

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ACTING ON THE ) RESOLUTION NO. 88-975  
EXECUTIVE OFFICER'S REQUEST FOR )  
REVIEW OF MERC RESOLUTION NO. 8 ) Introduced by the Council  
ADOPTING PERSONNEL RULES ) Convention Center Committee

WHEREAS, On July 20, 1988 the Metro Executive Officer initiated a Request for Review, in accordance with Ordinance No. 87-225, of the Metropolitan Exposition-Recreation Commission (MERC) Resolution No. 8 Adopting Personnel Rules; and

WHEREAS, The Council Presiding Officer, as provided by Metro Code Section 2.01.160, appointed a Task Force to assist the Council in handling the Request for Review and received approval from the Council to have Convention Center Committee personnel act as the Task Force; and

WHEREAS, The Convention Center Committee conducted the Request for Review at its August 24 meeting, receiving statements and testimony from MERC, the Executive Officer, and other interested parties, and having before it Council staff analysis and recommendations; and

WHEREAS, In conducting the Review, the Council, under Metro Code Section 6.01.080, shall upon motion act to approve MERC Resolution No. 8, modify the action or return the matter to the Commission; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District adopts a modified MERC Resolution No. 8 with changes as made in the Commission's Personnel Policies in Attachment 1 hereto.

ADOPTED by the Council of the Metropolitan Service

District this 22nd day of September, 1988.

Mike Ragsdale  
Mike Ragsdale, Presiding Officer

jpm a:\CCGRES



**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

# Memorandum

Agenda Item No. 7.2

Meeting Date September 22, 1988

Date: September 12, 1988

To: Metro Council

From: Councilor David Knowles, Chair  
Council Convention Center Committee

Regarding: CONVENTION CENTER COMMITTEE REPORT ON SEPTEMBER 22, 1988  
COUNCIL MEETING AGENDA ITEM NO. 88-975, ACTING ON THE  
EXECUTIVE OFFICER'S REQUEST FOR REVIEW OF MERC RESOLUTION  
NO. 8 ADOPTING PERSONNEL RULES

-----  
Recommendation: At its August 24 meeting, the Convention Center Committee unanimously voted to recommend Council adoption of Resolution No. 88-975 attached. The Committee also emphasized the need for the District and MERC to review MERC's Personnel Policies upon consolidation. Councilors present were Cooper, Kelley, Van Bergen, Waker and myself. No members were absent.

Background & Committee Discussion: The Council staff analysis attached (Attachment A following the resolution) summarizes the Request for Review process to date. Acting as the appointed Task Force for the Council, the Convention Center Committee held a public hearing for the Request for Review on August 24, 1988. At the meeting, Council staff presented a recommendation amending the MERC Personnel Policies to provide for Metro administering the policies until consolidation occurs. Specifically, the Metro Personnel Officer would assume the duties specified for the MERC Personnel Coordinator in the policies. The Committee adopted this recommendation in attached Resolution No. 88-975.

Testifying for the Executive Officer, Executive Assistant Don Rocks said that the Council staff recommendation was acceptable to the Administration. Responding to questions raised by MERC Commissioner Barbara Klein, lead in developing the MERC Personnel Policies, the Committee noted that Metro's Personnel Officer, in administering the MERC policies, would report to MERC's General Manager; the General Manager would not lose the authority to make personnel decisions.

NOTE: Due to the length of the document, Attachment 1, "Metropolitan Exposition-Recreation Commission Personnel Policies," was not printed in this packet. The document was distributed to Councilors. Other parties may contact the Council Clerk (Marie Nelson, 221-1646) to arrange for a copy of the document.



**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

# Memorandum

ATTACHMENT A

Date: August 19, 1988

To: Councilor David Knowles, Chair  
Council Convention Center Committee

From: Jessica Marliot, <sup>gpm</sup> Council Analyst

Regarding: METRO EXECUTIVE OFFICER'S REQUEST FOR REVIEW OF THE  
METROPOLITAN EXPOSITION-RECREATION COMMISSION (MERC)  
RESOLUTION NO. 8 ADOPTING PERSONNEL RULES

-----

In a memo dated July 20, 1988, the Metro Executive Officer initiated a Request for Review of MERC Resolution No. 8 Adopting Personnel Rules with the Council. The Presiding Officer, as provided by Metro Code Section 2.01.160, appointed a Task Force to assist the Council in handling the request and received approval from the Council in Convention Center Committee personnel act as the Task Force. As required by Metro Code, the Executive Officer also provided a statement of reasons for the Request for Review, which is summarized below. Staff reviewed the MERC Personnel Policies, the reasons for the Request for Review, and Metro Code and Resolution language addressing MERC and Commission purposes in general. This memo presents analysis and discussion of the issues and provides specific recommendations for action on the Request.

#### REASONS FOR EXECUTIVE OFFICER'S REQUEST FOR REVIEW

Per the attached August 11 memo, the Executive Officer identified reasons for her initiation of a Request for Review of MERC Personnel Policies. The reasons are summarized as follows:

1. It is premature for MERC to implement Personnel Policies because the on-line operation of the Convention Center is approximately 2 years away and a date for consolidation of Portland ERC facilities is unknown.
2. Until discussions and negotiations have produced answers about the specifics of consolidation -- facilities at issue, conditions, timing, etc. -- Metro is not in a position to knowledgeably review MERC Personnel Policies.
3. We should review Revised Metro Personnel Policies which will come before the Council "within the next several months" before making judgments about MERC Personnel Policies.
4. We cannot properly evaluate overall MERC administrative processes and the extent to which MERC will utilize existing Metro centralized support services until we know the scope of consolidation.

The Executive Officer recommends that the Council adopt the MERC Personnel Policies with an effective date of July 1, 1990 and with a provision for a review process to be completed no later than 90 days prior to July 1, 1990. To evaluate the Executive's arguments and recommended action, it is helpful to review briefly what the Metro Code provides for MERC.

APPLICABLE METRO CODE AND POLICY PROVISIONS

On October 8, 1987, the Metro Council adopted Resolution No. 87-810 to establish policies for the creation of operating commissions. Resolution 87-810 was introduced by the Council Task Force on Regional Convention, Trade and Spectator Facilities Commission. Item 6 of the Resolution clearly lays out the Council's policy intent for Metro to provide central support services to its operating commissions, unless the Council identifies a specific exception:

6. The Council shall delegate sufficient authority within the provisions of the law for commissions to efficiently and effectively carry out the purposes for which they are created while assuring the efficient and effective operation of all District functions and accountability by commissions to the elected representatives of the District. In this regard, unless the Council on a case-by-case basis determines otherwise commissions shall operate under general personnel and contract rules adopted by the Council for the District and shall use central administrative services of the District including legal, risk management, personnel and accounting services. ... [emphasis added]

Under Ordinance No. 87-225, the Metro Council established MERC on October 22, 1987 and delineated general rules for the Commission's operations. In Metro Code Section 6.01.040 Powers, the Council gave the Commission the following authority and power regarding personnel:

... (h) To employ, manage, and terminate such personnel as the Commission may find necessary, appropriate, or convenient for its purposes under personnel rules adopted by the Commission; [emphasis added];

(i) Except as provided in subsection (m) below, to employ professional, technical, and other assistance as the Commission may find necessary, appropriate, or convenient for its purposes; ...

(m) Services of the District including accounting, legal, personnel, risk management, public affairs, and other services, shall be provided by the District subject to compensation being provided by the Commission to the District as the District may require; The Commission may acquire such services by other means subject to budget approval by the Council, provided the employment

of legal counsel shall be subject to the approval of the District's General Counsel; [emphasis added] ...

It appears that Council policy and the Metro Code clearly provide for 2 events: MERC adopting its own personnel policies and MERC purchasing central support services from Metro, with the allowance that these services may be purchased elsewhere but only with Council budget approval.

Regarding the Council's options for responding to the Request for Review, Metro Code Section 6.01.080 stipulates that

In conducting the review the Council shall hear and consider statements from the person requesting the review, the Executive, the Commission and other interested persons. After hearing the matter, the Council shall upon motion act to approve the Commission action, modify the action or return the matter to the Commission.

If the Council approves or modifies the Commission resolution it shall become effective immediately. If the Council returns the resolution to the Commission it shall not become effective until such time as the Commission takes further action on the matter subject to the Review procedures of this code.

The Metro Code does not specify the vehicle by which the Council acts after its review proceedings. Given that the Council review action would not be legislation, it appears that a Council resolution approving, modifying or returning Resolution No. 8 to the Commission would be appropriate. The review resolution would come from the Task Force appointed by the Presiding Officer (personnel of the Convention Center Committee) with a recommendation for Council adoption after the Council conducts the review as noted above.

#### DISCUSSION

Analysis of the MERC Personnel Policies and the comparison documents of Metro vs. ERC personnel policies [See documents under separate cover -- August 19 memo, David Knowles to Convention Center Committee] does not reveal any substantive policy concerns. The one area of potential operational concern in the MERC Personnel Policies is the power granted to the General Manager to appoint a Personnel Coordinator to:

- (1) Administer all the provisions of the Personnel Policies and Guidelines.
- (2) Prepare and recommend revisions and amendments to the Personnel Policies and Guidelines.
- (3) Perform such other related duties as may be prescribed by the General Manager.

(MERC Personnel Policies, Section 1.02, p. 2)

As noted above, Resolution 87-810 stipulates that any operating commission "shall use central administrative services of the District ... including personnel". Ordinance 87-225 more specifically states for MERC that Metro can provide personnel services, as well as other administrative services, to support the Commission's staff and general purposes. In addition, Ordinance 87-225 provides that MERC could only hire the Personnel Coordinator if the Council amended the budget to provide those funds. Metro's Adopted Fiscal 1988-1989 Budget does not designate personal services funds for a MERC Personnel Coordinator. For Fiscal 1989-1990, MERC's ability to provide for support services outside of Metro's central services -- hiring a Personnel Coordinator or other staff -- would require specific budget authority approved by the Council.

In the event of consolidation, the Commission's operational and administrative responsibilities might become very large in scope, depending on the size and nature of the ERC facilities consolidated. At that point, it would be in Metro's and MERC's best interest to review and revise the Personnel Policies and analyze the most efficient and effective use of Metro's central support services in relation to the new facilities, dispersed locations and variety of employees.

In terms of the timing, it does not appear that it would be premature to adopt the Personnel Policies now. MERC marketing staff, which are officially ERC employees but funded out of the Commission's budget, will formally transfer over to MERC in September and the Commission plans to hire a MERC Special Projects Manager/ General Administrator in the near future. Having MERC Personnel Policies in place makes sense for the smooth transition and consistent administration of these Commission staff. Additionally, while MERC will not hire Convention Center operations staff for nearly 2 years, the personnel policies provide the framework for efficient use of any temporary or part-time personnel that may be needed in the interim.

#### STAFF RECOMMENDATION

Given the clear Metro Code authority allowing MERC to adopt its own personnel policies, staff recommends that the Council modify MERC Resolution No. 8, as outlined below, and subsequently approve the modified version adopting MERC's Personnel Policies. MERC's policy permitting the General Manager to appoint a Personnel Coordinator appears inconsistent with the intent of Code language calling upon MERC to use Metro central support services. The following actions are recommended to address the current language inconsistencies and allow for policy revisions upon consolidation:

1. Modify the MERC Personnel Policies to replace "Personnel Coordinator" with Metro's Personnel Officer; amend language as necessary to provide for Metro administering MERC's Personnel Policies until consolidation occurs.

KNOWLES - MEMO  
August 19, 1988  
Page 5

2. In Metro's resolution adopting the modified MERC Personnel Policies, provide for review of MERC support services needs upon consolidation (once the specifics of consolidated facilities are known) -- What would be the staffing and resource needs of Metro to administer MERC's personnel policies? to provide other MERC support services? What are the options for providing MERC with effective support services while maximizing efficiency of Metro's central services?

cc: Mike Ragsdale, Council Presiding Officer  
Rena Cusma, Executive Officer  
Don Rocks, Executive Assistant  
Council Convention Center Committee  
Metropolitan Exposition-Recreation Commission

A:\JPMPMEM





METRO

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1616

# Memorandum

Date: August 11, 1988  
To: Mike Ragsdale, Presiding Officer  
From: Rena Cusma, Executive Officer *RC*  
Re: Review of Metro ERC Personnel Rules

I have requested that the Council review the Personnel Policies adopted under Resolution No. 8 by the Metro ER Commission at its June 14, 1988 meeting. Metro Ordinance No. 87-225 requires, "... a clear statement of the specific reasons for the review and the requested Council action.."

Those reasons are as follows:

The personnel policies were produced as part of the Metro ER Commission's Five Year Plan, as required by Metro Ord. 87-225. Previously, the Commission adopted Resolution No.6, Facility Rental Rates. The rate structure serves marketing and booking purposes which activities must have sufficient lead time to assure bookings upon center completion.

Other portions of the Five Year Plan, such as the Personnel Policies, apply to the actual operation of the Convention Center and other regional tourism, spectator and convention facilities that may be consolidated with the Metro government.

The on-line operation of the Convention Center will begin approximately two years from this date. A date certain for the consolidation of additional tourism, spectator and convention facilities is not known at this time. Nor is it known what form consolidation may take or when it may occur. Under these circumstances and given these unknowns, it is premature for the Metro ER Commission to implement Personnel Policies.

I would note that I have taken action to accelerate a consolidation of facilities transition plan that will produce answers and define what consolidation means in terms of specific facilities at issue, conditions, timing, etc. Until discussions and negotiations have produced answers, Metro is not in a position to knowledgeably review Metro ER Commission Personnel Policies.

It is my judgment that the Convention Center staff responsible for marketing the Center and the anticipated Metro ER Commission Administrator/Manager can operate under Metro policies during the interim with no loss of effectiveness.

