

METROPOLITAN EXPOSITION RECREATION COMMISSION

Resolution No. 13-23

For the purpose of adopting changes to the MERC Personnel Policies.

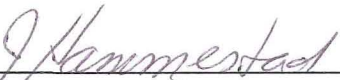
WHEREAS, the Metropolitan Exposition Recreation Commission (MERC) is authorized to adopt personnel policies pursuant to Metro Code Sections 2.02.010 (b) and 6.01.040(a); and

WHEREAS, MERC periodically updates the MERC Personnel Policies (the Personnel Policies) in accordance with both legal requirements and agency-wide policies.


THEREFORE BE IT RESOLVED:

That the Metropolitan Exposition Recreation Commission adopts the changes to the Personnel Policies in a form substantially similar to the attached Exhibit B.

Passed by the Commission on September 4, 2013.




Chair



Secretary-Treasurer

Approved As To Form:
Alison R. Kean, Metro Attorney

By: 

Nathan A.S. Sykes, Deputy Metro Attorney

EXHIBIT A: BATCH 3 PERSONNEL POLICIES FOR MERC COMMISSION VOTE

September 4, 2013

Below is a list of policies that Metro Human Resources has created or recently updated. These proposed policies supersede those listed in the Metro Employee Handbook (EO #88) and the MERC Personnel Policies Handbook (8/1/07). All other policies in those documents remain in force.

Policy	Existing MERC Policy	Existing Metro Policy	Legal Requirement	Policy Summary	Fiscal Impact	Business Impact
Alternative Duty Leave	§ 16.7(B)	E.O. 88 § 31(D)	<p>ORS 652.250; ORS 404.200 (Search and Rescue Leave)</p> <p>ORS 401.378 (Red Cross Disaster Relief Services Leave)</p> <p>ORS 236.040 (Peace Corps Leave)</p>	<ul style="list-style-type: none"> • Provides leave and outlines procedures and requirements consistent with Oregon law and current MERC and Metro policies. <ul style="list-style-type: none"> ○ Peace Corps: 2 years of unpaid leave ○ Disaster relief: up to 15 work days unpaid leave per 12-month period ○ Search and rescue: up to 5 days paid leave <p><i>Presented to the MERC Commission for discussion 8/7/13.</i></p>	N/A (paid leave provisions are legally required and consistent with current policy)	Promotes legal compliance
Charitable Solicitation	N/A	Metro Code § 2.02.050	N/A	<ul style="list-style-type: none"> • Limits excessive solicitation while allowing flexibility to allow fundraisers that benefit or are closely related to Metro. • Provides guidelines for allowing employees to leave solicitation materials for review (e.g. school fundraisers etc.). <p><i>Presented to the MERC Commission for discussion 8/7/13.</i></p>	N/A	Establishes consistent Metro-wide policy and procedures

Employee Records	§ 10	E.O. 88 § 36	ORS 652.750	<ul style="list-style-type: none"> • Expands policy to address medical records • Clarifies procedures for maintaining, viewing and copying files <p><i>Presented to the MERC Commission for discussion 8/7/13. Edited to clarify that legal process may require the release of records as suggested by Commissioner Dozono.</i></p>	N/A	Promotes legal compliance
Information Technology – Acceptable Use	§ 12.12	E.O. 69; E.O. 76	N/A	<ul style="list-style-type: none"> • Describes authorized and prohibited uses of Metro technology, including internet and email. <p><i>Presented to the MERC Commission for discussion 9/5/12 and 8/7/13.</i></p>	Limits risk	Protects Metro’s information assets and clarifies employee conduct expectations
Internships	N/A	N/A	Fair Labor Standards Act	<ul style="list-style-type: none"> • Describes procedures for creating and recruiting for internships. • Outlines legal requirements for unpaid internships to avoid creating an employment relationship. <p><i>Presented to the MERC Commission for discussion 8/7/13.</i></p>	Limits risk	Promotes legal compliance and consistency in internship management practices across the agency
Job Sharing	§ 16.0(B)	§ 17	N/A	<ul style="list-style-type: none"> • Outlines procedures for initiating and dissolving job share arrangements and 	N/A	Establishes consistent Metro-wide

