

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE RELATING TO)	ORDINANCE NO. 81-116
PERSONNEL; ADOPTING PERSONNEL)	
RULES; AND REPEALING METRO CODE)	Submitted by the Council
CHAPTER 2.02)	Coordinating Committee
(ORDINANCE NO. 79-73))	

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1 Purpose: The purpose of this ordinance is to provide systematic and equitable procedures and regulations relating to the hiring, compensation, hours of work, leave, safety, training, working conditions, promotions, transfer, discipline, removal and other matters affecting the status of employees of Metro. This ordinance is provided to maintain uniformity and equity in personnel matters, and to encourage each employee to give his/her best service to the organization and citizens served by Metro.

Section 2 Administration of the Rules: The Executive Officer shall be responsible for:

(a) Administering or delegating the administration of all the provisions of this ordinance; and

(b) Reviewing and recommending to the Council necessary changes to this ordinance.

(c) Publishing a personnel procedures manual to implement the provisions of this ordinance.

Section 3 Amendment: This ordinance shall be amended solely by the Council. Administrative amendments which deal solely with correcting grammatical or typographical errors, or correcting position titles to reflect properly processed reclassifications and title changes, or correcting departmental name changes to accurately reflect current organizational structure may be approved by the Executive Officer. All proposed amendments dealing with policy and/or benefit changes will be required to be adopted by the Council. This ordinance shall provide means to recruit, select, develop and maintain an effective and responsive work force, and shall include policies and procedures for hiring and advancement, training and career development, job classification, salary administration, retirement, employee benefits, discipline, discharge and other related matters which are pertinent to the maintenance and effective operation of the Metropolitan Service District (Metro). Furthermore, this ordinance shall be implemented and, if necessary, revised in a spirit of good faith, and shall be subject to review and comment by Metro employees prior to any amendment. If practical, proposed amendments shall be posted in each general work area ten (10) working days in advance of the Council meeting in

which they are to be considered. Employee access to copies of the proposed amendments shall be provided by their distribution to all Directors of departments, Personnel Office and to the Chairman of the Employees Association, in addition to the posting required above. Employee responses, if any, shall be reported to Council coincidental with Council consideration of the proposed amendments.

Section 4 Separability: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5 Variances: The Executive Officer shall have the power to vary or to modify the strict application of the provisions of this ordinance in any case in which the strict application of said provisions would result in practical difficulties or unnecessary hardships on either the agency or employee or both. All approved variances shall be subject to Council ratification, and shall be reported to the Council in written summary form at the next regular meeting following the date of approval. The chairperson of the Employees' Advisory Committee shall receive a written summary of the variance prior to this meeting.

Section 6 Definitions: As used in this ordinance, as well as in day to day personnel matters, the following terms shall have the meanings indicated:

1. "Administrative Leave" means leave with pay granted by the Executive Officer for employees who work in classifications which are exempt from overtime pay.
2. "Appointment" includes all means of selecting or employing any person to hold any positions subject to this ordinance. Appointment does not include promotion.
3. "Anniversary Date" means the anniversary of the date on which an employee reached the Entry Merit Rate described in the Salary Plan for the position currently held.
4. "Appeal" means an oral or written request to a department head or the Executive Officer for reconsideration of a decision adverse to an employee's interests.
5. "Appointing Power" means the Executive Officer or his/her designee.
6. "Central Personnel File" means a file which contains complete personnel records of all Metro employees.
7. "Class" means a group of positions sufficiently alike in responsibilities and authorities to require similar qualifications.

8. "Class Specification" means a written description of each class of positions including a class title and a statement of objectives duties, responsibilities, recruiting requirements and minimum qualifications as required by uniform selection guidelines. Positions, not individuals, are classified.
9. "Council" means the elected governing body of Metro.
10. "Continuous Service" means uninterrupted employment with Metro. Reasonable absences due to sick leave, disability, layoffs, military leave or other approved leaves as provided for in this chapter, do not constitute an interruption in continuous service. Continuous service shall only apply to regular and regular part-time employees.
11. "Days" means calendar days unless specifically provided otherwise.
12. "Demotion" means a transfer of an employee from a position in one class to a position in another class having a lower maximum salary rate. Demotion during probation in a promotive position does not reflect discredit upon the employee.
13. "Department" means a major functional unit of Metro.
14. "Department Head" means a person responsible for the administration of a department.
15. "Deputy Executive Officer" means the appointed Deputy Executive Officer selected by and responsible to the Executive Officer for the administration of the Metro organization.
16. "Dismissal" means the termination of employment of a regular employee for cause or of a probationary employee as specified in these rules.
17. "Disciplinary Action" means imposition of certain personnel actions (e.g., reprimand, warning, suspension, dismissal, reduction in pay or demotion) as a result of conduct in violation of this ordinance.
18. "Division" means a major functional unit of a department.
19. "Division Head" means a person responsible for the administration of a division.
20. "Employee" means anyone who is salaried or who receives wages for employment with Metro.

21. "Examination" means a test for the purpose of evaluating an applicant for an employment vacancy. "Examination" includes completion of employment application forms.
22. "Exempt Position" means a position exempt from mandatory overtime compensation.
23. "Executive Officer" means the elected Executive Officer of Metro.
24. "Fiscal Year" means a twelve (12) month period beginning July 1, and ending June 30.
25. "Full-time" means a position which has daily, weekly and monthly hours as established by the Council for full-time work.
26. "Flex-time" means an alternative work schedule of a full-time salaried employee other than the regular 8:00 a.m. to 5:00 p.m., Monday thru Friday, workday and workweek, but which includes the same number of total hours per pay period as other full-time positions. Approval of the supervisor is required.
27. "Grievance" means an oral or written expression of dissatisfaction with some condition of employment or management decision affecting such employment, submitted by an employee or group of employees for the purpose of obtaining adjustment of said cause of dissatisfaction.
28. "Hourly Rate" means the rate of compensation for each hour of work performed. It is determined by dividing the annual regular salary by the regular number of hours worked each year (2,080).
29. "Interview" means a formal consultation to evaluate the qualifications of an employee or a prospective employee. The consultation includes the employee or prospective employee and the employer.
30. "Immediate Family" means the husband, wife, son, daughter, father, mother, brother, sister, father-in-law, mother-in-law, grandparents or any relative living in the employee's household.
31. "Jobshare" means a full-time position designated by the Executive Officer which is or may be shared by two employees.
32. "Layoff" means a separation from employment because of organizational changes, lack of work, lack of funds or for other reasons not reflecting discredit upon the employee.

33. "Labor Organization" means the certified representative of employees in a recognized bargaining unit.
34. "Leave of Absence" means time off from work for reasons within the scope and purpose of this chapter and regulations upon prior approval of the Executive Officer.
35. "Merit Salary Increase" means an increase based on performance from one pay rate to a higher rate within the established merit salary range for the class or position occupied by the employee.
36. "Month" means one (1) calendar month.
37. "Nonoccupational Disability" means disability from an accident or sickness suffered or contracted by the employee which cannot be attributed to the performance of assigned duties with Metro.
38. "Open Competitive List" means a list of persons who have been found qualified by an open competitive recruitment and examination for the job classification for which they have applied and their level of qualification in that class.
39. "Occupational Disability" means disability from an accident or sickness suffered or contracted as a result of the performance of assigned duties.
40. "Overtime" shall be considered as time worked by an employee in excess of the scheduled workday or workweek for full-time employment (8 hours in one day or 40 hours in one week. If an employee is scheduled for a 10-hour and 4-day work week, the payment of overtime must be based on work in excess of 10 hours per day or 40 per week. (ORS 279.340)
41. "Part-time" means a position the daily, weekly or monthly hours of which are less than the hours established for full-time positions and which position is provided for in the annual budget.
42. "Pay Plan" means the compensation plan formally adopted by the Council annually as the Pay Plan for employees of Metro.
43. "Personnel Action" means any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal or other action affecting the status of employment.
44. "Permanent Employee" means an employee appointed for more than six (6) months duration as provided for in the annual budget.

45. "Personnel Manager" means the employee appointed by the Executive Officer to administer the provisions of this chapter.
46. "Position Number" means the line item number in the budget assigned to each position listed under personal services. Position number change means a change in the line item number in the budget assigned to each position listed under personal services. Such change may include a transfer from one division or department to another.
47. "Probationary Period" means a working test period during which an employee is required to demonstrate fitness for the position to which the employee is appointed, or promoted by actual performance of the duties of the position.
48. "Personnel Procedures Manual" means a manual developed or to be developed by the Personnel Division and approved by the Executive Officer to implement the policies and provisions of this chapter.
49. "Promotion" means the change of an employee from a position in one classification to a position in another classification having a higher maximum salary rate.
50. "Probationary Employee" means any employee serving during a period of probation.
51. "Promotional List" means a list of persons presently in the employ of Metro who have been qualified by promotional examination for appointment to a position in a particular class.
52. "Provisional Appointment" means an appointment, pursuant to this ordinance, to a position in the absence of an open competitive list.
53. "Range" means a level in the Pay Plan. Each classification is allocated to one of the ranges in the Plan.

