

METROPOLITAN EXPOSITION RECREATION COMMISSION

Resolution No. 12-09

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 A.

Passed by the Commission on May 2, 2012.



Chair



Secretary-Treasurer

Approved As To Form:
Alison Kean Campbell, Metro Attorney

By: 

Nathan A. Schwartz Sykes, Senior Attorney

MERC STAFF REPORT

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

Resolution No. 12-09

Presented by: Mary Rowe, Metro HR Director

Date: May 2, 2012

Background and Analysis:

The MERC Commission last approved a venues policy handbook in August 2007. Since that time, there are new laws, additional regulations, and a need to update the information. Under a directive from the Metro Chief Operating Officer, a review of both the MERC policy handbook and the Metro handbook EO #88 was done to determine where there is policy overlap, best practices language, and the most urgently needed changes. The goal is to provide all Metro employees with one set of personnel policies and procedures that will serve as the primary set of practices for non-represented staff and for represented employees where contract language is silent. Human Resources staff in consultation with department managers, the Office of Metro Attorney, and the Metro Senior Leadership Team has developed these policies.

The new policies will have a rolling implementation; with groups of policies, approved, distributed and implemented in batches. In July of 2011, the MERC Commission approved changes to a group of policies submitted. This departure from the past method of adopting an entire policy handbook allows management to respond promptly and efficiently to changing workplace conditions. It also meets Metro's sustainability goals since most employees will be able to access the information on-line. Printed copies will be available for those employees without internet access.

RESOLUTION:

Attached is a spreadsheet (Exhibit A) that shows the second group of policies submitted for MERC Commission approval.

LONG RANGE FISCAL IMPACT:

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

RECOMMENDATION:

Staff recommends approval of Resolution 12-09.


BATCH #2A POLICY MATRIX

Following is a list of policies that Metro Human Resources has created or recently updated. These proposed policies will supersede corresponding policies in the Metro Employee Handbook (EO #88) and the MERC Personnel Policies Handbook (8/1/07).

Policy	Existing MERC Policy	Existing Metro Policy	Legal Requirement	Policy Summary	Fiscal Impact	Business Impact
Administrative Leave for Exemplary Service	No	Yes E.O. 88 - Administrative Leave, 31 D	No	<ul style="list-style-type: none"> Provides a mechanism to award additional unpaid leave to non-represented, benefits-eligible, overtime-exempt employees who put in a substantial amount of extra work time beyond the expectations for their position. Administrative leave is awarded at supervisor's discretion and is not intended to provide hour-for-hour compensatory time. A maximum of 40 hours of leave may be awarded per fiscal year. 	<ul style="list-style-type: none"> Leave is paid in addition to accruals, but fiscal impact is limited because leave is awarded only at the manager's discretion. 	<ul style="list-style-type: none"> Promotes consistent practices throughout agency. Rewards employees who demonstrate extraordinary dedication.
Crime Victims' Leave to Attend Criminal Proceedings	No	No	Yes ORS 659A.190- 659A.198	<ul style="list-style-type: none"> Allows unpaid leave for victims of certain felonies to attend criminal proceedings as required by Oregon law. To be eligible for leave, employees must have worked an average of 25 hours or more for at least 180 days following the leave. 	<ul style="list-style-type: none"> Minimizes legal liability. Leave is unpaid unless covered by accruals. Effect on staffing will be minor due to the limited purposes for which leave may be taken. 	<ul style="list-style-type: none"> Ensures compliance with state law.
Marketing Rewards and Rebates	No	Yes New - implemented with Batch 1.	No	<ul style="list-style-type: none"> Allows Metro employees to retain marketing rewards and incentives such as frequent flyer miles, hotel rewards, credit card awards, and rebates. 	<ul style="list-style-type: none"> No fiscal impact except to the extent that marketing rewards were previously retained for use by Metro. 	<ul style="list-style-type: none"> Provides clear guidelines for acceptance of marketing rewards. Promotes consistent practices throughout the agency. Provides a benefit to employees with minimal cost to Metro.