				<p>performance expectations for job share partners.</p> <ul style="list-style-type: none"> • Eliminates option to alter distribution of benefits; benefits will be prorated based on budgeted work hours (FTE). • Changes level of approval required from COO/GM to Department Director and HR Director. <p><i>Presented to the MERC Commission for discussion 8/7/13. Edited to clarify procedures upon termination of the job sharing arrangement as suggested by Commissioner Dozono.</i></p>		policy and procedures
Metro Committees	N/A	N/A	N/A	<ul style="list-style-type: none"> • Establishes procedures for establishing internal committees • Clarifies expectations for employees and supervisors around workload and performance issues <p><i>Presented to the MERC Commission for discussion 9/5/12.</i></p>	N/A	Promotes effectiveness of internal committees and employee performance management
Modified Duty for Non-Occupational Conditions	N/A	N/A	N/A	<ul style="list-style-type: none"> • Describes limited circumstances in which modified work is available for injuries and medical conditions that were not incurred on the job. • Consistent with current practices. 	N/A	Establishes consistent Metro-wide policy and procedures

				<i>Presented to the MERC Commission for discussion 8/7/13.</i>		
Performance Management	§ 8	E.O. 88 § 11	N/A	<ul style="list-style-type: none"> • Outlines timelines and responsibilities for performance management. • Increases emphasis on planning and on-going feedback. <i>Presented to the MERC Commission for discussion 8/7/13.</i>	N/A	Establishes consistent Metro-wide policy and procedures
Pregnancy Transfer and Leave	N/A	E.O. 88 § 28	N/A	<ul style="list-style-type: none"> • Describes limited circumstances in which modified work and leave are available to accommodate risks related to pregnancy in situations that would not be covered by FMLA, ADA, or other laws and policies. • Consistent with current Metro policy. <i>Presented to the MERC Commission for discussion 8/7/13.</i>	Limits risk	Establishes consistent Metro-wide policy and procedures
Resignation and Retirement	§ 15.0	E.O. 88 § 35	N/A	<ul style="list-style-type: none"> • Outlines procedures and responsibilities in the event of resignation and retirement. <i>Presented to the MERC Commission for discussion 8/7/13.</i>	N/A	Establishes consistent Metro-wide policy and procedures
Volunteers	N/A	E.O. 88 § 42	Fair Labor Standards Act	<ul style="list-style-type: none"> • Outlines general guidelines for Metro volunteer programs and applicable legal restrictions. 	N/A	Promotes legal compliance and

				<i>Presented to the MERC Commission for discussion 8/7/13.</i>		consistency in volunteer management practices across the agency
Whistleblowing	§ 12.2	N/A	<p>ORS 659A.199 – 659A.236 (Oregon Whistleblower Law)</p> <p>ORS 659A.030(1)(f) (prohibiting retaliation for opposing unlawful conduct)</p>	<ul style="list-style-type: none"> • Outlines legal protections for employees who report unlawful or unethical conduct or engage in legal proceedings in good faith. • Provides options for notifying Metro of unlawful or unethical conduct. <p><i>Presented to the MERC Commission for discussion 8/7/13. Edited to add reference to Ethics law as suggested by Commissioner Dozono.</i></p>	Limits risk	Promotes legal compliance

EXHIBIT B TO RESOLUTION No. 13-23: personnel policies



Metro | *Policies and procedures*

Subject Alternative Duty Leave
Section Human Resources
Approved by

DRAFT
For MERC
Commission
vote
9.4.13

POLICY

In compliance with Oregon law, Metro provides at least two years of unpaid leave for volunteering with the Peace Corps and other approved federal volunteer programs; up to 15 work days of unpaid leave per 12-month period for certified Red Cross disaster services volunteers; and up to five work days of paid leave for participating in search and rescue operations at the request of law enforcement or certain government agencies.

Applicable to

Leave for Peace Corps and other approved federal volunteer programs: Full-time, regular status employees.

Red Cross Leave and Search and Rescue Leave: All full-time and part-time employees.