"Range change" means the action of moving a classification from one pay range to another pay range. This action requires Council approval.
54. "Reclassification" means a change in classification of a position by raising it to a class with a higher rate of pay, or reducing it to a class with a lower rate of pay, or changing it to another class at the same pay level. Based upon an evaluation of the duties currently assigned to an incumbent in an existing position or to be assigned for a vacant position, relative to the duties associated with other positions in the appropriate classes.

55. "Reemployment" means the appointment of a former employee to a position in a class where the employee held regular status.
56. "Reinstatement" means the return of an employee to a previous position following an approved leave of absence or when ordered by the Executive Officer or a court of competent jurisdiction.
57. "Regular Employee" means an employee who has successfully completed the required probationary period occupying or appointed to a full-time or part-time position which is included in the Classification and Compensation Plan for regular employees and which position is provided for in the annual Budget.
58. "Resignation" means voluntary separation from employment.
59. "Status" refers to the rank of the employee relative to the probation period.
60. "Separation" is the cessation of employment with Metro. This action does not reflect discredit upon the employee.
61. "Suspension" means the temporary separation of an employee from employment with Metro.
62. "Temporary Employee" means an employee appointed to perform a specific task or to participate in a series of projects for a period not to exceed 2,080 hours over a six (6) month period. This definition excludes interns, work-study students, and CETA employees, or similar federal and state employment programs.
63. "Termination" means the employee is relieved of the duties of a position which had a specified duration or existed for a period of need.
64. "Transfer" means a change of an employee from one position to another in the same class, or to a position in a comparable class within the same salary range (subject to rule on appointment) and may include a change from one department or geographic location to another.
65. "Underfill" refers to the affirmative action appointment of a candidate to a position in a classification for which the candidate does not possess the minimum experience qualifications for the purpose of allowing the candidate to gain the necessary experience to qualify. Underfill applies to internal promotional opportunities only.
66. "Voluntary Demotion" means a demotion requested by an employee in order to retain employment when a layoff is imminent or for other reasons where the action is entirely voluntary on the part of the employee.

67. "Workday" means the regularly scheduled workday from 8:00 a.m. to 5:00 p.m. with one (1) hour off for lunch except where flexible hours are approved by the supervisor. "Flexible hours" in this context are those hours scheduled as an alternative to the regular 8:00 a.m. to 5:00 p.m. workday. "Workday" or "working days" as used in this chapter in relation to notice and filing requirements shall mean business days rather than days actually worked.
68. "Workweek" means the regularly scheduled forty (40) hour workweek from Sunday through Saturday.

Section 7 Legal Interpretations: When it is found necessary to seek a legal opinion as to the interpretation or intent of this chapter, it shall be incumbent upon the Executive Officer to respond to said requests as soon as is practicable.

Section 8 Appointment:

(a) All promotions and appointments to vacancies shall be made solely on the basis of merit, efficiency and fitness. These qualities shall be job-related and shall be determined through careful and impartial evaluation of the following:

- (1) The duties and responsibilities to be performed;
- (2) The applicant's level of training relative to the requirements of the position;
- (3) The applicant's level of education relative to the requirements of the position;
- (4) The applicant's level and amount of experience relative to the requirements of the position;
- (5) The results of an oral interview; and examination; and
- (6) The results of reference checks.

(b) Except for purposes of Affirmative Action, no question in any examination, in any application form, or by any Metro employee, official or department head shall be so framed as to attempt to elicit information concerning race, color, ancestry, national origin, sex, sexual orientation or political or religious affiliation.

(c) All statements submitted on the employment application or attached resume shall be subject to investigation and verification prior to appointment.

(d) Regular and temporary full-time employees are encouraged to apply for any vacant position for which they are qualified. Temporary full-time employees must have completed a competitive

selection process and have been employed at least three (3) months to be considered for in-house promotional hiring preference. All applications will be considered without prejudice to their present positions. Regular, regular part-time and temporary full time employees will be given first consideration in filling a vacant position. If the position is not filled as a result of promotional recruitment, recruitment outside the agency will commence. Notice of promotional recruitment shall be posted not less than five (5) working days to allow for receipt of applications. Promotional applicants will be provided with a written response on the status of their application by the division or department head in whose division the vacancy exists before outside recruitment is commenced.

(e) Pursuant to the terms and intent of 1977 Or. Laws, ch. 665, sec. 7 (5) and ORS 268.210, all appointments of employees shall be the sole responsibility of the Executive Officer subject to this chapter. However, because the duties associated with certain positions include an independent and concurrent policy impact on both the Council and the Executive Officer, the appointment or promotion of persons to fill the following positions must be confirmed by a majority of the Council prior to the effective date of each such appointment or promotion:

- (1) General Counsel
- (2) Legislative Liaison (lobbyist)
- (3) Director of the Public Affairs Department
- (4) Deputy Executive Officer

(f) "Provisional Appointment" means an appointment, pursuant to this chapter, to a position in the absence of a list of eligibles. Provisional appointments cannot exceed ninety (90) days. A person appointed provisionally is eligible to compete for the position when recruitment is opened during the aforementioned ninety (90) day period.

Section 9 Probationary Period:

(a) Except as provided in subsection b of this section all original appointments and promotions to regular and regular part-time positions shall be subject to a standard probationary period of six (6) consecutive months of service. Such period shall not apply to transferees who are transferred after satisfactory completion of their probationary period.

(b) In cases where a probationary employee is transferred prior to the end of the probationary period, or where a period longer than six (6) months, is necessary to demonstrate an employee's qualifications, the probationary period may be extended by the Executive Officer; however, no probationary period shall be extended beyond twelve (12) months from the date of appointment. The employee shall be notified in writing of any extension and the reasons therefore.

(c) During the probationary period the employee shall not be eligible for vacation leave but shall earn vacation credit during probation to be taken after probation.

(d) During the probationary period, the employee will be provided with a work plan and guidance from the supervisor in carrying out the plan. The employee's performance will be reviewed periodically to determine how the employee is progressing in meeting the performance standards of the particular position.

Upon satisfactory completion of the probationary period, the employee shall be considered as having demonstrated qualifications for the position, shall gain regular status and shall be so informed on a Completion of Probationary Performance Evaluation rating form.

(e) In the case of an original appointment, a probationary employee may be terminated without cause at any time without hearing or appeal and without previous, lesser disciplinary action. The employee shall be given fourteen (14) days written notice of termination pursuant to section 202.095 (g).

(f) In the case of promotional appointments, the promoted employee may be demoted at any time during the probationary period, and be reinstated in a position in the class from which he/she was promoted, even though this may necessitate the layoff of the employee occupying the position.

Section 10 Attendance: Hours of Work

(a) Employees shall be in attendance at their work in accordance with the sections of this chapter regarding hours of work, holidays and leaves of absence.

(b) Employees shall not absent themselves from work for any reason, other than those specified in this chapter authorizing sick leave, without making prior arrangements with their supervisor. Supervisors may authorize employees to work a flexible schedule which does not require continuous attendance during the work day or a report on each absence, when appropriate to the nature and level of the position.

(c) Any unauthorized absence of an employee from duty may be deemed to be an absence without pay and may be cause for disciplinary action. Absence without approval in excess of three (3) workdays shall constitute abandonment of position.

(d) Meals: All employees shall be granted a nonpaid lunch period of one (1) hour during each full work shift subject to past practice. Whenever possible, such meal periods shall be scheduled in the middle of a shift.

(e) Rest Periods: A rest period of ten (10) minutes shall be permitted for all employees for each full half shift subject to the

workload of the department. Such rest periods shall normally be on a scheduled basis so that activities of the department shall be staffed at all times.

Section 11 Job Share: Any full-time position may be designated as a job-share position by the Executive Officer. Benefits for such position shall be apportioned between the position occupants in proportion to time worked by each; however, such apportioning may be altered upon written agreement of position occupants and approval by the Personnel Manager. In no event, however, shall the benefits of a job share position exceed the benefits of any other full-time position.

Section 12 Personnel Records:

(a) The Executive Officer shall cause a personnel record to be established for each employee and maintained in the Metro Personnel Division.

(b) The personnel record shall show the employee's name, title of position held, the department to which assigned, salary, change in employment status, training received and such other information as may be considered pertinent.

(c) A Personnel Action Notice shall be used as the single document to initiate a Personnel Action and to update personnel records. Any document filed in the employee's record relating to salary, benefits, performance or work conditions of the employee shall be duplicated and sent to the employee. Personnel Action notices are signed by the department head, Personnel Manager and, when required, the Executive Officer and Deputy Executive Officer.

