

METROPOLITAN EXPOSITION RECREATION COMMISSION

Resolution No. 15-23

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 December 2, 2015.


Chair


Secretary-Treasurer

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

By: 
Nathan A.S. Sykes, Deputy Metro Attorney

MERC STAFF REPORT

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

Resolution No.: 15-23

Date: December 2, 2015

Presented by: Mary Rowe, Metro Human Resources Director

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. Human Resources staff developed these policies in consultation with department managers, the Office of Metro Attorney, and the Metro Senior Leadership Team. The policies were presented to the Commission for discussion on November 4, 2015.

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

- Drug and Alcohol Use
- Information Security
- Driving and Vehicle Use

Long range fiscal impact: There is no additional fiscal impact projected for implementation of the Drug and Alcohol Use Policy changes. The fiscal impact for the Information Security policy has an estimated cost of \$9,000 – 11,000 for staff training and use of technical consulting services for IS staff. The Driving and Vehicle Use policy has an estimated fiscal impact of \$7500 annually to conduct background checks.

Recommendation: Staff recommends that the Metropolitan Exposition and Recreation Commission, by Resolution No. 15-23, approve the changes to the Personnel Policies in a form substantially similar to the attached Exhibit B.

**EXHIBIT A: SUMMARY OF PROPOSED PERSONNEL POLICIES FOR MERC COMMISSION
DECEMBER 2, 2015**

Below is a list of draft policies for your review. These proposed policies are intended to supersede those listed from the Metro Employee Handbook (EO #88) and the MERC Personnel Policies Handbook (8/1/07). New edits made at the recommendation of the Commission, Office of Metro Attorney, and/or the Metro Senior Leadership Team following the November 4, 2015 Commission meeting are noted in bold italics.

Policy	Existing MERC Policy	Existing Metro Policy	Applicable Legal Provisions	Policy Summary/Explanation of Change	Fiscal Impact	Business Impact
Drug and Alcohol Use	MERC Personnel Policies (2007) §12.8	HR Administrative Guidelines for Metro's Drug and Alcohol Policy	METRO CODE § 2.02.080; Drug-Free Workplace Act of 1988; Federal Motor Carrier Safety Administration (FMCSA) regulations, 39 CFR 382 et seq	Consolidates current Metro (non-MERC) and MERC policies on Drug and Alcohol Use. Establishes that being under the influence of alcohol is .02, per the current Metro policy. Establishes that controlled substances covered by the Policy include all of schedules I-V of the Controlled Substances Act. Modifies provisions prohibiting possession and use of controlled substances and alcohol at work/on Metro premises and procedures for reasonable suspicion testing. <i>Modified provisions on employees reporting to work being able to work safely & effectively; reporting drug crimes that occurred in the workplace or while on duty; sending for reasonable suspicion testing when employee has used in workplace...; and added Driving and Vehicle Use Policy as a reference. Deleted provision about actions harming Metro's reputation.</i>	N/A	Promotes consistency across agency.

<p>Information Security</p>	<p>N/A</p>	<p>N/A</p>	<p>3rd Party PCI Contracts/ Standards</p>	<p>Establishes guidelines and procedures for ensuring Metro information systems (electronic, computer, etc), mobile devices, data and selected hardcopy systems are secure. Ensures compliance with PCI standards and contracts. Added provision that IS will ensure appropriate security on public access computers used to enter personal data.</p>	<p>Estimated cost of implementation is \$9,000 - 11,000 for training Metro staff and technical consulting services for IS.</p>	<p>Increases security for information systems, mobile devices and selected hardcopy data to ensure PCI compliance. Requires use of passwords and updated operating systems for Metro information systems/mobile devices and ones accessing Metro systems.</p>
<p>Driving and Vehicle Use</p>	<p>N/A</p>	<p>N/A</p>	<p>ORS Chapter 742 – Insurance Policies ORS 153 – Violations and Fines ORS Chapter 811 – Rules of the Road for Drivers</p>	<p>Outlines standards for employees, interns and volunteers driving and operating vehicles for Metro business. Developed to maximize the safety of drivers, passengers and the public and to limit Metro’s liabilities. Driving records checks required for Metro employees driving for Metro business. Requires employees to notify Metro of specified driving violations. Drug and Alcohol Use Policy added as a reference.</p>	<p>Estimated cost is \$7500 annually to conduct background checks.</p>	<p>Management of driving records. Periodic checks of driving records for employees driving for Metro business and applicants required to driving.</p>



DRAFT
11/6/15

Subject Drug and Alcohol Use
Section Human Resources
Approved by

POLICY

The purpose of Metro’s Drug and Alcohol Use policy is to promote a safe, healthy, and productive work environment for employees and a safe and high quality service delivery system for the public. This policy outlines expectations for employee conduct and procedures for drug and alcohol testing.