Social Media	No	No	<p>In part Public records laws - ORS 192.001 <i>et seq.</i></p> <p>Restrictions on political campaigning by public employees - ORS 260.432</p>	<ul style="list-style-type: none"> • Establishes expectations and procedures for the use of social media at Metro. • Establishes expectations for personal use of social media that may impact the Metro work environment. • Outlines records retention requirements for social media, consistent with public records law. • Legal review and edits since April MERC Commission review: some recommended practices now made mandatory ("should" changed to "must" or "shall") except where Office of Metro Attorney determined that permissive language should be retained for 1st Amendment reasons (use of logos). 	<ul style="list-style-type: none"> • Minimizes legal liability. • No other fiscal impact. 	<ul style="list-style-type: none"> • Promotes consistent practices throughout agency.
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The draft Religious Accommodation policy that was reviewed at the April 4 MERC Commission meeting is not being submitted for a vote at the May meeting in order to allow time for further consideration of the policy language.

 Metro | *Policies and procedures*

DRAFT

Subject Administrative Leave for Exemplary Service
Approved by Martha Bennett, Chief Operating Officer

POLICY

Metro may, in its discretion, award paid leave to non-represented, benefits-eligible, overtime-exempt regular status and limited duration employees who demonstrate extraordinary dedication by working long hours above and beyond the expectations for their position. This policy is comparable to "bonus time" provisions found in some Metro collective bargaining agreements.

Applicable to

All non-represented regular status and limited duration Metro employees who are eligible to receive benefits from Metro but ineligible to receive overtime compensation due to their exempt status under the Fair Labor Standards Act.

If an applicable collective bargaining agreement contains a comparable article such as "bonus time," that article will apply in lieu of this policy.

Guidelines

1. The intent of this policy is to reward employees who put in a substantial amount of work time in excess of regular work hours for a sustained period of time but who are ineligible for overtime compensation.
2. The decision whether to award leave and the length of the leave awarded are at Metro's sole discretion. Exemplary service leave is not intended to compensate employees for extra work on an hour-for-hour basis.
3. The maximum leave that may be awarded under this policy is 40 hours per fiscal year.
4. Leave awards under this policy are in addition to accrued paid leave and will have no effect on accrual rates or maximum accrual limits for other types of leave.
5. Metro's fiscal year runs from July 1 – June 30. Leave time must be used within the fiscal year in which it is awarded, with the exception of leave time awarded during the month of June, which may be carried over to the following fiscal year. Leave time that is not used within the applicable fiscal year will be forfeited. Leave awarded in June must be used by June 30 of the following fiscal year.
6. Employees will not receive monetary payment for any unused leave awarded under this policy.

Procedures

1. An award of leave must be approved by the Department Director. A supervisor who wishes to award administrative leave for exemplary service to an employee will coordinate with the

Department Director. Leave will be granted to a Department Director only with the approval of the General Manager, Chief Operating Officer (C.O.O.) or designee.

2. Once approval is confirmed, the Department Director, General Manager, C.O.O or designee must notify the Payroll Division.
3. The Payroll Division will establish an administrative leave bank for the employee by entering the hours into the timekeeping system, and will confirm with the supervisor and Department Director when this process has been completed.
4. The supervisor will notify the employee of leave awarded under this policy.
5. Employees who have been awarded leave should follow regular procedures for requesting to use accrued leave. Employees may use leave under this policy only after receiving notification that the Payroll Division has established an administrative leave bank.

Responsibilities

Employee:

- After receiving an award of leave, follow regular procedures for requesting and coding use of leave.

Supervisor:

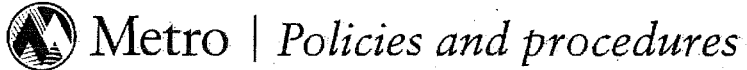
- Coordinate with the Department Director to award leave under this policy.
- Notify the employee that leave has been awarded.