From my perspective, the Commission has met its charge to produce a Five Year Plan. At the moment, the Plan is probably as complete as circumstances allow. The Commission will and should continue to refine its content and produce those sections that remain vacant as information and circumstances permit.

cc: Ted Runstein

**ATTACHMENT 1**

**METROPOLITAN EXPOSITION-RECREATION COMMISSION**

**PERSONNEL POLICIES**

**Effective July 1, 1988**

**Approved by MERC Resolution No. \_\_\_\_\_ on June \_\_\_\_\_, 1988**

**METROPOLITAN EXPOSITION-RECREATION COMMISSION  
PERSONNEL POLICIES**

**TABLE OF CONTENTS**

	Page No.
<b>Section 1 - General Provisions</b>	
1.01 Purpose and Objectives	1
1.02 Organization for Personnel Administration	2
<b>Section 2 - Definitions</b>	3
<b>Section 3 - Classification Plan</b>	
3.01 Purpose	6
3.02 Maintenance of the Plan	6
3.03 Classification of Positions	6
3.04 Employee Requested Classification Review	7
3.05 Job Descriptions	7
3.06 Use of Job Title	7
<b>Section 4 - Salary Plans and Employee Performance     Evaluation System</b>	
4.01 Maintenance of Plans	8
4.02 Salary Rates and Ranges	8
4.03 Annual Performance Evaluation System	8
4.04 Salary Range Adjustments	11
4.05 Overtime	11
4.06 Acting Status	12
<b>Section 5 - Selection of Employees</b>	
5.01 Recruitment	13
5.02 Announcements and Posting	13
5.03 Applications	13
5.04 Qualifications and Screening of Applicants	14
5.05 Filling Vacant Positions	14
5.06 Types of Appointments	14

5.07	EEO/Affirmative Action	15
5.08	Employment of Relatives	15
5.09	Personnel Records	15

#### Section 6 - Probationary Period

6.01	Purpose	17
6.02	Duration	17
6.03	Action at End of Probationary Period	17
6.04	Fringe Benefit Status During Probationary Period	18

#### Section 7 - Employee Conduct and Discipline

7.01	Political Activity	19
7.02	Harrasment Policy	19
7.03	Drug and Alcohol Abuse Policy	19
7.04	Discipline	19

#### Section 8 - Resignation and Layoff

8.01	Resignations	22
8.02	Layoffs	22

#### Section 9 - Work Schedules, Holidays, Vacation, Sick Leave and Other Leaves of Absence

9.01	Work Schedules	24
9.02	Holidays	24
9.03	Vacation Leave	25
9.04	Paid Sick Leave	26
9.05	Funeral Leave	27
9.06	Jury Duty and Court Related Leave	28
9.07	Military Leave & Alternative Duty Leave	28
9.08	Parental Leave	29
9.09	Other Leaves of Absence Without Pay	30

#### Section 10 - Employee Benefits

10.01	Health and Welfare Benefits	31
10.02	Social Security	31

10.03	Retirement Fund (PERS)	31
10.04	State Unemployment Compensation	31
10.05	Service Awards	31
<b>Section 11 - Grievance Policy</b>		
11.01	Policy	32
11.02	Grievance Defined	32
11.03	Procedure	32
<b>Section 12 - Training</b>		
12.01	Policy	34
12.02	Responsibility for Delivery of Training	34
12.03	Cost of Training	34
12.04	Budgeting for Training	34
12.05	Evaluation of Training	34
<b>Section 13 - Safety/Loss Control</b>		
13.01	Policy	35
13.02	Worker's Compensation Coverage	35
13.03	Limited Duty Program	35
<b>Section 14 - Acknowledgement of Receipt of Personnel Policies</b>		<b>36</b>

## SECTION 1 - GENERAL PROVISIONS

### 1.01 Purposes and Objectives

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

- (A) To provide and maintain a system of personnel administration, including appeal procedures in which the appointment and retention of persons in Commission employment shall be effected on the basis of merit and fitness.
- (B) To establish and maintain a position classification plan which shall group all positions in Commission employment into classifications based upon their duties and responsibilities.
- (C) To provide for a compensation plan which shall include for each classification a minimum and/or maximum rate and such intermediate rates as are considered necessary and equitable.
- (D) To provide just and equitable incentives and conditions of employment to promote efficiency, economy, and public responsiveness in the operation of Commission facilities.
- (E) To provide that the tenure of employees covered by these rules shall be subject to proper conduct, the satisfactory performance of work, necessity for the performance of work, and the availability of funds.
- (F) These personnel policies do not constitute a contract of employment. Moreover, in order to meet future challenges, and to continue to improve the working environment for all employees, the Commission retains the flexibility to change, substitute, interpret and discontinue the policies and benefits described in this handbook after notice to employees. Any amendments or changes to the personnel policies must be approved by the Commission. Amendments to the policies shall be accomplished in the same manner that the policies themselves were originally adopted.

These personnel policies will remain in full force and effect for all Commission facility employees. However, where employees are covered by the terms of a collective bargaining agreement, these personnel policies are not applicable to those employees concerning any subject which is addressed in the collective bargaining agreement.

- (G) The General Manager, or his designee, shall draft such additional policies as may be necessary to carry out these Commission policies relating to personnel.

1.02 Organization for Personnel Administration

- (A) Overall administration of the personnel program shall be the responsibility of the General Manager. The Metro Personnel Manager shall administer the personnel policies for t[T]he General Manager [may appoint his/her designee as personnel coordinator and delegate the responsibility of administration or assisting in the administration of this function]. The personnel [coordinator] manager shall:
- (1) Act as the agent of the General Manager in a[A]dministering all the provisions of the Personnel Policies and Guidelines.
  - (2) Prepare and recommend revisions and amendments to the Personnel Policies and Guidelines.
  - (3) Perform such other related duties as may be prescribed by the General Manager.



## SECTION 2 - DEFINITIONS

Certain terms used in these Personnel Policies are defined as follows:

**2.01 Allocation**

The assignment of a single position to an appropriate classification on the basis of the kind, difficulty and responsibility of work actually performed in the position.

**2.02 Appointing Authority**

The General Manager to whom authority is delegated for all employees in full-time and part-time service, or the Commission in the case of the appointment of the General Manager.

**2.03 Appointment**

The filling, by the appointing authority, of a position properly authorized by the Commission.

**2.04 Job Classification**

A group of similar duties, responsibilities and authority, for which the same qualifications may be required, and for which the same schedule of pay shall be applied. Each position in the Commission service shall be defined by the compensation plan.

**2.05 Commission**

The Metropolitan Exposition-Recreation Commission created by Metro Code Chapter 6.01.

**2.06 Days**

Days means calendar days unless specifically provided otherwise.

**2.07 Full-time Employee**

An individual who is appointed by the General Manager to work 2,080 hours or more per fiscal year.

**2.08 Grievance**

A dispute between an employee and his/her supervisor arising out of a belief on the part of the employee that he/she is being treated unfairly in regard to his/her employment or condition of employment.

**2.09 Holiday**

The 24 hour period between 12:01 a.m. and 12 midnight of the day on which a holiday is observed.

**2.10 Part-time Employee**

An individual who is appointed to work less than 2,080 hours per year.

**2.11 Personnel Action**

Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or any other action affecting status of employment.

**2.12 Personnel File or Personnel Records**

Those confidential records maintained and controlled by the personnel coordinator for each individual employed by the Commission.

**2.13 Personnel [Coordinator] Manager**

[The individual appointed by the General Manager who is delegated the responsibility of administering the Personnel Policies and such related duties as may be prescribed by the General Manager.]

The Metro Personnel Manager who is appointed to administer the Personnel Policies and perform such related duties as may be prescribed by the General Manager.

**2.14 Resignation**

Voluntary separation from employment.

**2.15 Separation**

The cessation of employment with Commission. This action does not reflect discredit upon the employee.

**2.16 Suspension**

The temporary separation of an employee from the employee's duties with or without pay.

**2.17 Transfer**

The movement of an employee from one position of the same class or of another class having the same salary range, involving the performance of similar duties, and requiring essentially the same basic qualifications.

**2.18 Voluntary Demotion**

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.

**2.19 Work Schedule**

The regularly scheduled 8-hour workday is 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. Nothing contained in this section or elsewhere in the personnel policies shall be construed as any guarantee of hours work per day or per week.

## SECTION 3 - CLASSIFICATION PLAN

### 3.01 Purpose

The purpose of the classification plan is to provide a complete and continuous inventory of all classifications for the full-time, part-time or pro-tem appointments and to provide accurate job descriptions and specifications for each class. The plan shall be developed and maintained by the General Manager 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.

### 3.02 Maintenance of the Plan

The personnel [coordinator] manager shall be responsible to the General Manager [or his designee] for the maintenance of a position classification plan which shall group all positions in full-time and part-time or pro-tem appointments into classes based upon their duties and responsibilities.

### 3.03 Classification of Positions

- (A) New Positions. Any new position added to the budget requires Commission approval.
- (B) New Classifications. New classifications are subject to authorization by the Commission. Any new classification added to the classification plan requires Commission approval.
- (C) Reclassification of Existing Positions. Reclassification of an existing position from one classification to another existing classification [may] shall be approved by the General Manager, provided the reclassification can be accomplished within the limitation of the current budget. Requests for reclassification may be initiated for the following reasons:
  - (1) Reorganization. When a department's reorganization plan is approved by the General Manager, such plans may have classification implications. If classification is necessary, the General Manager shall request the personnel [coordinator] manager to perform the required analysis.
  - (2) Significant Program Change. Significant changes in department functions and/or proposals to reassign duties among employees may have classification implications. In

such instances, the department head shall determine whether classification implications may be involved. If the department head determines they are, he/she shall forward to the General Manager a proposal outlining the significant function changes or the reassignment of duties. If approved, the General Manager shall request the personnel [coordinator] manager to perform the required classification analysis.

- (3) **Position Vacancy.** When a department head desires to change the classification of a vacant position, a written request must be submitted to the personnel [coordinator] manager.

### **3.04 Employee Requested Classification Review**

An employee who questions the allocation of his/her position to its current classification, may submit a written request to the department head for discussion. If the department head supports the request, then the department head will forward the request to the General Manager. Should the General Manager determine further review is warranted, he/she will request that the personnel [coordinator] manager perform the required classification analysis. The General Manager's decision concerning the request for classification review is final and binding on all parties.

### **3.05 Job Descriptions**

- (A) **Content.** Each written job description shall include the class title, reporting relationship, basic function, a description of the duties and responsibilities of the position, and a statement of the minimum qualifications necessary to successfully perform the work.
- (B) **Interpretation.** Job descriptions are descriptive and not restrictive. They are intended to indicate the kinds of duties that may be assigned to any position allocated to the class. They are not to be construed as prescribing the exact duties or responsibilities of any position, or as limiting or modifying the power of a department head to assign, direct, and control the work of employees under his/her supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of similar kind or quality, nor shall any specific omission necessarily mean that such factor is not included.

### **3.06 Use of Job Title**

The job title shall be the official title of every position allocated to a class for the purpose of personnel actions and shall be used on all payrolls, budget estimates, official records, and reports relating to the position.

**SECTION 4 - SALARY PLANS AND EMPLOYEE PERFORMANCE  
EVALUATION SYSTEM**

**4.01 Maintenance of Salary Plans**

Salary plans for full-time, part-time and pro-tem employees are established by the Commission after receiving recommendations from the General Manager. The salary plans shall include for each class a minimum and maximum rate and such intermediate rates as are considered necessary and equitable. Salary plans for represented employees are developed through the collective bargaining process. Salary plans for non-represented employees must be approved by the Commission.

**4.02 Salary Rates and Ranges**

- (A) **Salary Rates and Ranges.** The rate of pay shall be determined by dividing the annual salary by 2,080 hours. Employees shall be paid at least semi-monthly. Each employee shall be paid a rate of pay within the salary range for the class to which the individual has been appointed. Rates of pay are those established for each level in the salary range.
- (B) **Rate Paid at Appointment.** Normally an employee will be appointed at the minimum rate for the class. If a Department head believes it is necessary to make an appointment above the minimum rate, authorization must be obtained from the General Manager or his designee. In determining such requests, the department head shall give consideration to the qualifications of the candidate, availability of applicants and the resulting salary relationship with other similar positions.

**4.03 Annual Performance Evaluation System**

- (A) **Supervisors will evaluate the performance of each of their employees and forward the Performance Evaluation forms to the General Manager and personnel [coordinator] manager.** Supervisors of represented employees should follow the stipulated guidelines given in respective collective bargaining agreements.
  - (1) **All full-time probationary employees shall be given a performance evaluation interview twice during the first six (6) month probationary period. (See Section 6)**

- (2) All part-time probationary employees will be given a performance evaluation interview at the end of the six (6) month probationary period. (See Section 6)
  - (3) Full-time employees shall be given a performance evaluation interview annually. The date on which the employee successfully completes the required probationary period establishes the annual review date.
- (B) A common objective of every performance evaluation is to clarify job expectations (in writing) between supervisor and subordinate. Other objectives include:
- (1) To identify training and job experience needed to improve job-related abilities;
  - (2) To provide a basis for appointment and salary review decisions;
  - (3) To identify and develop employees having potential for promotion.
- (C) Any full-time, part-time or pro-tem employee can be retained on probation for three (3) months total time after his/her eligibility date. The successful completion of the probationary period establishes the annual performance review date.
- (D) Annual performance evaluations may be extended up to sixty days. Any extensions will delay the salary increase, but will not change the anniversary date.
- (E) Each supervisor shall discuss and review the performance evaluation with the employee. The employee must sign the performance evaluation to acknowledge that he/she has reviewed the evaluation. In the event the employee refuses to sign the form, the supervisor will obtain the signature of another supervisor to acknowledge the employee's refusal to sign. The employee shall receive a copy of the evaluation before it is placed in the employee's personnel file. Each employee shall have the option of attaching a statement or clarification to his/her evaluation form. The completed appraisal will be forwarded through the department head to the General Manager and will be placed in the employee's personnel record file. A copy of the appraisal will be forwarded to the employee by the personnel [coordinator] manager.

**(F) Effects of Personnel Actions on Salary**

**(1) Promotion**

An employee who is promoted will receive a pay increase to a rate equal to a one level increase in the employee's current salary range, unless such increase is not sufficient to place the salary within the new salary range, in which case the salary will be advanced to the first level of the new range. If a rate equal to a one level increase is between the levels of the new salary range, the employee may be placed at the level in the new salary range which is closest to, but above the rate equal to a one level increase. The employee will be placed on probation to the new classification. Upon satisfactory completion of the probationary period the employee will be eligible to proceed to the next level of the salary range.

**(2) Demotion**

If an employee is demoted to a class having a lower salary range for reasons which do not reflect discredit on employment records, the salary rate shall not be reduced as long as the rate is within the salary range of the lower classification. If the rate is not within the salary range of the lower classification, the salary rate will be reduced to level 5 of the new range or to whatever rate in the range is recommended by the department head and approved by the General Manager or his designee to be appropriate based on the experience and qualifications of the employee.

(a) Voluntary demotions require a position to be open.

(b) The standard selection process may be waived by the personnel [coordinator] manager in the event of a voluntary demotion when the demoted employee is deemed qualified.

**(3) Demotion for Cause**

Demotion for cause will result in a reduction in salary to any level in the salary range of the lower class determined by the department head and approved by the General Manager or his designee.

**(4) Reclassification**

An employee who is reclassified to a higher classification will receive a pay increase to the closest level in the new range which is at least equal to a one level increase in the employee's current salary range, unless such increase is not sufficient to place the salary within the new salary range, in which case the salary will



be advanced to the first level of the new range. When an employee is reclassified to a lower classification, the salary may be frozen until the new range reaches the employee's present pay level.

**(5) Lateral Transfer**

A lateral transfer is the voluntary or involuntary movement of an employee from one classification to another classification having the same salary range or to another position in the same classification.

Involuntary transfers require that the employee receive two weeks written notice.

Lateral transfers to another classification having the same salary range require the employee to successfully complete a probationary period for the new position. Lateral transfers with the same classification do not require completion of a probationary period.

The employee's pay will remain the same for all lateral transfers.

**4.04 Salary Range Adjustments**

A salary range adjustment is a change in salary range assigned to a particular classification. Salary range adjustments normally are made at the start of the fiscal year. Salary range adjustments are to be distinguished from unit or merit salary increases. They are not intended to give recognition to quality of service, but are to be based on established or prevailing rates of pay for the various classes of work in the Commission service. An employee whose salary range is adjusted will be placed at the same level in the new range. Such adjustments will not change an employee's salary review date.

