leave understands the servicemember's reinstatement rights and the potential impact on the replacement employee's employment.
- Track leave requests, verification of the need for leave, and the use of paid and unpaid leave following usual procedures.
- Investigate and resolve any reports of discrimination, harassment, or retaliation.

**References**

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 USC 4301-4335

Oregon Military Family Leave Act, ORS 659A.090 – 659A.099

ORS 408.225 - 408.235

ORS 408.290

# Metro | *Policies and procedures*

**Subject** Alternative Duty Leave  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*In compliance with Oregon law, Metro provides at least two years of unpaid leave for volunteering with the Peace Corps and other approved federal volunteer programs; up to 15 work days of unpaid leave per 12-month period for certified Red Cross disaster services volunteers; and up to five work days of paid leave for participating in search and rescue operations at the request of law enforcement or certain government agencies.*

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## **Applicable to**

Leave for Peace Corps and other approved federal volunteer programs: Full-time, regular status employees.

Red Cross Leave and Search and Rescue Leave: All full-time and part-time employees.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Guidelines**

1. A full-time, regular status employee who serves as a volunteer in the Peace Corps or other federal volunteer program approved by the Department Director and C.O.O. will be granted at least two years of leave during the service period. An employee may draw on any type of accrued paid time off other than sick leave; otherwise, the leave will be unpaid.
2. An employee who is a certified disaster services volunteer of the American Red Cross may receive up to 15 work days of leave in any 12-month period to participate in disaster relief services in the State of Oregon. An employee may draw on any type of accrued paid time off other than sick leave; otherwise, the leave will be unpaid.
3. An employee who takes part in a search or rescue operation at the request of any law enforcement agency, the Department of Transportation, the United States Forest Service or any local organization for civil defense will be provided up to five work days of paid leave. Paid leave will be in addition to any accrued paid time off.

4. Employees who would like a leave of absence for volunteer work not specifically covered by this policy may be eligible for leave under Metro's Leave Without Pay policy. Such requests will be evaluated under the terms of that policy.

## **Procedures**

### **Leave for Peace Corps and other qualifying federal volunteer programs**

1. To request leave for Peace Corps or other federal volunteer service, an employee must provide a copy of his or her Peace Corps or other appointment documents to his or her supervisor upon receipt. Employees are encouraged to communicate their intention to apply for volunteer service and the anticipated dates of service as soon as possible to allow for appropriate planning.
2. Upon expiration of the leave, the employee will be reinstated to the position held before the leave was granted unless the position has been eliminated for reasons unrelated to the employee's leave of absence.
  - a. The employee will receive the same salary as prior to leave unless the applicable pay range has changed during the employee's absence, in which case the employee's salary will be adjusted accordingly.
  - b. The employee will have the same leave accrual rate and other seniority rights he or she had before beginning leave.
3. Employees on leave for Peace Corps service must return to work within 90 days of their separation of service. Employees who do not return to work within this time period will be deemed to have separated from employment. Returning employees are required to notify Metro of their intent to return to work at least 30 days before their anticipated return date so that Metro can make the necessary arrangements.

### **Red Cross Disaster Relief Services Leave**

4. A disaster relief volunteer must notify his or her supervisor as soon as possible in accordance with the applicable work rules for unanticipated absences.
5. To be eligible for leave under this policy, the employee must be a certified disaster services volunteer of the American Red Cross. The disaster relief must take place in the state of Oregon.
6. The employee must provide documentation of Red Cross certification as soon as possible to confirm leave eligibility.
7. Leave will be excused for up to 15 work days total in any rolling 12-month period. If the employee's participation is requested for only a partial day, the employee is not required to return to work for the remainder of his or her shift.
8. If an employee wishes to take part in a disaster relief operation that is not covered by this policy or that continues beyond 15 work days, he or she should request time off following regular attendance policies or apply for unpaid leave under Metro's Leave Without Pay policy.

### **Search and rescue leave**

9. An employee who receives a request for participation in a search and rescue operation must notify his or her supervisor as soon as possible in accordance with the applicable work rules for unanticipated absences.

10. The employee must provide documentation of the request from law enforcement or another agency specified in this policy as soon as possible to confirm leave eligibility.
11. Leave will be excused and paid for the period of time for which the employee's participation is requested by the applicable agency, up to a maximum of five days. If the employee's participation is requested for only a partial day, the employee is not required to return to work for the remainder of his or her shift, and will be paid for the entire day.
12. If an employee wishes to take part in search and rescue operation that is not at the request of law enforcement or another applicable agency, or that continues beyond five days, he or she should request time off following regular attendance policies or apply for unpaid leave under Metro's Leave Without Pay policy.