Department Director, C.O.O. or designee:

- Approve leave awards and notify the Payroll Division.

Human Resources Department Payroll Division:

- Establish a leave bank and notify the supervisor and Department Director that leave has been awarded.



DRAFT

Subject Crime Victims' Leave to Attend Criminal Proceedings
Approved by Martha Bennett, Chief Operating Officer

POLICY

Metro provides excused leave from work for crime victims to attend criminal proceedings as required by Oregon law.

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

Crime Victim: An employee who has suffered financial, social, psychological or physical harm as the result of a "person felony," as defined in the rules of the Oregon Criminal Justice Commission (OAR 213-003-0001(14)), or who is the immediate family member of a person who meets these criteria.

Criminal Proceeding: Any proceeding that constitutes a part of a criminal action or occurs in court in connection with a prospective, pending or completed criminal action, including juvenile proceedings or any other proceeding at which a crime victim has a right to be present arising from his or her status as a victim.

Eligible Employee: An employee who meets the above definition of crime victim, and who has worked an average of 25 hours or more for at least 180 days immediately preceding the date leave begins.

Qualifying Family Member: The employee's spouse, domestic partner, father, mother, sibling, child, stepchild or grandparent.

Undue hardship: A significant difficulty or expense, determined on a case-by-case basis.

Guidelines

1. An eligible employee who is a crime victim or a crime victim's immediate family member as defined above will be granted leave from employment to attend a criminal proceeding related to the crime, unless the employee's absence would result in an undue hardship to Metro's operations.
2. Leave taken under this policy must be paid from accrued paid leave time. Once paid leave accruals are exhausted, approved leave will be unpaid.

3. Leave taken under this policy will not deplete the employee's leave entitlement under the Family and Medical Leave Act (FMLA) or the Oregon Family Leave Act (OFLA). An employee may still be eligible for FMLA or OFLA for a serious health condition related to the crime, or for other qualifying purposes under those laws.
4. Crime victims who are victims of domestic violence, sexual assault, harassment or stalking may be entitled to additional protections. See Metro's Domestic Violence, Sexual Assault, Harassment and Stalking policy or contact the Human Resources Department for more information.

Procedures

1. Eligible employees must give reasonable notice to their supervisor and/or the HR Department of the intention to take leave. To verify the need for leave, the employee must provide the HR Department with a copy of the notice of scheduled criminal proceedings received from a court, district attorney, or law enforcement agency.
 - a. Employees shall request leave by submitting a Leave Request Form and verification documents to Human Resources (HR) 30 days before the date leave is to begin. If the employee receives notice of a criminal proceeding that will occur fewer than 30 days from the date notice is received, the employee will request leave and submit verification documents to HR as soon as practicable after receiving notice.
 - b. If the employee receives notice that a criminal proceeding will occur within 48 hours of the date notice is received, the initial request for leave may be verbal or written, and may be directed to the employee's supervisor, Department Director, or the HR Department. The employee must submit a completed Leave Request Form and appropriate verification to HR immediately upon return to duty.
 - c. Employees are not required to disclose to their supervisors the nature of the underlying crime or criminal proceedings. The HR Department will inform the supervisor of the need for leave and the leave approval designation but will maintain the confidentiality of the underlying details and the documents provided for verification in accordance with applicable law. The HR Department, supervisor, and other managers may confer about staffing needs and any operational hardships related to the absence,
 - d. The HR Department will notify the employee whether the leave is approved.
2. The maximum length of leave ordinarily will be the duration of the criminal proceeding. Metro may deny the leave request or limit leave to a shorter period only if the employee's absence would result in an undue hardship to Metro's operations.
 - a. Supervisors and Department Directors should notify the Human Resources Department immediately if they believe the employee's absence would create an undue hardship.
 - b. The HR Department, in consultation with the Department Director and Office of Metro Attorney, will make the decision whether to limit or deny leave based on undue hardship.
3. An employee on crime victims' leave must keep his or her supervisor informed of any changes to his or her anticipated return date and time. If the duration of leave is not known at the outset, the employee should follow regular call-in procedures.
4. The use of leave under this policy will not be held against the employee when evaluating the employee's attendance.
5. Metro will maintain the confidentiality of all records related to leave taken under this policy.