(d) Employee personnel files are public records with the exception of the employment application, disciplinary actions, performance evaluations and references from prior employers. These excluded documents are considered confidential and are accessible only to the employee concerned, the employee's supervisor, the department head, the Personnel Manager, the Director of Management Services, General Counsel and the Executive Officer. An employee may be denied access to references from prior employers if the employer so stipulates. The employee shall be notified as to all persons having access to their personnel records and the reasons for such access. Authorization by the employee shall be required before anyone other than pre-selected officials is given access to the employee's personnel file. Additional pre-selected officials may be identified by the Executive Officer and placed on file in the Personnel Office. The employee may authorize in writing his/her representative to gain access to his/her file, and such authorization shall be filed with the Personnel Office.

(e) Letters of reprimand shall not be used in any subsequent evaluation or disciplinary proceeding involving the employee after the next regularly scheduled evaluation and in the absence of a recurrence of a similar infraction, such letters shall then be

removed from the employee's personnel record, at the request of the employee.

Section 13 Transfers: (a) All vacant positions are subject to normal recruitment procedures. Involuntary Transfer: If a transfer is without the consent of the employee, the employer must give the employee ten (10) days prior notice. Upon written request of the employee, the Personnel Manager may investigate the transfer to determine if it is being made for reasons other than the good of the service. Transfers must be completed with no more than a ten (10) day break in service.

(b) Disability Reassignment: As an alternative to appointment from an open competitive or promotional list, a position may be filled for the duration of an employees disability (temporarily or permanently) by the reassignment of a regular or probationary employee to another position upon request, with the consent of the Executive Officer and department heads involved and the Personnel division, if the employee is unable to perform the duties of the position because of an on-the-job accident or disability. An employee so disabled may be reassigned to a position in a different classification, if it is determined by the Personnel Manager that the employee is both capable and qualified to perform the duties of the new position.

Section 14 Layoff:

(a) If there are changes of duties in the organization, lack of work or lack of funds, the Executive Officer may lay off employees; however, the Executive Officer shall first make every reasonable effort to retain those employees. When layoffs are required, and except as required in 2.02.045 (f), the Executive Officer shall base the decision on relative merit, and shall give due consideration to seniority only where the employees' qualifications and ability are relatively equal. Regular employees not on probation shall be given a minimum of two (2) weeks written notice of their layoff from Metro employment.

(b) Laid off employees shall be placed on a layoff list and shall have rehire preference for the position within the classification from which they were laid off for one (1) year following layoff.

Section 15 Resignation: To resign in good standing any employee voluntarily terminating employment shall give a minimum of two (2) weeks written notice of resignation, unless because of extenuating circumstances the department head agrees to permit a shorter period of notice. The resignation shall provide an effective date which shall be the last day actually worked. All compensatory time and vacation leave credit earned shall be paid. Such time and leave credit shall not be used to extend the term of employment to earn additional benefits.

Section 16 Travel Expense:

(a) When employees are required to travel on official business, Metro will pay the actual cost of travel and the actual cost of meals or per diem as set by the Executive Officer, whichever is less. No such payment shall be made without receipts for actual expenses. Reimbursement for expenses incurred shall be determined and paid as follows:

- (1) Travel on official business by a single individual should be via public carrier or Metro-owned vehicle. If the employee is authorized to use a private vehicle, mileage shall be paid at the rate set by Council. This rate includes insurance, but not storage expense of the vehicle, which is an eligible expense.
- (2) When travel by Metro-owned vehicle or by public carrier is practical, but the employee elects to use his/her own vehicle, the employee shall not be reimbursed.
- (3) Reimbursement for travel and subsistence on official trips outside the metropolitan area by bus, train or airplane shall only be the amount of actual and reasonable expense incurred during the performance of official duty as a Metro employee for the benefit of Metro. Metro will pay the actual costs of travel and meals or per diem as set by the Executive Officer. The actual cost of conference registration fees will be paid. The actual costs of accommodations will be paid as well as taxi or bus fare. Metro will not pay for first class air travel unless tourist class is not available. Airline tickets should be ordered and paid for directly by Metro. Advances for anticipated trip costs may be made upon approval of the Executive Officer or his/her designee.

Section 17 Employee Organizations and Representation: Employees of Metro shall 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 State Employment Relations Board. Employees may form an Employee Advisory Committee to the Executive Officer for the purpose of providing employee input on matters relating to wages, fringe benefits, working hours and working conditions. All meetings and communications should be documented and recorded for both parties. An Advisory Committee spokesperson, designated by the Metro Employees' Association, may respond to Executive Officer requests for information and input on employee issues during working hours.

Section 18 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. An employee must exercise all due caution in such activities to prevent public misunderstanding of such actions as representing Metro, or to bring discredit to Metro, the Council, Executive Officer or his/her supervisor.

(b) No official, employee or any other person shall attempt to coerce, command or require any Metro employee to influence or give money, service or other thing 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 working hours. However, nothing in this section is intended to restrict the right of a public employee to express personal political views.

Section 19 Nepotism:

(a) No appointing authority shall make, approve or continue the employment, appointment, promotion or transfer of an otherwise eligible candidate or employee to a position in which the candidate or employee would be subject to or responsible for the direct or indirect supervision or review, including personnel evaluation, salary or position changes, discipline and any other personnel action, of a person related as closely as a first cousin, whether the relationship is by blood or through marriage, and shall include husbands of sisters-in-law and wives of brothers-in-law. Any candidate or employee employed, appointed, promoted or transferred to a position in violation of this rule shall be immediately transferred or terminated from such position. These provisions shall not apply to any person appointed prior to date of adoption of this ordinance.

(b) No relative shall be employed if such action would constitute a violation of any law of the state of Oregon, or of the United States, or any rule promulgated pursuant thereto with which Metro is required to comply.

Section 20 Preamble--Conduct, Discipline, Termination and Appeal:

Nothing contained in this chapter precludes a supervisor from having private discussions with employees. In fact, discipline is often avoided by private conversations between the supervisor and employee. These discussions may be in the form of oral counseling, instruction and/or reprimand. However, these discussions are not

subject to the grievance procedure unless the employee is notified at the time of the discussion that it constitutes an oral, or subsequently written, reprimand and may be used against the individual in future disciplinary actions. If the employee is so notified, the supervisor involved is to properly record the conversation and provide a copy of this record to the employee so as to provide a basis for the employee to pursue the matter through the grievance procedure.

Section 21 Disciplinary Action:

(a) Disciplinary actions or measures shall include only the following: oral or written reprimand, suspension, demotion and dismissal from employment. Disciplinary action shall be for just cause and will be subject to the grievance procedure. Oral reprimands will not be used as the basis for subsequent disciplinary action unless the employee is so notified at the time of reprimand, and if notified, the matter will be subject to the grievance procedure. If Metro has reason to reprimand an employee, it shall be done in a manner that is least likely to embarrass the employee before other employees or the public.

(b) It shall be the duty of all employees to comply with and to assist in carrying into effect the provisions of this ordinance. Except as provided in Section 9 of this ordinance, no employee shall be disciplined except for violation of established rules and regulations, and such discipline shall be in accordance with procedures established by this ordinance.

(c) Any of the following may constitute grounds for disciplinary action:

- (1) Abandonment of position;
- (2) Absence from duty without leave;
- (3) Abuse of leave privileges;
- (4) Below standard work performance;
- (5) Discourteous treatment of the public or other employees;
- (6) Intoxication during working hours;
- (7) Fraud in securing appointment or promotion;
- (8) Insubordination;
- (9) Misuse of Metro property, funds or records;
- (10) Neglect of duty;
- (11) Willful deceit;
- (12) Any conviction by a court of law which would be incompatible with the work performed for Metro by the affected employee;
- (13) Violation of Metro ordinances and regulations and directives.

(d) Any of the following types of disciplinary action may be utilized. It is appropriate, though not necessary in every circumstance, that the following steps be taken progressively. Reasons for each disciplinary action should be documented before action is taken unless extenuating circumstances exist.

- (1) Oral Reprimand: Oral Reprimand is notice by a supervisor to an employee that his/her behavior or performance must be improved. It defines areas where improvement is needed, sets goals, and informs the employee that failure to improve may result in more serious action. The supervisor shall record the date and content of the oral reprimand, and such record shall be placed in the employee's personnel file. This record shall be removed when successful corrective action is completed.
- (2) Written Reprimand: Written reprimand is formal notice by a supervisor to an employee that his/her performance or behavior must be improved. A written reprimand must be approved by the department head. It contains the same elements as the oral reprimand. When appropriate, it should be used in conjunction with a plan for individual improvement. A copy of the written reprimand and plan for individual improvement is placed in the employee's personnel record. This copy shall be removed when successful corrective action is completed.
- (3) Suspension: Suspension without pay should be used when other disciplinary measures have failed or when it is necessary that the employee not remain on duty. Suspensions shall not require advance notice and may be effected immediately. Within two (2) working days, Metro shall send a notice to the suspended employee at his or her last known address describing the circumstances of the suspension, the reason for the suspension, the length of the suspension, the date or the circumstances under which the employee may return to work. A duplicate copy of the written notice shall be placed in the employees personnel file by the Personnel Manager. Dismissal may be the next step of disciplinary action.
- (4) Demotion: Demotion, both in pay and to a lower classification may be used as a form of discipline when discharge is not warranted or when the supervisor believes that the employee has the potential for correcting conduct. Such action shall be subject to the rules governing demotions.
- (5) Dismissal: Dismissal shall require advance notice as provided under Section 21(g). Where it is deemed necessary that the employee be separated immediately, the notice of dismissal may simultaneously provide for suspension under subsections (d)(3) and (f) of this Section.