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

Guidelines

1. A full-time, regular status employee who serves as a volunteer in the Peace Corps or other federal volunteer program approved by the Department Director and C.O.O. will be granted at least two years of leave during the service period. An employee may draw on any type of accrued paid time off other than sick leave; otherwise, the leave will be unpaid.
2. An employee who is a certified disaster services volunteer of the American Red Cross may receive up to 15 work days of leave in any 12-month period to participate in disaster relief services in the State of Oregon. An employee may draw on any type of accrued paid time off other than sick leave; otherwise, the leave will be unpaid.
3. An employee who takes part in a search or rescue operation at the request of any law enforcement agency, the Department of Transportation, the United States Forest Service or any local organization for civil defense will be provided up to five work days of paid leave. Paid leave will be in addition to any accrued paid time off.
4. Employees who would like a leave of absence for volunteer work not specifically covered by this policy may be eligible for leave under Metro's Leave Without Pay policy. Such requests will be evaluated under the terms of that policy.

Procedures

Leave for Peace Corps and other qualifying federal volunteer programs

1. To request leave for Peace Corps or other federal volunteer service, an employee must provide a copy of his or her Peace Corps or other appointment documents to his or her supervisor upon receipt. Employees are encouraged to communicate their intention to apply for volunteer service and the anticipated dates of service as soon as possible to allow for appropriate planning.
2. Upon expiration of the leave, the employee will be reinstated to the position held before the leave was granted unless the position has been eliminated for reasons unrelated to the employee's leave of absence.
 - a. The employee will receive the same salary as prior to leave unless the applicable pay range has changed during the employee's absence, in which case the employee's salary will be adjusted accordingly.
 - b. The employee will have the same leave accrual rate and other seniority rights he or she had before beginning leave.
3. Employees on leave for Peace Corps service must return to work within 90 days of their separation of service. Employees who do not return to work within this time period will be deemed to have separated from employment. Returning employees are required to notify Metro of their intent to return to work at least 30 days before their anticipated return date so that Metro can make the necessary arrangements.

Red Cross Disaster Relief Services Leave

4. A disaster relief volunteer must notify his or her supervisor as soon as possible in accordance with the applicable work rules for unanticipated absences.
5. To be eligible for leave under this policy, the employee must be a certified disaster services volunteer of the American Red Cross. The disaster relief must take place in the state of Oregon.
6. The employee must provide documentation of Red Cross certification as soon as possible to confirm leave eligibility.
7. Leave will be excused for up to 15 work days total in any rolling 12-month period. If the employee's participation is requested for only a partial day, the employee is not required to return to work for the remainder of his or her shift.
8. If an employee wishes to take part in a disaster relief operation that is not covered by this policy or that continues beyond 15 work days, he or she should request time off following regular attendance policies or apply for unpaid leave under Metro's Leave Without Pay policy.

Search and rescue leave

9. An employee who receives a request for participation in a search and rescue operation must notify his or her supervisor as soon as possible in accordance with the applicable work rules for unanticipated absences.
10. The employee must provide documentation of the request from law enforcement or another agency specified in this policy as soon as possible to confirm leave eligibility.

11. Leave will be excused and paid for the period of time for which the employee's participation is requested by the applicable agency, up to a maximum of five days. If the employee's participation is requested for only a partial day, the employee is not required to return to work for the remainder of his or her shift, and will be paid for the entire day.
12. If an employee wishes to take part in search and rescue operation that is not at the request of law enforcement or another applicable agency, or that continues beyond five days, he or she should request time off following regular attendance policies or apply for unpaid leave under Metro's Leave Without Pay policy.

Responsibilities

Employee:

- Notify your supervisor as soon as possible of the need for leave.
- Give your supervisor the required documentation as soon as possible.
- Keep your supervisor informed of any changes to your anticipated return date.
- Request and code leave time consistent with this policy and regular timekeeping procedures.
- Contact Human Resources if you have questions about your eligibility for leave under this policy or any other concerns related to taking leave.

Supervisor:

- Coordinate with the Department Director as needed to ensure that operational needs are met while the employee is on leave.
- Notify Human Resources of requests for leave under this policy.
- Ensure that the leave request is processed and coded appropriately.

Human Resources Department:

- Advise supervisors and employees on leave procedures as needed.


References

ORS 652.250; ORS 404.200 (Search and Rescue Leave)

ORS 401.378 (Red Cross Disaster Relief Services Leave)

ORS 236.040 (Peace Corps Leave)

Leave Without Pay policy

 Metro | Policies and procedures

Subject Charitable Solicitation
Section Human Resources
Approved by

DRAFT
For MERC
Commission
vote
9.4.13

POLICY

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

Applicable to

All employees.