Responsibilities

Employee:

- Provide reasonable notice of the intention to take leave following the procedures outlined above.
- Provide a copy of the notice of scheduled criminal proceedings received from a court, district attorney, or law enforcement agency.
- Keep your supervisor informed of any changes to your anticipated return date and/or follow regular call-in procedures while on leave.
- If you experience any adverse employment action or negative treatment as a result of taking leave under this policy, report it following the procedures outlined in Metro's Discrimination and Harassment Policy.

Supervisor:

- Immediately notify the HR Benefits Manager of any requests for leave under this policy.
- Maintain the confidentiality of all records related to leave taken under this policy. Send any verification documents received from the employee to Human Resources without keeping a copy.

Department Director:

- Immediately notify the HR Benefits Manager of any requests for leave under this policy.
- Maintain the confidentiality of all records related to leave taken under this policy. Send any verification documents received from the employee to HR without keeping a copy.

Human Resources Department:

- Notify the supervisor of any requests for leave under this policy and provide guidance and information to the supervisor and Department Director as needed.
- Track leave requests, verification of the need for leave, and the use of paid and unpaid leave following usual procedures.
- Maintain the confidentiality of all records related to leave taken under this policy.

References


ORS 659A.190 – ORS 659A.198 (Crime Victims' Leave statute)

OAR 213-003-0001(14) (definition of "person felony")

Metro Domestic Violence, Sexual Assault, Harassment and Stalking Policy

Metro Family and Medical Leave Policy

Metro Discrimination and Harassment Policy

 Metro | *Policies and procedures*

Subject Marketing Rewards and Rebates Policy
Approved by Martha Bennett, Chief Operating Officer

DRAFT

POLICY

Metro recognizes that employees are often presented with marketing rewards and incentives, including frequent flyer miles, hotel rewards, and credit card rewards and rebates, in the course and scope of their work. Consistent with state law, Metro will allow employees to retain these rewards as an ordinary employment benefit.

Applicable to

All employees.

Definitions

Ordinary fringe benefit: An employment benefit given in addition to one's wages or salary.

Marketing rewards: Marketing programs are designed to enhance brand loyalty by cultivating an ongoing relationship between a marketer and a customer. Many loyalty programs reward purchases based on the dollar value of purchases made or the frequency of purchases. The most well-known loyalty programs are airline frequent flyer programs that offer discounts against future travel called award miles.

Guidelines

As an ordinary fringe benefit of employment, all Metro employees are entitled to retain marketing rewards received in the course and scope of work, including but not limited to, frequent flier airline miles, hotel rewards, and credit card rewards and rebates. Since such rewards are non-transferable and can only be used for an employee's personal use, Metro will not track the retention and use of these rewards. As indicated above, marketing rewards include frequent flyer airline miles, hotel rewards, and credit card rewards and rebates. All rewards must be appropriately associated with travel or other business-related expenses as specified in Metro Executive Order 63 and MERC Personnel Policies 12.10.

Responsibilities

Employee:

- Direct any questions to your supervisor, department director, or the Human Resources Benefits Manager regarding whether a particular marketing reward is being received through the course and scope of work and/or can properly be retained.

Supervisor:

- Familiarize yourself with this policy and respond to employee questions regarding coverage.

- Direct any questions that you cannot answer to the department director or the Human Resources Benefits Manager.

