

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE RELATING TO PERSONNEL)
AND ESTABLISHING PERSONNEL RULES)
RELATING TO ZOO VISITOR SERVICES)
EMPLOYEES.)

ORDINANCE NO. 81-123

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORGAINS:

Section 1. Purpose

a. The purpose of this ordinance is to establish personnel rules pertaining to the conditions of employment of seasonal Zoo Visitor Services employees.

b. These rules shall be codified as part of the Personnel Rules adopted by Ordinance No. 81-116.

Section 2. Employment Program for Zoo Visitor Services

Employees

a. Definitions:

- 1) Seasonal Visitor Services Employee: Employees who are employed on a seasonal basis in the Visitor Services Department of the Washington Park Zoo, and whose period of employment is limited to a maximum of six (6) months from date of hire unless extended pursuant to this section.
- 2) Permanent Visitor Services Employee: Employees who are employed on a regular or permanent basis in the Visitor Services Department of the Washington Park Zoo.

b. Application of Personnel Rules:

- 1) This section applies to Seasonal Visitor Services employees, and does not apply to Permanent Visitor Services employees.
- 2) Permanent Visitor Services employees shall be subject to the provisions of Metro Personnel Rules (Ordinance No. 81-116) and all other personnel regulations applicable to permanent employees generally.
- 3) Seasonal Visitor Services employees shall be subject to this section and to all other personnel regulations not inconsistent with this section.

c. Recruitment and Appointment:

- 1) Notwithstanding Ordinance No. 81-116, section 8(d), promotional recruitment to fill Seasonal Visitor Services vacancies is not required.
- 2) Recruitment to fill vacancies shall include public posting of such vacancies for at least seven (7) calendar days at the Zoo and at the Metro Personnel Office, and may include any other forms of announcement appropriate to attract qualified applicants and to comply with affirmative action goals.
- 3) An open competitive list shall be established by the Zoo annually as the result of open recruitment and oral interview. Appointments during the season will be made from this list. The duration of the list will be one year, unless it is exhausted before that

time. Recommendation on appointments to fill vacant positions will be made by the Director of the Zoo from the list of qualified candidates. When an emergency exists such that it would not be prudent or practical to use such list, the Zoo may recommend an appointment from another source. The Executive Officer is the appointing authority for all positions.

d. Status of Seasonal Employees: Seasonal employment will terminate at the end of each season or sooner depending upon the needs of the Zoo. No commitments will be made by Metro to retain employees beyond the season or period for which appointment was made. The term of employment in any case may not exceed six (6) months or 1,040 hours without approval of the Executive Officer who may grant up to a six (6) month extension; provided, however, that hours worked shall not exceed 2,080 over a twelve (12) month period. Continuation of employment beyond said period may only occur upon appointment to a regular position authorized under the currently adopted budget or upon reemployment for a subsequent season.

e. Benefits:

- 1) Benefits required by law such as Workers' Compensation and Social Security will be paid for all seasonal employees. No additional benefits will be paid to seasonal employees.
- 2) Section 35 (Holidays) of Ordinance No. 81-116 shall not apply to Seasonal Visitor Services employees, and designated holidays shall be considered as normal workdays.

f. Performance Evaluation: If employment extends beyond six (6) months, a six (6) month personnel evaluation is required. The purpose of such evaluation is to assure that the seasonal status of the employee is being maintained and to evaluate the work performed. An evaluation of performance is required before any merit wage adjustment may be granted.

g. Promotion:

- 1) Eligibility for promotion to Visitor Services Worker 2 and 3 classifications shall be established by the supervisor upon determination that an applicant or employee has acquired or possess the knowledge, skill and ability required for the position and that vacant positions classified as Visitor Services Worker 2 and 3 exist.
- 2) A seasonal employee working forty (40) hours per week employed for three consecutive months will be allowed to compete for regular positions on a preferred basis along with regular employees if they have gone through a competitive process for the seasonal position currently held. If hired into a regular position, time employed in a previous full-time seasonal position may be counted toward the accumulation of vacation and personal holiday time if there has been no break in service.

h. Wage Rates:

- 1) Visitor Services employees will be paid at a rate in the Pay Plan approved by the Council.