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

Definitions

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

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

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

Guidelines

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

Procedures

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

Responsibilities

Employees:

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

Supervisors, Managers and Department Directors:

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

Chief Operating Officer:

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

References

Metro Code § 2.02.250

Metro Committees policy ORS 260.432 Solicitation



Metro | *Policies and procedures*

Subject Employee Records: Personnel Files and Medical Files
Section Human Resources
Approved by

DRAFT
For MERC
Commission
vote
9.4.13

POLICY

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

Applicable to

All Metro employees.

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

Definitions

Medical Records: All records containing individually identifiable information about an employee or family member's health or medical history.

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

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

1. Examples include:
 - a. Job applications, résumés, and cover letters;
 - b. Reference checks;
 - c. Performance evaluations;
 - d. Records of promotions, transfers, and demotions;

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

Guidelines

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

Procedures

File Maintenance

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

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

Viewing and Copying Personnel Records and Medical Records

7. **Employees:** Employees may view their personnel files and medical files in the HR Department office during regular business hours.
 - a. Employees are encouraged to make appointments in advance to ensure that HR staff will be available.
 - b. Employees will be given copies of material in their personnel files and medical files upon request. Metro will certify that the copies provided are true and correct copies of the originals.
 - c. Employees who are unable to come to the HR Department in person may call the department to make other arrangements.
 - d. An employee may provide written authorization to allow another person (such as a union representative) to view or obtain copies of his or her personnel file or medical file.
8. **Managers:** A manager may access an employee's personnel file or medical file only if there is a job-related reason to do so. Before viewing the file, the manager must sign a statement identifying the job-related purpose of the request and acknowledging confidentiality requirements. This statement will be reviewed by HR and considered prior to a decision regarding access.
9. **Former employees:** Following separation from employment, Metro will provide a former employee with a certified copy of his or her existing personnel records or medical records within 45 days of a written request from the employee or his or her authorized representative.

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

Responsibilities

Employees:

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

Supervisors and managers:

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

Human Resources Department:


- Maintain employees' official personnel file and medical file in accordance with this policy and applicable legal and contractual requirements.
- Oversee the inspection and copying of personnel records.

References

ORS 652.750 (personnel records)

ORS 192.001 *et seq.* (public records)

Metro Records Retention Schedule

 Metro | *Policies and procedures*

Subject Information Technology: Acceptable Use
Section Information Services; Human Resources
Approved by

DRAFT
For MERC
Commission
vote
9.4.13

POLICY

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

Applicable to

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

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

Definitions

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

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

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

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

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

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

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

Guidelines

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

Procedures

General security protocols

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

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

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

Restriction of personal use of Metro technology assets

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

sell or persuade for or against commercial ventures, products, religious or political causes, or outside organizations.

Prohibited uses

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

Additional legal requirements

21. All information created on or stored within Metro's applications, systems, devices and networks, whether on or off-premises, is the sole property of Metro and subject to its sole control, except as required by contract. In addition, all Metro documents, communications and work products are the sole property of Metro, regardless of whether the information is stored, accessed or transmitted via Metro-owned or personally owned devices such as computers, tablets, and cell phones.
 - a. No part of Metro agency systems or information is or may become the private property of any system user.
 - b. Metro owns all legal rights to control, transfer, or use all or any part or product of its systems.
 - c. Metro is under no obligation to store or forward the contents of an individual's email inbox, outbox or contact list either during or after their employment.

22. Use of Metro information systems must comply with copyrights, licenses, contracts, intellectual property rights and laws associated with data, software programs and other materials made available through those systems.
23. Users must comply with Metro's records retention policies.

Responsibilities

Employees:

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

Supervisors:

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

Department directors:

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

Information Services:

- Implement firewall, anti-virus, role provisioning, password controls, web surfing and Email filtering mechanisms, ensure their maintenance, and monitor logs and reports for system performance and compliance.
- Report policy violations to the Human Resources Department and/or supervisory staff as appropriate.
- Create hardware and software standards with the help of a technical standards committee and publish hardware and software standards on at least an annual basis.