**4.05 Overtime**

**(A) Non-represented, Non-Exempt Employees**

- (1) Overtime shall be paid only to employees who are not exempted pursuant to the U.S. Department of Labor, Fair Labor Standards Act and applicable Oregon law.**
- (2) No overtime shall be worked by non-exempt employees without the approval of the department head or his/her designee.**
- (3) Overtime shall be paid at the rate of time and one-half (1 1/2) for the time worked in excess of the regularly scheduled forty**

(40) hours in one week. The workweek begins at 12:01 a.m. Thursday and ends at 12 Midnight Wednesday.

**(B) Non-represented, Exempt Employees.**

(1) No overtime shall be paid to non-represented exempt employees. Time worked on a holiday may be taken at a later date.

(C) For the purposes of computing overtime, hours worked shall include only time actually worked by the employee in the job, and shall not include holiday pay, vacation pay or sick pay or disability pay.

**4.06 Acting Status**

Whenever an employee is requested to work temporarily in a higher classification for a period in excess of one month, he/she shall be duly appointed as an acting employee in the higher position and shall be paid at the first level of the range designated for that classification. Such change will be effective the first day of the first pay period following the acting status appointment provided that it is at a higher level than the employee's present salary. If it is not, the employee shall be raised to a step in the acting classification which is one step higher than his/her present normal rate. An employee shall not remain in an acting capacity for a period exceeding six (6) months within a twelve (12) month period. The Commission will approve the extension for an employee serving in the acting General Manager's status.

## SECTION 5 - SELECTION OF EMPLOYEES

### 5.01 Recruitment

A recruiting program will be conducted, based on a plan to meet work force needs or to fill vacant positions. Recruiting efforts will be coordinated by the personnel [coordinator] manager in cooperation with the hiring department. Recruiting publicity will be distributed through appropriate media to meet affirmative action needs and to attract a sufficient number of qualified candidates. Such publicity will indicate that the Commission is an equal opportunity employer. Recruitment shall continue for a period of time sufficient to assure an opportunity for the public and in-house employees to apply. All hiring decisions and subsequent appointments require the approval of the General Manager. The Commission has delegated the decision to make hiring and appointment decisions to the General Manager. The following sections describe the selection process which generally will be followed, but where the General Manager determines that an immediate appointment or hiring decision is necessary, the General Manager retains the right to make such a decision.

### 5.02 Announcements and Posting

- (A) All vacant positions will be posted simultaneously at all Commission facilities as well as being made available to the public.
- (B) **In-House Preference**  
Commission employees are encouraged to apply for opportunities for which they are qualified. [When applying for opportunities, Commission employees shall be awarded 1 percent of the total possible score to each qualified employee for each full year of continuous service with the Commission up to a maximum of 10 percent.] In the event that two or more qualified candidates are equal, the Commission employee shall receive preference over outside applicants. If two Commission employees are equal, the employee with the greater length of service shall receive preference, and if length of service is identical, then the General Manager shall have the right to select the employee of his/her choice.

### 5.03 Applications

- (A) Applications will be accepted by the Commission only at the time a position is open.
- (B) All persons applying for employment with the Commission shall complete a standard employment application form and submit it to the personnel [coordinator] office.
- (C) Applications will be accepted only during those hours which are designated on the official posting.

- (D) Applications, once submitted, become the property of the Commission and may be disposed of in accordance with the Commission record retention procedure.

#### 5.04 Qualification and Screening of Applicants

- (A) Persons appointed to positions in Commission service shall meet the minimum qualifications for the class as stated in the job description.
- (B) The personnel [coordinator] manager or department head or his/her designee will use any combination of the following to determine whether applicants meet the minimum qualifications listed in the job description:
  - (1) Information the applicant supplies on the application.
  - (2) Written, performance or physical examination, or any combination thereof.
  - (3) Individual or group interviews.
  - (4) Information and evaluation supplied by references and previous employers.
  - (5) Other appropriate job-related screening techniques.

#### 5.05 Filling Vacant Positions

- (A) All full-time and part-time positions shall be filled in accordance with these Personnel Policies.
- (B) All appointments require the prior approval of the General Manager or his designee or the Commission in the case of the appointment of the General Manager.

#### 5.06 Types of Appointments

- (A) Full-time Appointment

An appointment to an authorized position 2,080 hours or more annually.

- (B) Part-time Appointment

An appointment made when a position requires less than a full-time employee on either a daily or weekly basis. Personnel employed as part-time appointments shall not be allowed participation in any Commission fringe benefit program, with the exception of PERS benefits.

- (C) Pro-tem Appointment

When a full-time employee has been hired to perform the duties of another employee on a leave of absence (e.g., Military Leave), the job title will include the words 'Pro-tem' and the appointment will be understood to be temporary in nature, depending upon the return of the

employee on leave. (Under the provisions of the Universal Military Training & Service Act, the employee on leave must be assumed to intend to return to his/her former position upon the end of active service.) The appointment will carry the designation, salary, and benefits of the full-time position which has been vacated, until and if the employee on leave returns. If the employee on leave does not return, for whatever reason, then the words 'Pro-tem' will be removed from the job title and the appointment will be standardized, with all benefits accruing as though there had been no uncertainty regarding the position.

**Seniority:** Should the pro-tem position be one of several identical positions, and should another of these positions become vacant through resignation, discharge, etc., then the pro-tem employee will be reassigned to that vacant position, and a new pro-tem employee hired for the duration of the period of leave.

**(D) Rehire Appointment**

The standard selection process may be waived by the personnel [coordinator] officer in the event of a rehire appointment. To qualify for such an appointment, the employee must have been terminated no longer than six (6) months prior to the rehire appointment to the position which they originally held. They must have received a favorable recommendation rating by the Department head.

**5.07 Equal Employment Opportunity/Affirmative Action**

The Commission states as its policy a commitment to provide equal opportunity to all persons in matters affecting, but not limited to, recruitment, employment, compensation, benefits, promotions, training, discipline, transfer and layoff practices without regard to a person's race, color, religion, national origin, disability, sex, or age.

**5.08 Employment of Relatives**

No members of an individual's family\* shall be employed in a position of exercising supervisory, appointment or grievance adjustment authority over the other family member.

\* "Member of an individual's family" means husband, wife, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew or stepparent or stepchild of the individual.

**5.09 Personnel Records**

A master personnel file will be maintained by the personnel [coordinator] officer for each individual employed by the Commission. The personnel file will represent a total record of an individual's employment with the Commission.

No information that, in the General Manager's judgment, reflects critically upon an employee shall be placed in an employee's personnel record without giving notice to the employees.

Access to the personnel file shall be limited to the employee, persons who have job related reasons for inspection of the file and the staff of the personnel department. Employees may review their files in the Metro personnel office during regular [Commission] Metro business hours. Employees have the right to copies of material in their personnel files upon request and upon payment [of 25 cents per page] for copying cost. Personnel records will leave the personnel office only under the procedures established by the personnel [coordinator] manager.

Information in personnel files will be treated as exempt from public disclosure as provided in the Oregon Public Records law. The employee shall be notified as to all persons having access to their personnel records and the reasons for such access.

[Letters of reprimand shall not be used in any subsequent evaluation or disciplinary proceeding involving the employee after the next regularly scheduled evaluation. Such letters shall then be removed from the employee's personnel record, at the request of the employee, in the absence of a recurrence of a similar infraction.]

## SECTION 6 - PROBATIONARY PERIOD

### 6.01 Purpose

The probationary period shall be an integral part of the selection and screening process and shall be utilized by the supervisor as an opportunity to observe the new employee's work, to train and aid the new employee in adjustment to the new position, and to reject any employee whose work performance fails to meet required standards.

### 6.02 Duration

All full-time or part-time appointments, lateral transfers to a new classification within the same salary range, reclassifications, pro-tem appointments, rehires, and all promotional probationary appointments shall be tentative and subject to a minimum probationary period of six (6) full months of service.

### 6.03 Action at End of Probationary Period

Prior to completion of an employee's probationary period, the supervisor must, through the performance evaluation process, take one of the following actions:

- (A) Affirm that the services of the employee have been found to be satisfactory and recommend that the employee be given regular status in the position.
- (B) Recommend that the employee's services be terminated, or in the case of a promoted employee, that the employee be returned to his/her previous classification if a vacant position exists in that classification. Employees serving their initial probationary period may be dismissed without cause.
- (C) Recommend that the probationary period be extended for a period of time not to exceed three (3) months.

A department head may, with the concurrence of the General Manager (or his designee), extend an employee's probationary period for a specified time not to exceed an additional three (3) months. The employee shall be notified of the reasons for extension through the Performance Evaluation process. Another Performance Evaluation shall be required at the end of the additional period.

#### **6.04 Fringe Benefit Status During Probationary Period**

**This section applies only to full-time employees during their initial period of probation in Commission employment. It does not apply to employees who are serving a period of probation as a result of appointment to a different classification or a lateral transfer.**

##### **(A) Accrual of Leave:**

- (1) Sick Leave: Sick leave benefits based upon or earned in connection with time worked shall accumulate during an employee's probationary period. Sick leave may be used after successful completion of 90 days of service with the Commission.**
- (2) Vacation Leave: Vacation leave benefits based upon or earned in connection with time worked shall accumulate during an employee's probationary period. Vacation leave may be used after successful completion of the initial probationary period.**
- (3) Health, Life and Dental Insurance: Full-time probationary employees may enroll in the health and dental insurance programs, but will not receive contributions on their behalf until after completion of six months of service with the Commission.**



## SECTION 7 - EMPLOYEE CONDUCT AND DISCIPLINE

### 7.01 Political Activity

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.

### 7.02 Harrassment Policy

The Commission is committed to providing an environment free of unlawful harassment for its employees. Any charge of harassment should be brought to the attention of the line supervisor, department head, personnel [coordinator] manager, or the General Manager as soon as possible after the violation has been noticed. The normal chain of command may be waived if an employee's supervisor or Department head is to be investigated. Employees will never be terminated by the Commission for reporting illegal activities by supervisors or other employees.

### 7.03 Drug/Alcohol Abuse Policy

Possessing, using, transferring, offering or being under the influence of any intoxicating liquor or any narcotic, hallucinogenic or sedative (except as authorized and prescribed by a physician) while on Commission property, time or in other circumstances which might directly and adversely affect Commission operations or safety, may be cause for discipline, up to and including discharge.

### 7.04 Discipline

Nothing contained in this chapter precludes a supervisor from having private discussions with employees. These discussions may be in the form of oral counseling or instruction. These discussions are not subject to the grievance procedure unless the employee is notified by the employee's supervisor at the time of the discussion that it constitutes an oral or written reprimand which may be used at a later time in a disciplinary action of the employee. 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.

(A) Disciplinary actions or measures shall include only the following: oral or written reprimand, suspension, demotion and dismissal from employment. 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.

- (B) It shall be the duty of all employees to comply with and to assist in carrying into effect the provisions of this chapter.
- (C) All employers have certain rules which employees must follow, and the Commission is no exception. The Commission believes that a satisfactory employment relationship must be based on mutual satisfaction of both the employer and the employee, and the Commission reserves the right to terminate or discipline an employee whenever the employee's performance is unsatisfactory or the Commission feels termination is appropriate for other reasons. The following are some examples (but not all) of the types of conduct which will result in disciplinary action:
  - (1) Unauthorized absence from duty;
  - (2) Abuse of leave privileges;
  - (3) Below standard work performance;
  - (4) Discourteous treatment of any member of the public or any Commission employee, including but not limited to intentional tortious conduct;
  - (5) Possessing, using, transferring, offering or being under the influence of any intoxicants or narcotics during working hours;
  - (6) Fraud in securing appointment or promotion;
  - (7) Insubordination;
  - (8) Misuse of Commission property, funds or records;
  - (9) Neglect of duty;
  - (10) Willful deceit;
  - (11) Willful violation of established safety policies;
  - (12) Any conviction by a court of law which demonstrates an impaired ability to properly perform work for the Commission;
  - (13) Inability to get along with fellow employees so that work being performed is hindered or below standard;
  - (14) Violation of any Metro Ordinance or Commission regulation;
  - (15) Any falsification of information during the employment application or employment appointment process, regardless of when discovered.
- (D) The reasons for taking a disciplinary action shall be documented before action is taken, if possible, or as soon thereafter as practicable. Such documentation must be immediately filed with the employee's personnel record.
- (E) Procedure for Suspension, Dismissal or Demotion  
A written notice of suspension or dismissal or demotion shall be delivered to the affected employee in person or by mailing to the employee's last known address. This notice shall state the reasons

for the proposed action. This notice shall be a permanent part of the employee's personnel record. This notice shall include instructions to the employee regarding the procedure for responding to a notice of dismissal, suspension and demotion.

- (1) **Notice.** Except as provided in paragraph 3 of this subsection, the employee shall have ten (10) calendar days to respond to this notice, starting the first calendar day following the date shown on the written notice of suspension, dismissal or demotion. If the employee does not respond to the notice within that 10-day period, the action proposed in the notice shall become effective and final at the end of such 10-day period.
  - (2) **Informal Pre-Discipline Hearing.** The employee is entitled to answer the notice either personally or in writing. An employee requesting to respond in person shall have a reasonable opportunity to make any response which the employee believes may affect the final decision on the disciplinary matter; the employee shall not have the right to a formal hearing with examination of witnesses. The General Manager may appoint a representative to hear the employee's response.
  - (3) **General Manager's Final Decision.** The General Manager or his designee shall respond in writing to the employee's response within five working days of receipt of such response. The General Manager's written response shall be the final decision on the matter of suspension, dismissal or demotion and shall be a permanent part of the employee's personnel record.
  - (4) **Post-Discipline Procedures.** After the action proposed in the notice has become effective or the General Manager has made a final decision on the matter, following a pre-disciplinary hearing, the employee may contest the disciplinary action pursuant to the grievance procedure of Section 11 of these policies.
- (F) Letters of reprimand shall not be used in any subsequent evaluation or disciplinary proceeding involving the employee after the next regularly scheduled evaluation. Such letters shall then be removed from the employee's personnel record, at the request of the employee, in the absence of a recurrence of a similar infraction.**
- (G) Employees who are affected by a disciplinary action may initiate a grievance under the provisions of Section 11.**

## SECTION 8 - RESIGNATION AND LAYOFF

### 8.01 Resignations

Any employee may resign from the Commission by presenting a resignation in writing to the department head. To resign in good standing, an employee must give the department head a minimum of two weeks notice, unless, because of extenuating circumstances, the department head agrees to permit a shorter period of notice. The letter of resignation and the termination form shall be promptly forwarded to the personnel [coordinator] manager by the department head. The personnel [coordinator] manager may conduct exit interviews or take similar steps to verify reasons for each resignation.

### 8.02 Layoffs

A department head may separate an employee without prejudice because of lack of funds or curtailment of work, after giving notice of a minimum of ten (10) calendar days or ten (10) days pay if notice cannot be given to such employee. The condition of reduction in force layoff shall be as follows:

#### (A) Order of Separation

Reductions in the work force, and any subsequent recalls to employment, will be based upon the following factors:

1. Attendance, safety and disciplinary records;
2. Job knowledge, skill and ability to do the required work;
3. Previous work experience, including the ability to perform other jobs which the employee may be called upon to perform as a result of the reduction in force;
4. Past work performance and performance evaluations; and
5. Length of service.

Evaluation of these factors is at the General Manager's sole discretion.