(e) The power to demote or dismiss is granted solely to the Executive Officer and may not be delegated except in an emergency.

(f) The Executive Officer or his/her designee shall give an employee whose suspension is sought written notice in person or by mailing to the employee's last known address of the proposed action stating any and all reasons, specifically and in detail, for the proposed action. The notice becomes a permanent part of the employee's personnel record. Notice of suspension may be made after the suspension is effected where it is deemed necessary that the employee be separated immediately. The employee shall have three (3) working days for answering the notice of proposed suspension and for furnishing written support of his/her answer. The employee is entitled to answer the notice personally or in writing, or both. The right to answer personally includes the right to answer orally in person by being given a reasonable opportunity to make any representations which the employee believes might affect the final decision, but does not include the right to a formal hearing with examination of witnesses. When the employee requests an opportunity to answer personally, the Executive Officer shall appoint a representative or representatives to hear his/her answer. The representative or representatives designated to hear the answer shall have authority to recommend what final decision should be made and the Executive Officer shall consider such recommendations. The Executive Officer shall give a written decision on the answer within two (2) workdays. The written answer and decision become a permanent part of the employee's personnel record. The above procedures shall apply even when an employee has been suspended prior to the beginning of the three (3) day answering period.

(g) Except as provided in Section 9(e) of this ordinance, the Executive Officer shall give an employee whose dismissal is sought at least fourteen (14) days written notice in person or by mailing to the employee's last known address of:

- (1) The proposed dismissal;
- (2) Any and all reasons, specifically and in detail, for the proposed dismissal; and
- (3) The employee's right to file a grievance pursuant to Section 22 of this ordinance.
- (4) The employee's right to a hearing pursuant to contested case rules.

This notice becomes a permanent part of the employee's personnel record. If the employee wishes to file a grievance, such grievance shall be submitted pursuant to Section 22 of this ordinance. If the employee wishes to request a contested case hearing, such request shall be submitted pursuant to District rules on contested cases. If an employee requests a contested case hearing, the employee's right to file a grievance shall be deemed waived and any pending grievance for dismissal shall be terminated.

(h) Employees who are affected by a disciplinary action may initiate a grievance under the provisions of Section 22 of this ordinance.

(i) Employees may, at their expense, be represented by an attorney or otherwise, in answering to a notice of suspension or dismissal.

Section 22 Grievance Procedure:

(a) The Executive Officer shall promptly consider and equitably adjust employee grievances; however, informal adjustment of grievances between supervisors and employees is encouraged. Grievances may be submitted by any employee or group of employees. Any party in the grievance procedure may seek the advice and assistance of the Employees Association.

(b) The following steps shall be followed in submitting and processing a grievance:

- (1) Step 1: The aggrieved employee or group of employees shall orally present the grievance to the immediate supervisor within fifteen (15) working days of the employee's awareness of its occurrence. The fifteen (15) day filing period may be extended upon approval of the Manager of Personnel. The supervisor shall give his/her reply within five (5) working days of the date of presentation of the grievance, not including the date of presentation.
- (2) Step 2: If the grievance is not settled in Step 1, then it shall be submitted in writing dated and signed by the aggrieved employee or group of employees to the department head within five (5) working days after the immediate supervisor's oral reply is given, not including the day the reply is given. The department head shall reply in writing to the grievance within five (5) working days of the date of the presentation of the written grievance, not including the day of its presentation. If the department head is the immediate supervisor, Step 2 should be eliminated.
- (3) Step 3: If the grievance is not settled in Step 2, it shall be submitted in writing by the aggrieved employee or group of employees to the Personnel Manager within five (5) working days after the department head's reply is given. The Personnel Manager shall reply in writing within five (5) working days of the date of presentation of the grievance, not including the day of presentation.
- (4) Step 4. If the grievance is not settled in Step 3, then it shall be submitted in writing by the aggrieved employee or group of employees to the Executive Officer within five (5) working days after the Manager of Personnel's written reply is given, not including the day such reply is given.

In lieu of submitting the grievance directly to the Executive Officer, the employee may opt to submit the grievance to a committee of three individuals, either Metro or non-Metro employed, appointed in the following manner:

- a. The aggrieved employee shall appoint one representative.
- b. The Executive Officer shall appoint one representative.
- c. The employee and the Executive Officer shall appoint one member mutually acceptable.

The Personnel Manager shall be responsible for establishing an equitable and efficient method of selecting a representative acceptable to the Executive Officer and to the employee. The committee shall meet and hear evidence and forward its findings and recommended decision to the Executive Officer and employee. After consideration of the recommendation of the Committee, the Executive Officer shall render a decision within five (5) working days after receipt of the Committee's findings and recommendation. If the employee opts to submit the grievance directly to the Executive Officer rather than to the committee, the Executive Officer shall render a decision within five (5) working days after receipt of the grievance. The decision of the Executive Officer shall be final and binding on the employee or group of employees.

(c) Any grievance not taken to the next step within the prescribed number of days after receipt of a decision shall be considered settled.

(d) If the appropriate course of action fails to meet or to answer any grievance within the time limits prescribed for such action by this Section, such grievance shall automatically advance to the next Step.

(e) The time limits prescribed in this Section for the initiation and completion of the Steps of the grievance procedure may be extended by mutual consent of the parties involved. Likewise, any Step in the grievance procedure may be eliminated by mutual consent. Mutual consent shall be indicated in writing and shall be signed by all parties involved. Time limits may be extended unilaterally one (1) time by each party in each step for five (5) days in cases of documented emergencies.

(f) No employee or group of employees shall be disciplined or discriminated against in any way because of the employee's proper use of the grievance procedure.

(g) In cases of suspension, demotion or dismissal resulting in loss of pay or benefits, which action is subsequently reversed through the grievance procedure, said loss shall be reimbursed by Metro following the successful grievance action and notices of such suspension, demotion or dismissal shall be purged from the employee's personnel file.

Section 23 Position Classification Plan:

(a) A Position Classification Plan covering Regular, Regular Part-Time, and Temporary Employees shall be adopted, and may be amended by the Council to provide an equitable and logical arrangement of job classifications which will facilitate the identification, compensation and filling of positions.

(b) The Classification Plan shall consist of positions in Metro defined by class specifications, and identified by the class titles. The Classification Plan shall be developed and maintained so that all positions substantially similar with respect to duties, responsibilities, authority and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class.

(c) Copies of the Classification Plan shall be made accessible to employees by distribution to all department directors, the Chairperson of the Employees Association and the Personnel Office.

Section 24 Titles and Specifications:

(a) The Position Classification Plan shall include titles for the various classifications as a guide toward equal pay for equal work. Classification titles shall be used in all personnel, budget and financial records.

(b) Each position shall be allocated to an appropriate class on the basis of the duties and responsibilities of the position.

(c) The Classification Plan shall include a Class Specification containing the class title, the class code, the principal duties, the knowledge and abilities required as minimum qualifications and the education, training and/or experience required for successful performance in the job. Classification titles and code numbers may be changed by the Executive Officer. Changes in the duties and minimum qualifications require Council approval.

Section 25 New Positions: New positions are authorized by the Council. Any positions added to the Budget require Council approval. Procedures for processing requests for new positions shall be contained in the Personnel Procedures Manual.

Section 26 New Classifications: New classifications are authorized by the Council. Any new classification added to the classification plan requires Council approval. Procedures for processing requests for new classifications shall be contained in the Personnel Procedures Manual.

Section 27 Reclassifications of Existing Positions: Reclassification of an existing position from one existing classification to another existing classification may be approved by

the Executive Officer provided the reclassification can be accomplished with the limitations of the current budget. Procedure for processing requests for reclassifications of existing positions shall be contained in the Personnel Procedures Manual.

Section 28 Effect on Incumbents of Positions Being Reclassified:

(a) Should a permanent incumbent of a position that has been reclassified upward not qualify for the new class, upon continuing approval of the appointing authority, the incumbent may remain in the position.