- Review policy annually to determine applicability. Publicize new guidance on the intramet and by email.
- Update filters by employee or group to include items required as part of the job when directed by a manager.

Human Resources Department:

- Alert Information Services of policy violations when appropriate.

Related References

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

 Metro | Policies and procedures

Subject Internships
Section Human Resources
Approved by

DRAFT
For MERC
Commission
vote
9.4.13

POLICY

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

Applicable to

All departments.

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

Definitions

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

Guidelines

1. Metro departments may offer internships for students and/or other members of the public. Internships must provide educational experiences to the intern, and may be paid or unpaid.
2. Paid interns are employees of Metro and are subject to all applicable Metro personnel policies, work rules and procedures.
3. Unpaid interns are volunteers and are not employees of Metro. Unpaid interns are subject to Metro's personnel policies only where noted in the policies or otherwise provided by law. Unpaid interns may also be required to follow department procedures applicable to their work.
4. Interns are expected to meet the performance and conduct standards applicable to the internship opportunity and to fulfill their agreed commitments.

Procedures

1. A department may offer internship opportunities at the discretion of the Department Director.

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

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

Responsibilities

Supervisors and Managers:

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

Human Resources Department:


- Advise staff and interns on policies as needed.
- Conduct appropriate background checks on potential interns.
- Evaluate practices for consistency with the values and goals of the Metro Diversity Action Plan and advise hiring managers accordingly.
- Provide Equal Employment Opportunity disclosure and track demographics and other data as outlined in the Diversity Action Plan.

Interns:

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

References

Criminal Background Check policy
Discrimination and Harassment policy
Driving and Vehicle Use policy
Information Technology: Acceptable Use policy
Volunteers policy
Whistleblowing policy
Workplace Violence policy
Fair Labor Standards Act

 Metro | Policies and procedures

Subject Job Sharing
Section Human Resources
Approved by

DRAFT
For MERC
Commission
vote
9.4.13

POLICY

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

Applicable to

All employees.

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

Definitions

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

Guidelines

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

Procedures

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

Responsibilities

Employees:

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

Supervisors:


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

Department Director:

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

Human Resources:

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

 Metro | *Policies and procedures*

Subject Metro Committees
Section Human Resources
Approved by

DRAFT
For MERC
Commission
vote
9.4.13

POLICY

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

Applicable to

All Metro employees who are members of ongoing internal committees.

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

Guidelines

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

Procedures

Committee bylaws

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

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

Employee participation

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

Fundraising and cash handling

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

Responsibilities

Employees:

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

Supervisors and Managers:

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

Human Resources Department:

- Maintain copies of committee bylaws.

Committee Members

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

Attachments

Appendix A – Metro Committee Cash Handling Procedures

Appendix B – Template for Committee Bylaws

Appendix A
Metro committee cash handling procedures

Accepting Checks

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

Accepting Cash

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

Depositing Cash

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

Reconciling the Bank Account

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

No credit cards can be accepted for fundraisers.

Appendix B

(NAME) BYLAWS¹

Adopted (Date)

Revised (Date)

ARTICLE I NAME

The Committee shall be known as the (Name).

ARTICLE II MISSION

ARTICLE III AUTHORITY

Level of authority (advisory or decision-making body)

ARTICLE IV MEMBERSHIP

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

ARTICLE V OFFICERS

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

ARTICLE VI GOVERNANCE

- Section 1: Annual work plan and reporting²
- Section 2: Budget development, tracking and reporting
- Section 3: Decision-making process
- Section 4: Quorum
- Section 5: Manner of Voting
- Section 6: Amendment of bylaws

ARTICLE VII MEETINGS


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

SIGNATURES/DATE

Committee Chairperson: _____ Date: _____
Department Director: _____ Date: _____
Deputy COO or Designee: _____ Date: _____

¹ See Metro Committees policy

² Annual report of progress due to Deputy COO or designee

 Metro | *Policies and procedures*

Subject Modified Duty for Non-Occupational Medical Conditions
Section Human Resources; Finance and Regulatory Services (Risk)
Approved by

DRAFT
For MERC
Commission
vote
9.4.13

POLICY

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

Applicable to

All employees.