- 2) Wages shall be established on the basis of individual qualifications and work assignment. It will be the general practice to appoint new seasonal employees at the beginning step of the Visitor Services Worker 1 salary range. Exceptions approved by the Executive Officer may be made allowing hiring above the beginning step. Quality of work and total hours of previous work experience with the Zoo will be considered in determining the wage rate or step for previous employees reemployed at the Zoo in subsequent seasons.
- 3) Eligibility for an initial wage increase shall be based on completion of 480 hours of satisfactory service in one calendar year at the beginning step, and upon recommendation by the Director, with a performance evaluation submitted to the Personnel Division. Eligibility for additional increases requires completion of 480 hours satisfactory service at the preceding step in one calendar year and a recommendation of the Department Director with a performance evaluation submitted to the Personnel Division.
- 4) Section 32 of Ordinance No. 81-116 (Salary Administration Guidelines) shall not apply to Seasonal Visitor Services employees.

i. Reporting and Hours of Work:

- 1) Because the number of Seasonal Visitor Services employees needed at a given time depends upon whether conditions, such employees may be relieved from duty prior to the end of a scheduled workday or may be directed to not report for duty on a scheduled workday. The Director of the Zoo shall establish appropriate procedures for regulating reporting during inclement weather.
- 2) Work schedules will be posted, and will be subject to subsection (1) above. No employee will be called to work for less than three (3) hours in one day.

j. Rest and Meal Period:

- 1) A rest period of 15 minutes with pay will be provided during each work period of four hours.
- 2) A non-paid lunch period of one-half hour (30 minutes) shall be provided. Whenever possible, such meal period shall be scheduled in the middle of the shift.

ADOPTED by the Council of the Metropolitan Service District
this 7th day of January, 1982.



Presiding Officer

ATTEST:



Clerk of the Council

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

TO: Metro Council
FROM: Executive Officer *RL*
SUBJECT: Amendment of Personnel Rules

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Recommend Council approval of attached Ordinance No. 81-123
- B. POLICY IMPACT: The requested action will finalize the two unresolved issues remaining when the Personnel Ordinance was adopted October 23, 1981. The issues are:
- Seasonal Employment. The Seasonal Employment Program for Visitor Services at the Zoo provides guidelines and a clear policy for managing this program which was formerly covered by a labor contract.
- Outside Work. The proposed section provides direction to employees in distinguishing between appropriate and inappropriate outside work.
- C. BUDGET IMPACT: None. The seasonal employment program provides no additional benefits to what had been provided in the labor contract. The outside work policy has no budgetary impact.

II. ANALYSIS:

- A. BACKGROUND: When the Personnel Rules were adopted October 23, 1981, two unresolved issues remained; outside work and the seasonal employment program for Zoo Visitors Service Workers. The Zoo Visitors Service Workers filed a decertification petition with the State Employment Relations Board and the election resulted in a vote for no representation. The timing of this action did not allow time for amendment to the Rules before final reading October 23 to include this group. Since that time rules have been developed for the operation of this program.

The Employees Association met and discussed several alternatives to the outside work language originally proposed. They reached an agreement on the Oregon State Bar Association language which is consistent with the purpose of the language originally proposed.

B. ALTERNATIVES CONSIDERED: (1) Establishing no new Ordinance. This alternative was rejected because it is clear that the new Ordinance is needed since the areas covered are not addressed elsewhere in the Personnel Rules.

C. CONCLUSION: Approve the attached Ordinance.

SW/srb
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12/04/81

i. Reporting and Hours of Work:

- 1) Because the number of Seasonal Visitor Services employees needed at a given time depends upon weather conditions, such employees may be relieved from duty prior to the end of a scheduled workday or may be directed to not report for duty on a scheduled workday. The Director of the Zoo shall establish appropriate procedures for regulating reporting during inclement weather.
- 2) Work schedules will be posted, and will be subject to subsection (1) above. No employee will be called to work for less than three (3) hours in one day.

j. Rest and Meal Period:

- 1) A rest period of 15 minutes with pay will be provided during each work period of four hours.
- 2) A non-paid lunch period of one-half hour (30 minutes) shall be provided. Whenever possible, such meal period shall be scheduled in the middle of the shift.