(b) When a position is reclassified downward, upon continuing approval of the appointing authority, a permanent incumbent may remain in the position in his/her former class by overfilling for a period not to exceed six (6) months from the effective date of the reclassification. If, at the expiration of the six (6) month period, the incumbent still remains in the position, the employee, at his/her option, shall either take a voluntary demotion to the new class, or be layed off.

(c) When a group of positions in the same class are reclassified downward as a part of an agencywide class study, the rates of the incumbents in the positions shall be continued and no change in salary shall occur until the annual adjustments to the Pay Plan bring the employees' rates in the new class within the new range. At that time, incumbents will become eligible for salary adjustments.

Section 29 Pay Plan:

(a) The Executive Officer shall prepare a Pay Plan for regular, regular part-time, and temporary employees which shall prescribe a minimum and a maximum range of pay appropriate for each class. Said Plan shall be approved by the Council. The Pay Plan shall identify the status of each position relating to overtime compensation.

(b) The rate or range for each class shall equitably reflect the difference in duties and responsibilities, and shall be related to compensation for comparable positions within the same job market.

(c) The Pay Plan shall be made accessible by the Personnel Office to employees by distribution to all department directors and the Employees Association.

Section 30 Analysis of Pay Plan: The Executive Officer shall study Metro employee compensation at least once annually. Said study may cover such items as changes in Consumer Price Index and salaries and benefits received by employees in the labor market. The Executive Officer will report the findings of said study at least once annually to the Council with recommended actions.

Section 31 Administration of Pay Plan: Upon initial appointment to a position, each employee should receive a salary at the beginning step of the salary range for the class to which the position is allocated. Appointment at the beginning step should be the rule, with appointments above that level being the exception for outstanding qualifications and experience, and subject to approval of the Executive Officer.

Section 32 Salary Administrative Guidelines:

(a) The salary plan is designed to allow an employee the opportunity for growth and adjustment to a new position, and to earn salary increases on a planned basis.

Except as provided in subsections (d) (4) and (d) (12) of this section, or as a result of a change pursuant to other sections of these rules, employees current salary shall be used to calculate merit increases and cost of living adjustments shall be cumulative.

(b) All salary increase personnel actions require the supervisor's recommendation, and the approval of the department head and Personnel Manager prior to providing such increase to the employee.

(c) Payroll procedures and policies are established and maintained by the Manager of Accounting.

(d) Administrative Procedures:

- (1) Employees hired or promoted at the beginning step of a salary range or between the beginning step and the entry merit rate are eligible to receive a salary increase to the entry merit rate after successful completion of six (6) continuous months of probationary service. When an employee is appointed above the entry merit rate he/she is not eligible for a salary increase for one year, unless the Executive Officer approves an extra meritorius salary increase.
- (2) The First Step increase of five (5) percent to the entry merit rate is initiated by Personnel on the appropriate dates unless the department head provides Personnel with a negative performance evaluation and a request to temporarily withhold said increase. This does not absolve the appointing authority from performing an evaluation at the point the employee reaches the entry merit rate.
- (3) After an employee has reached the entry merit rate, he/she is eligible for annual salary increases in one (1) percent increments up to and including the maximum salary shown for the assigned salary range. Criteria for providing the increases are in the following subsections.

- (4) The Incentive Salary Rate of one (1) percent to three (3) percent is to be administered by the Executive Officer in conjunction with the Personnel Manager and the appropriate department head. This salary rate is to be used to reward outstanding employees and/or to assist in retaining employees. Incentive salary increases require the approval of the Executive Officer.
- (5) All merit increases have to be authorized and approved by the department head and reviewed by the Personnel Manager prior to implementation. A decision to withhold a salary increase will be communicated to the employee in writing by the department head.
- (6) Salary increases (except as noted in the second paragraph of this section) must be submitted to the Personnel Division with an employee evaluation form. Department heads shall make every effort to complete the employee's evaluation by the employee's anniversary dates. If, the evaluation is not completed by that date, any merit increase assigned shall be retroactive to that date.
- (7) The Merit Rate is the rate which is set annually by the Council according to agency salary policies relating to comparable and competitive rates of pay found in the labor market for similar work, and which rate reflects the impact of the cost of living for the Portland metropolitan area. When the Maximum Merit Rate is adjusted, the entire salary range must be adjusted and the individual's salary should be adjusted by the same rate. This adjustment will maintain the internal balance between salary ranges for each class and maintain the employee's salary within the assigned salary scale.
- (8) It will be general practice to hire new employees at the beginning Step, but promoted employees may be assigned a salary within the appropriate range in line with Metro personnel rules and policies.
- (9) Criteria to be considered in recommending and granting merit salary increases should include but not be limited to:
 - . Length of service
 - . Competency
 - . Growth in handling job responsibilities
 - . Attitude
 - . Specific actions toward self-improvement
 - . Recognition of excellence
 - . Productivity increases of tangible quantities and qualities

- . Creative and innovative contributions
- . Cost and budgetary savings realized

- (10) This criteria shall apply to salary increases given in the merit range of the salary schedule. The Personnel Manager shall review the supervisor's and department head's merit salary increase actions, and shall assure that the criteria on the performance evaluation forms are followed. Employees will be considered for merit increases upon the anniversary date on which they reached the entry merit rate for the position currently held.
- (11) When an employee is promoted or reclassified to a position in a classification with a higher maximum salary rate, the employee shall be placed on the beginning step of the salary range or receive an adjustment of five (5) percent, whichever is greater. Appointment at the beginning step or an adjusted five (5) percent rate should be the rule, with appointments above that level being the exception for outstanding qualifications and experience and subject to the approval of the Executive Officer. If such five (5) percent increase places the employee between the beginning step and the entry merit rate, the employee will be placed at the entry merit rate after completion of six (6) months of satisfactory service.
- (12) The Executive Officer, upon request by the department head and supported with proper documentation of all relevant issues, may reduce an employee's merit salary. Such decrease shall be no more than five (5) percent the amount awarded on the last anniversary date and in no case shall go below the entry merit rate for the classification in which the employee is working. The salary decrease will occur on the employee's anniversary date in conjunction with a performance evaluation. An evaluation shall be made of the employee's performance after six (6) months with the opportunity to reinstate the merit increase if performance warrants it. All such reductions shall be subject to the Grievance Procedure.

(d) Management of Incentive Range: The Incentive Range of three (3) percent is managed exclusively by the Executive Officer. Request for incentive increases by department heads should be written and sent directly to the Executive Officer. The major use of this part of the salary plan should be for outstanding performance, retention and/or assignment of an additional project of agencywide importance. Other reasons as deemed appropriate by the Executive Officer can be applied. This increase is to be for no

longer than one year. The Personnel Manager shall assist the Executive Officer with the implementation and management of this provision.

Section 33 Payroll Procedures:

(a) Metro employees shall be paid according to the Pay Plan adopted by the Council. Adjustments to the Pay Plan may be made upon recommendation of the Executive Officer and approval by the Council.

(b) Employees shall be paid biweekly or monthly with a mid-month draw.

(c) Pay day shall occur biweekly or semimonthly. In the event The normal pay day falls on a holiday, pay day shall occur the day before the holiday. If the normal pay day falls on a Saturday or a Sunday, pay day shall be the prior Friday.

(d) Payroll deductions will be made for income tax withholding, Workers' Compensation insurance and employee contributions to employee benefits, and may be made for the United Way fund, payments to the Employee's Credit Union and other agencies as approved by the Executive Officer at the request of the employee.

(e) When the salary range for any classification is increased or decreased, individual employees salary rates shall be adjusted in proportion to the amount of increase or decrease without change in the employees established anniversary date.

(f) Bonus: A one-time award of a bonus of up to \$300 may be made by the Executive Officer, upon written recommendation of the employee's supervisor and department head supported by facts establishing reasonable justification for the award. A bonus award shall not be made in lieu of an employee's annual merit salary increase.

Section 34 Overtime Compensation:

(a) Overtime may be allowed, and overtime compensation shall be paid, both pursuant to ORS 279.340 and 279.342, and pursuant to this Section. Compensation for overtime shall be paid only to employees who are not exempted from the provision of ORS 279.340 by ORS 279.342.

(b) Except as a result of shift rotation, overtime shall be considered time worked by an employee in excess of the scheduled workday or workweek for full-time employment. Time worked beyond their regular schedules by employees on schedules of less than full-time shall be considered as additional time worked rather than overtime until such time exceeds the regular schedules for full-time employment.

(c) Department and division heads shall assign to each employee regular work duties and responsibilities which normally can be accomplished within the established workday and workweek. No overtime shall be worked by nonexempt employees without the approval of the department head or his/her designee.

(d) Exempt employees who work more than forty (40) hours in one week shall be eligible for equal time off not to exceed eight (8) hours in one week upon approval of their supervisor and provided it can be accommodated with their workload.

(e) Working during the lunch hour and during coffee breaks is not considered as overtime and no overtime payment shall be made for such time worked as defined in ORS 279.340; provided however that if a non-exempt employee is required by the supervisor to work through the lunch hour, he or she shall be entitled to leave work at the conclusion of eight (8) hours work or be eligible for overtime compensation pursuant to the provisions of this section.

