

Metropolitan Exhibition and Recreation Commission

Resolution No. 14-01

For the purpose of adopting a MERC Personnel Policy on Mandatory Reporting of Child Abuse.

**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);

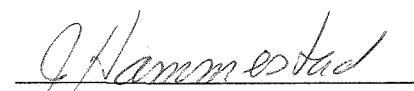
**WHEREAS**, MERC periodically updates the MERC Personnel Policies (the Personnel Policies) in accordance with both legal requirements and agency-wide policies; and


**WHEREAS**, the adoption of a MERC Personnel Policy on Mandatory Reporting of Child Abuse is consistent with changes in Oregon law and Metro policy.

**BE IT THEREFORE RESOLVED:**

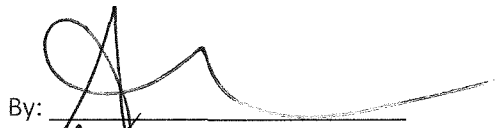
That the Metropolitan Exposition Recreation Commission adopts the changes to the Personnel Policies in a form substantially similar to the attached Exhibit A.

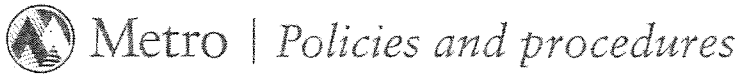
Passed by the Commission on January 8, 2014.

  
Chair

  
Secretary-Treasurer

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

By:   
Nathan S. Sykes, Deputy Metro Attorney



**DRAFT**  
Exhibit A  
For MERC Vote  
1.8.14

**Subject** Mandatory Reporting of Child Abuse  
**Section** Human Resources; Office of Metro Attorney  
**Approved by**

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**POLICY**

*All Metro employees are required to report suspected child abuse to the proper authorities in accordance with Oregon law.*

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**Applicable to**

All employees.

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

**Definitions**

Child: An unmarried person under 18 years of age.

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

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

- g. Buying or selling a person under 18 years of age except legitimate adoptions or domestic relations planning.
- h. Permitting a person under 18 to remain on premises where methamphetamines are being manufactured; and
- i. Unlawful exposure to a controlled substance that subjects a child to a substantial risk of harm to health or safety.
- j. physical injuries that include bruises, cuts, burns, scalds, head injuries, internal injuries, poisoning, electrical shocks, fractures, sprains that are not accidental.
- k. "Abuse" does not include reasonable discipline unless the discipline results in one of the conditions described in a. through j. above.

Mandatory child abuse reporter: A person who is legally required to report suspected child abuse. Under Oregon law, mandatory reporters include employees of "public or private organizations providing child-related services or activities." Because Metro provides child-related activities, all Metro employees are mandatory reporters even if they do not work directly with children.

Law enforcement agency:

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

**Guidelines**

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

**Procedures**

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

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

## **Responsibilities**

### Employee:

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

### Supervisor/Manager/Director:

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

Office of Metro Attorney:

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

Human Resources Department:

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

**References**

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

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

**Attachment**

Frequently Asked Questions: Mandatory Reporting of Child Abuse in Oregon

## MERC STAFF REPORT

**Agenda Item/Issue:** For the purpose of adopting a MERC Personnel Policy on Mandatory Reporting of Child Abuse.

**Resolution No.** 14-01

**Presented by:** Ron Zito, Metro HR Analyst  
Lisa Cohen-Greenfield, OMA

**Date:** January 8, 2014

### **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.

Effective January 1, 2013, the state legislature revised Oregon's Mandatory Child Abuse Reporting law, expanding the definition of who is considered a "mandatory reporter" of child abuse to include any "employee of a public or private organization providing child-related services or activities." Because Metro provides child-related services and activities, OMA and the Metro Human Resources staff are advising that all Metro employees should now consider themselves mandatory child abuse reporters, even if they do not work in an area that directly involves interacting with children.

OMA and HR have recently completed a new policy and supplemental text of Frequently Asked Questions to educate all employees regarding their affirmative duty to report suspected cases of child abuse. This new policy provides employees with working definitions on the topic, guidelines for identification, as well as procedures and methods for reporting. Where appropriate, labor unions representing MERC and Metro staff have been notified of the policy being presented for consideration.

**Resolution:** The resolution seeks the MERC Commission's approval of the following personnel policy:

- Mandatory Reporting of Child Abuse

**Long Range Fiscal Impact:** There is no fiscal impact associated with implementation of this policy.

**Recommendation:** Staff recommends approval of Resolution 14-01 for the purpose of adopting a MERC Personnel Policy on Mandatory Reporting of Child Abuse.