Department Director:

- Familiarize yourself with this policy and respond to employee questions regarding coverage.
- Direct any questions that you cannot answer to the Human Resources Benefits Manager.

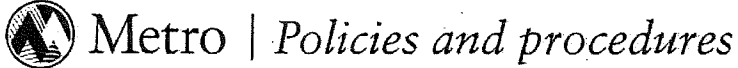
Human Resources:

- Provide education regarding this policy.
- Answer employee, supervisor, and/or department director questions regarding the policy's applicability to particular situations.

References

Metro Executive Order 63

MERC Personnel Policies 12.10



DRAFT

Subject Social Media Policy
Approved by Martha Bennett, Chief Operating Officer

POLICY

Metro recognizes the value of social media in connecting with the citizens of the Metro region. Metro finds social media to be a valuable tool to further the goals of the Metro Compass. This policy establishes expectations for employee use of social media. Metro has an overriding interest in what is "spoken" on behalf of Metro on social media sites.

Applicable to

All employees.

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

Definitions

Social Media: Primarily internet and mobile-based tools for sharing and discussing information. The term most often refers to activities that integrate technology and social interaction. Examples include but are not limited to:

- a. Weblogs: blogs, vlogs, microblogs
- b. Wikis
- c. Social bookmarking
- d. Social networking
- e. Podcasts
- f. Videos

Social Media Site: A website that leverages social media tools for its visitors. Examples include but are not limited to:

- a. Facebook
- b. Twitter
- c. LinkedIn
- d. YouTube
- e. MySpace
- f. Flickr
- g. Wikipedia

Moderator: A Metro employee authorized to moderate public comments on a Metro social media account.

User: A Metro employee authorized to post or publish to a Metro social media account.

Public Record: As defined by Oregon Revised Statutes (ORS) 192.005(5), a public record is "a document, book, paper, photograph, file, sound recording or machine-readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use."

Guidelines

1. All Metro social media users and moderators shall comply with this policy and the laws cited herein as well as the Metro Charter, Code and other applicable policies. Applicable policies include but are not limited to the Metro Email/Voicemail Policy, Network Access Policy, Restrictions on Political Campaigning by Public Employees, Discrimination and Harassment Policy, and the Code of Ethics.
2. Metro employees using social media for personal use outside of work are cautioned not to give the false impression that they are speaking on behalf of Metro.
 - a. Employees are discouraged from using Metro's logo, venue logos or other Metro branding on personal websites, and shall avoid using Metro-generated content in a way that may lead a reader to believe they are viewing Metro's official website.
 - b. Employees who are known by the public to be Metro employees are encouraged to include a disclaimer on their personal social media accounts stating that the opinions and posts contained there are personal and are not endorsed by Metro.
 - c. The intent of this policy is to avoid misleading the public. Employees are not restricted from speaking as private citizens on matters of public concern.
3. Metro employees using social media shall have no expectation of privacy for any data posted during work time or while using Metro equipment.
4. Metro employees using social media for personal use outside of work may be subject to discipline for posts on personal blogs, profiles, and other social media accounts that are related to Metro and adversely impact the Metro work environment.
 - a. Examples of social media conduct for which an employee may be disciplined include disclosing confidential information or threatening, harassing, or violating the privacy of others at Metro.
 - b. Employees will not be disciplined for concerted union activity or other legally protected speech.