(f) No person shall be discriminated against or disciplined for refusing to work overtime where in the opinion of the department head another qualified employee is available to perform the work.

(g) Designation of eligibility for overtime compensation shall be included in the pay plan for each position and revised annually based on the duties and responsibilities outlined in the class specification.

(h) For the purposes of computing overtime, hours worked shall include observed holidays, vacation leave, compensatory time, paid sick leave and time on the job.

(i) Compensation for authorized overtime shall be at the rate of time-and-one-half and may be paid either in cash if budgeted funds are available or as compensatory time off at the discretion of the department head. Compensatory time must be taken as leave within six (6) months or paid in cash within the fiscal year that it is earned. Such payment shall be at the employee's rate of pay being earned at the time of payment. When a non-exempt employee is terminated, the employee shall be given cash compensation for the overtime the employee has accrued.

(j) When cash payment for overtime is authorized, such payment shall be made no later than the next pay day following the pay period in which the overtime is worked.

(k) Overtime worked shall not be used to earn employee benefits or to serve out probation or merit increase periods. Compensatory time off in lieu of overtime pay will be counted as regular time worked in computing wages and toward earning employee benefits and to serve out probation and merit increase periods.

Section 35 Holidays:

(a) Probationary, regular and regular part-time employees of Metro shall be entitled to the designated holidays listed below with pay.

- (1) New Years Day;
- (2) Washington's Birthday;
- (3) Memorial Day;
- (4) Independence Day;
- (5) Labor Day;
- (6) Veterans Day;
- (7) Thanksgiving Day;
- (8) Christmas Day;
- (9) Two floating holidays are allowed each fiscal year on days of each employee's choice, subject to schedule approval of the supervisor. Employees hired after January 1 of each fiscal year shall be entitled to one such holiday in that fiscal year. For purposes of this Section, a floating holiday is any day chosen by the employee and approved by the supervisor which would otherwise be a regular scheduled work day.

The floating holidays must be taken by the employee within the fiscal year in which they accrue. If the employee's supervisor does not schedule the holiday leave prior to the last week of the fiscal year, the employee shall be allowed to take the holiday leave within the last week of the fiscal year. The employee may determine which day of the last week he/she will be absent. Such absence will not reflect discredit on the employee.

(b) If any such holiday falls on a Sunday, the following Monday shall be given as that holiday. If any such holiday falls on a Saturday, the preceding Friday shall be given as a holiday.

(c) Holidays which occur during vacation or sick leave shall not be charged against such leave.

(d) Additional days designated by the Congress of the United States as legal holidays for all citizens shall be observed by Metro.

Section 36 Vacation:

(a) Subject to the provision on probation, all regular and regular part-time employees shall be granted annual vacation leave with pay.

(b) Regular and regular part-time employees who have been employed by Metro for more than six (6) consecutive months may be granted accrued vacation leave by approval of the department head or his/her designee. Department head vacations shall be approved by the Executive Officer. Special consideration of vacation needs of

employees can be considered by the department head or the Executive Officer upon request.

(c) Employees shall not accumulate more than 200 hours of vacation leave. Additional hours may be accrued with the written approval of the Executive Officer. Such written authorization shall be filed in the Personnel Office.

(d) Any employee who is about to lose vacation credit because of accumulation limitations may, by notifying the department head five (5) days in advance, absent themselves to prevent loss of this time. Such action taken by the employee shall not constitute a basis for disciplinary action or loss of pay. Vacation leave shall not accrue during a leave of absence without pay, or educational leave with pay, the duration of which exceeds fifteen (15) calendar days. Any employee who is granted a leave of absence without pay shall first be scheduled for any vacation leave and/or compensatory time that has accrued to the employee before commencing leave without pay.

(e) Department heads or their designees shall schedule vacation for their respective staff with consideration for seniority, the desires of the staff and for the work requirements of the department. Vacation schedules may be amended to allow the department to meet emergency situations.

(f) Any regular or regular part-time employee who resigns, retires, is laid off or dismissed from employment with Metro shall be entitled to immediate lump sum payment for accrued and unused vacation at his/her existing salary rate provided, however, that such lump sum payment shall not be made if separation occurs prior to the completion of the initial probationary period including any extensions.

Section 37 Vacation Credit and Accrual Rate:

The vacation credit and accrual schedules for regular and regular part-time employees are as follows:

<u>Total Years of Continuous Service</u>	<u>Accrual Rate Per Pay Period</u>	<u>Equivalent Annual Hours for Full-Time Employees</u>
Date of Hire through completion of 3 years	3.08 hours	80 hours
4 years through completion of 9 years	4.62 hours	120 hours
9 plus years	6.16 hours	160 hours

The above schedule may vary from Metro contracts with employee unions, in which case the contract provisions shall apply to union employees. Regular part-time employees shall accrue vacation under

the above schedule at a rate proportionate to the time worked per week.

Section 38 Sick Leave:

(a) Regular employees shall earn sick leave with pay at a rate of four (4) hours per biweekly or semimonthly payroll period; such sick leave shall accrue in an unlimited amount.

(b) Regular part-time employees shall earn sick leave with pay proportionate to the amount of time worked; such sick leave shall accrue in an unlimited amount.

(c) Employees are eligible to use sick leave for the following reasons:

- (1) Personal illness or physical disability;
- (2) Illness or physical disability in the employee's household requiring the employee to remain at home.
- (3) Medical appointments and office visits.

(d) Sick leave shall be charged as follows: Employees working a regular workweek shall be charged leave on the basis of one (1) day sick leave for each duty day absent; except when such absence is the result of quarantine, in which case no charge shall be made. Not less than one (1) hour of sick leave may be charged for any portion of workday missed due to sickness.

(e) Abuse of the sick leave privilege shall be cause for disciplinary action. An employee who is unable to report to work because of any of the reasons set forth in the above subsection of this section shall report the reason for his/her absence to his/her supervisor. Sick leave with pay may not be allowed unless such report has been made. The supervisor may require sick leave beyond three (3) days to be supported by a physician's statement attesting to the illness.

(f): Regular 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 period. Regular part-time employees who use twenty-four (24) hours or less of sick leave within one fiscal year shall accrue four (4) additional hours vacation leave.

(g) Transfer of Leave Credits: Sick leave is provided as a benefit to each employee as insurance for periods of illness. Under normal circumstances benefits are not transferrable; however, upon request of an employee, the Executive Officer may authorize transfer of sick leave credits on a limited, carefully monitored basis when extenuating circumstances exist. Each request will be reviewed and approval granted on a case by case basis.

Section 39 Leave of Absence Without Pay:

(a) Disability Leave: Upon application, supported by a statement of a physician, a leave of absence will be granted without pay for a period not to exceed six (6) months in cases of the physical disability of a regular or regular part-time employee. Any employee requesting such leave shall file such request in writing with the department head and attach thereto a statement of the attending physician. Such statement must indicate that the duration of leave requested is necessary for recovery from the disability.

Such disabled employee, upon ceasing work, may use such vacation and sick leave as he/she may have earned, except that such vacation must have been regularly available to him/her during the calendar year, and the sick leave shall not exceed the amount which has been earned up to the time the leave of absence begins. The leave of absence without pay shall commence immediately upon completion of the vacation and sick leave.

During the first three (3) months of disability leave, Metro shall continue to provide health, dental, life insurance, accidental death and dismemberment and long-term disability benefits, to the same extent provided other employees, and shall pay all appropriate premiums. If the leave extends beyond three (3) months, the employee may elect to continue such benefits for up to six (6) months from the date the leave began and, upon such election, the gross premiums for such extended coverage shall be paid by the employee. Such extension of coverage beyond the first three (3) months shall be subject to any restrictions in each applicable benefit policy or plan.

(b) Maternity Leave: All provisions in subsection (a) of this section relating to disability leave shall apply equally to regular and regular part-time employees who are disabled for reasons of pregnancy.

(c) Peace Corp Leave: Metro shall grant leaves of absence without pay for at least two years to any full-time salaried public officer or employee who serves, and while he/she serves, as a volunteer in the Peace Corps. Upon expiration of the leave the public officer or employee shall have the right to be reinstated to the position held before the leave was granted and at the salary rates prevailing for such positions on the date of resumption of duty, without loss of seniority or other employment rights, if any. Failure of the officer or employee to report within 90 days after termination of his/her service shall be cause for dismissal.