Section 3. Outside Work

a. Employees shall refrain from engaging in any compensated activities or outside employment (moonlighting) which may:

- 1) Interfere with or adversely affect the performance of said employee's job requirements as a Metro employee;
- 2) Subject Metro to adverse criticism; or
- 3) Constitute an apparent or real conflict of interest due to the nature, conditions, competition or some other aspect of the activity.

b. It shall be the responsibility of each department head to ensure that employees in said Department refrain from engaging in any activities which may constitute a potential conflict of interest, detract from the efficiency of the employee or otherwise cause criticism of or embarrassment to Metro.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1981.

Presiding Officer

ATTEST:

Clerk of the Council

AJ/srb
4512B/283

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE RELATING TO PERSONNEL) ORDINANCE NO. 81-123
AND ESTABLISHING PERSONNEL RULES)
RELATING TO ZOO VISITOR SERVICES)
EMPLOYEES AND ~~OUTSIDE WORK~~)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Purpose

a. The purpose of this ordinance is to establish personnel rules pertaining to the conditions of employment of seasonal Zoo Visitor Services employees and ~~to non-Metro employment of Metro employees.~~

b. These rules shall be codified as part of the Personnel Rules adopted by Ordinance No. 81-116.

Section 2. Employment Program for Zoo Visitor Services Employees

a. Definitions:

- 1) Seasonal Visitor Services Employee: Employees who are employed on a seasonal basis in the Visitor Services Department of the Washington Park Zoo, and whose period of employment is limited to a maximum of six (6) months from date of hire unless extended pursuant to this section.
- 2) Permanent Visitor Services Employee: Employees who are employed on a regular or permanent basis in the Visitor Services Department of the Washington Park Zoo.

There were no introductions, written or citizen communications to the Council.

4. Consent Agenda.

The consent agenda consisted of the following:

- 4.1 A-95 Review.
- 4.2 Minutes of the November 24 and December 3, 1981, Meetings.
- 4.3 Resolution No. 81-291, For the Purpose of Establishing the Solid Waste Rate Review Committee Bylaws.
- 4.4 Confirmation of Solid Waste Rate Review Committee Member Appointment.
- 4.5 Resolution No. 81-290, For the Purpose of Adopting a Pay Plan and Classifications for Zoo Seasonal Visitor Services Workers.
- 4.6 Resolution No. 81-292, A Resolution Relating to Retirement and Adopting a Defined Contribution Plan.

Coun. Oleson asked, regarding #4.5, why the Zoo Visitor Services employees decertified from the union.

Sue Woodford stated that the employees decided they could represent themselves better and for less money than the dues they were paying.

Mike Holstun stated, regarding #4.6, the Plan Description required amendment. In the second paragraph, Eligibility, the word "full-time" should be omitted.

Motion that the consent agenda be approved, with the exception of Item #4.6; carried unanimously. (Kafoury/Rhodes)

Motion to adopt Resolution No. 81-292 and in the Plan Description section of the resolution, delete "full-time" under Eligibility; carried unanimously. (Kafoury/Rhodes)

Coun. Williamson stated that it should be made clear in the Plan that employees who work more than 20 hours per week will be covered.

Coun. Burton concurred that the schedule should spell out who is and is not covered.

Coun. Williamson stated if the Plan Description is more liberal than our actual plan, we might get into some legal difficulty.

5.1 Public Hearing on Ordinance No. 81-123, An Ordinance Relating to Personnel and Establishing Personnel Rules Relating to Zoo Visitor Services Employees and Outside Work.

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

Coun. Burton stated that the ordinance covers two specific areas of concern dealing with part-time employees at the Zoo who decertified from the union and also referring to employees' outside work. The language that appears on the pink sheet was agreed on by the Coordinating Committee. The language as it appears in the ordinance was what the Employees' Association agreed to.