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

Guidelines

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

Procedures

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

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

Responsibilities

Employees:

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

Supervisors and Managers:

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

Human Resources Department:


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

References

Americans with Disabilities Act Policy

Family and Medical Leave Policy

Leave without Pay policy

 Metro | *Policies and procedures*

Subject Performance Management
Section Human Resources
Approved by

DRAFT
For MERC
Commission
vote
9.4.13

POLICY

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

Applicable to

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

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

Definitions

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

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

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

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

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

Guidelines

1. Performance management is an ongoing process that includes planning, feedback and coaching, and review.

2. Performance evaluations are conducted at the end of each probationary or annual performance cycle in order to summarize accomplishments and areas for development and to set goals for the upcoming performance cycle.

Procedures

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

Responsibilities

Employees:

- Ask your supervisor for clarification or feedback if you are unsure of performance expectations.
- Actively engage in the process, including goal-setting and self-evaluation.

Supervisors and Managers:


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

Human Resources Department:

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

References

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

 Metro | *Policies and procedures*

Subject Pregnancy Transfer and Leave
Section Human Resources; Finance and Regulatory Services (Risk)
Approved by

DRAFT
For MERC
Commission
vote
9.4.13

POLICY

Metro may provide modified duty, a temporary transfer, or a leave of absence for a pregnant employee who is unable to perform any or all job duties without undue risk to the health and safety of the employee or the pregnancy.

Applicable to

All employees who are or may become pregnant.

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

Guidelines

1. Metro may provide modified duty, a temporary transfer, or a leave of absence for a pregnant employee who is unable to perform any or all job duties without undue risk to the health and safety of the employee or the pregnancy.
 - a. Metro will grant a leave of absence only if modified duty and temporary transfer are not feasible within the terms of this policy, except that if necessary an eligible employee may be granted leave pending consideration of modified duty and transfer options.
2. This policy is intended to address situations that do not meet the legal requirements for coverage under the Americans with Disabilities Act (ADA), Oregon Family Leave Act (OFLA), Family and Medical Leave Act (FMLA). Pregnant employees may have additional options for extended modified duty, transfer, or leave under those laws or other Metro policies. Employees should consult the applicable Metro policies and contact the HR Department for more information as needed.

Procedures

1. To request modified duty, employees must provide their supervisor or the HR Department with written medical restrictions from their health care provider.
 - a. Supervisors must forward this information to HR immediately.

- b. Employees who work around chemicals may find it helpful to ask their health care provider to review copies of the Material Safety Data Sheets (MSDS) for their work area. Supervisors will ensure that MSDS sheets are available to employees.
 - c. If more information is needed to clarify the restrictions or evaluate the suitability of possible transfer options, the HR Department may request that the employee provide additional information before a decision is made on the employee's request. With the employee's consent, the HR Benefits Manager may request follow-up information directly from the employee's health care provider.
 - d. Employees are not required to meet eligibility requirements under the ADA, OFLA or FMLA to qualify for modified duty, transfer or leave under this policy.
 - e. Metro will not assume a pregnant employee is unable to perform regular duties without a request by the employee.
 - f. The employee must meet all the attendance, conduct, and performance expectations for the modified duty or transfer position.
2. A temporary transfer will be provided only if:
- a. It is not feasible to modify the duties of the employee's current position;
 - b. There is an available position for which the employee is qualified;
 - c. The duties in the temporary position are consistent with the employee's medical restrictions; and
 - d. The transfer does not create a hardship to Metro's operations.
3. Metro may remove an employee from a modified duty or transfer assignment for any of the following reasons:
- a. The employee's medical restrictions are lifted or change substantially such that the modified duty or transfer assignment is no longer appropriate;
 - b. The transfer assignment is needed for an employee with a disability that requires accommodation or for an employee with on-the-job injury covered by the Workers' Compensation system;
 - c. The employee is unable or unwilling to meet the attendance, performance and conduct expectations for the modified duty or transfer assignment; or
 - d. Continuation of the modified duty or transfer assignment will create a hardship to Metro's operations.
4. If modified duty or temporary transfer is not feasible, Metro will provide a leave of absence unless it would create a hardship to Metro's operations.
- a. A leave of absence for pregnancy will be paid from accrued paid time off. Once accrued paid time off is exhausted, leave will be unpaid.
 - b. If the employee is benefits-eligible, benefits will be continued for as long as the employee's leave is paid by accruals. For unpaid leave, benefits will continue through the last day of the month following the month in which unpaid leave begins. After that date, leave will be without benefits unless the employee elects to continue benefits at the employee's own expense.
 - i. If the leave is covered by OFLA/FMLA, benefits will continue as described in that policy.
 - c. Leave will be excused for as long as the employee is unable to perform any suitable and available positions due to pregnancy-related medical restrictions.