## **Responsibilities**

### Employee:

- Notify your supervisor as soon as possible of the need for leave.
- Give your supervisor the required documentation as soon as possible.
- Keep your supervisor informed of any changes to your anticipated return date.
- Request and code leave time consistent with this policy and regular timekeeping procedures.
- Contact Human Resources if you have questions about your eligibility for leave under this policy or any other concerns related to taking leave.

### Supervisor:

- Coordinate with the Department Director as needed to ensure that operational needs are met while the employee is on leave.
- Notify Human Resources of requests for leave under this policy.
- Ensure that the leave request is processed and coded appropriately.

### Human Resources Department:

- Advise supervisors and employees on leave procedures as needed.

## **References**

ORS 652.250; ORS 404.200 (Search and Rescue Leave)

ORS 401.378 (Red Cross Disaster Relief Services Leave)

ORS 236.040 (Peace Corps Leave)

Leave Without Pay policy

# Metro | *Policies and procedures*

**Subject** Domestic Violence, Sexual Assault, Criminal Harassment and Stalking Protections

**Section** Human Resources

**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Metro complies with Oregon laws that provide employment protections for victims of domestic violence, sexual assault, criminal harassment and stalking. Metro prohibits discrimination against victims and provides reasonable workplace accommodations to protect their safety. Eligible employees and interns may also be entitled to reasonable leave from work to address safety-related matters.*

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## **Applicable to**

All employees and interns.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Definitions**

### Eligible Employee/Intern:

- a. Safety Accommodation: A victim of domestic violence, sexual assault, criminal harassment or stalking as defined by applicable law.
- b. Protected Leave from Work: Leave may be taken by a victim of domestic violence, sexual assault, criminal harassment or stalking as defined by applicable law; by a parent or guardian of a victim; or by any other person, including an immediate family member, who has suffered related financial, psychological, social, or physical harm.

Reasonable leave: Any amount of leave that does not cause an undue hardship to Metro's operations.

Undue Hardship: A significant difficulty or expense, determined on a case-by-case basis.

Victim: For the purposes of this policy, a victim of domestic violence, sexual assault, criminal harassment, or stalking is an individual against whom one of these offenses has been committed as defined by Oregon statute ORS 659A.270.

Victim Services Provider: A prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, sexual assault, criminal harassment or stalking.

## **Guidelines**

1. Metro prohibits discrimination against individuals who are victims of domestic violence, sexual assault, criminal harassment, and stalking.
2. Metro will provide reasonable workplace safety accommodations in response to actual or threatened domestic violence, sexual assault, criminal harassment, or stalking. A request for reasonable accommodation will be granted unless it would cause an undue hardship to Metro's operations.
3. Metro will provide eligible individuals reasonable leave from work to address safety-related matters, as described below, related to domestic violence, sexual assault, criminal harassment or stalking.
  - a. An employee must use fifty percent (50%) of accrued leave available at the time the leave commences prior to going into an unpaid leave status; however in all cases the employee may retain up to 40 hours of accrued sick leave and 40 hours of accrued vacation for later use.
  - b. If no accrued paid leave time is available, leave under this policy will be unpaid.
  - c. The supervisor should contact the Payroll Manager to determine appropriate coding of such leave.
4. Employees and interns must notify the Human Resources (HR) Department and/or Office of Metro Attorney (OMA) if they apply for or receive a protective order or restraining order that lists any Metro location as a protected area.
5. Metro will take any necessary steps to protect the safety of other employees and the public while maintaining the victim's confidentiality in accordance with applicable law.

## **Procedures**

### **Discrimination prohibited**

1. Metro will not refuse to hire an otherwise-qualified individual because the individual is a victim of domestic violence, sexual assault, criminal harassment or stalking.
2. Metro will not discipline, demote, suspend, terminate, or in any manner discriminate, threaten, or retaliate with regard to promotion, compensation, conditions or privileges of employment because an individual is a victim of domestic violence, sexual assault, criminal harassment or stalking, or because he or she has inquired about, requested or taken leave under this policy.
3. Anyone who experiences or observes discrimination, harassment, or retaliation prohibited by this policy should report the offending conduct using the procedures specified in Metro's Discrimination and Harassment Policy.