Applicable to

All employees and interns.

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

Definitions

Controlled Substances: Drugs or substances that under federal law have been declared illegal for sale or use except for medical or other limited purposes. Some controlled substances are legal to use under a physician’s prescription but may nonetheless impair an employee’s ability to work safely and effectively. These substances are regulated under schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and 21 C.F.R, 1308.11 through 1308.15. Examples of controlled substances include but are not limited to methamphetamines, cocaine, heroin, oxycodone, hallucinogens, and cannabis. *Note:* Marijuana is still considered an illegal controlled substance within the definition of this policy.

Employee Assistance Program (EAP): A confidential service that can provide support, guidance and resources to address issues with drug or alcohol abuse and other problems that interfere with your day-to-day activities. This service is provided by Metro as an employee benefit and administered by a third party provider.

Impairment: An effect on the employee’s mental or physical abilities that is likely to deprive him or her of the clearness of intellect and control the employee would otherwise possess. Note that the possession or use of drugs or alcohol may violate Metro policy even if the employee’s abilities are not impaired.

Positive test for alcohol: When an employee has an alcohol test result showing an alcohol concentration level of 0.02 or greater.

Positive test for drugs: A confirmed positive test result for use of controlled substances per this policy. In addition, it means the misuse of legal drugs (prescription and possibly over-the-counter)

Reasonable suspicion: An articulable belief based on specific, observable facts and reasonable inferences drawn from those facts.

Substance abuse professional: Licensed medical professional or a licensed and certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

Guidelines

1. Compliance with Metro's Drug and Alcohol Use policy is a condition of employment for all employees. Employees are expected to report to work in an appropriate mental and physical condition to work safely and effectively and to represent Metro's values to co-workers and the public. The possession and use of unlawful controlled substances and the misuse of alcohol, prescription drugs or over-the-counter drugs in the workplace are inconsistent with Metro's values of public service, excellence, and respect. Violations of this policy may lead to discipline, up to and including termination.
2. Employees may be required to undergo drug and alcohol testing under certain circumstances, following the procedures outlined below.
3. Metro encourages employees with substance abuse problems to seek voluntary assistance through Metro's Employee Assistance Program (EAP) and/or a chemical dependency rehabilitation program.
 - a. It is the employee's responsibility to seek help before drug and alcohol problems adversely affect his or her work performance or lead to violations of this or other employment policies.
 - b. Often, an employee's health benefits provide resources for a drug or alcohol problem. The EAP may also be a resource for employees seeking counseling and referral assistance for a drug or alcohol problem.

Procedures

Employee Conduct:

1. **All employees shall report to work in an appropriate mental and physical condition to work safely and effectively. No employee shall report to work or engage in work while impaired by alcohol, controlled substances, including prescription drugs being used for a different purpose than as prescribed, and over-the-counter medications except as allowed below.** The distribution, possession or use of alcohol or an unlawful controlled substance, including prescription drugs for which the employee does not have a current, valid prescription is prohibited in the workplace.

- a. These requirements apply:
 - i. While on duty;
 - ii. During work hours, including rest and lunch breaks;
 - iii. While on Metro premises or in Metro vehicles and equipment, whether on or off duty;
 - A. This provision is not intended to restrict the lawful and appropriate use of alcohol when patronizing Metro's visitor venues or other premises outside of work hours as a member of the public.
 - iv. While in uniform;
- b. Under limited circumstances, Visitor Venues General Manager or Chief Operating Officer (COO) may approve a Business Development Waiver for the job-related purchase and consumption of alcohol at business development or hospitality events. Please see the Business Development Waiver at Appendix A for applicable rules and procedures.
- c. The appropriate use of legal prescription and over-the-counter medication to treat a medical condition does not violate this policy, subject to the conditions listed below under Procedures (2).
- d. A positive test result obtained through drug or alcohol testing conducted upon a determination of reasonable suspicion in accordance with the procedures below will be sufficient to establish a violation of this policy.
- e. An employee who engages in conduct that has the purpose or effect of interfering with the enforcement of this policy or its collection and testing procedures or refuses to consent to drug and alcohol testing required under this policy is subject to disciplinary action up to and including termination. The reason for the refusal to consent to testing will be considered in determining the appropriate disciplinary action.