#### (B) Laid Off Employees on Layoff List

The names of employees who have a satisfactory employment record and who have been recommended for re-employment by their department head on the termination form shall be placed on a layoff eligible list and shall have recall rights to vacant positions in the classification in which they were laid off for a period of one (1) year following the date of layoff. The order of names on layoff eligible lists shall be determined by the order in which they were

laid off, with the most recently laid off employee listed first. An offer of reemployment may be made orally or in writing to the last address reflected in the employee's personnel records. It is the employee's obligation to keep the Commission informed of any changes in telephone number or address. Laid off employees who have been notified that they are being recalled to a vacant position must report to work within fourteen (14) calendar days or their names will be removed from the layoff eligible list. If the personnel [coordinator] manager attempts to contact the employee by certified mail and the letter is returned unclaimed the employee's name will be removed from the layoff eligible list.

**(C) Rejection of Appointment from Layoff List**

When an employee in the laid off classification rejects an offered appointment to a vacant position, the employee's name will be removed from the layoff list.

**(D) Reappointment and Fringe Benefits**

When an employee on layoff status is rehired by the Commission, the amount of sick leave which the employee had accrued at the time of layoff shall be reinstated to the employee.

**SECTION 9 - WORK SCHEDULES, HOLIDAYS, VACATION,  
SICK LEAVE, AND OTHER LEAVES OF ABSENCE**

**9.01 Work Schedules**

The normal work schedule shall be 40 hours, Monday through Friday and the hours of work day shall be 8:00 a.m. to 5:00 p.m. Some departments have work schedule and hours which may vary due to the scheduling of events. In order to provide the best service to the public, department heads may establish operating schedules for departments which vary from the normal work schedule. Nothing contained in this section or elsewhere in the personnel policies shall be construed as any guarantee of hours work per day or per week.

- (A) **Flexible Work Schedules:** Departments may establish employee work schedules which vary from the normal work schedule. All flexible work schedules must be approved by the department head or his/her designee.
- (B) **Lunch and Breaks:** All full-time employees shall be allowed at least a thirty (30) minute, but not more than an hour lunch. All employees are entitled a fifteen (15) minute rest period when working a continuous four (4) hour work period.
- (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.**

**9.02 Holidays**

The following shall be considered holidays for non-represented full-time employees:

- |                                       |                             |
|---------------------------------------|-----------------------------|
| 1. New Year's Day                     | January 1                   |
| 2. Martin Luther King, Jr.'s Birthday | January 15                  |
| 3. Presidents' Day                    | Third Monday in February    |
| 4. Memorial Day                       | Last Monday in May          |
| 5. Independence Day                   | July 4                      |
| 6. Labor Day                          | First Monday in September   |
| 7. Veterans' Day                      | November 11                 |
| 8. Thanksgiving Day                   | Fourth Thursday in November |
| 9. Christmas Day                      | December 25                 |
| 10. Three Personal Days               | Open                        |

- (A) Exempt, non-represented employees working on a holiday will be compensated at their regular rate of pay and the holiday will be accrued to be taken at a later date. Non-exempt, represented employees who work on a holiday and are eligible for overtime compensation shall receive one and one-half (1 1/2) time compensation for the time worked. Additional holiday compensation does not apply to the personal holidays listed as number ten above.
- (B) The three (3) personal days will be used before the employee first uses vacation time. The personal days must be used within the calendar year in which they accrue. Employees hired during January through April will receive two (2) personal days and employees hired May through August will receive one (1) personal day. Requests for use of personal days will be scheduled as vacation leave in Section 9.03(C). Should vacation not be taken during the calendar year, the three (3) personal days will be lost.
- (C) Holidays Falling on Saturday or Sunday. Whenever a holiday falls on Saturday, the preceeding Friday shall be observed as a holiday. Whenever a holiday falls on Sunday, the following Monday shall be observed as a holiday. Employees working an irregular work week shall receive the same number of holidays as employees working a regular work week.

**9.03 Vacation Leave**

- (A) Vacation leave with pay for full-time non-represented employees shall accrue at the rate shown below:

Total Years of Service	Accrual Rate Per Bi-Weekly Payroll Period	Vacation Rate Per Year
0 through 4	3.0770 hours	80 hours
5 through 9	4.6154 hours	120 hours
10 through 14	5.3846 hours	140 hours
15 through 19	6.1539 hours	160 hours
20 through 24	6.9231 hours	180 hours
25 or more	7.6924 hours	200 hours

- (B) **Vacation Accrual during Probation.** New full-time employees, during their probationary period, shall accrue vacation leave but shall not be able to use vacation leave. Upon successful completion of the probationary period, employees will be credited with accrued vacation leave. Employees who have successfully completed the probationary period and have received a full-time appointment are eligible to take accrued vacation leave with pay. However, employees shall not be allowed to accrue more than two hundred (200) hours of vacation leave. Vacation leave beyond two hundred (200) hours will be lost, unless reasons for an exception receive approval by the department head and General Manager.
- (C) **Scheduling of Vacations.** Vacation requests shall be submitted for approval through the supervisor and approved by the department head on a 'Vacation Leave Request Form'. Request for vacation leave should be submitted at least two (2) weeks prior to desired vacation time. Personal holidays shall be scheduled in the same manner as vacation leave.
- (D) **Vacation Pay upon Termination.** An employee who terminates during the initial probationary period shall not be entitled to vacation leave. An employee who has completed his/her initial probationary period, has been appointed to full-time status and is separated from the Commission, shall be entitled to payment for accrued vacation leave. In no case shall payment be for more than the maximum accumulation. In case of death, compensation for accrued vacation leave shall be paid in the same manner that salary due to the decedent is paid.

#### **9.04 Paid Sick Leave**

Sick leave is designed to provide income to employees who are unavoidably absent from work due to illness, injury or other temporary physical disability. Sick leave is intended for this purpose only and is not to be used for personal time off or to extend holidays or vacation periods (except as defined in the "Sick Leave Credit" section of these policies). Sick leave is provided by the Commission solely in the nature of insurance against loss of income due to illness or injury. Accordingly, no compensation for accrued sick leave shall be provided for any employee upon termination of employment.

- (A) **Accrual of Sick Leave.** Paid sick leave shall accrue at the rate of four (4) hours per bi-weekly payroll period or 104 hours per year. Part-time employees shall not accrue sick leave. Sick leave shall not accrue during any period of leave of absence without pay. The total accumulation of sick leave shall not exceed 1,856 hours. A new employee serving his/her initial probationary period is eligible to accrue sick leave, but may not use sick leave until after completion of 90 days of service with the Commission.



- (B) **Use of Sick Leave.** An employee may use his/her allowance of sick leave when temporarily unable to perform his/her work duties by reason of illness, off the job injury, pregnancy, post-partum recovery, necessity for medical or dental care, exposure to contagious illness under circumstances by which the health of the employees with whom associated, or members of the public necessarily dealt with, would be endangered by the attendance of the employee, or by serious illness in his/her immediate family requiring the presence of the employee, for such period as the employee has sick leave credit. Immediate family is defined as mother, father, husband, wife, sister, brother, child or any other member of the employee's household.
- (C) **Transfer of Sick Leave.** When an employee is transferred to, or appointed to another department, sick leave credit shall be assumed by the new department.
- (D) **Sick Leave Credit.** Full-time employees who use twenty-four (24) hours or less of sick leave within one (1) calendar 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 calendar year period.
- (E) **On the Job Injury Leave.** When an employee is injured on the job, he/she is eligible to receive time loss compensation in accordance with State Statutes establishing Workers' Compensation benefits.
- (F) **Bargaining Units.** Employees represented by approved bargaining units will refer to their labor contracts for sick leave benefits and restrictions.
- (G) **Certification of Illness.** A Department head may require certification of the attending physician or practitioner to substantiate that an illness or injury prevents the employee from working, or changes the terms of his/her employment. At the General Manager's discretion, he/she may direct that an employee be examined by a physician or practitioner of the General Manager's choice and at the Commission's expense to determine if the employee is able to fully perform the duties of his/her position.

#### 9.05 Funeral Leave

- (A) **Use of Funeral Leave.** A maximum of three (3) days leave with pay shall be allowed a full-time employee to attend the funeral of the employee's immediate family [see 9.04 (B) ], provided that such time off shall be charged against accumulated sick leave.
- (B) **Additional Leave.** If travel is required, additional days (also chargeable to sick leave) may be allowed upon application to the employee's Department head or designee.

**(C) Other Funeral Leave**

- (1) Under exceptional circumstances, leave for death may be granted by the Department head upon the death of a person other than the employee's immediate family.**
- (2) When an employee attends a funeral service for a fellow employee, he/she may be granted four (4) hours time off with pay to attend such funeral service subject to the approval of the department head.**

**9.06 Jury Duty and Other Court-Related Leave**

- (A) Any full-time employee of the Commission shall be granted leave, with pay and without loss of any benefits of his/her employment, to serve with a jury, subject to the following provisions:**
  - (1) The name of the employee granted such leave shall be carried on the regular payroll in the usual manner;**
  - (2) The employee granted such leave shall pay all money, except travel allowance, received for his/her service as juror or witness to the Commission;**
  - (3) Where the employee is required to serve as juror or witness on a scheduled day off or vacation day, and such day cannot reasonably be rescheduled, he/she may retain the fee paid for service as a juror or witness on his/her day off or vacation day;**
- (B) Appearance before a court, legislative committee or judicial body as a witness in response to a subpoena or other direction by proper authority, provided that any compensation that may have been received as a witness fee is turned over to the Commission.**
- (C) Attendance in court in connection with an employee's official assigned duties, including the time required going to the court and returning to the regular work site.**

**9.07 Military Leave and Alternative Duty Leave**

**(A) Regular Military Duty Leave**

- (1) An employee inducted or enlisted into active service in the Armed Forces of the United States shall be deemed granted leave in accordance with State and Federal Law.**
- (2) An employee, in order to continue his/her employment with the Commission after military duty, must be qualified to perform the duties of his/her position and must notify the General Manager of intent to return to work within (90) days of release.**

- (3) An employee returning to the Commission service after Military Leave shall be restored to his/her old position without loss of benefits. Benefits will terminate at the commencement of the leave and will be reinstated upon the employee's return to work.

**(B) Reservist Military Duty Leave**

- (1) Employees who have completed the initial probationary period are eligible for one paid military leave each calendar year for the purpose of serving in a temporary active or inactive duty. Such paid leave period shall not exceed 14 calendar days annually .
- (2) Employees will be paid only for their regularly scheduled work days in the 14 day calendar period.
- (3) Employees may receive, upon approval of the General Manager, additional periods of leave for temporary active or inactive duty training. Such leave shall be without pay unless the employee requests the use of accrued vacation leave, holiday leave, or compensatory time.

**(C) Alternative Duty Leave:**

- (1) Any Regular employee who serves as a volunteer in the Peace Corps, U.S. Public Health Service, etc., shall be deemed absent on unpaid leave during the service period.
- (2) Upon returning, the employee shall have the right to be reinstated to the position held before the leave was granted.
- (3) Failure of the employee to return to work within 90 days of the termination of the service shall be cause for dismissal.

**9.08 Parental Leave**

The Commission provides parental leave of up to twelve (12) weeks for eligible employees who have become parents. At the employee's discretion, the leave shall be paid from accrued vacation time, or be unpaid.

- (A) The employee shall be entitled to take parental leave without being penalized for taking leave.
- (B) An employee returning from parental leave shall be reinstated with no greater or lesser rights in employment than if the employee had not taken the leave. This section is pursuant to ORS 659.360-659.370.

- (C) All full-time and part-time employees who have completed ninety (90) days of service are eligible to request the leave.
- (D) Employees have the option of using their accumulated leave balances during the parental leave. If the employee chooses to take leave without pay, benefits will be paid through the last day of the month following the month in which the leave without pay commences. If the employee chooses to utilize accumulated balances, benefits will be continued as long as the leave is continued on paid status.
- (E) Employees are entitled to up to twelve (12) weeks unpaid parental leave. Such entitlement begins on the date of birth of the child, or on the date of the taking of physical custody of a newly adopted child.
- (F) A request shall be submitted [to] simultaneously to the Department Head and the personnel [coordinator] manager thirty (30) calendar days before the occurrence of the event. The request must be in writing and contain the following information:
  - (1) The employee's intent to take parental leave beginning on a date certain more than thirty (30) days from the date of the request.
  - (2) The anticipated date of birth of the parent's child, or
  - (3) The anticipated date that the parent will obtain physical custody of a newly adopted child under six years of age, and
  - (4) The dates when the parent, or if both parents request parental leave, the dates which each parent will commence and terminate his or her portion of the parental leave.
- (G) Employees who return from parental leave by the date listed in the written request on file will be restored to their former position without loss of seniority or vacation credits. If circumstances change so that the employee's former job is no longer available, that worker will be reinstated an equivalent position. Employees who do not return by the date specified may be considered for termination.

#### 9.09 Other Leaves of Absence without Pay

- (A) In instances where the work will not be seriously handicapped by the temporary absence of a full-time employee, a department head may grant a leave of absence without pay not to exceed ninety (90) calendar days. Leaves of absence without pay for periods in excess of ninety (90) days must be approved by the General Manager. Request for such leave must be in writing and must establish reasonable justification for approval of request.
- (B) Employees represented in approved bargaining units should refer to the appropriate labor contract.

## SECTION 10 - EMPLOYEE BENEFITS

### 10.01 Health and Welfare Benefits

(A) Benefits are available to persons occupying budgeted positions who meet the other criteria for participation.

### 10.02 Social Security

The Commission and all employees shall participate in the Federal Old Age and Survivors Insurance Program.

### 10.03 Retirement Fund (PERS)

The Commission and all full-time and part-time employees working 600 or more hours per calendar year shall participate in the Public Employees Retirement System (PERS) as provided under Oregon Revised statutes. The Commission will make contributions as determined by PERS.

### 10.04 State Unemployment Compensation

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

### 10.05 Service Awards

The personnel [coordinator] manager shall [provide] administer a service award program for Commission employees.

## SECTION 11 - GRIEVANCE POLICY

### 11.01 Policy

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

Represented employees in bargaining units shall follow the grievance procedures in their respective labor contracts.

### 11.02 Grievance Defined

A grievance will be considered to exist when an employee has a factual complaint relating to his/her employment, working conditions, or the application of these Personnel Policies.

### 11.03 Procedure

The procedures given below are designed to provide a speedy and harmonious resolution to any grievance.

- (A) An employee who believes a grievance exists which has not been resolved by informal means must reduce the grievance to writing. The written grievance must contain, as a minimum:
- (1) A clear and complete account of the action or inaction by the department head or supervisor which adversely affected or affects the employee.
  - (2) The specific provision(s) of these Personnel Policies believed to have been violated or misapplied to the employee.
  - (3) The date of the circumstances giving rise to the grievance and the date of the employee's first knowledge of those circumstances, if later.
  - (4) The remedy sought by the employee to resolve the grievance.
- (B) The employee must present the written grievance to his/her supervisor within ten (10) calendar days of the occurrence of the circumstances giving rise to the grievance or the employee's first knowledge of those circumstances. The supervisor shall discuss the grievance with the employee and attempt to resolve it. If the written grievance is not resolved within a reasonable time, but no

longer than five (5) calendar days from the date of submission of the written grievance to the supervisor or the department head, it may be submitted within another five (5) calendar days to the employee's department head.