Procedures

Using Metro's Social Media Channels

1. A department or venue may enter into an agreement with a social media site to create a forum for interacting with the public when there is a proven need to do so and staff capacity to regularly update and moderate the online conversation.
2. To request permission for access to a social media site, employees must fill out the attached Social Media Access Request form and submit it, with supervisor and manager approval, to the Communications Director. If the Communications Director authorizes the Social Media Access Request, social media content management will be formally added to the individual employee's job description.
3. Users must familiarize themselves and comply with all Terms of Use of the social media host site. Each user shall retain a copy of the host's Terms of Use and be alert to any modification to those terms. Departments may establish their own procedures for monitoring changes to host sites' Terms of Use.
4. Whenever possible, all Metro social media accounts will display the Metro logo and tag "Making a great place" for consistency and authenticity. Metro has ownership of the Metro logo, which can only be used by Metro for Metro business. Venues that choose to display their own venue logo instead of the Metro logo shall ensure the registration of their trademark logo with the State of Oregon.
5. Users who are authorized to establish or maintain a Metro social media account shall ensure that all public comment capabilities are disabled unless they are essential to the purpose of the social media account. If public comments are enabled, the following steps must be taken:
 - a. If possible, use a "click to agree" disclaimer that includes the Social Media Terms of Use, Prohibited Content and Disclaimer statement.
 - b. If there is no "click to agree" function available, the Social Media Terms of Use, Prohibited Content and Disclaimer statement must be posted in a conspicuous location on the profile or information page for the social media site.
 - c. If the formatting of the social media site cannot accommodate the full text of the Social Media Terms of Use, Prohibited Content and Disclaimer statement in a prominent location on the account, the user must include a hyperlink to the full disclaimer in a prominent location on the site.
6. Each Metro social media account shall prominently post one of the two following Terms of Use, Prohibited Content and Disclaimer statements:

Metro - Social Media Terms of Use, Prohibited Content and Disclaimer

We welcome you and your comments to Metro's [Social Media account type]. The purpose of this site is to [mission / purpose of page]. We encourage you to submit your questions, comments, and concerns, but please note this is a moderated online discussion site and is not a public forum.

Metro reserves the right to delete submissions that contain vulgar language, personal attacks of any kind, or offensive comments that target or disparage any ethnic, racial, sexual or religious group. Further, Metro also reserves the right to delete comments that are: (i) spam or include links to other sites; (ii) off topic; (iii) advocate illegal activity; (iv) promote particular services, products, or political organizations or campaigns; (v) contain personal attacks; (vi) contain confidential or proprietary information; (vii) raise privacy concerns; (viii) identify a minor; or (ix) infringe on copyrights or trademarks.

Metro does not endorse or sponsor any comment made on this site by parties other than Metro. Such comments do not reflect the opinions and position of the Metro regional government or its officers and employees. If you have any questions concerning the operation of this online moderated discussion site, please contact _____ at phone/email _____. The comments made on this site may be considered public records and may be maintained and reproduced.

or

Metro - Social Media Terms of Use, Prohibited Content and Disclaimer

We strive to provide our guests with a positive experience when visiting our venues and websites. Please post respectfully.

This site is for your comments, questions, and concerns relating to [insert specific mission/purpose of the applicable Visitor Venue's page]. We encourage your input, but please note this is a moderated online discussion site and not a public forum.

[Applicable Visitor Venue] reserves the right to remove submissions that contain vulgar language, personal attacks of any kind, or offensive comments that target or disparage any ethnic, racial, sexual or religious group. [Applicable Visitor Venue] also reserves the right to delete comments that are: (i) spam or include links to other sites; (ii) off topic; (iii) advocate illegal activity; (iv) promote particular services, products, or political organizations or campaigns; (v) contain personal attacks; (vi) contain confidential or proprietary information; (vii) raise privacy concerns; (viii) identify a minor; or (ix) infringe on copyrights or trademarks.

The comments expressed on this site do not reflect the opinions and position of the [applicable Visitor Venue] or its officers and employees. If you have any questions concerning the operation of this online moderated discussion site, please contact _____ at phone/email_____. The comments made on this site may be considered public records and may be maintained and reproduced by [insert Visitor Venue].

7. If outside links are permitted, the Metro social media account shall prominently post the following "Links Disclaimer":

Metro – Outside Links Disclaimer

Links to external Internet sites do not constitute Metro's endorsement of the content of those sites, policies, or statements contained therein. Web links are often updated or deleted, and the user is cautioned to conduct his/her own research before following a link contained herein or elsewhere.