2. **Prescription and Over-the-Counter Medication:** This policy is not intended to prohibit the use of prescription and over-the-counter medication when taken in standard dosage and/or according to a physician's prescription. Employees may use such medication as long as it does not interfere with their ability to safely and effectively perform the essential duties of their position.

- a. An employee taking prescribed or over-the-counter medications is responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his or her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to avoid unsafe workplace practices and call in sick following normal procedures.
 - i. If appropriate, the employee may seek medical leave under the Family and Medical Leave Act (FMLA) and/or the Oregon Family Leave Act (OFLA) and/or reasonable disability accommodation under the Americans with Disabilities Act (ADA).

- ii. If an employee is taking medication that may impair work safety and effectiveness, he or she may be required to provide a release from his or her health care provider before returning to work. An employee who is not sure whether a medication or combination of medications will cause impairment should consult with his or her health care provider.
- b. An employee must promptly notify his or her supervisor if he or she is present at work while taking medication that contains a safety warning relevant to the employee's work duties, or that the employee knows may impede his or her ability to work safely. Depending on the circumstances and the nature of the employee's work duties, the supervisor may refer the matter to the Human Resources Benefits Manager for guidance. The HR Benefits Division may follow up to request more information from the employee if needed to evaluate the employee's fitness for work.
 - i. The employee must only report the present or anticipated effects of the medication as they relate to the performance of the employee's work duties and any medical restrictions related to work issued by the employee's health care provider. For privacy reasons, the employee should not tell the supervisor the name or nature of the underlying condition. The HR Benefits Division may require additional information to evaluate the need for leave or modified duty.
 - ii. Modified duty may be provided consistent with Metro's Modified Duty for Non-occupational Conditions policy.
 - iii. Medication that is known to cause drowsiness, dizziness or impaired perception, coordination or judgment must be reported because these effects can compromise safety regardless of the employee's specific work duties.
- c. The use of prescription or over-the-counter medication in a manner that is inconsistent with the prescription or patient information instructions may violate this policy if it interferes with work performance. It is a violation of this policy to intentionally misuse and/or abuse prescription medications.
- d. When an employee's work performance is affected by prescription medication, the employee may be required to submit a copy of a valid prescription.
 - i. The prescription must be current, lawfully issued by a health care provider with prescribing authority, and in the employee's name.
 - ii. The employee must provide this information to the Human Resources Benefits Manager as soon as possible and no later than within 48 hours of the request.
- e. The use of medical marijuana is illegal under federal law and is not excused under Metro's Drug and Alcohol policy even if recommended by a health care provider. Metro is not legally required to reasonably accommodate the use of medical marijuana.
- f. All medical information will be kept confidential consistent with applicable law.

3. Any employee who observes or has knowledge of another employee on duty in a condition that poses a hazard to their own or others' safety or welfare due to drug or alcohol use shall report the information to his or her immediate supervisor, the employee's supervisor, or the Human Resources Director.

Drug -related convictions:

4. An employee who is convicted of any drug crime **that occurred in the workplace or while on duty must** notify the Human Resources Department in writing no later than five (5) calendar days after the conviction. Metro will take appropriate action within 30 days of notification.
 - a. If an employee who performs any activity under a federal grant or contract is convicted for a drug offense occurring in the workplace or while on duty, Metro will notify the granting or contracting agency within 10 days, consistent with the requirements of the Drug-Free Workplace Act of 1988. Such notification will be at the direction of the Office of Metro Attorney. This requirement applies even if the employee is not paid with grant funds.
5. Any Metro employee convicted for a criminal drug crime may be determined to have violated this policy and may be subject to discipline, up to and including termination.