### **Requesting a safety accommodation or leave of absence**

4. An employee or intern may request a safety accommodation or protected leave by contacting his or her supervisor or the Human Resources (HR) Department. Written or verbal notice should be provided in advance if possible, or as soon as practicable under the circumstances.
5. Upon receipt of a request for accommodation, the supervisor shall notify the HR Benefits Manager. The HR Department, in consultation with the OMA, will be responsible for determining whether a requested accommodation is reasonable and whether the requested accommodation or leave will result in undue hardship to Metro's operations.

6. The HR Benefits Manager will contact the employee or intern to discuss the requested accommodation, and will consult with the supervisor and/or Department Director to determine the impact of the requested accommodation on Metro operations. HR will inform the employee or intern that they may have a union representative, family member, victims' advocate or other appropriate person present during meetings to discuss possible accommodations.
7. If it is determined that the requested accommodation would pose an undue hardship, the HR Benefits Manager will coordinate an interactive process to determine whether a mutually acceptable alternative accommodation is available.
8. Metro may request documentation to confirm eligibility. Metro may, in its discretion, approve an accommodation request on the basis of verbal statements without requesting documentation. Any of the following documents may be provided as certification of eligibility:
  - a. Court documents;
  - b. Law enforcement papers;
  - c. Documentation from an attorney, counselor, victim service provider, health care professional or clergy member.
9. The employee or intern will provide the requested verification as soon as practicable. Failure to timely submit verification may result in the delay of accommodation approval.
10. After receiving sufficient verification, the HR Benefits Manager will inform the individual of whether a requested or alternative accommodation will be granted.
11. If special circumstances make it necessary to expedite the approval process, the HR Benefits Manager may grant an accommodation on a provisional basis before receiving verification, with the understanding that there is no guarantee the requested accommodation will be granted permanently.
12. The employee or intern is required to comply with all applicable policies and work rules while the request for accommodation is under consideration, or if the request is denied.
13. Anyone with concerns about the accommodation or leave process may contact the Director of Human Resources or Office of Metro Attorney to discuss the matter.
14. All documents regarding eligibility and/or the accommodation or leave provided will be kept confidential and may not be released without express permission unless required by law.

#### **Reasonable safety accommodations**

15. Safety accommodations may include, but are not limited to:
  - a. Transfer;
  - b. Reassignment;
  - c. Modified schedule;
  - d. Changed work station or phone number;
  - e. Other measures to address safety.

#### **Protected Leave from Work**

16. Safety-related matters for which leave may be permitted may include:
  - a. To seek legal or law enforcement assistance to ensure the safety of the victim or his or her minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal proceedings.

- b. To seek medical treatment or recover from injuries suffered by the victim or his or her minor child or dependent.
  - c. To obtain, or to assist the individual's minor child or dependent in obtaining counseling from a licensed mental health professional.
  - d. To obtain services from a victim services provider for the individual or his or her minor child or dependent.
  - e. To relocate or takes steps to secure an existing home. "Relocate" includes transition periods spent moving from one home or facility to another, including but not limited to time to pack and make security, transportation or other arrangements for such transitions.
17. The length of leave will be determined by what is reasonable under the circumstances, and will be limited only if the leave creates an undue hardship to Metro's operations.
18. Employees who take leave under this policy to recover from or seek treatment for the serious health condition of the employee or his or her minor dependent may have leave rights under the Oregon Family Leave Act and the Family and Medical Leave Act. Please see Metro's Family and Medical Leave Policy for more information. To the extent that leave under this policy is also covered by the Oregon Family Leave Act, Metro may administer the two types of leave concurrently.
19. Leave granted under this policy will not be counted against an employee's attendance record for purposes of discipline or performance evaluations.
20. Employees who are crime victims may also be covered by Metro's Crime Victims' Leave Policy.

### **Restraining Orders**

21. All employees or interns who apply for or obtain a protective or restraining order that lists any Metro location as a protected area must provide the HR Department and/or the Office of Metro Attorney with:
  - a. a copy of the petition and any associated declarations;
  - b. a copy of any temporary restraining order; and
  - c. a copy of any permanent restraining order or protective order that is granted.
22. Office of Metro Attorney will be responsible for informing the appropriate staff.