- (C) The department head and the employee will attempt to resolve the grievance within a reasonable time, but no longer than five (5) calendar days from the date of submission of the written grievance to the department head. If the grievance remains unresolved after the five (5) calendar day period, the employee may submit it within another five (5) calendar days to the General Manager.
- (D) If the written grievance is properly submitted to the General Manager, it will be discussed with the department head and an attempt will be made to resolve the grievance. The employee, General Manager, and department head may agree to meet if such a discussion will be productive. The General Manager will respond to the grievance to the department head and employee within a reasonable time, but no longer than five (5) calendar days from the date the grievance was submitted to the General Manager. The decision of the General Manager shall be final and binding.
- (E) Any or all time limits specified in these rules may be waived by mutual consent of all parties.

## SECTION 12 - TRAINING

### 12.01 Policy

Training includes all activities designed to develop and maintain job related knowledge and skills of Commission employees. The personnel [coordinator] manager shall assist department heads in identifying and meeting the training needs of the personnel of their departments, and in cooperation with the department heads, shall encourage the development of departmental and inter-departmental training needs.

### 12.02 Responsibility for Delivery of Training

The personnel [coordinator] manager is responsible for administering all training programs involving persons from more than one department. Individual departments will be responsible for training that affects only employees of those departments. Individual departments will advise the personnel [coordinator] manager of planned training activities prior to implementation to assure maximum coordination of training within the Commission management.

### 12.03 Cost of Training

Cost for instructional fees, lodging, meals, and travel will be paid by the Commission for approved training activities. Employees assigned to mandatory training activities will be paid at the regular rate. Employees will receive no compensation for time spent outside regular work hours for travel related to training or for participating in voluntary training activities or in activities for which they receive tuition reimbursement.

### 12.04 Budgeting for Training

The personnel [coordinator] manager will recommend budget amounts to support all cross-department training. Training programs which benefit personnel of only one department will be budgeted for by the department. (Examples of departmental budget inclusions are costs associated with on-the-job training, conference attendance, educational leave with pay programs and scheduled departmental training.)

### 12.05 Evaluation of Training

The personnel [coordinator] manager may conduct post-training evaluation based on the objectives of the training activity. This information will be used to revise Commission training programs and to ensure the Commission's training program supports the Affirmative Action Program.



## SECTION 13 - SAFETY/LOSS CONTROL

### 13.01 Policy

The Commission believes that safe working conditions for each of its employees can be attained through use of safety equipment, proper job instruction, frequent review of safe work practices and adequate supervision.

### 13.02 Worker's Compensation Coverage

Pursuant to Oregon State Law, the Commission provides Worker's Compensation coverage for employees who may suffer compensable injury or disease in the course of their employment.

### 13.03 Limited Duty Program

Compensably injured full-time employees who are temporarily unable to perform the duties of their regular position may, at the discretion of the affected department head and General Manager, or his designee, be assigned to a temporary limited duty position, the physical requirements of which do not exceed the limitations placed on the employee by the treating physician. The assignment to limited duty shall not exceed three (3) consecutive calendar months. During the period of limited duty the employee will receive all pay and benefits as though the employee continued in his/her normal assignment, less any premium payments for which the employee is no longer eligible because of duties he/she is not performing on limited duty.

**SECTION 14 - ACKNOWLEDGEMENT OF RECEIPT OF PERSONNEL  
POLICIES**

**I acknowledge that I have received and read a copy of the Metropolitan Exposition-Recreation Commission Personnel Policies which outlines my working conditions, privileges and obligations as a Commission employee. The material in the handbook constitutes the general policies of the Commission and may be supplemented by more specific policies. Further, I understand that the handbook and personnel policies are necessarily subject to change. Lastly, I understand that these policies do not in any way constitute a contract of employment, either express or implied.**

---

**Signature of Employee**

---

**Date**

**METROPOLITAN EXPOSITION-RECREATION COMMISSION**

**PERSONNEL POLICIES**

**Effective September 22, 1988**

**Approved by Metro Resolution No. 88-975 on September 22, 1988**

**METROPOLITAN EXPOSITION-RECREATION COMMISSION  
PERSONNEL POLICIES**

**TABLE OF CONTENTS**

	Page No.
<b>Section 1 - General Provisions</b>	
1.01 Purpose and Objectives	1
1.02 Organization for Personnel Administration	2
<b>Section 2 - Definitions</b>	3
<b>Section 3 - Classification Plan</b>	
3.01 Purpose	6
3.02 Maintenance of the Plan	6
3.03 Classification of Positions	6
3.04 Employee Requested Classification Review	7
3.05 Job Descriptions	7
3.06 Use of Job Title	7
<b>Section 4 - Salary Plans and Employee Performance     Evaluation System</b>	
4.01 Maintenance of Plans	8
4.02 Salary Rates and Ranges	8
4.03 Annual Performance Evaluation System	8
4.04 Salary Range Adjustments	11
4.05 Overtime	11
4.06 Acting Status	12
<b>Section 5 - Selection of Employees</b>	
5.01 Recruitment	13
5.02 Announcements and Posting	13
5.03 Applications	13
5.04 Qualifications and Screening of Applicants	14
5.05 Filling Vacant Positions	14
5.06 Types of Appointments	14

5.07	EEO/Affirmative Action	15
5.08	Employment of Relatives	15
5.09	Personnel Records	15

**Section 6 - Probationary Period**

6.01	Purpose	17
6.02	Duration	17
6.03	Action at End of Probationary Period	17
6.04	Fringe Benefit Status During Probationary Period	18

**Section 7 - Employee Conduct and Discipline**

7.01	Political Activity	19
7.02	Harrassment Policy	19
7.03	Drug and Alcohol Abuse Policy	19
7.04	Discipline	19

**Section 8 - Resignation and Layoff**

8.01	Resignations	22
8.02	Layoffs	22

**Section 9 - Work Schedules, Holidays, Vacation, Sick Leave and Other Leaves of Absence**

9.01	Work Schedules	24
9.02	Holidays	24
9.03	Vacation Leave	25
9.04	Paid Sick Leave	26
9.05	Funeral Leave	27
9.06	Jury Duty and Court Related Leave	28
9.07	Military Leave & Alternative Duty Leave	28
9.08	Parental Leave	29
9.09	Other Leaves of Absence Without Pay	30

**Section 10 - Employee Benefits**

10.01	Health and Welfare Benefits	31
10.02	Social Security	31

10.03	Retirement Fund (PERS)	31
10.04	State Unemployment Compensation	31
10.05	Service Awards	31
<b>Section 11 - Grievance Policy</b>		
11.01	Policy	32
11.02	Grievance Defined	32
11.03	Procedure	32
<b>Section 12 - Training</b>		
12.01	Policy	34
12.02	Responsibility for Delivery of Training	34
12.03	Cost of Training	34
12.04	Budgeting for Training	34
12.05	Evaluation of Training	34
<b>Section 13 - Safety/Loss Control</b>		
13.01	Policy	35
13.02	Worker's Compensation Coverage	35
13.03	Limited Duty Program	35
<b>Section 14 - Acknowledgement of Receipt of Personnel Policies</b>		<b>36</b>

## SECTION 1 - GENERAL PROVISIONS

### 1.01 Purposes and Objectives

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

- (A) To provide and maintain a system of personnel administration, including appeal procedures in which the appointment and retention of persons in Commission employment shall be effected on the basis of merit and fitness.
- (B) To establish and maintain a position classification plan which shall group all positions in Commission employment into classifications based upon their duties and responsibilities.
- (C) To provide for a compensation plan which shall include for each classification a minimum and/or maximum rate and such intermediate rates as are considered necessary and equitable.
- (D) To provide just and equitable incentives and conditions of employment to promote efficiency, economy, and public responsiveness in the operation of Commission facilities.
- (E) To provide that the tenure of employees covered by these rules shall be subject to proper conduct, the satisfactory performance of work, necessity for the performance of work, and the availability of funds.
- (F) These personnel policies do not constitute a contract of employment. Moreover, in order to meet future challenges, and to continue to improve the working environment for all employees, the Commission retains the flexibility to change, substitute, interpret and discontinue the policies and benefits described in this handbook after notice to employees. Any amendments or changes to the personnel policies must be approved by the Commission. Amendments to the policies shall be accomplished in the same manner that the policies themselves were originally adopted.

These personnel policies will remain in full force and effect for all Commission facility employees. However, where employees are covered by the terms of a collective bargaining agreement, these personnel policies are not applicable to those employees concerning any subject which is addressed in the collective bargaining agreement.

- (G) The General Manager, or his designee, shall draft such additional policies as may be necessary to carry out these Commission policies relating to personnel.**

**1.02 : Organization for Personnel Administration**

- (A) Overall administration of the personnel program shall be the responsibility of the General Manager. The Metro Personnel Manager shall administer the personnel policies for the General Manager . The personnel manager shall:**
  - (1) Act as the agent of the General Manager in administering all the provisions of the Personnel Policies and Guidelines.**
  - (2) Prepare and recommend revisions and amendments to the Personnel Policies and Guidelines.**
  - (3) Perform such other related duties as may be prescribed by the General Manager.**



## SECTION 2 - DEFINITIONS

Certain terms used in these Personnel Policies are defined as follows:

**2.01 Allocation**

The assignment of a single position to an appropriate classification on the basis of the kind, difficulty and responsibility of work actually performed in the position.

**2.02 Appointing Authority**

The General Manager to whom authority is delegated for all employees in full-time and part-time service, or the Commission in the case of the appointment of the General Manager.

**2.03 Appointment**

The filling, by the appointing authority, of a position properly authorized by the Commission.

**2.04 Job Classification**

A group of similar duties, responsibilities and authority, for which the same qualifications may be required, and for which the same schedule of pay shall be applied. Each position in the Commission service shall be defined by the compensation plan.

**2.05 Commission**

The Metropolitan Exposition-Recreation Commission created by Metro Code Chapter 6.01.

**2.06 Days**

Days means calendar days unless specifically provided otherwise.

**2.07 Full-time Employee**

An individual who is appointed by the General Manager to work 2,080 hours or more per fiscal year.

**2.08 Grievance**

A dispute between an employee and his/her supervisor arising out of a belief on the part of the employee that he/she is being treated unfairly in regard to his/her employment or condition of employment.

**2.09 Holiday**

The 24 hour period between 12:01 a.m. and 12 midnight of the day on which a holiday is observed.

**2.10 Part-time Employee**

An individual who is appointed to work less than 2,080 hours per year.

**2.11 Personnel Action**

Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or any other action affecting status of employment.

**2.12 Personnel File or Personnel Records**

Those confidential records maintained and controlled by the personnel coordinator for each individual employed by the Commission.

**2.13 Personnel Manager**

The Metro Personnel Manager who is appointed to administer the Personnel Policies and perform such related duties as may be prescribed by the General Manager.

**2.14 Resignation**

Voluntary separation from employment.

**2.15 Separation**

The cessation of employment with Commission. This action does not reflect discredit upon the employee.

**2.16 Suspension**

The temporary separation of an employee from the employee's duties with or without pay.

**2.17 Transfer**

The movement of an employee from one position of the same class or of another class having the same salary range, involving the performance of similar duties, and requiring essentially the same basic qualifications.

**2.18 Voluntary Demotion**

**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.**

**2.19 Work Schedule**

**The regularly scheduled 8-hour workday is 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. Nothing contained in this section or elsewhere in the personnel policies shall be construed as any guarantee of hours work per day or per week.**

## SECTION 3 - CLASSIFICATION PLAN

### 3.01 Purpose

The purpose of the classification plan is to provide a complete and continuous inventory of all classifications for the full-time, part-time or pro-tem appointments and to provide accurate job descriptions and specifications for each class. The plan shall be developed and maintained by the General Manager 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.

### 3.02 Maintenance of the Plan

The personnel manager shall be responsible to the General Manager for the maintenance of a position classification plan which shall group all positions in full-time and part-time or pro-tem appointments into classes based upon their duties and responsibilities.

### 3.03 Classification of Positions

- (A) **New Positions.** Any new position added to the budget requires Commission approval.
- (B) **New Classifications.** New classifications are subject to authorization by the Commission. Any new classification added to the classification plan requires Commission approval.
- (C) **Reclassification of Existing Positions.** Reclassification of an existing position from one classification to another existing classification shall be approved by the General Manager, provided the reclassification can be accomplished within the limitation of the current budget. Requests for reclassification may be initiated for the following reasons:
  - (1) **Reorganization.** When a department's reorganization plan is approved by the General Manager, such plans may have classification implications. If classification is necessary, the General Manager shall request the personnel manager to perform the required analysis.
  - (2) **Significant Program Change.** Significant changes in department functions and/or proposals to reassign duties among employees may have classification implications. In

such instances, the department head shall determine whether classification implications may be involved. If the department head determines they are, he/she shall forward to the General Manager a proposal outlining the significant function changes or the reassignment of duties. If approved, the General Manager shall request the personnel manager to perform the required classification analysis.

- (3) **Position Vacancy.** When a department head desires to change the classification of a vacant position, a written request must be submitted to the personnel manager.

#### **3.04 Employee Requested Classification Review**

An employee who questions the allocation of his/her position to its current classification, may submit a written request to the department head for discussion. If the department head supports the request, then the department head will forward the request to the General Manager. Should the General Manager determine further review is warranted, he/she will request that the personnel manager perform the required classification analysis. The General Manager's decision concerning the request for classification review is final and binding on all parties.

#### **3.05 Job Descriptions**

- (A) **Content.** Each written job description shall include the class title, reporting relationship, basic function, a description of the duties and responsibilities of the position, and a statement of the minimum qualifications necessary to successfully perform the work.
- (B) **Interpretation.** Job descriptions are descriptive and not restrictive. They are intended to indicate the kinds of duties that may be assigned to any position allocated to the class. They are not to be construed as prescribing the exact duties or responsibilities of any position, or as limiting or modifying the power of a department head to assign, direct, and control the work of employees under his/her supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned that are of similar kind or quality, nor shall any specific omission necessarily mean that such factor is not included.

#### **3.06 Use of Job Title**

The job title shall be the official title of every position allocated to a class for the purpose of personnel actions and shall be used on all payrolls, budget estimates, official records, and reports relating to the position.

**SECTION 4 - SALARY PLANS AND EMPLOYEE PERFORMANCE  
EVALUATION SYSTEM**

**4.01 Maintenance of Salary Plans**

Salary plans for full-time, part-time and pro-tem employees are established by the Commission after receiving recommendations from the General Manager. The salary plans shall include for each class a minimum and maximum rate and such intermediate rates as are considered necessary and equitable. Salary plans for represented employees are developed through the collective bargaining process. Salary plans for non-represented employees must be approved by the Commission.

**4.02 Salary Rates and Ranges**

- (A) **Salary Rates and Ranges.** The rate of pay shall be determined by dividing the annual salary by 2,080 hours. Employees shall be paid at least semi-monthly. Each employee shall be paid a rate of pay within the salary range for the class to which the individual has been appointed. Rates of pay are those established for each level in the salary range.
- (B) **Rate Paid at Appointment.** Normally an employee will be appointed at the minimum rate for the class. If a Department head believes it is necessary to make an appointment above the minimum rate, authorization must be obtained from the General Manager or his designee. In determining such requests, the department head shall give consideration to the qualifications of the candidate, availability of applicants and the resulting salary relationship with other similar positions.