Motion to adopt the amendment. (Schedeen/Kafoury)

Coun. Williamson stated that the ordinance should include language that the employee is responsible for notifying his supervisor if outside work is obtained.

Coun. Deines stated that the language in the ordinance leaves the responsibility nowhere and there is no obligation on the part of the employee to say anything.

Sue Woodford stated that the meetings between the Employees' Association and management determined that the working relationship that exists in each department will determine how each supervisor may handle the outside work issue.

Coun. Burton stated that the language did not include any requirement for reporting and the Coordinating Committee agreed that this should be made clear.

Deputy Executive Officer Carlson stated that the language appearing under "B" makes it clear that the department head has the responsibility of initially determining that there is no conflicting outside work and that the department head does have the right to ask his employees if they are employed outside of Metro.

Presiding Officer Deines opened the public hearing.

Jill Hinckley, representing the Employees' Association, stated that the Association's position is that those employees having outside work that has no conflict with Metro should not be questioned or required to report.

General discussion.

Presiding Officer Deines stated he would refer the item back to the Coordinating Committee since there seemed to be no agreement on a policy.

Coun. Rhodes stated that the amendment, as written, could require the department head to be reprimanded if one of his employees is engaged in outside work since the suggested wording makes the department head responsible.

General discussion. It was the consensus of the Council that the ordinance would be placed on its second reading at the next regular meeting and that the outside work policy (Section 3) would be eliminated at that time and referred back to the Coordinating Committee.

5.2 Public Hearing on Ordinance No. 81-124, An Ordinance Relating to Rulemaking and Declaratory Rulings; Amending Ordinance No. 81-105; and Repealing Metro Code Chapters 5.01 and 5.03.

Motion to adopt Ordinance No. 81-124. (Schedeen/Burton)

Coun. Burton stated that this and the following ordinance were housekeeping ordinances that came about after the last state legislative session.

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

Friends of the Zoo

Betty Schedeen
Ernie Bonner
Bob Oleson, alternate

Bi-State Task Force

Mike Burton
Cindy Banzer, alternate

Presiding Officer Banzer also specified in the committee assignments that three (3) committee members shall constitute a quorum for the Services, Development and Coordinating Committees.

Motion to confirm the Presiding Officer's committee assignments; carried unanimously. (Oleson/Schedeen)

There were no introductions.

2. Written Communications to the Council.

Presiding Officer Banzer stated she had received some correspondence from Margaret Strachan's office regarding the seriousness of the state budget cuts. The letter requested endorsement by Metro and other agencies to cooperate with one another and communicate their concerns to the state; this endorsement was in the form of a resolution.

Motion that the resolution be adopted; carried. (Bonner/Schedeen, Kirkpatrick voting "no")

There were no citizen communications to the Council on non-agenda items.

4.1 Ordinance No. 81-123, An Ordinance Relating to Personnel and Establishing Personnel Rules Relating to Zoo Visitor Services Employees and Outside Work.

Motion to amend the ordinance to delete Section 3 (Outside Work) and to delete references to same in the title and Section 1A; carried. (Rhodes/Williamson, Kirkpatrick voting "no")

A vote on the previous motion to adopt the ordinance (Kafoury/Schedeen) indicated that the ordinance passed unanimously.

4.2 Ordinance No. 81-124, An Ordinance Relating to Rulemaking and Declaratory Rulings; Amending Ordinance No. 81-105; and Repealing Metro Code Chapters 5.01 and 5.03. (Second Reading)

A vote on the previous motion to adopt the ordinance (Schedeen/Burton) indicated that the ordinance passed unanimously.

4.3 Ordinance No. 81-125, An Ordinance Relating to Public Contract Review; and Repealing Metro Code Chapters 5.05 and 5.06; and Amending Metro Code Chapter 2.04. (Second Reading)

A vote on the previous motion to adopt the ordinance (Williamson/Etlinger) indicated that the ordinance passed unanimously.