Right to Inspect:

6. Entering Metro property constitutes a consent to searches and inspections. Metro reserves the right to inspect, without employee consent, all areas and property over which Metro maintains joint or full control. There is no expectation of privacy and all Metro vehicles, equipment, offices, desks and lockers are subject to search by management.
 - a. Inspections which are undertaken specifically to investigate violations of this policy shall be conducted in the presence of the employee, if practical. If the employee is not available, or if the employee so requests, a reasonable time will be allowed for a union representative or co-worker to be present before an inspection is conducted. This limitation on Metro's right to examine Metro property does not apply to property used jointly by more than one employee.
 - b. Metro may not inspect an employee's person or personal property (e.g. car, purse, or backpack) without the employee's permission.
7. If there is reason to believe a crime may have been committed while on duty or involving Metro premises or property (e.g. possession of unlawful controlled substances, including on Metro grounds; driving with an open container of alcohol in the vehicle) management should secure the Metro premises/property in question and immediately notify the police and either the Human Resources Department or the Office of Metro Attorney. Inspections which could result in criminal prosecution should be conducted only by sworn law enforcement personnel.

Drug and Alcohol Testing:

8. **Reasonable suspicion testing:** Employees may be required, as a condition of continued employment, to submit to testing for drugs and/or alcohol testing when there is a reasonable suspicion to believe that the employee has **used during work hours** or is impaired by a prohibited drug or alcohol during work hours.

- a. All managers who may be involved in the determination to require a reasonable suspicion drug and/or alcohol test will receive training to identify the physical, behavioral, and performance indicators of drug use and alcohol misuse.
 - b. The decision to require reasonable suspicion testing will be based on a trained manager's specific observations and reasonable inferences as to indicators of improper drug and alcohol use, supported by the concurrence of a second trained manager.
 - c. Relevant indicators of improper drug or alcohol use include, but are not limited to, an employee's appearance, odor, behavior, speech, work performance, and/or involvement in an accident.
 - d. The determination of reasonable suspicion will be based on the totality of the circumstances in recognition of the fact that these indicators may be caused by conditions other than drug and alcohol use.
9. **Post-accident testing:** Metro may require post-accident drug and alcohol testing in the event of a workplace accident, near miss, or safety-related incident. Post-accident testing will be required for any events that result in an injury for which someone seeks medical treatment or there is substantial damage to equipment, machinery or a vehicle. Even if no one seeks medical treatment or there is no substantial damage, the circumstances of the accident, near miss or incident may warrant a determination of reasonable suspicion of drug or alcohol use.
10. **Commercial Drivers:** All employees who hold a Commercial Drivers' License (CDL) and operate commercial vehicles on behalf of Metro will be subject to the federally mandated drug and alcohol testing requirements of the Federal Motor Carrier Safety Administration (FMCSA) in addition to the other requirements of this policy.
- a. Before performing an alcohol or controlled substances test required by the FMCSA, Metro will notify the employee that the test is required under those regulations.
 - b. If a CDL driver engages in conduct prohibited by the Drug and Alcohol Use policy, before returning to duty in an assignment requiring the performance of a "safety-sensitive function," he or she must pass a return-to-duty drug and alcohol test.
 - i. Safety-sensitive functions include, but are not limited to, the following: inspection activities; activities involving the servicing or conditioning of commercial motor vehicles; driving a commercial motor vehicle or time spent therein; loading or unloading a commercial vehicle; supervising or otherwise assisting in the loading or unloading of the vehicle; remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments so loaded or unloaded; and all time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.
 - c. Ongoing follow-up drug and/or alcohol testing may be required for CDL drivers found to have violated the Drug and Alcohol Use policy. Follow-up alcohol testing shall only be conducted during, just preceding or just after the performance of "safety-sensitive functions."
 - i. The number and frequency of such follow-up alcohol and/or controlled substance tests shall be directed by a substance abuse professional, but

will consist of a minimum of 6 tests within the first 12 months following the employee's return to duty, but will not continue beyond 60 months.

- ii. The tests may be unannounced.