**4.03 Annual Performance Evaluation System**

- (A) **Supervisors will evaluate the performance of each of their employees and forward the Performance Evaluation forms to the General Manager and personnel manager. Supervisors of represented employees should follow the stipulated guidelines given in respective collective bargaining agreements.**
  - (1) **All full-time probationary employees shall be given a performance evaluation interview twice during the first six (6) month probationary period. (See Section 6)**

- (2) All part-time probationary employees will be given a performance evaluation interview at the end of the six (6) month probationary period. (See Section 6)
  - (3) Full-time employees shall be given a performance evaluation interview annually. The date on which the employee successfully completes the required probationary period establishes the annual review date.
- (B) A common objective of every performance evaluation is to clarify job expectations (in writing) between supervisor and subordinate. Other objectives include:
- (1) To identify training and job experience needed to improve job-related abilities;
  - (2) To provide a basis for appointment and salary review decisions;
  - (3) To identify and develop employees having potential for promotion.
- (C) Any full-time, part-time or pro-tem employee can be retained on probation for three (3) months total time after his/her eligibility date. The successful completion of the probationary period establishes the annual performance review date.
- (D) Annual performance evaluations may be extended up to sixty days. Any extensions will delay the salary increase, but will not change the anniversary date.
- (E) Each supervisor shall discuss and review the performance evaluation with the employee. The employee must sign the performance evaluation to acknowledge that he/she has reviewed the evaluation. In the event the employee refuses to sign the form, the supervisor will obtain the signature of another supervisor to acknowledge the employee's refusal to sign. The employee shall receive a copy of the evaluation before it is placed in the employee's personnel file. Each employee shall have the option of attaching a statement or clarification to his/her evaluation form. The completed appraisal will be forwarded through the department head to the General Manager and will be placed in the employee's personnel record file. A copy of the appraisal will be forwarded to the employee by the personnel manager.

**(F) Effects of Personnel Actions on Salary**

**(1) Promotion**

An employee who is promoted will receive a pay increase to a rate equal to a one level increase in the employee's current salary range, unless such increase is not sufficient to place the salary within the new salary range, in which case the salary will be advanced to the first level of the new range. If a rate equal to a one level increase is between the levels of the new salary range, the employee may be placed at the level in the new salary range which is closest to, but above the rate equal to a one level increase. The employee will be placed on probation to the new classification. Upon satisfactory completion of the probationary period the employee will be eligible to proceed to the next level of the salary range.

**(2) Demotion**

If an employee is demoted to a class having a lower salary range for reasons which do not reflect discredit on employment records, the salary rate shall not be reduced as long as the rate is within the salary range of the lower classification. If the rate is not within the salary range of the lower classification, the salary rate will be reduced to level 5 of the new range or to whatever rate in the range is recommended by the department head and approved by the General Manager or his designee to be appropriate based on the experience and qualifications of the employee.

(a) Voluntary demotions require a position to be open.

(b) The standard selection process may be waived by the personnel manager in the event of a voluntary demotion when the demoted employee is deemed qualified.

**(3) Demotion for Cause**

Demotion for cause will result in a reduction in salary to any level in the salary range of the lower class determined by the department head and approved by the General Manager or his designee.

**(4) Reclassification**

An employee who is reclassified to a higher classification will receive a pay increase to the closest level in the new range which is at least equal to a one level increase in the employee's current salary range, unless such increase is not sufficient to place the salary within the new salary range, in which case the salary will



be advanced to the first level of the new range. When an employee is reclassified to a lower classification, the salary may be frozen until the new range reaches the employee's present pay level.

**(5) Lateral Transfer**

A lateral transfer is the voluntary or involuntary movement of an employee from one classification to another classification having the same salary range or to another position in the same classification.

Involuntary transfers require that the employee receive two weeks written notice.

Lateral transfers to another classification having the same salary range require the employee to successfully complete a probationary period for the new position. Lateral transfers with the same classification do not require completion of a probationary period.

The employee's pay will remain the same for all lateral transfers.

**4.04 Salary Range Adjustments**

A salary range adjustment is a change in salary range assigned to a particular classification. Salary range adjustments normally are made at the start of the fiscal year. Salary range adjustments are to be distinguished from unit or merit salary increases. They are not intended to give recognition to quality of service, but are to be based on established or prevailing rates of pay for the various classes of work in the Commission service. An employee whose salary range is adjusted will be placed at the same level in the new range. Such adjustments will not change an employee's salary review date.

**4.05 Overtime**

**(A) Non-represented, Non-Exempt Employees**

- (1) Overtime shall be paid only to employees who are not exempted pursuant to the U.S. Department of Labor, Fair Labor Standards Act and applicable Oregon law.**
- (2) No overtime shall be worked by non-exempt employees without the approval of the department head or his/her designee.**
- (3) Overtime shall be paid at the rate of time and one-half (1 1/2) for the time worked in excess of the regularly scheduled forty**

(40) hours in one week. The workweek begins at 12:01 a.m. Thursday and ends at 12 Midnight Wednesday.

**(B) Non-represented, Exempt Employees.**

(1) No overtime shall be paid to non-represented exempt employees. Time worked on a holiday may be taken at a later date.

**(C) For the purposes of computing overtime, hours worked shall include only time actually worked by the employee in the job, and shall not include holiday pay, vacation pay or sick pay or disability pay.**

**4.06 Acting Status**

Whenever an employee is requested to work temporarily in a higher classification for a period in excess of one month, he/she shall be duly appointed as an acting employee in the higher position and shall be paid at the first level of the range designated for that classification. Such change will be effective the first day of the first pay period following the acting status appointment provided that it is at a higher level than the employee's present salary. If it is not, the employee shall be raised to a step in the acting classification which is one step higher than his/her present normal rate. An employee shall not remain in an acting capacity for a period exceeding six (6) months within a twelve (12) month period. The Commission will approve the extension for an employee serving in the acting General Manager's status.

## SECTION 5 - SELECTION OF EMPLOYEES

### 5.01 Recruitment

A recruiting program will be conducted, based on a plan to meet work force needs or to fill vacant positions. Recruiting efforts will be coordinated by the personnel manager in cooperation with the hiring department. Recruiting publicity will be distributed through appropriate media to meet affirmative action needs and to attract a sufficient number of qualified candidates. Such publicity will indicate that the Commission is an equal opportunity employer. Recruitment shall continue for a period of time sufficient to assure an opportunity for the public and in-house employees to apply. All hiring decisions and subsequent appointments require the approval of the General Manager. The Commission has delegated the decision to make hiring and appointment decisions to the General Manager. The following sections describe the selection process which generally will be followed, but where the General Manager determines that an immediate appointment or hiring decision is necessary, the General Manager retains the right to make such a decision.

### 5.02 Announcements and Posting

- (A) All vacant positions will be posted simultaneously at all Commission facilities as well as being made available to the public.
- (B) **In-House Preference**  
Commission employees are encouraged to apply for opportunities for which they are qualified. In the event that two or more qualified candidates are equal, the Commission employee shall receive preference over outside applicants. If two Commission employees are equal, the employee with the greater length of service shall receive preference, and if length of service is identical, then the General Manager shall have the right to select the employee of his/her choice.

### 5.03 Applications

- (A) Applications will be accepted by the Commission only at the time a position is open.
- (B) All persons applying for employment with the Commission shall complete a standard employment application form and submit it to the personnel office.
- (C) Applications will be accepted only during those hours which are designated on the official posting.

- (D) Applications, once submitted, become the property of the Commission and may be disposed of in accordance with the Commission record retention procedure.

#### 5.04 Qualification and Screening of Applicants

- (A) Persons appointed to positions in Commission service shall meet the minimum qualifications for the class as stated in the job description.
- (B) The personnel manager or department head or his/her designee will use any combination of the following to determine whether applicants meet the minimum qualifications listed in the job description:
  - (1) Information the applicant supplies on the application.
  - (2) Written, performance or physical examination, or any combination thereof.
  - (3) Individual or group interviews.
  - (4) Information and evaluation supplied by references and previous employers.
  - (5) Other appropriate job-related screening techniques.

#### 5.05 Filling Vacant Positions

- (A) All full-time and part-time positions shall be filled in accordance with these Personnel Policies.
- (B) All appointments require the prior approval of the General Manager or his designee or the Commission in the case of the appointment of the General Manager.

#### 5.06 Types of Appointments

##### (A) Full-time Appointment

An appointment to an authorized position 2,080 hours or more annually.

##### (B) Part-time Appointment

An appointment made when a position requires less than a full-time employee on either a daily or weekly basis. Personnel employed as part-time appointments shall not be allowed participation in any Commission fringe benefit program, with the exception of PERS benefits.

##### (C) Pro-tem Appointment

When a full-time employee has been hired to perform the duties of another employee on a leave of absence (e.g., Military Leave), the job title will include the words 'Pro-tem' and the appointment will be understood to be temporary in nature, depending upon the return of the

employee on leave. (Under the provisions of the Universal Military Training & Service Act, the employee on leave must be assumed to intend to return to his/her former position upon the end of active service.) The appointment will carry the designation, salary, and benefits of the full-time position which has been vacated, until and if the employee on leave returns. If the employee on leave does not return, for whatever reason, then the words 'Pro-tem' will be removed from the job title and the appointment will be standardized, with all benefits accruing as though there had been no uncertainty regarding the position.

**Seniority:** Should the pro-tem position be one of several identical positions, and should another of these positions become vacant through resignation, discharge, etc., then the pro-tem employee will be reassigned to that vacant position, and a new pro-tem employee hired for the duration of the period of leave.

#### **(D) Rehire Appointment**

Upon receiving a favorable recommendation rating by the Department head, the standard selection process may be waived by the personnel manager in the event of a rehire appointment. To qualify for such an appointment, the employee must have been terminated no longer than six (6) months prior to the rehire appointment to the position which they originally held.

#### **5.07 Equal Employment Opportunity/Affirmative Action**

The Commission states as its policy a commitment to provide equal opportunity to all persons in matters affecting, but not limited to, recruitment, employment, compensation, benefits, promotions, training, discipline, transfer and layoff practices without regard to a person's race, color, religion, national origin, disability, sex, or age.

#### **5.08 Employment of Relatives**

No members of an individual's family\* shall be employed in a position of exercising supervisory, appointment or grievance adjustment authority over the other family member.

\* "Member of an individual's family" means husband, wife, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew or stepparent or stepchild of the individual.

#### **5.09 Personnel Records**

A master personnel file will be maintained by the personnel manager for each individual employed by the Commission. The personnel file will represent a total record of an individual's employment with the Commission.

No information that reflects critically upon an employee shall be placed in an employee's personnel record without giving notice to the employees.

Access to the personnel file shall be limited to the employee, persons who have job related reasons for inspection of the file and the staff of the personnel department. Employees may review their files in the Metro personnel office during regular Metro business hours. Employees have the right to copies of material in their personnel files upon request and upon payment for copying cost. Personnel records will leave the personnel office only under the procedures established by the personnel manager.

Information in personnel files will be treated as exempt from public disclosure as provided in the Oregon Public Records law. The employee shall be notified as to all persons having access to their personnel records and the reasons for such access.

## SECTION 6 - PROBATIONARY PERIOD

### 6.01 Purpose

The probationary period shall be an integral part of the selection and screening process and shall be utilized by the supervisor as an opportunity to observe the new employee's work, to train and aid the new employee in adjustment to the new position, and to reject any employee whose work performance fails to meet required standards.

### 6.02 Duration

All full-time or part-time appointments, lateral transfers to a new classification within the same salary range, reclassifications, pro-tem appointments, rehires, and all promotional probationary appointments shall be tentative and subject to a minimum probationary period of six (6) full months of service.

### 6.03 Action at End of Probationary Period

Prior to completion of an employee's probationary period, the supervisor must, through the performance evaluation process, take one of the following actions:

- (A) Affirm that the services of the employee have been found to be satisfactory and recommend that the employee be given regular status in the position.
- (B) Recommend that the employee's services be terminated, or in the case of a promoted employee, that the employee be returned to his/her previous classification if a vacant position exists in that classification. Employees serving their initial probationary period may be dismissed without cause.
- (C) Recommend that the probationary period be extended for a period of time not to exceed three (3) months.

A department head may, with the concurrence of the General Manager (or his designee), extend an employee's probationary period for a specified time not to exceed an additional three (3) months. The employee shall be notified of the reasons for extension through the Performance Evaluation process. Another Performance Evaluation shall be required at the end of the additional period.

#### **6.04 Fringe Benefit Status During Probationary Period**

**This section applies only to full-time employees during their initial period of probation in Commission employment. It does not apply to employees who are serving a period of probation as a result of appointment to a different classification or a lateral transfer.**

##### **(A) Accrual of Leave:**

- (1) Sick Leave: Sick leave benefits based upon or earned in connection with time worked shall accumulate during an employee's probationary period. Sick leave may be used after successful completion of 90 days of service with the Commission.**
- (2) Vacation Leave: Vacation leave benefits based upon or earned in connection with time worked shall accumulate during an employee's probationary period. Vacation leave may be used after successful completion of the initial probationary period.**
- (3) Health, Life and Dental Insurance: Full-time probationary employees may enroll in the health and dental insurance programs, but will not receive contributions on their behalf until after completion of six months of service with the Commission.**



## SECTION 7 - EMPLOYEE CONDUCT AND DISCIPLINE

### 7.01 Political Activity

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.

### 7.02 Harrassment Policy

The Commission is committed to providing an environment free of unlawful harassment for its employees. Any charge of harassment should be brought to the attention of the line supervisor, department head, personnel manager, or the General Manager as soon as possible after the violation has been noticed. The normal chain of command may be waived if an employee's supervisor or Department head is to be investigated. Employees will never be terminated by the Commission for reporting illegal activities by supervisors or other employees.

### 7.03 Drug/Alcohol Abuse Policy

Possessing, using, transferring, offering or being under the influence of any intoxicating liquor or any narcotic, hallucinogenic or sedative (except as authorized and prescribed by a physician) while on Commission property, time or in other circumstances which might directly and adversely affect Commission operations or safety, may be cause for discipline, up to and including discharge.

### 7.04 Discipline

Nothing contained in this chapter precludes a supervisor from having private discussions with employees. These discussions may be in the form of oral counseling or instruction. These discussions are not subject to the grievance procedure unless the employee is notified by the employee's supervisor at the time of the discussion that it constitutes an oral or written reprimand which may be used at a later time in a disciplinary action of the employee. 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.

(A) Disciplinary actions or measures shall include only the following: oral or written reprimand, suspension, demotion and dismissal from employment. 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.