### **Responsibilities**

#### Employee/Intern:

- Contact your immediate supervisor or the HR Benefits Manager in advance or as soon as practicable if accommodation or leave from work is needed for safety needs arising from domestic violence, sexual assault, criminal harassment or stalking.
- Provide documentation of eligibility as requested by the HR Benefits Manager.
- Comply with all applicable policies and work rules while the request for accommodation is under consideration, or if the request is denied. Notify the HR Benefits Manager if safety concerns require an exception to be made immediately.
- Follow regular call-in procedures while on leave, unless other arrangements are made with the HR Benefits Manager to accommodate safety needs.

Supervisor and Department Director:

- Notify the HR Benefits Manager of any requests for accommodation or leave by individuals who are victims of domestic violence, sexual assault, criminal harassment or stalking.
- Work with the HR Benefits Manager to make any operational adjustments that may be necessary.

Human Resources Department:

- Contact the employee or intern and engage in an interactive process to determine whether a reasonable accommodation is appropriate.
- Request documentation as necessary to certify eligibility for accommodations and/or protected leave.
- Work with the supervisor and Department Director to determine the impact of the requested accommodation on operations.
- Determine whether the requested accommodation or leave poses an undue hardship.
- Notify the individual of the decision and discuss possible alternative accommodations if the requested accommodation is denied.
- Notify the employee if leave will be charged against the employee's OFLA entitlement.
- Work with the Supervisor and Department Director to make any necessary operational adjustments.
- Keep records related to accommodation and leave requests confidential except as expressly permitted by the victim or required by law.
- Coordinate posting of information as required by law.

**References**

ORS 659A.270 to 659A.290

2013 Oregon Laws Ch. 379 (House Bill 2669)

2013 Oregon Laws Ch. 321 (House Bill 2903)

Crime Victims' Leave Policy

Discrimination and Harassment Policy

Family and Medical Leave Policy

# Metro | *Policies and procedures*

**Subject** Crime Victims' Leave to Attend Criminal Proceedings  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Metro provides excused leave from work for crime victims to attend criminal proceedings as required by Oregon law.*

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## **Applicable to**

All employees.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Definitions**

**Crime Victim:** An employee who has suffered financial, social, psychological or physical harm as the result of a "person felony," as defined in the rules of the Oregon Criminal Justice Commission (OAR 213-003-0001(14)), or who is an eligible immediate family member of a person who meets these criteria.

**Criminal Proceeding:** Any proceeding that constitutes a part of a criminal action or occurs in court in connection with a prospective, pending or completed criminal action, including juvenile proceedings or any other proceeding at which a crime victim has a right to be present arising from his or her status as a victim.

**Eligible Employee:** An employee who meets the above definition of crime victim, and who has worked an average of 25 hours per week or more for at least 180 days immediately preceding the date leave begins.

**Eligible Immediate Family Member:** A spouse, domestic partner, father, mother, sibling, child, stepchild or grandparent. Note that this definition follows applicable law and may differ from other Metro policies.

**Undue hardship:** A significant difficulty or expense, determined on a case-by-case basis.

## **Guidelines**

1. An eligible employee who is a crime victim or a crime victim's eligible immediate family member as defined above will be granted leave from employment to attend a criminal proceeding related to the crime, unless the employee's absence would result in an undue hardship to Metro's operations.

2. Leave taken under this policy must be paid from accrued paid leave time. Once paid leave accruals are exhausted, approved leave will be unpaid.
3. Leave taken under this policy will not deplete the employee's leave entitlement under the Family and Medical Leave Act (FMLA) or the Oregon Family Leave Act (OFLA). An employee may still be eligible for FMLA or OFLA for a serious health condition related to the crime, or for other qualifying purposes under those laws.
4. Crime victims who are victims of domestic violence, sexual assault, harassment or stalking may be entitled to additional protections. See Metro's Domestic Violence, Sexual Assault, Harassment and Stalking policy or contact the Human Resources Department for more information.