8. Metro's social media channels are designed to be moderated discussion sites rather than public forums. A moderator shall delete, in their entirety, any comments that violate the Social Media Terms of Use and Prohibited Content statement. A copy of all deleted comments shall be retained for Metro's records, including the date, time, and identity of the poster, when available, and a brief description of why the comment violates the Metro comment policy.
9. Moderators shall not discriminate against public speech based on content or viewpoint except as provided in the Social Media Terms of Use and Prohibited Content statement.
10. Users shall establish social media accounts using a Metro or venue email address. Using a Metro or venue email address will ensure that:
- a. Personal and professional communications are separated;
 - b. Metro is able to back up public conversations because of Metro's ownership and control of the email address;
 - c. Metro has access to the social media account when the employee is out on vacation or otherwise away from the office; and
 - d. Metro and the public can determine that the social media account is legitimately Metro's (and not a rogue site generated from a private email address).
11. All users shall be trained on appropriate and effective use of social media in order to meet Metro's goals. Only those employees who are both authorized and trained shall engage in social media activities on Metro's behalf.
12. Users shall not make any posts on Metro's social media sites that include the following:

- a. Confidential information;
 - b. Nonpublic or otherwise sensitive information;
 - c. Defamatory, libelous, offensive or demeaning material;
 - d. Inaccurate or misleading information;
 - e. Information that would invade the privacy of others;
 - f. Information or opinions related to legal matters, litigation or parties involved in legal or litigation matters;
 - g. Statements promoting or opposing election petitions, candidates, political committees or ballot measures in violation of restrictions on political campaigning by public employees;
 - h. Personal matters regarding yourself or others;
 - i. Illegal or banned substances and narcotics;
 - j. Pornography or other offensive or illegal materials; or
 - k. Uncivil, tactless, incendiary or combative statements.
13. Each user is responsible for publishing accurate and clear information to social media accounts and quickly making corrections or clarifications as needed. Users must clearly indicate corrections and clarifications and include the time and reason for the correction or clarification.

Records Retention Requirements

1. Users and moderators must maintain and preserve records in compliance with Oregon public records law, ORS 192.001 *et seq.* Metro is required to maintain records for the period provided in the retention schedule for that type of record.
 - a. In some instances, individual departments have their own records retention schedules for their records. These must be approved by the State where they differ from what is found in the state statute. Users and moderators must be familiar with their department's record retention schedules and preserve records in accordance with those schedules.
 - b. The public records law applies whether the site is hosted by Metro or a third party.

2. **Managing Social Media Content that is Officially Maintained Elsewhere.** Under the ORS definition, a public record does *not* include: "Extra copies of a document, preserved only for convenience of reference" (ORS 192.005(5)(d)). Users can greatly simplify their retention responsibilities by using Social Media applications exclusively to provide the public with links or references to content that is officially maintained elsewhere. Using this approach, the links or references posted on Social Media sites would be considered convenience copies that need to be retained only "as needed" or "until superseded."
3. **Managing "Original" Social Media Content.** It is possible that users will publish original content via social media, and that content requires retention. Public comments to Metro social media sites may also constitute a public record. Almost all of this "original" content will fall into one of the categories below.
 - a. **Speeches/Statements/News Releases/Program Activity Records:** For retention purposes, a Metro blog posting (for example) is the equivalent of a public speech. An on-the-spot written or photographed account of a Metro event or summary of Metro activities pushed out via any social media will be considered a "report." If any of these statements or reports contains policy or historically significant content, they must be retained permanently. Otherwise, they have a two-year retention from the time they are "published."
 - b. **Correspondence:** Incoming messages from the public that arrive via a Metro social media site will be treated as correspondence. For correspondence that originates on a Metro social media site and that merits a response to an individual (as opposed to a public posting), the user would be advised to take that correspondence "offline" and, if possible, communicate directly with the individual and maintain that correspondence using established procedures for correspondence management. Much of the correspondence between elected officials and the public is considered "policy and historical" and warrants permanent retention.
 - c. **Content Associated with a Specific Function or Activity:** If a user establishes a social media site as a public entry point to solicit specific information (e.g. conducting a poll) or launch a process (e.g. placing an order), the information received must then be retained along with other records associated with that function or activity using the appropriate retention schedule.
4. **Preserving Social Media Content – Technology.** Metro does not currently endorse a single, preferred method of capturing and preserving social Media content. Before activating a social media account, users must consult with Information Services and the Metro Records Officer to create a plan for managing any content that constitutes an official Metro record.