- d. Leave granted under this policy will not be counted against the employee's attendance record for purposes of discipline or performance evaluations.
5. The position of an employee who has been transferred or is on leave may be filled on a temporary basis or kept vacant until the employee is reinstated.
6. An employee whose medical restrictions change or are lifted must notify the supervisor and submit a copy of the release or revised restrictions to the HR Department by the employee's next scheduled work shift or within three business days, whichever comes first.
7. Metro will reinstate an employee to their regular position prior within ten business days of receiving a medical release indicating that the employee is able to perform all the duties of that position, unless the position has been eliminated or the employee is no longer eligible for the position for reasons unrelated to the pregnancy transfer or leave.
 - a. In the event that the employee's regular position is eliminated, the employee will be subject to layoff consistent with applicable policy and contract provisions.

Responsibilities

Employees:

- Submit a request for modified duty, transfer or leave to your supervisor or the HR Department along with appropriate medical documentation.
- Fulfill the performance and conduct expectations for a modified duty or transfer assignment. Consult with your supervisor if guidance is needed.
- If your restrictions are lifted or changed, give a copy of the release or new restrictions to your supervisor by your next scheduled work shift or within three business days, whichever comes first.
- If you are unable to return to your regular position at the end of your modified duty assignment, consult Metro policies and/or contact the HR Department to explore any other options you may have for modified duty or a leave of absence.
- Request and code leave time consistent with this policy and regular timekeeping procedures.

Supervisors and Managers:

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

Human Resources Department:

- Maintain all medical information in the employee's confidential medical file in accordance with legal requirements.
- Notify the Department Director upon receipt of a request for modified duty, transfer or leave under this policy.
- Provide advice on options for modified duty, temporary transfer and leave as needed.

References

Americans with Disabilities Act Policy

Family and Medical Leave Policy

Leave without Pay policy



Metro | *Policies and procedures*

Subject Resignation and Retirement
Section Human Resources
Approved by

DRAFT
For MERC
Commission
vote
9.4.13

POLICY

This policy outlines procedures and responsibilities in the event of resignation or retirement.

Applicable to

All employees.

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

Procedures

1. Metro requests that employees provide a minimum of 14 calendar days' notice of resignation or retirement unless there is a contract or other agreement specifying a different timeframe.
2. Notice of resignation or retirement may be provided verbally or in writing to an employee's supervisor or manager.
3. After receiving notice of resignation or retirement, the supervisor must:
 - a. Immediately notify the Payroll Division via the Kronos Help Desk in order to ensure timely processing of the employee's final paycheck. Please see Metro's Payroll Policy for more information on final paychecks.
 - b. Forward an employee's resignation notice (if any) to the HR Department as soon as possible. If notice of resignation or retirement is given verbally, the supervisor must email the Human Resources (HR) Department to confirm the date and circumstances of the notice and the proposed effective date of the resignation or retirement.
 - c. Complete all applicable close-out procedures listed on the Departing Employee Checklist, available from the HR Department.

4. The effective date of resignation or retirement should ordinarily be the last date the employee is present at work and not extended by leave time or holidays. The HR Department may approve an exception to this rule in unusual circumstances, such as when an employee on leave is unable to return.
5. If an employee who has given notice of resignation or retirement seeks to rescind the notice, the decision whether to accept the rescission is at the discretion of the Department Director based on business need.
6. The HR Department will invite the employee to complete an exit interview or take similar steps to understand the employee's reasons for resigning. Employees are welcome to contact HR to request an exit interview.
7. Employees must return their employee identification cards and all other Metro property, including keys, uniforms, purchasing cards, tools and equipment, by the end of their last day of employment.
8. If contacted for an employment reference, Metro will provide the employee's dates of employment, positions held, and salary history. Metro may agree to provide additional information if requested by the employee.