## Procedures

1. Eligible employees must give reasonable notice to their supervisor and/or the HR Benefits Manager of the intention to take leave. To verify the need for leave, the employee must provide the HR Benefits Manager with a copy of the notice of scheduled criminal proceedings received from a court, district attorney, or law enforcement agency.
  - a. Employees shall request leave by submitting a Leave Request Form and verification documents to Human Resources (HR) 30 days before the date leave is to begin. If the employee receives notice of a criminal proceeding that will occur fewer than 30 days from the date notice is received, the employee shall request leave and submit verification documents to HR as soon as practicable after receiving notice.
  - b. If the employee receives notice that a criminal proceeding will occur within 48 hours of the date notice is received, the initial request for leave may be verbal or written, and may be directed to the employee's supervisor, Department Director, or the HR Benefits Manager. The employee must submit a completed Leave Request Form and appropriate verification to HR immediately upon return to duty.
  - c. Employees are not required to disclose to their supervisors the nature of the underlying crime or criminal proceedings. The HR Department will inform the supervisor of the need for leave and the leave approval designation but will maintain the confidentiality of the underlying details and the documents provided for verification in accordance with applicable law. The HR Department, supervisor, and other managers may confer about staffing needs and any operational hardships related to the absence.
  - d. The HR Department will notify the employee whether the leave is approved.
2. The employee must promptly notify the HR Benefits Manager of the dates and hours of leave taken under this policy. The HR Department will code the leave appropriately in Kronos.
3. The maximum length of leave ordinarily will be the duration of the criminal proceeding. Metro may deny the leave request or limit leave to a shorter period only if the employee's absence would result in an undue hardship to Metro's operations.
  - a. Supervisors and Department Directors should notify the Human Resources Department immediately if they believe the employee's absence would create an undue hardship.
  - b. The HR Department, in consultation with the Department Director and Office of Metro Attorney, will make the decision whether to limit or deny leave based on undue hardship.
4. An employee on crime victims' leave must keep his or her supervisor informed of any changes to his or her anticipated return date and time. If the duration of leave is not known at the outset, the employee should follow regular call-in procedures.

5. The use of leave under this policy will not be held against the employee when evaluating the employee's attendance.
6. Metro will maintain the confidentiality of all records related to leave taken under this policy.

## **Responsibilities**

### Employee:

- Provide reasonable notice of the intention to take leave following the procedures outlined above.
- Provide a copy of the notice of scheduled criminal proceedings received from a court, district attorney, or law enforcement agency.
- Keep your supervisor informed of any changes to your anticipated return date and/or follow regular call-in procedures while on leave.
- Notify the HR Benefits Manager of dates and hours of leave taken under this policy.
- If you experience any adverse employment action or negative treatment as a result of taking leave under this policy, report it following the procedures outlined in Metro's Discrimination and Harassment Policy.

### Supervisor:

- Immediately notify the HR Benefits Manager of any requests for leave under this policy.
- Maintain the confidentiality of all records related to leave taken under this policy. Send any verification documents received from the employee to Human Resources without keeping a copy.

### Department Director:

- Immediately notify the HR Benefits Manager of any requests for leave under this policy.
- Maintain the confidentiality of all records related to leave taken under this policy. Send any verification documents received from the employee to HR without keeping a copy.

### Human Resources Department:

- Notify the supervisor of any requests for leave under this policy and provide guidance and information to the supervisor and Department Director as needed.
- Track leave requests and verification of the need for leave, and code the use of paid and unpaid leave following usual procedures.
- Maintain the confidentiality of all records related to leave taken under this policy.

## **References**

ORS 659A.190 – ORS 659A.198 (Crime Victims' Leave statute)

OAR 213-003-0001(14) (definition of "person felony")

Metro Domestic Violence, Sexual Assault, Harassment and Stalking Policy

Metro Family and Medical Leave Policy

Metro Discrimination and Harassment Policy

# Metro | Policies and procedures

**Subject** Administrative Leave for Exemplary Service (Non-represented Employees)  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Metro may, in its discretion, award paid leave to non-represented, benefits-eligible, overtime-exempt regular status and limited duration employees who demonstrate extraordinary dedication by working long hours above and beyond the expectations for their position. This policy is comparable to "bonus time" provisions found in some Metro collective bargaining agreements.*

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## **Applicable to**

All non-represented, benefits-eligible regular status and limited duration employees who are ineligible to receive overtime compensation due to their exempt status under the Fair Labor Standards Act.