11. Testing procedures and protections:

- a. A represented employee who is required to submit to a drug and/or alcohol test based on reasonable suspicion will be informed of a right to representation by a union representative; however, the securing of such a representative, if requested, shall not unreasonably delay the testing.
- b. An employee who has been notified that he or she will be required to submit to a drug and/or alcohol test must report immediately to the collection site designated by Metro. The employee will be transported to and from the collection site by two Metro managers or supervisors. The employee will not be permitted to use restroom facilities, consume beverages, or smoke until specimen collection is completed.
- c. All drug and alcohol testing will be conducted in a manner that assures a high degree of accuracy and reliability by using techniques, standards, chain of custody procedures, and equipment and laboratory facilities that have been approved by, or are comparable to, those certified by the U.S. Department of Health and Human Services.
 - i. Employees will have an opportunity to disclose any prescription medication to the testing facility to ensure that the use of lawfully prescribed medication will not result in a positive test result. This information will not be shared with Metro.

12. **Confidentiality:** Laboratory reports or test results will be retained in an employee's confidential medical file maintained by the HR Department. The reports or test results may be disclosed to Metro management on a strictly need-to-know basis and to the tested employee upon request. Disclosures without patient consent may also occur when:

- a. The information is compelled by law or by judicial or administrative process;
- b. The information has been placed at issue in a formal dispute between the employer and employee or applicant;
- c. The information is needed by medical personnel for the diagnosis or treatment of a patient who is unable to authorize disclosure.
- d. An employee may provide written authorization to allow a union representative to view or obtain copies of this information.

Consequences for violating Metro's Drug and Alcohol Use policy:

13. A violation of any part of the Drug and Alcohol Policy may result in discipline, up to and including termination, in accordance with disciplinary rules established by Metro policy or a collective bargaining agreement.

14. Any employee who has tested positive for drugs or alcohol, engaged in conduct that has the purpose or effect of interfering with the enforcement of the policy or its collection and testing procedures, or refused to be tested may be referred to a Substance Abuse Professional (SAP) for evaluation. The employee's willingness to accept a SAP referral and cooperate with a SAP-recommended course of treatment will be considered a mitigating factor in any disciplinary action arising from the employee's violation of the Drug and Alcohol Use policy.

Responsibilities

Employees/Interns:

- Do not report to work or engage in work while impaired by alcohol, controlled substances, or any other disabling substance, including prescription drugs being used for a difference purpose than prescribed and over-the-counter medications. Do not consume alcohol at work, before reporting to work, or during break periods except in limited circumstances covered by the Business Development Waiver (Appendix A), subject to manager approval.
- Do not engage in the unlawful possession, distribution, manufacture or use of alcohol or any controlled substance at any time while on duty, on Metro property, in a Metro-owned or operated vehicle, in uniform, or otherwise representing Metro to the public.
- Promptly notify your supervisor when you are at work and using any medication that contains a safety warning relevant to your work duties, or that you know may impede your ability to work safely. If you are not sure if it could impact your work performance or ability to work safely, err on the side of informing your supervisor. You do not have to tell your supervisor about the medical condition for which you are taking the medication.
- If you are convicted of a drug-related crime **which occurred in the workplace or while on duty**, report the conviction to the Human Resources Department no later than 5 calendar days after the conviction.
- If you observe or have knowledge of another employee on duty in a condition which poses a hazard to their own or others' safety or welfare due to drug and alcohol use, report the information to his or her immediate supervisor, your supervisor, or the Human Resources Director.
- If you have a substance abuse problem, seek assistance before drug and/or alcohol problems adversely affect your ability to perform your job or compromise your ability to comply with this policy.

Supervisors/ Managers:

- Attend training regarding the Metro Drug and Alcohol Policy and the physical, behavioral, and performance indicators of probable drug use and alcohol misuse.
- Monitor the workplace and ensure compliance with this policy.
- Contact HR if any question arises about an employee's fitness to work due to the use of prescription or non-prescription medications.

- Send any medical documents received from the employee directly to Human Resources without keeping a copy. Maintain confidentiality of any medical records received.
- Inform employees who exhibit signs of drug or alcohol related performance or behavioral problems that confidential employee assistance for drug and alcohol abuse, and other personal issues, is available through Metro's Employee Assistance Program. Do not refer the employee to EAP in lieu of sending the employee for reasonable suspicion testing when appropriate under this Policy.
- Advise an employee of his or her right to have either an available union representative (if any) or a co-worker present during an investigatory interview.
- Appropriately and immediately investigate any apparent violation of this policy in consultation with Human Resources.
- Notify CDL drivers if a drug or alcohol test is required by the Federal Motor Carrier Safety Administration (FMCSA).