Responsibilities

Employees:


- Provide 14 calendar days' notice of resignation if possible.
- Turn in your identification card and all other Metro property by the end of your last day of work.
- Contact the HR Department with any questions relating to benefits.

Supervisors:

- Notify the Payroll Division via the Kronos Help Desk and the HR Department upon receipt of a notice of resignation.
- Complete applicable close-out procedures listed on the Departing Employee Checklist.
- Limit employment references to the information specified in this policy, or direct inquires to the HR Department.

Human Resources Department:

- Process separation in applicable HR systems.
- Payroll Division: process employee's final check.
- Provide relevant benefits information.
- Conduct exit interview if requested or otherwise appropriate.

 Metro | Policies and procedures

Subject Volunteers
Section Human Resources
Approved by

DRAFT
For MERC
Commission
vote
9.4.13

POLICY

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

Applicable to

All departments.

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

Definitions

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

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

Guidelines

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

Procedures

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

Responsibilities

Volunteer Coordinators, Supervisors and Managers:

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

Human Resources Department:

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

Volunteers:

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

References


Criminal Background Check policy

Discrimination and Harassment policy

Driving and Vehicle Use policy

Information Technology: Acceptable Use policy

Workplace Violence policy

 Metro | *Policies and procedures*

Subject Whistleblowing (Reporting Improper Conduct)
Section Human Resources
Approved by

DRAFT
For MERC
Commission
vote
9.4.13

POLICY

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

Applicable to

All employees and contractors performing services for Metro.

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

Definitions

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

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

Good faith: A sincere belief or motive.

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

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

Guidelines

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

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

Procedures

Reporting improper or unlawful conduct:

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

Initiating or Aiding Administrative, Criminal or Civil Proceedings

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

- d. Opposed harassment, discrimination, or other conduct prohibited by civil rights laws;
- e. Discussed, inquired about, or brought a claim for unpaid wages.

Legislative Testimony

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

Whistleblowing in general

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

Responsibilities

Employee:

- Report illegal and unethical conduct by notifying a Metro manager, the Human Resources Department or the Office of Metro Attorney, or by using Metro's Ethics Line.
- Notify a Metro manager, the Human Resources Department, or the Office of Metro Attorney if you observe or become aware of any conduct that may constitute discrimination, harassment or retaliation for protected activity under this policy.

Supervisor/Manager/Department Director:

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

Human Resources Department:

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

References

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

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

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

[ORS chapter 244 \(Oregon Government Ethics Law\)](#)

[OAR chapter 199 \(Oregon Government Ethics Commission Administrative Rules\)](#)

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

Metro Ethics Employee Q&A (on Intranet)

MERC STAFF REPORT

Agenda Item/Issue: For the purpose of adopting changes to the MERC Personnel Policies.

Resolution No. 13-23

Presented by: Antoinette Gasbarre, Metro HR Manager
Betsy Tripi, Metro HR Analyst

Date: September 4, 2013

Background and Analysis:

The MERC Commission last approved a complete personnel policy manual for venues staff in August 2007. Beginning in 2011, Metro's Human Resources Department began a project to review and update both the MERC policy manual and Metro's policy manual, Executive Order #88, with the goal of developing one set of agency-wide personnel policies and procedures. The policies are being updated and implemented on a rolling basis in an order determined by legal changes and business needs. The 13 policies to be approved under this resolution will be the third batch of new policies to be implemented through this process.

Human Resources staff developed these policies in consultation with department managers, the Office of Metro Attorney, and the Metro Senior Leadership Team. Labor unions representing MERC and Metro staff also had the opportunity to bargain over changes where appropriate. The policies were also presented to the Commission for discussion in September 2012 and August 2013 and edited as noted in Exhibit A.

RESOLUTION:

The resolution seeks the MERC Commission's approval of the following personnel policies:

- Alternative Duty Leave
- Charitable Solicitation
- Employee Records
- Information Technology – Acceptable Use
- Internships
- Job Sharing
- Metro Committees
- Modified Duty for Non-Occupational Conditions
- Performance Management
- Pregnancy Transfer and Leave
- Resignation and Retirement
- Volunteers
- Whistleblowing

LONG RANGE FISCAL IMPACT:

There is no fiscal impact associated with implementation of these policies.

RECOMMENDATION:

Staff recommends approval of Resolution 13-23.