*If an applicable collective bargaining agreement contains a comparable article such as "bonus time," that article will apply in lieu of this policy.*

## **Guidelines**

1. The intent of this policy is to reward employees who put in a substantial amount of work time in excess of regular work hours for a sustained period of time but who are ineligible for overtime compensation.
2. The decision whether to award leave and the length of the leave awarded are at Metro's sole discretion. Exemplary service leave is not intended to compensate employees for extra work on an hour-for-hour basis.
3. The maximum leave that may be awarded under this policy is 40 hours per fiscal year.
4. Leave awards under this policy are in addition to accrued paid leave and will have no effect on accrual rates or maximum accrual limits for other types of leave.
5. Metro's fiscal year runs from July 1 – June 30. Leave time must be used within the fiscal year in which it is awarded, with the exception of leave time awarded during the month of June, which may be carried over to the following fiscal year. Leave time that is not used within the applicable fiscal year will be forfeited. Leave awarded in June must be used by June 30 of the following fiscal year.
6. Employees will not receive monetary payment for any unused leave awarded under this policy.

## **Procedures**

1. An award of leave must be approved in writing by the Department Director. A supervisor who wishes to award administrative leave for exemplary service to an employee will coordinate with the Department Director. Leave will be granted to a Department Director only with the written approval of the General Manager, Chief Operating Officer (C.O.O.) or designee.
2. Leave must be awarded in 8 hour increments, although it may be used in smaller increments in accordance with regular procedures for use of vacation and personal holidays.
3. Once approval is confirmed, the Department Director, General Manager, C.O.O or designee must notify the Payroll Division.
4. The Payroll Division will establish an administrative leave bank for the employee by entering the hours into the timekeeping system, and will confirm with the supervisor and Department Director when this process has been completed.
5. The supervisor will notify the employee of leave awarded under this policy.
6. Employees who have been awarded leave should follow regular procedures for requesting to use accrued leave. Employees may use leave under this policy only after receiving notification that the Payroll Division has established an administrative leave bank.

## **Responsibilities**

### Employee:

- After receiving an award of leave, follow regular procedures for requesting and coding use of leave.

### Supervisor:

- Coordinate with the Department Director to award leave under this policy.
- Notify the employee that leave has been awarded.

### Department Director, C.O.O. or designee:

- Approve leave awards and notify the Payroll Division.

### Human Resources Department Payroll Division:

- Establish a leave bank and notify the supervisor and Department Director that leave has been awarded.

# Metro | *Policies and procedures*

**Subject** Leave of Absence without Pay  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*Metro has discretion to provide leaves of absence without pay to benefits-eligible regular status and limited duration employees for any reasonable purpose not covered by other leave policies or accrued time off.*

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## **Applicable to**

All employees, including probationary employees, who are in benefits-eligible regular status and limited duration positions.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

## **Guidelines**

1. An employee in a benefits-eligible regular status or limited duration position may be granted a leave of absence for any reasonable purpose not covered by other leave policies or accrued time off, without pay and without employee benefits, provided such leave can be scheduled without adversely affecting Metro's operations.
  - a. For employees who have completed initial probation, leave without pay may be granted for a period of up to 90 days upon the approval of the Department Director. In rare circumstances, the period of approved leave may be extended up to a maximum total leave period of 180 days upon written approval by the General Manager (for visitor venues employees), Chief Operating Officer (COO) or designee.
  - b. Supervisors have discretion to grant probationary employees brief periods of unpaid time off for illness for which the employee has insufficient accrued sick leave, for bereavement, or for any other appropriate purpose, subject to the department's operational needs.
  - c. An employee may not be granted more than 180 total days of leave under this policy in any four year period unless required by law or approved in writing by the GM or COO due to extraordinary circumstances.
2. The decision whether to grant leave is at Metro's discretion. Metro is under no obligation to grant a request for leave without pay unless required by other laws or policies. Leave without pay under this policy is not appropriate if another type of protected leave or accrued time off is available.