- (B) It shall be the duty of all employees to comply with and to assist in carrying into effect the provisions of this chapter.
- (C) All employers have certain rules which employees must follow, and the Commission is no exception. The Commission believes that a satisfactory employment relationship must be based on mutual satisfaction of both the employer and the employee, and the Commission reserves the right to terminate or discipline an employee whenever the employee's performance is unsatisfactory or the Commission feels termination is appropriate for other reasons. The following are some examples (but not all) of the types of conduct which will result in disciplinary action:
  - (1) Unauthorized absence from duty;
  - (2) Abuse of leave privileges;
  - (3) Below standard work performance;
  - (4) Discourteous treatment of any member of the public or any Commission employee, including but not limited to intentional tortious conduct;
  - (5) Possessing, using, transferring, offering or being under the influence of any intoxicants or narcotics during working hours;
  - (6) Fraud in securing appointment or promotion;
  - (7) Insubordination;
  - (8) Misuse of Commission property, funds or records;
  - (9) Neglect of duty;
  - (10) Willful deceit;
  - (11) Willful violation of established safety policies;
  - (12) Any conviction by a court of law which demonstrates an impaired ability to properly perform work for the Commission;
  - (13) Inability to get along with fellow employees so that work being performed is hindered or below standard;
  - (14) Violation of any Metro Ordinance or Commission regulation;
  - (15) Any falsification of information during the employment application or employment appointment process, regardless of when discovered.
- (D) The reasons for taking a disciplinary action shall be documented before action is taken, if possible, or as soon thereafter as practicable. Such documentation must be immediately filed with the employee's personnel record.
- (E) Procedure for Suspension, Dismissal or Demotion  
A written notice of suspension or dismissal or demotion shall be delivered to the affected employee in person or by mailing to the employee's last known address. This notice shall state the reasons

for the proposed action. This notice shall be a permanent part of the employee's personnel record. This notice shall include instructions to the employee regarding the procedure for responding to a notice of dismissal, suspension and demotion.

- (1) **Notice.** Except as provided in paragraph 3 of this subsection, the employee shall have ten (10) calendar days to respond to this notice, starting the first calendar day following the date shown on the written notice of suspension, dismissal or demotion. If the employee does not respond to the notice within that 10-day period, the action proposed in the notice shall become effective and final at the end of such 10-day period.
  - (2) **Informal Pre-Discipline Hearing.** The employee is entitled to answer the notice either personally or in writing. An employee requesting to respond in person shall have a reasonable opportunity to make any response which the employee believes may affect the final decision on the disciplinary matter; the employee shall not have the right to a formal hearing with examination of witnesses. The General Manager may appoint a representative to hear the employee's response.
  - (3) **General Manager's Final Decision.** The General Manager or his designee shall respond in writing to the employee's response within five working days of receipt of such response. The General Manager's written response shall be the final decision on the matter of suspension, dismissal or demotion and shall be a permanent part of the employee's personnel record.
  - (4) **Post-Discipline Procedures.** After the action proposed in the notice has become effective or the General Manager has made a final decision on the matter, following a pre-disciplinary hearing, the employee may contest the disciplinary action pursuant to the grievance procedure of Section 11 of these policies.
- (F) Letters of reprimand shall not be used in any subsequent evaluation or disciplinary proceeding involving the employee after the next regularly scheduled evaluation. Such letters shall then be removed from the employee's personnel record, at the request of the employee, in the absence of a recurrence of a similar infraction.
- (G) Employees who are affected by a disciplinary action may initiate a grievance under the provisions of Section 11.

## SECTION 8 - RESIGNATION AND LAYOFF

### 8.01 Resignations

Any employee may resign from the Commission by presenting a resignation in writing to the department head. To resign in good standing, an employee must give the department head a minimum of two weeks notice, unless, because of extenuating circumstances, the department head agrees to permit a shorter period of notice. The letter of resignation and the termination form shall be promptly forwarded to the personnel manager by the department head. The personnel manager may conduct exit interviews or take similar steps to verify reasons for each resignation.

### 8.02 Layoffs

A department head may separate an employee without prejudice because of lack of funds or curtailment of work, after giving notice of a minimum of ten (10) calendar days or ten (10) days pay if notice cannot be given to such employee. The condition of reduction in force layoff shall be as follows:

#### (A) Order of Separation

Reductions in the work force, and any subsequent recalls to employment, will be based upon the following factors:

1. Attendance, safety and disciplinary records;
2. Job knowledge, skill and ability to do the required work;
3. Previous work experience, including the ability to perform other jobs which the employee may be called upon to perform as a result of the reduction in force;
4. Past work performance and performance evaluations; and
5. Length of service.

Evaluation of these factors is at the General Manager's sole discretion.

#### (B) Laid Off Employees on Layoff List

The names of employees who have a satisfactory employment record and who have been recommended for re-employment by their department head on the termination form shall be placed on a layoff eligible list and shall have recall rights to vacant positions in the classification in which they were laid off for a period of one (1) year following the date of layoff. The order of names on layoff eligible lists shall be determined by the order in which they were

laid off, with the most recently laid off employee listed first. An offer of reemployment may be made orally or in writing to the last address reflected in the employee's personnel records. It is the employee's obligation to keep the Commission informed of any changes in telephone number or address. Laid off employees who have been notified that they are being recalled to a vacant position must report to work within fourteen (14) calendar days or their names will be removed from the layoff eligible list. If the personnel manager attempts to contact the employee by certified mail and the letter is returned unclaimed the employee's name will be removed from the layoff eligible list.

**(C) Rejection of Appointment from Layoff List**

When an employee in the laid off classification rejects an offered appointment to a vacant position, the employee's name will be removed from the layoff list.

**(D) Reappointment and Fringe Benefits**

When an employee on layoff status is rehired by the Commission, the amount of sick leave which the employee had accrued at the time of layoff shall be reinstated to the employee.

**SECTION 9 - WORK SCHEDULES, HOLIDAYS, VACATION,  
SICK LEAVE, AND OTHER LEAVES OF ABSENCE**

**9.01 Work Schedules**

The normal work schedule shall be 40 hours, Monday through Friday and the hours of work day shall be 8:00 a.m. to 5:00 p.m. Some departments have work schedule and hours which may vary due to the scheduling of events. In order to provide the best service to the public, department heads may establish operating schedules for departments which vary from the normal work schedule. Nothing contained in this section or elsewhere in the personnel policies shall be construed as any guarantee of hours work per day or per week.

- (A) **Flexible Work Schedules:** Departments may establish employee work schedules which vary from the normal work schedule. All flexible work schedules must be approved by the department head or his/her designee.
- (B) **Lunch and Breaks:** All full-time employees shall be allowed at least a thirty (30) minute, but not more than an hour lunch. All employees are entitled a fifteen (15) minute rest period when working a continuous four (4) hour work period.
- (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.**

**9.02 Holidays**

The following shall be considered holidays for non-represented full-time employees:

- |                                       |                             |
|---------------------------------------|-----------------------------|
| 1. New Year's Day                     | January 1                   |
| 2. Martin Luther King, Jr.'s Birthday | January 15                  |
| 3. Presidents' Day                    | Third Monday in February    |
| 4. Memorial Day                       | Last Monday in May          |
| 5. Independence Day                   | July 4                      |
| 6. Labor Day                          | First Monday in September   |
| 7. Veterans' Day                      | November 11                 |
| 8. Thanksgiving Day                   | Fourth Thursday in November |
| 9. Christmas Day                      | December 25                 |
| 10. Three Personal Days               | Open                        |

- (A) Exempt, non-represented employees working on a holiday will be compensated at their regular rate of pay and the holiday will be accrued to be taken at a later date. Non-exempt, represented employees who work on a holiday and are eligible for overtime compensation shall receive one and one-half (1 1/2) time compensation for the time worked. Additional holiday compensation does not apply to the personal holidays listed as number ten above.
- (B) The three (3) personal days will be used before the employee first uses vacation time. The personal days must be used within the calendar year in which they accrue. Employees hired during January through April will receive two (2) personal days and employees hired May through August will receive one (1) personal day. Requests for use of personal days will be scheduled as vacation leave in Section 9.03(C). Should vacation not be taken during the calendar year, the three (3) personal days will be lost.
- (C) Holidays Falling on Saturday or Sunday. Whenever a holiday falls on Saturday, the preceding Friday shall be observed as a holiday. Whenever a holiday falls on Sunday, the following Monday shall be observed as a holiday. Employees working an irregular work week shall receive the same number of holidays as employees working a regular work week.

**9.03 Vacation Leave**

- (A) Vacation leave with pay for full-time non-represented employees shall accrue at the rate shown below:

Total Years of Service	Accrual Rate Per Bi-Weekly Payroll Period	Vacation Rate Per Year
0 through 4	3.0770 hours	80 hours
5 through 9	4.6154 hours	120 hours
10 through 14	5.3846 hours	140 hours
15 through 19	6.1539 hours	160 hours
20 through 24	6.9231 hours	180 hours
25 or more	7.6924 hours	200 hours

- (B) **Vacation Accrual during Probation.** New full-time employees, during their probationary period, shall accrue vacation leave but shall not be able to use vacation leave. Upon successful completion of the probationary period, employees will be credited with accrued vacation leave. Employees who have successfully completed the probationary period and have received a full-time appointment are eligible to take accrued vacation leave with pay. However, employees shall not be allowed to accrue more than two hundred (200) hours of vacation leave. Vacation leave beyond two hundred (200) hours will be lost, unless reasons for an exception receive approval by the department head and General Manager.
- (C) **Scheduling of Vacations.** Vacation requests shall be submitted for approval through the supervisor and approved by the department head on a 'Vacation Leave Request Form'. Request for vacation leave should be submitted at least two (2) weeks prior to desired vacation time. Personal holidays shall be scheduled in the same manner as vacation leave.
- (D) **Vacation Pay upon Termination.** An employee who terminates during the initial probationary period shall not be entitled to vacation leave. An employee who has completed his/her initial probationary period, has been appointed to full-time status and is separated from the Commission, shall be entitled to payment for accrued vacation leave. In no case shall payment be for more than the maximum accumulation. In case of death, compensation for accrued vacation leave shall be paid in the same manner that salary due to the decedent is paid.

#### 9.04 Paid Sick Leave

Sick leave is designed to provide income to employees who are unavoidably absent from work due to illness, injury or other temporary physical disability. Sick leave is intended for this purpose only and is not to be used for personal time off or to extend holidays or vacation periods (except as defined in the "Sick Leave Credit" section of these policies). Sick leave is provided by the Commission solely in the nature of insurance against loss of income due to illness or injury. Accordingly, no compensation for accrued sick leave shall be provided for any employee upon termination of employment.

- (A) **Accrual of Sick Leave.** Paid sick leave shall accrue at the rate of four (4) hours per bi-weekly payroll period or 104 hours per year. Part-time employees shall not accrue sick leave. Sick leave shall not accrue during any period of leave of absence without pay. The total accumulation of sick leave shall not exceed 1,856 hours. A new employee serving his/her initial probationary period is eligible to accrue sick leave, but may not use sick leave until after completion of 90 days of service with the Commission.



- (B) **Use of Sick Leave.** An employee may use his/her allowance of sick leave when temporarily unable to perform his/her work duties by reason of illness, off the job injury, pregnancy, post-partum recovery, necessity for medical or dental care, exposure to contagious illness under circumstances by which the health of the employees with whom associated, or members of the public necessarily dealt with, would be endangered by the attendance of the employee, or by serious illness in his/her immediate family requiring the presence of the employee, for such period as the employee has sick leave credit. Immediate family is defined as mother, father, husband, wife, sister, brother, child or any other member of the employee's household.
- (C) **Transfer of Sick Leave.** When an employee is transferred to, or appointed to another department, sick leave credit shall be assumed by the new department.
- (D) **Sick Leave Credit.** Full-time employees who use twenty-four (24) hours or less of sick leave within one (1) calendar 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 calendar year period.
- (E) **On the Job Injury Leave.** When an employee is injured on the job, he/she is eligible to receive time loss compensation in accordance with State Statutes establishing Workers' Compensation benefits.
- (F) **Bargaining Units.** Employees represented by approved bargaining units will refer to their labor contracts for sick leave benefits and restrictions.
- (G) **Certification of Illness.** A Department head may require certification of the attending physician or practitioner to substantiate that an illness or injury prevents the employee from working, or changes the terms of his/her employment. At the General Manager's discretion, he/she may direct that an employee be examined by a physician or practitioner of the General Manager's choice and at the Commission's expense to determine if the employee is able to fully perform the duties of his/her position.

#### 9.05 Funeral Leave

- (A) **Use of Funeral Leave.** A maximum of three (3) days leave with pay shall be allowed a full-time employee to attend the funeral of the employee's immediate family [see 9.04 (B)], provided that such time off shall be charged against accumulated sick leave.
- (B) **Additional Leave.** If travel is required, additional days (also chargeable to sick leave) may be allowed upon application to the employee's Department head or designee.

**(C) Other Funeral Leave**

- (1) Under exceptional circumstances, leave for death may be granted by the Department head upon the death of a person other than the employee's immediate family.**
- (2) When an employee attends a funeral service for a fellow employee, he/she may be granted four (4) hours time off with pay to attend such funeral service subject to the approval of the department head.**

**9.06 Jury Duty and Other Court-Related Leave**

- (A) Any full-time employee of the Commission shall be granted leave, with pay and without loss of any benefits of his/her employment, to serve with a jury, subject to the following provisions:**
  - (1) The name of the employee granted such leave shall be carried on the regular payroll in the usual manner;**
  - (2) The employee granted such leave shall pay all money, except travel allowance, received for his/her service as juror or witness to the Commission;**
  - (3) Where the employee is required to serve as juror or witness on a scheduled day off or vacation day, and such day cannot reasonably be rescheduled, he/she may retain the fee paid for service as a juror or witness on his/her day off or vacation day;**
- (B) Appearance before a court, legislative committee or judicial body as a witness in response to a subpoena or other direction by proper authority, provided that any compensation that may have been received as a witness fee is turned over to the Commission.**
- (C) Attendance in court in connection with an employee's official assigned duties, including the time required going to the court and returning to the regular work site.**

**9.07 Military Leave and Alternative Duty Leave**

**(A) Regular Military Duty Leave**

- (1) An employee inducted or enlisted into active service in the Armed Forces of the United States shall be deemed granted leave in accordance with State and Federal Law.**
- (2) An employee, in order to continue his/her employment with the Commission after military duty, must be qualified to perform the duties of his/her position and must notify the General Manager of intent to return to work within (90) days of release.**

- (3) An employee returning to the Commission service after Military Leave shall be restored to his/her old position without loss of benefits. Benefits will terminate at the commencement of the leave and will be reinstated upon the employee's return to work.

**(B) Reservist Military Duty Leave**

- (1) Employees who have completed the initial probationary period are eligible for one paid military leave each calendar year for the purpose of serving in a temporary active or inactive duty. Such paid leave period shall not exceed 14 calendar days annually .
- (2) Employees will be paid only for their regularly scheduled work days in the 14 day calendar period.
- (3) Employees may receive, upon approval of the General Manager, additional periods of leave for temporary active or inactive duty training. Such leave shall be without pay unless the employee requests the use of accrued vacation leave, holiday leave, or compensatory time.

**(C) Alternative Duty Leave:**

- (1) Any Regular employee who serves as a volunteer in the Peace Corps, U.S. Public Health Service, etc., shall be deemed absent on unpaid leave during the service period.
- (2) Upon returning, the employee shall have the right to be reinstated to the position held before the leave was granted.
- (3) Failure of the employee to return to work within 90 days of the termination of the service shall be cause for dismissal.

**9.08 Parental Leave**

The Commission provides parental leave of up to twelve (12) weeks for eligible employees who have become parents. At the employee's discretion, the leave shall be paid from accrued vacation time, or be unpaid.