Responsibilities

Employees:

- Become familiar with this policy and comply with its terms.

- Refrain from representing comments on a non-Metro site as Metro-endorsed or as acting in the capacity of a Metro representative.

Supervisors and Managers:

- Oversee employee compliance with this policy.
- Provide preliminary approval of Social Media Access Requests before they are submitted to the Communications Department.

Communications Department:

- Approve or deny Social Media Access Requests.
- In consultation with the Office of Metro Attorney, provide guidance to social media users and moderators as needed.

References

Record Retention Policy: Executive Order No. 91
Oregon public records laws, ORS 192.001 *et seq.*
Oregon restrictions on political campaigning by public employees, ORS 260.432.

Attachments

Social Media Access Request Form and Policy Compliance Agreement

Attachment

Social Media Access Request Form and Policy Compliance Agreement

Employee Information:

Full Name:

Employee Number:

Title:

Phone Extension:

System Login:

Department:

Supervisor Name:

Employee Acknowledgement: I understand and will follow the rules for conduct established in Metro's Network Access Policy, Social Media Policy and all other relevant Metro policies. Failure to abide by these policies will subject me to discipline in accordance with Metro personnel policies and any applicable Collective Bargaining Agreement. (Access these policies on the Intramet Human Resources Page.)

Employee name:

Signature:

Date:

Communications Director Approval

This request was approved by the Communications Director.

Director and Supervisor or Designee Endorsement

I am hereby requesting that the employee named above be given access to the requested social media site on the below business justifications.

Director:

Signature:

Date:

Supervisor:

Signature:

Date:

Business Justifications and Work Plan for Social Media Use

- a) What type of social media and specific platform do you plan to use?
- b) What is the business need and justification for this media site?
- c) What is the purpose of this communication?
- d) Who is the targeted audience?
- e) Will this be a one-time use or ongoing?
- f) What is the fiscal impact of adding this media site?
- g) Are public comments to be allowed or authentically facilitated?

1. If public comments are allowed or authentically facilitated, the website must include, in a prominent location, the Metro Comment Policy and disclaimer of limited public forum. All Metro employees with posting authority must read and consistently comply with the Comment Policy and limited public forum disclaimer.

- h) What email address will be used for establishing the account/site?

_____@oregonmetro.gov

- i) Name of the employee(s) that plans to:
 - 1. Author content:
 - 2. Proofread content:
 - 3. Post content:
 - 4. Respond to comments in a timely manner, if necessary:
 - 5. Moderate comments for compliance with Comment Policy:
 - 6. Maintain record retention to comply with retention schedule:
- j) What Metro "voice" is desired? Will a user of this social media channel be speaking as an individual, as a department or facility, or on behalf of Metro as a whole?
- k) Will posts include unique information or will they direct users to find information on the Metro or Venue website?
- l) What is the anticipated number of hours per week required for this project?
- m) Do you commit to using the latest browser and installing all security patches to maintain network integrity?
- n) Have the individuals named on this form been trained on the appropriate and effective use of social media to meet Metro's goals?
 - 1. Who gave the training? [Communications/OMA/Other: _____]
 - 2. Date and location of training: _____