(c) All Other Leaves Without Pay: All regular, regular part-time and probationary employees may be granted leave of absence without pay and without employee benefits for a period not to exceed six (6) months provided such leave can be scheduled without adversely affecting the operations of Metro. Such leave may be extended in writing by the Executive Officer once up to an additional six (6) months. Requests for leave of absence without

pay shall be in writing, shall be directed to the department head and shall contain reasonable justification for approval. Requests of ten (10) days or more shall require the approval of the Executive Officer or his/her designee. The approved request shall be filed in the Personnel Division office. The employee may elect to continue employee benefits, and upon such election, premiums for such extended coverage shall be paid by the employee. Such coverage shall be subject to any restriction which may exist in each applicable benefit policy or plan.

Section 40 Leave of Absence with Pay: Regular and regular part-time employees may request leave of absence with pay for the purposes specified in this Section. Each request shall be approved by the Executive Officer on its merits and on the basis of the guidelines provided in this section. Approved requests shall be filed in the Personnel Division office.

(a) Compassionate Leave: In the event of a death in an employee's immediate family, the employee may be granted leave of absence with pay not to exceed three (3) working days. Time not worked because of such absence shall not affect accrual of vacation or sick leave.

(b) Funeral Participation: When an employee participates in a funeral ceremony, he/she may be granted one-half (1/2) day off to perform such duty. Time not worked because of such absence shall not affect accrual of vacation or sick leave.

(c) Witness or Jury Duty: When a Metro employee is called for jury duty, or is subpoenaed as a witness, he/she shall not suffer any loss of his/her regular compensation during such absence; however, the amount of compensation an employee receives for such duty shall be paid to Metro. Time not worked because of such duty shall not affect accrual of vacation and sick leave.

(d) Military Leave: An employee who has successfully completed the probationary period and who is a member of the National Guard, or of a reserve component of the Armed Forces of the United States, or of the United States Public Health Service, shall be entitled, upon application, to a leave of absence with pay for a period not exceeding fourteen (14) calendar days in any one (1) calendar year to perform temporary active or training duty. Such leave shall be granted without loss of time, or other leave, and without impairment of merit ratings or other rights or benefits to which he/she is entitled. Military leave shall be granted only when an employee receives bona fide orders to temporary active or training duty, and shall not be paid if the employee does not return to his/her position immediately following the expiration of the period for which he/she was ordered to duty.

Section 41 Conferences, Membership and Conventions: Attendance at conferences, conventions or other meetings at Metro's expense shall be authorized by the Executive Officer. Permission shall be granted on the basis of an employee's participation in or the direct

relation of his/her work to the subject matter of the meeting. Members of professional societies may be permitted to attend meetings of their society when such attendance is considered to be in the best interests of Metro. Metro shall pay for professional or trade memberships for employees when deemed appropriate by the Executive Officer or his/her designee.

Section 42 Education Opportunities:

(a) All regular and regular part-time employees are encouraged to pursue educational opportunities which are directly related to the employee's work and which will enhance the employee's job-related skill level.

(b) Employees who register for courses which are judged to be of direct and significant benefit to Metro may receive some reimbursement for expenses incurred by the employee while taking approved courses. Procedures for application and amount awarded are contained in the Personnel Procedures Manual.

(c) Normally the cost of textbooks and technical publications required for such courses shall be the responsibility of the employee. If Metro purchases any of the textbooks and publications for such courses, said textbooks and publications shall become the property of Metro.

Section 43 Workers' Compensation Insurance:

(a) All employees shall be covered for medical expenses and disability benefits for injuries or illness resulting from employment.

(b) Payment of medical expenses and lost time disability benefits is determined by the insurance carrier, State Accident Insurance Fund, on the basis of the doctor's statement and the Workers' Compensation Insurance schedule of the State of Oregon.

(c) The cost of Workers' Compensation Insurance shall be paid by Metro with the exception of the employee contribution mandated by the Workers' Compensation Law of the State of Oregon.

(d) During an employee's absence due to an on-the-job injury or occupational illness, the employee may utilize sick leave or vacation credits to augment any benefits paid by the Workers' Compensation fund.

Section 44 Insurance and Retirement: All regular and regular part-time employees shall receive health, life, disability, vision and dental insurance, and shall be members of one of Metro's retirement plans. Job share positions are eligible for one set of benefits which are split between the two employees sharing the position. Continuous service as defined in this chapter shall apply in determining length of service for purposes of an employee's retirement plan, except as otherwise required by each such plan.

Section 45 Orientation: There shall be an orientation program. All new employees shall be provided with a copy of this chapter and insurance plans and Metro shall periodically provide them with orientation sessions.

Section 46 Exemptions: Notwithstanding any provision of this chapter, certain employees shall be exempt and shall not be subject to the following portions of this ordinance:

- (a) Section 8, 9 and 14.
- (b) Sections 20 through 22.
- (c) Sections 23 through 28.
- (d) Sections 29 through 24.

Section 47 Positions Exempt: The exemptions designated in Section 46 herein shall apply to the following positions:

- (a) Executive Aide to the Executive Officer (1)
- (b) Administrative Aide to the Executive Officer (1)

Section 48 Conditions of Exemptions: Notwithstanding exemptions provided in Section 46, employees in exempt positions (a) and (b) of Section 47 shall receive such salaries or compensation as may be determined by the Executive Officer, limited however, to budgeted funds allocated to the Executive Management Department for personnel designated in Section 47 of this ordinance.

Section 49 Safety Program

- (a) Council Responsibility: The Council recognizes the need for the development of safe working conditions and practices for every job, and will promote the advancement of safety in design of buildings, offices, equipment, tools and other devices. The safety program, as adopted by the Council, shall be set forth in a separate document and made available throughout Metro facilities. Employees and supervisors are required to be familiar with the provisions of these safety regulations and policies.
- (b) All supervisors will consider it an essential part of their job to administer the safety program.
- (c) All employees are required as a condition of their employment to follow all established safety practices. An injury or illness sustained on the job must be immediately reported. The appropriate accident report form must be completed and sent to the State Industrial Accident Fund (SAIF) of the State of Oregon.

Section 50 Service Awards: The Executive Officer shall provide a service award program for Metro employees.

Section 51 Gifts, Gratuities, Fees: Metro personnel shall not solicit or accept either directly or indirectly any gift, gratuity, loan, fee or any other thing of value, the acceptance of which could be considered to influence directly or indirectly the actions of said personnel or any other person in any matter of Metro business.

Section 53 Affirmative Action Policy:

(a) Policy Statement: The Council recognizes that it has a responsibility to provide equal employment opportunities regardless of race, color, national origin, religion, physical or mental handicaps, sex or age, so as to eliminate waste in the utilization of human resources.

(b) Affirmative Action Program: The Council has adopted an affirmative action policy and program which is set forth in a separate document which is available throughout Metro facilities. All employees are encouraged to familiarize themselves with Metro's affirmative action policies.

Section 54 Temporary Employees:

(a) Temporary employees appointed prior to the effective date of this Ordinance shall be eligible for employee benefits according to the Metro Temporary Employment Program adopted August 1979.

(b) Definition: Temporary Employee: Any employee hired to perform a specific task or to participate in a series of specific projects for a period not to exceed 2,080 hours over an six (6) month period. This definition excludes interns, CETA, and Work Study students.

(c) Status of Temporary Employees: Temporary employment will be expected to terminate upon completion of the task or project. No commitments will be made by Metro to retain the employee past the termination date of the project in question. The term of employment may not exceed six (6) months without approval of the Executive Officer who may grant up to a six (6) month extension provided, however, accrued hours shall not exceed 2,080 over a twelve (12) month period. Continuation of employment beyond one (1) year may only occur upon appointment to a regular position authorized under a currently approved budget.

(d) Benefits: Benefits required by law such as Workers' Compensation and Social Security will be paid for all temporary employees. Temporary employees are allowed vacation leave and sick leave according to the same rules as regular employees. No additional benefits will be paid to temporary employees except for designated holidays as provided for in this ordinance.

(e) A newly employed temporary employee shall receive pay for an observed holiday if the employee has worked at least 30 consecutive work days prior to the occurrence of a legal holiday or if the employee has worked all of the working days of the month in

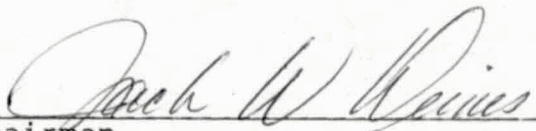
which the holiday occurs; and a temporary employee leaving Metro employment will receive a paid holiday for any legal holiday provided the employee has worked five consecutive days or more beyond the occurrence of the said legal holiday.

(f) Eligibility for Regular Employment Temporary employees will be allowed to compete for regular positions on the same basis as applicants from outside the agency. Temporary full-time employees who have been employed at Metro three (3) consecutive months and who have gone through a competitive selection process for the current temporary full-time position will be given in-house promotional hiring preference for vacant positions for which they possess the qualifications. If appointed into a regular position, employment time spent in previous full-time temporary positions may be counted toward the accumulation of vacation and personal holiday time if there has been no break in service.


(g) All Sections of this ordinance not inconsistent with the terms of the section including the pay and classification procedures will apply to temporary employees.