## Procedures

1. Subject to the department's operational needs, a supervisor may approve unanticipated, brief periods of unpaid leave, such as a sick day for a probationary employee who does not yet have accrued time off. Such absences will be tracked subject to applicable attendance policies and work rules.
2. An employee may request leave without pay by submitting a Leave Request Form to his or her Department Director or designated signer.
  - a. The request for leave should be submitted at least 30 days in advance or as soon as possible after learning of the need for leave.
  - b. The request must include an explanation and/or documentation of the need for leave and the anticipated return date.
3. Requests for unpaid leave of up to 90 days may be approved by the Department Director provided the leave request is not covered by other leave policies.
  - a. The Department Director shall notify the HR Benefits Manager before awarding leave of more than 30 days for any purpose.
  - b. If a request for leave may qualify as Family and Medical Leave or other types of leave protected by law, the Department Director shall refer the matter to the HR Benefits manager even if the leave is for fewer than 30 days.
4. Requests for extensions of leave beyond an initial 90-day period must be approved in writing by the General Manager, Chief Operating Officer (COO) or designee.
  - a. The Department Director will forward all such requests to the General Manager or COO with a copy to the Human Resources (HR) Benefits Manager.
  - b. The General Manager, COO or designee will notify the Department Director and HR Benefits Manager of the decision to approve or deny the request for leave.
5. The Department Director will notify the employee of the decision to approve or deny the request for leave. If leave is denied, the employee will be given a written explanation of the reason for the denial.
6. Leave will ordinarily be without health insurance or other benefits unless the employee elects to continue coverage at his or her own expense. If the period of leave spans more than one month, Metro's contributions toward the employee's health care premiums will be suspended at the conclusion of the month in which leave begins.
  - a. After receiving notification of an award of leave of more than 30 days, the HR Benefits Manager will send the employee any necessary information about the continuation of benefits.
  - b. An employee who wishes to continue health insurance coverage while on leave should respond promptly to Consolidated Omnibus Budget Reconciliation Act (COBRA) notice and other benefits information. Employees may contact the HR Benefits Manager with any questions.
  - c. Extended coverage shall be subject to any restrictions in the applicable benefit policy or plan.
7. Leave approved under this policy ordinarily must be taken in one continuous period. It is not appropriate to schedule intermittent leave in order to extend the continuation of paid benefits.
8. Leave may not be taken from one position in order to complete a trial period in a different position.

9. Employees will not accrue additional leave time while on a leave of absence without pay.
10. Employees must return from leave as scheduled or contact their Department Director if additional leave time is needed. Employees who do not take one of these steps may be deemed to have resigned in accordance with applicable attendance policies and work rules, with consideration given to any extenuating circumstances.
11. An employee returning from leave for his or her own serious health condition as defined in Metro's Family and Medical Leave policy will be required to provide a release to full duty before resuming work.

## **Responsibilities**

### Employee:

- Submit a written request for leave without pay to your Department Director at least 30 days in advance or as soon as possible after learning of the need for leave. Include an explanation and/or documentation of the need for leave and your anticipated return date.
- Respond promptly to COBRA notices if you wish to continue employment benefits at your own expense during leave.
- Provide a release to full duty before resuming work following leave taken for your own serious health condition.
- Return to work as scheduled. Contact your Department Director if you need to extend leave beyond the original period.

### Department Director:

- Approve or deny requests for leave of up to 90 days. Notify the HR Benefits Manager before awarding leave of 30 days or more. Consult relevant policies and confer with the HR Benefits Manager if a request for leave without pay may qualify as Family and Medical Leave or any other category of leave protected by law.
- Forward requests for leave of more than 90 days to the General Manager, COO or their designee, with a copy to the HR Benefits Manager.
- Notify the employee of the decision to approve or deny leave. Provide a written explanation if leave is denied.
- Ensure that leave time is properly recorded in the Kronos timekeeping system.

### General Manager, Chief Operating Officer or Designee:

- Approve or deny requests for leave of more than 90 days, with copies to the Department Director and HR Benefits Manager. Provide a written explanation if leave is denied.

### Human Resources Department:

- Send COBRA notices and any other necessary information related to the continuation of benefits.
- Maintain records related to approved leave requests.
- Update the Human Resources Information System (HRIS) for employees on leave 30 days or more.

# Metro | Policies and procedures

**Subject** Layoffs – Non-represented Employees  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*A layoff is an involuntary separation from employment that is initiated due to circumstances other than the employee's conduct or job performance. Metro may lay off employees due to lack of work, lack of funds, reorganization, and/or other business needs.*

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### **Applicable to**

All non-represented employees.

*Layoffs of represented employees will be in accordance with applicable collective bargaining agreements.*

### **Guidelines**

1. Metro may lay off employees due to lack of work, lack of funds, business reorganization, and/or other business needs.
2. Metro will provide non-probationary regular status and limited duration employees with at least 14 calendar days' notice of layoff or the corresponding amount of pay in lieu of notice.