- (A) The employee shall be entitled to take parental leave without being penalized for taking leave.
- (B) An employee returning from parental leave shall be reinstated with no greater or lesser rights in employment than if the employee had not taken the leave. This section is pursuant to ORS 659.360-659.370.

- (C) All full-time and part-time employees who have completed ninety (90) days of service are eligible to request the leave.
- (D) Employees have the option of using their accumulated leave balances during the parental leave. If the employee chooses to take leave without pay, benefits will be paid through the last day of the month following the month in which the leave without pay commences. If the employee chooses to utilize accumulated balances, benefits will be continued as long as the leave is continued on paid status.
- (E) Employees are entitled to up to twelve (12) weeks unpaid parental leave. Such entitlement begins on the date of birth of the child, or on the date of the taking of physical custody of a newly adopted child.
- (F) A request shall be submitted simultaneously to the Department Head and the personnel manager thirty (30) calendar days before the occurrence of the event. The request must be in writing and contain the following information:
  - (1) The employee's intent to take parental leave beginning on a date certain more than thirty (30) days from the date of the request.
  - (2) The anticipated date of birth of the parent's child, or
  - (3) The anticipated date that the parent will obtain physical custody of a newly adopted child under six years of age, and
  - (4) The dates when the parent, or if both parents request parental leave, the dates which each parent will commence and terminate his or her portion of the parental leave.
- (G) Employees who return from parental leave by the date listed in the written request on file will be restored to their former position without loss of seniority or vacation credits. If circumstances change so that the employee's former job is no longer available, that worker will be reinstated an equivalent position. Employees who do not return by the date specified may be considered for termination.

#### 9.09 Other Leaves of Absence without Pay

- (A) In instances where the work will not be seriously handicapped by the temporary absence of a full-time employee, a department head may grant a leave of absence without pay not to exceed ninety (90) calendar days. Leaves of absence without pay for periods in excess of ninety (90) days must be approved by the General Manager. Request for such leave must be in writing and must establish reasonable justification for approval of request.
- (B) Employees represented in approved bargaining units should refer to the appropriate labor contract.

## SECTION 10 - EMPLOYEE BENEFITS

### 10.01 Health and Welfare Benefits

(A) Benefits are available to persons occupying budgeted positions who meet the other criteria for participation.

### 10.02 Social Security

The Commission and all employees shall participate in the Federal Old Age and Survivors Insurance Program.

### 10.03 Retirement Fund (PERS)

The Commission and all full-time and part-time employees working 600 or more hours per calendar year shall participate in the Public Employees Retirement System (PERS) as provided under Oregon Revised statutes. The Commission will make contributions as determined by PERS.

### 10.04 State Unemployment Compensation

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

### 10.05 Service Awards

The personnel manager shall administer a service award program for Commission employees.

## SECTION 11 - GRIEVANCE POLICY

### 11.01 Policy

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

Represented employees in bargaining units shall follow the grievance procedures in their respective labor contracts.

### 11.02 Grievance Defined

A grievance will be considered to exist when an employee has a factual complaint relating to his/her employment, working conditions, or the application of these Personnel Policies.

### 11.03 Procedure

The procedures given below are designed to provide a speedy and harmonious resolution to any grievance.

- (A) An employee who believes a grievance exists which has not been resolved by informal means must reduce the grievance to writing. The written grievance must contain, as a minimum:
- (1) A clear and complete account of the action or inaction by the department head or supervisor which adversely affected or affects the employee.
  - (2) The specific provision(s) of these Personnel Policies believed to have been violated or misapplied to the employee.
  - (3) The date of the circumstances giving rise to the grievance and the date of the employee's first knowledge of those circumstances, if later.
  - (4) The remedy sought by the employee to resolve the grievance.
- (B) The employee must present the written grievance to his/her supervisor within ten (10) calendar days of the occurrence of the circumstances giving rise to the grievance or the employee's first knowledge of those circumstances. The supervisor shall discuss the grievance with the employee and attempt to resolve it. If the written grievance is not resolved within a reasonable time, but no

longer than five (5) calendar days from the date of submission of the written grievance to the supervisor or the department head, it may be submitted within another five (5) calendar days to the employee's department head.

- (C) The department head and the employee will attempt to resolve the grievance within a reasonable time, but no longer than five (5) calendar days from the date of submission of the written grievance to the department head. If the grievance remains unresolved after the five (5) calendar day period, the employee may submit it within another five (5) calendar days to the General Manager.
- (D) If the written grievance is properly submitted to the General Manager, it will be discussed with the department head and an attempt will be made to resolve the grievance. The employee, General Manager, and department head may agree to meet if such a discussion will be productive. The General Manager will respond to the grievance to the department head and employee within a reasonable time, but no longer than five (5) calendar days from the date the grievance was submitted to the General Manager. The decision of the General Manager shall be final and binding.
- (E) Any or all time limits specified in these rules may be waived by mutual consent of all parties.

## SECTION 12 - TRAINING

### 12.01 Policy

Training includes all activities designed to develop and maintain job related knowledge and skills of Commission employees. The personnel manager shall assist department heads in identifying and meeting the training needs of the personnel of their departments, and in cooperation with the department heads, shall encourage the development of departmental and inter-departmental training needs.

### 12.02 Responsibility for Delivery of Training

The personnel manager is responsible for administering all training programs involving persons from more than one department. Individual departments will be responsible for training that affects only employees of those departments. Individual departments will advise the personnel manager of planned training activities prior to implementation to assure maximum coordination of training within the Commission management.

### 12.03 Cost of Training

Cost for instructional fees, lodging, meals, and travel will be paid by the Commission for approved training activities. Employees assigned to mandatory training activities will be paid at the regular rate. Employees will receive no compensation for time spent outside regular work hours for travel related to training or for participating in voluntary training activities or in activities for which they receive tuition reimbursement.

### 12.04 Budgeting for Training

The personnel manager will recommend budget amounts to support all cross-department training. Training programs which benefit personnel of only one department will be budgeted for by the department. (Examples of departmental budget inclusions are costs associated with on-the-job training, conference attendance, educational leave with pay programs and scheduled departmental training.)

### 12.05 Evaluation of Training

The personnel manager may conduct post-training evaluation based on the objectives of the training activity. This information will be used to revise Commission training programs and to ensure the Commission's training program supports the Affirmative Action Program.



## SECTION 13 - SAFETY/LOSS CONTROL

### 13.01 Policy

The Commission believes that safe working conditions for each of its employees can be attained through use of safety equipment, proper job instruction, frequent review of safe work practices and adequate supervision.

### 13.02 Worker's Compensation Coverage

Pursuant to Oregon State Law, the Commission provides Worker's Compensation coverage for employees who may suffer compensable injury or disease in the course of their employment.

### 13.03 Limited Duty Program

Compensably injured full-time employees who are temporarily unable to perform the duties of their regular position may, at the discretion of the affected department head and General Manager, or his designee, be assigned to a temporary limited duty position, the physical requirements of which do not exceed the limitations placed on the employee by the treating physician. The assignment to limited duty shall not exceed three (3) consecutive calendar months. During the period of limited duty the employee will receive all pay and benefits as though the employee continued in his/her normal assignment, less any premium payments for which the employee is no longer eligible because of duties he/she is not performing on limited duty.

**SECTION 14 - ACKNOWLEDGEMENT OF RECEIPT OF PERSONNEL  
POLICIES**

**I acknowledge that I have received and read a copy of the Metropolitan Exposition-Recreation Commission Personnel Policies which outlines my working conditions, privileges and obligations as a Commission employee. The material in the handbook constitutes the general policies of the Commission and may be supplemented by more specific policies. Further, I understand that the handbook and personnel policies are necessarily subject to change. Lastly, I understand that these policies do not in any way constitute a contract of employment, either express or implied.**

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

In response to Councilor Knowles' question, Mr. Thomas explained the applicant had demonstrated all seven factors of Goal 14 had been considered. He questioned whether the case would be upheld in a higher court if the Council determined the application should not be granted because certain factors had not been considered. Councilor Knowles said he was uncomfortable granting the application when it seemed the only need criteria that had been met was that of "liveability."

Councilor Van Bergen supported the Hearings Officer's findings explaining that once all the tests had been met, he could interject a degree of compassion concerning the area's economic situation.

Councilor Kelley said she was convinced that Forest Grove needed the land for economic development because of its unique economic circumstances.

Councilor Knowles supported the resolution explaining the situation was unique, the community was economically isolated, the proposal had strong community support, and he did not believe the decision would diminish the integrity of the UGB.

Vote: A vote on the motion to adopt the resolution resulted in:

Ayes: Councilors DeJardin, Hansen, Kelley, Knowles, Van Bergen, Waker and Ragsdale

Nays: Councilors Coleman, Collier, Gardner and Kirkpatrick

Absent: Councilor Cooper

The motion carried and Resolution No. 88-987 was adopted.

The Presiding Officer called a recess at 10:20 p.m. and the Council reconvened at 10:35 p.m.

7.2 Consideration of Resolution No. 88-975, for the Purpose of Acting on the Executive Officer's Request for Review of Metropolitan Exposition-Recreation Commission Resolution No. 8 Concerning Personnel Policies

Motion: Councilor Waker moved, seconded by Councilor Kirkpatrick, to adopt the resolution.

Presiding Officer Ragsdale reported that per provisions of Metro Code Section 6.01.080, Executive Officer Cusma requested a review of the Commission's Resolution No. 8 which established Personnel Rules. The Presiding Officer had appointed a task force comprised

Metro Council  
September 22, 1988  
Page 11

application was responsive to state land use goals. She further explained it would be impossible to expand the UGB in any other direction because of the 100 year flood plain designation. Finally, Ms. Dorman said the applicant had not conducted a sophisticated needs analysis because its needs were simple and easy to identify.

Presiding Officer Ragsdale, after questioning Ms. Dorman and Mr. Thomas, requested he be allowed to review administrative rules to evaluate the Hearings Officer's findings relating to short-term need. Mr. Cooper, General Counsel, then advised the Presiding Officer on the options available to the Council if it chose not to adopt the Hearings Officer's findings.

Motion: Councilor Waker moved, seconded by Councilor DeJardin, to adopt Resolution No. 88-987, a resolution expressing Council intent to amend Metro's Urban Growth Boundary for Contested Case No. 88-1: Zurcher Property.

Councilor Waker said he did not think approval of the amendment would jeopardize farm land. Rather, the UGB allowed farm land an opportunity to compete at the economic table, he explained.

Councilor Kirkpatrick disagreed, stating the UGB was created to protect farm land against urban sprawl. She also thought the boundary had been created to serve the needs of the entire metropolitan region, not just the Forest Grove area. She pointed out the amendment would not resolve school funding issues and the City of Oregon City could make the same claims made by Forest Grove about high taxes and low per capita income. Councilor Kirkpatrick said she was prepared to work with the 1000 Friends of Oregon and Mr. Cooper to prepare findings to support denial of the Petitioner's request.

Councilor Hansen supported adoption of the resolution. He thought the Council should respond to help balance economic inequities throughout the region. He said in order to start an "Oregon Come-back," the State would have to evaluate the way it did business.

Councilor Gardner thought Forest Grove's argument concerning economic issues was compelling but he was also influenced by the argument that the UGB was created to protect farm land against urban sprawl. He was concerned about the potential loss of 44 acres of prime agricultural land and possibly opening a "Pandora's box" to applications based on sub-regional need. He cautioned that the Council had to be consistent in evaluating UGB cases based on environmental factors. Fair evaluation would become difficult, he explained, if the "liveability" criterion were defined in terms of tax bases and economic factors.

of members of the Council Convention Center Committee to review the matter. He introduced Councilor Knowles, Task Force Chair, to present the group's report and recommendation.

Councilor Knowles explained Resolution No. 88-975 would adopt the Commission's Personnel Rules as amended. The amendments allow for Metro's Personnel Officer and functions to be used instead of the Commission creating its own Personnel Officer position and performing its own personnel functions. The Councilor also noted staff had recommended other, minor changes to the Rules to be consistent with the Task Force's recommendation. He thanked Commission representatives for their cooperation and assistance and explained that once the resolution was adopted, the rules would immediately go into effect.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Cooper was absent.

The motion carried unanimously.

7.3 Consideration of Resolution No. 88-971, for the Purpose of Approving a Request for Bids for Waste Transport Services (to the Gilliam County Landfill)

As reported under agenda item No. 4, the Council adopted a motion to defer consideration of this item until October 13 in order to provide Councilor Kirkpatrick an opportunity to prepare and file a minority report.

7.4 Consideration of Resolution No. 88-976, for the Purpose of Granting/Amending a Franchise for Operation of the Forest Grove Transfer Station

Solid Waste Committee Chair Councilor Hansen presented the Committee's report and recommendation. He said the City of Forest Grove had reviewed the franchise request and supported the franchise after resolving of litter pickup and abatement issues. The Committee had unanimously recommended the Council adopt the resolution which would grant a franchise to the Forest Grove Transfer Station.

Councilor Kirkpatrick asked if the agreement language would allow the Council to cancel the franchise in three years. General Counsel Dan Cooper said the language would not allow that action unless the franchisee were in violation of franchise terms. The agreement was for five years, he explained.

Councilor Knowles asked how the Forest Grove Transfer Station related to Metro's region-wide transfer station system. Councilor Hansen

reported the franchise would not preclude Metro from building its own transfer station in Washington County. Per Metro's contract with Oregon Waste Management to operate the Gilliam County Landfill, 90 percent of the region's waste had to be delivered to Oregon Waste Management. That would leave 10 percent that could be delivered to Riverbend or McMinnville landfills, he said, and the Forest Grove Transfer Station was very conveniently located to deliver waste to McMinnville.

Councilor Knowles questioned whether the proposed franchise agreement would guarantee Forest Grove Transfer Station a portion of the solid waste flow. Ambrose Calcagno of FGTS explained the agreement contained no guarantees and his business would continue to compete with others in the industry. Mr. Cooper, Metro's Counsel, added that the agreement was a non-exclusive franchise, that Metro could site another transfer station in the area or could grant another franchise to a private transfer station operation.

Councilor Waker said he had supported the original franchise agreement on the basis it was a non-exclusive franchise. He supported a continued, non-exclusive agreement.

Vote: A vote on the motion to adopt Resolution No. 88-976 resulted in all ten Councilors present voting aye. Councilors Knowles and Cooper were absent.

The motion carried and the resolution was unanimously adopted.

7.5 Consideration of Resolution No. 88-980, for the Purpose of Supporting State Legislation for a 13-Member Council and an Appointed Executive Officer

Councilor Gardner, Chair of the Intergovernmental Relations Committee, reported the Committee had reviewed the resolution and supported its adoption. He summarized the Committee's written report which was included in the agenda materials. He explained that the current "separation of powers" governance structure was inefficient and had resulted in a divided agency without common policy goals. The executive and legislative government branches were currently adversarial, he said, and Resolution No. 88-980 was an attempt to remedy that problem.

Councilor Waker pointed out the resolution also provided for the Council to reapportion Metro districts. He also explained the provisions concerning an appointed Executive Officer were not a reflection on the current Executive. He recalled earlier difficulties with former Executive Officer Rick Gustafson and thought the present structure was inefficient and not appropriate for a small, local government agency.