Section 55 Repealer: Chapter 2.02 of the Metro Code (Ordinance No. 79-73) is hereby repealed, and ordinances or rules repealed by such chapter are not revived.

ADOPTED this 22nd day of October, 1981.


Chairman

ATTEST:


Clerk of the Council

AJ/gl
4169B/266

A G E N D A M A N A G E M E N T S U M M A R Y

*Did
81-116*

TO: Metro Council
FROM: Council Coordinating Committee
SUBJECT: Repeal Existing Personnel Rules and Adoption of Attached
Revision to Chapter 2.02 of Metro Code

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Recommend Council repeal existing Personnel Rules and adoption of attached revision to Chapter 2.02 of the Metro Code relating to the Metro Personnel Rules.
- B. POLICY IMPACT: The proposed Rules have been developed to provide clarity, consistency and direction in the Metro personnel program.
- C. BUDGET IMPACT: Changes in the Personnel Rules which may have a budget impact at some future date include the allowance of unlimited sick leave accrual; one-half of which at the time of retirement (for Union members) can be converted to retirement benefits; the allowance for conversion of one day sick leave to vacation leave when an employee uses 24 hours or less sick leave in one year and the allowance of 200 hours maximum vacation accrual.

II. ANALYSIS:

- A. BACKGROUND: The existing Metro Personnel Rules were adopted in August of 1979 and experience with those Rules has pointed out the need for revision at this time. The proposed Rules attached hereto were developed by representatives of the Employees Association, Legal Counsel, the Personnel Manager and the Executive Officer.
- B. ALTERNATIVES CONSIDERED:
 - 1. Making no change in the Rules. This alternative was rejected because it was clear to management that changes were needed.
 - 2. Management change the Rules and present the changes to the Employees' Association. This alternative was rejected because the value of employee input was clearly recognized by management.
 - 3. Appoint a Rules Revision Committee composed of Management and Employees' Association Steering Committee representatives and revise the Rules to make them consistent with existing policy and prevailing practice. This alternative was adopted and the Rules were revised.

The proposed revisions were presented to the Council Coordinating Committee for consideration. The Committee raised questions which were resolved. The Rules which are being presented are the results of a year long, very thorough, review during which numerous issues and alternatives were considered, each issue was carefully and thoughtfully reviewed.

Several unresolved issues will be brought before the Council later this year. Those issues include: layoff criteria, outside work and the Zoo temporary employment program.

- C. **CONCLUSION:** Adoption of the attached Personnel Rules is recommended.

SW/srb
4141B/252
09/21/81



METRO

METROPOLITAN SERVICE DISTRICT

527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

Attachment for Agenda
item I

MEMORANDUM

Date: August 7, 1981
To: Council Coordinating Committee
From: Employees' Association Steering Committee
Regarding: Personnel Rules

The Employees Association has been extensively involved with the development of new Personnel Rules. The Association compliments Executive Management for dealing fairly with the group and for willingly addressing issues identified by employees. With one exception, the proposed rules now incorporate all the principles which the employees believe to be in the best interest of Metro.

The one exception is the policy on employees' work outside of Metro. The Employees' Association feels strongly that reporting outside work is unjustified interference in employees' personal affairs. Two reasons have been offered for requiring the formal reporting of outside work: 1) conflict of interest and 2) detraction from efficiency at Metro.

As professionals in the public sector, the employees have suggested from the start that state statute regarding conflict of interest should be referred to in the Personnel Rules. Violation of ORS 244.040 (Code of Ethics) would be subject to disciplinary action.

Poor performance for any reason -- e.g., conflicts in the work place, family problems or outside work -- is assessed during the regular performance evaluation. The evaluation should identify areas of poor job performance and seek improvement from the employee. In practice, the identification of poor performance rarely waits until the annual evaluation. Good supervisor and employee relations are able to bring about corrective actions. The evaluation and supervisory process are fully adequate to address any negative effects an employees' outside work may have on their performance for Metro.

We urge the Council to delete the Outside Work Policy,
Section 2.02.240, page 77; and to add to Section
2.02.095 Disciplinary Action the following:

p. 39 2.02.095:

- (14) VIOLATION OF OREGON REVISED STATUTE 244.040
CODE OF ETHICS.

NVH:JR



METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

MEMORANDUM

Date: September 23, 1981
To: Recipients of Metro Council Agenda
From: E. Andrew Jordan, General Counsel
Regarding: Ordinance No. 81-116
Metro Personnel Rules

Due to the length of the ordinance, which incorporates the Personnel Rules, it has not been included in this packet for the Council meeting.

Copies of Ordinance No. 81-116, Metro Personnel Rules, will be available at the meeting.

EAJ:sh

Richard Hertzberg stated that since some individual haulers as well as two recycling services offer curbside collection of source separated materials, the staff recommends making funds available, basically for promotional and educational efforts, to all those offering the service rather than choosing only one recipient of funding.

General discussion.

Motion that Resolution No. 81-282 be adopted; carried. (Rhodes/Schedeen, Kafoury voting "no")

5.1 Public Hearing on Ordinance No. 81-114, An Ordinance Repealing Ordinance No. 80-91 (which established the Johnson Creek Basin Flood Control and Pollution Abatement Project Local Improvement District) (First Reading)

The public hearing was opened by Chairman Deines. There was no one present who wished to speak to the matter. The public hearing was closed.

Coun. Banzer stated that the Services Committee recommended approval of this ordinance since a program has been developed for a Metro staff person to work on the problem. She stated she hoped repealing the ordinance would enable the Council to start afresh and bring some correction to the perennial flooding problem in Johnson Creek.

Motion that Ordinance No. 81-114 be adopted. (Schedeen/Burton)

5.2 Public Hearing on Ordinance No. 81-115, For the Purpose of Providing for a Temporary Partial Waiver of Charges at the St. John's Landfill for Vegetative Yard Debris. (First Reading)

The public hearing was opened by Chairman Deines. There was no one present who wished to speak to the matter. The public hearing was closed.

Gus Rivera stated that the reason this ordinance had been brought to Council prior to Committee presentation was that DEQ required that the date for Phase II of the Yard Debris Program be moved up one month, from November 22 to October 23.

General discussion.

Motion that Ordinance No. 81-115 be adopted. (Banzer/Burton)

5.3 Public Hearing on Ordinance No. 81-116, An Ordinance Relating to Personnel, Adopting Personnel Rules and Repealing Metro Code Chapter 2.02 (Ordinance No. 79-73). (First Reading)

The public hearing was opened by Chairman Deines. There was no one present who wished to speak to the matter. The public hearing was closed.

Coun. Burton stated he appreciated all the work done by everyone on the Personnel Rules.

Coun. Rhodes concurred.

Motion that the ordinance be adopted. (Kafoury/Burton)

There was no one present who wished to speak during the public hearing.

5.6 Order in Contested Case No. 81-5, In the Matter of a Petition for an Urban Growth Boundary Locational Adjustment by WGK Development Corporation.

Motion that the order be adopted; carried unanimously. (Kafoury/Schedeen)

5.7 Public Hearing on Ordinance No. 81-119, An Ordinance Amending the Metro Urban Growth Boundary in Washington County for Contested Case No. 81-5.

Motion that the ordinance be adopted. (Schedeen/Bonner)

There was no one present who wished to speak during the public hearing.

5.8 Public Hearing on Ordinance No. 81-120, An Ordinance for the Purpose of Exempting the Recycling Support Fund Program from Competitive Bidding.

Motion that the ordinance be adopted. (Banzer/Rhodes)

There was no one present who wished to speak during the public hearing.

General discussion between the Council and Richard Hertzberg on the selection process for recipients of recycling support funds.

5.9 Ordinance No. 81-114, An Ordinance Repealing Ordinance No. 80-91 (which established the Johnson Creek Basin Flood Control and Pollution Abatement Project Local Improvement District).

A vote on the previous motion (Schedeen/Burton) indicated that adoption of the ordinance carried by the following vote:

YEAS: Banzer, Bonner, Burton, Deines, Etlinger, Rhodes and Schedeen.
NAYS: Berkman, Kafoury, Oleson and Williamson.
ABSENT: Kirkpatrick.
ABSTAINING: None.

5.10 Ordinance No. 81-115, For the Purpose of Providing for a Temporary Partial Waiver of Charges at the St. John's Landfill for Vegetative Yard Debris.

A vote on the previous motion (Banzer/Burton) indicated that adoption of the ordinance carried unanimously.

5.11 Ordinance No. 81-116, An Ordinance Relating to Personnel, Adopting Personnel Rules and Repealing Metro Code Chapter 2.02 (Ordinance No. 79-73).

A vote on the previous motion (Kafoury/Burton) indicated that adoption of the ordinance carried unanimously.

Further discussion of the recycling support funds program.

Item No. 6.1 (Penguinarium Design Contract: Approval of Bid) was removed from the agenda.