### **Procedures**

1. The Chief Operating Officer (COO) or Visitor Venues General Manager, in consultation with the MERC Commission and/or Metro Council as appropriate, will determine the number and classifications of employees to be laid off.
2. The COO and/or Visitor Venues General Manager, in consultation with management stakeholders, will determine the order in which employees in the same classification are selected for layoff.
  - a. Metro is not required to lay off temporary and seasonal employees before limited duration and regular status employees. Layoff decisions will be based on business needs.

- b. Determinations will be made based on Metro's business needs and the employees' employment history, including the following factors, listed in no particular order:
    - i. Past work performance as reflected in performance evaluations and attendance, safety, and disciplinary records;
    - ii. Job knowledge, skill, and ability to do the required work;
    - iii. The ability to perform other jobs that the employee may be called upon to perform as a result of the staffing reduction;
    - iv. Previous work experience and educational background; and
    - v. Length of service.
3. Notice of layoff will be given as follows:
- a. Temporary and seasonal employees and probationary employees may be laid off with or without prior notice; however, advance notice will be provided to the extent feasible.
  - b. Non-probationary limited duration and regular status employees will be given at least 14 calendar days' written notice of layoff or the corresponding amount of pay in lieu of notice.
  - c. In the event of a facility closure or mass layoff covered by the Worker Adjustment and Retraining Notice (WARN) Act, the notice period and the form and content of the notice will comply with the WARN Act.

## **Responsibilities**

### Chief Operating Officer and Visitor Venues General Manager:

- Make layoff determinations under this policy in consultation with supervisors, managers, the HR Department and the MERC Commission and/or Metro Council.

### Human Resources Department:

- Process separation paperwork.
- Provide benefits information to separating employees.
- Payroll Division: process employee's final check.

## **References**

Payroll policy

Worker Adjustment and Retraining Notification (WARN) Act (29 U.S.C. §2101, et seq.; 20 CFR Part 639)

# Metro | *Policies and procedures*

**Subject** Resignation and Retirement  
**Section** Human Resources  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*This policy outlines procedures and responsibilities in the event of resignation or retirement.*

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### **Applicable to**

All employees.

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.*

### **Procedures**

1. Metro requests that employees provide a minimum of 14 calendar days' notice of resignation or retirement unless there is a contract or other agreement specifying a different timeframe.
2. Notice of resignation or retirement may be provided verbally or in writing to an employee's supervisor or manager.
3. After receiving notice of resignation or retirement, the supervisor must:
  - a. Immediately notify the Payroll Division via the Kronos Help Desk in order to ensure timely processing of the employee's final paycheck. Please see Metro's Payroll Policy for more information on final paychecks.
  - b. Forward an employee's resignation notice (if any) to the HR Department as soon as possible. If notice of resignation or retirement is given verbally, the supervisor must email the Human Resources (HR) Department to confirm the date and circumstances of the notice and the proposed effective date of the resignation or retirement.
  - c. Complete all applicable close-out procedures listed on the Departing Employee Checklist, available from the HR Department.

4. The effective date of resignation or retirement should ordinarily be the last date the employee is present at work and not extended by leave time or holidays. The HR Department may approve an exception to this rule in unusual circumstances, such as when an employee on leave is unable to return.
5. If an employee who has given notice of resignation or retirement seeks to rescind the notice, the decision whether to accept the rescission is at the discretion of the Department Director based on business need.
6. The HR Department will invite the employee to complete an exit interview or take similar steps to understand the employee's reasons for resigning. Employees are welcome to contact HR to request an exit interview.
7. Employees must return their employee identification cards and all other Metro property, including keys, uniforms, purchasing cards, tools and equipment, by the end of their last day of employment.
8. If contacted for an employment reference, Metro will provide the employee's dates of employment, positions held, and salary history. Metro may agree to provide additional information if requested by the employee.

## **Responsibilities**

### Employees:

- Provide 14 calendar days' notice of resignation if possible.
- Turn in your identification card and all other Metro property by the end of your last day of work.
- Contact the HR Department with any questions relating to benefits.

### Supervisors:

- Notify the Payroll Division via the Kronos Help Desk and the HR Department upon receipt of a notice of resignation.
- Complete applicable close-out procedures listed on the Departing Employee Checklist.
- Limit employment references to the information specified in this policy, or direct inquires to the HR Department.

### Human Resources Department:

- Process separation in applicable HR systems.
- Payroll Division: process employee's final check.
- Provide relevant benefits information.
- Conduct exit interview if requested or otherwise appropriate.