Human Resources:

- Notify all employees of this policy.
- Provide training to all managers.
- Serve as a resource to managers who are investigating policy violations.
- Maintain contracts with appropriate resources to administer drug testing and the Employee Assistance Program.
- Advise supervisors/managers and employees about the availability of the Employee Assistance Program for counseling on drug and alcohol abuse and related performance issues.
- Maintain the confidentiality of laboratory reports and other medical information.

Attachments

Appendix A – Business Development Waiver

References

Drug-Free Workplace Act of 1988

Federal Motor Carrier Safety Administration (FMCSA) regulations, 39 CFR 382 et seq.

Driving and Vehicle Use Policy

Appendix A: Business Development Waiver

Applicable to: MERC Venues only.

Under limited circumstances, the job-related purchase and consumption of alcohol may be permissible.

Business Development Waiver: The only on-the-job use of alcoholic beverages that Metro permits is those that are necessary to conduct or support official Metro business. Official business does not require alcohol consumption by employees or its agents. Metro employees will not be reimbursed for purchasing alcohol for co-workers nor are they permitted to use their Metro-issued purchase card to do so. However, due to business development needs or participation in business development events some employees may be approved for a Business Development Waiver that allows them to consume, purchase and/or be reimbursed for alcoholic beverages.

Nothing in this waiver is intended to authorize an employee to consume alcohol over the .02 limit and drive a motorized vehicle or to become intoxicated.

In order for Metro employees to purchase, be reimbursed or consume alcohol as part of their work, the following process must be followed:

- a. At the beginning of each fiscal year, the Department or Visitor Venue Director will submit a list to the Chief Operating Officer and/or Visitor Venue General Manager of the employees who they believe require a Business Development Waiver to consume alcohol while on Metro business. The list should include for each employee a statement that explains why a waiver is necessary; the specific event(s) for which the waiver will apply; the approximate dollar limit authorized; and any other information required by Financial and Regulatory Services Department procedures. From time to time unforeseen events may require permission to extend a waiver on a short-term basis to another employee or allow the employee to exceed the original dollar amount listed.

- b. Until approval is received from the Chief Operating Officer and/or Visitor Venue General Manager, employees should not assume they have approval for the Business Development Waiver.
- c. After receiving approval, itemized receipts that show both food and alcohol charges must be submitted as part of the purchase card and/or reimbursement process. Summary receipts will no longer be accepted for reimbursement.
- d. The waiver list will be forwarded to Metro Finance and Regulatory Services in order to monitor spending and reimbursement. If the pre-authorized limit is exceeded, notification should be sent to the Chief Operating Officer and/or General Manager.
- e. Employees who receive a Business Development Waiver are subject to the Metro Drug and Alcohol Use Policy if they are not participating in a pre-authorized event.
- f. Employees are prohibited from driving a motorized vehicle if they consume alcohol in excess of the .02 limit or are becoming intoxicated.
- g. Approval for a Business Development Waiver may be rescinded at any time during the fiscal year without notice; however, it may not be done retroactively without evidence of abuse.
- h. Further restrictions, guidelines and limitations to the purchase and consumption of alcohol are at the discretion of the facility Director. i.e. (no alcohol consumed prior to 5pm) or (approval granted for a reception or dinner function only after the hour of 5pm).

 **Metro** | *Policies and procedures*

DRAFT
11/6/15

Subject Information Security
Section Information Services
Approved by

POLICY

Metro recognizes digital information as a valuable asset necessary to its operations. The purpose of this policy is to establish the processes and procedures, and educate employees, about keeping Metro’s information systems secure.

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

1. 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.
2. Computer Software: Computer programs, procedures and associated documentation concerned with the operation of a computer system.
3. Customer Confidential Data (confidential data): This is private information provided directly or indirectly by Metro customers that is necessary for fulfillment of services provided by Metro. This includes private consumer information such as cardholder information, names, addresses, telephone numbers, etc., and account numbers, information about individual accounts, or any other information that can be individually tracked to a consumer or customer. Card Holder Information (including Primary Account Number or PAN) is ALWAYS considered “Confidential” and should be secured accordingly. Breaches of confidentiality may violate state or federal law, or third party legal agreements.
4. 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.
5. 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.

6. Metro Confidential Data (confidential data): This is data or information kept by Metro that relates to its financials, personnel data, legal matters, technical specifications, or other information that could significantly harm Metro or its employees, if it is not adequately protected. Breaches of confidentiality may violate state or federal law, or third party legal agreements.
7. Mobile Devices: Electronic devices used for mobile communications including mobile telephone, email, text messaging or data transmission, over a cellular network. In addition to the standard voice function, cellular devices known as smartphones and/or tablets may support many additional services and accessories, such as application software (third-party “apps”), text messaging, email, internet access, camera and GPS. Additionally, cards for the purpose of providing cellular network access (this type of card requires some type of monthly service plan) for mobile computing devices such as a laptop are also considered a cellular device.
8. 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.
9. 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.
10. Users: All Metro employees, elected officials, 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. Departments working with Information Services (IS) are responsible to protect the confidentiality, integrity, security and availability of technology assets, customer and Metro confidential data, information systems, and technology services; this includes all payment card industry (PCI) data (soft and hardcopies) and systems.
2. Each user has a responsibility to protect the confidentiality, integrity, security and availability of technology assets, customer and Metro confidential data, information systems, and technology services. Therefore, it is important for users to be aware of security policies and procedures and reinforce these policies in interactions with others in the workplace.
3. Immediately after hire, and annually thereafter, each employee must affirm their commitment to information security by reading this policy and signing the acknowledgement form. The acknowledgement form is retained in each employee’s permanent record.
4. Password Protection: All information systems will be password protected. IS will activate automatic password protection systems where possible. Users are required to use passwords to protect those devices and activate them on devices without automatic password protections such as smartphones.

5. Confidential Data: Users working with and having access to confidential data are responsible for helping to ensure its confidentiality. IS is responsible for working with departments and as appropriate users to establish and implement systems to ensure the security of confidential data.
6. Confidential data requires strong security controls to prevent unauthorized access or modification of the data. Unauthorized access or disclosure of this level of data can result in significant legal, regulatory, or reputational damage to Metro.
7. All users are subject to and must comply with the provisions of the Information Systems: Acceptable Use Policy, and other policies as applicable, in addition to the provisions of this policy.

PROCEDURES

1. IS will develop further procedures for implementing the provisions of this policy and post them on its MetroNet page.

Password Protection and User Account Security

2. Employees must log off or lock all workstations (e.g., PCs and laptops) at the end of the day and at any time the employee is not in immediate control of the workstation (for example, if you leave your desk for any reason).
3. IS will enable and manage automatic password protected screen savers on all Metro workstations, mobile devices and cellular phones to prevent unauthorized access. The screen saver must automatically activate after 15 minutes of inactivity.
4. To ensure the security of Metro's information systems and applications, and to comply with numerous regulations and standards, users need to follow a strict password management protocol established by IS for accessing Metro's technology assets. Compliance with these policies is mandatory and will be automatically enforced by IS where possible.
5. Users are responsible for changing passwords whenever their passwords are reset by the IS help desk.
6. After a minimum of six failed logon attempts, accounts will automatically be locked out for a minimum of 30 minutes (or until an administrator enables the account).
7. Users must protect their passwords and must not reveal them to anyone. At no time will an authorized employee ask for a user's password. The use of group or shared passwords or other authentication methods by users is specifically prohibited.
8. Passwords must not be written down or stored unencrypted by users.
9. Users are responsible for changing their password and notifying the Help Desk should there be any suspicion the password has been compromised. Examples of potentially compromised passwords include stolen devices, passwords used on systems/devices that have been hacked, suspicious activity on a system, etc.
10. Users may not allow their Metro computers to be used by anyone other than Metro employees. Family and friends may not use Metro computers.

- 11. On public access computers provided by Metro, IS will implement measures to ensure personal data entered into software programs, such as job application systems, is appropriately secured.**

User Identification

12. Users will be assigned a unique ID before they are allowed to access business system components and or any systems containing payment card data.
13. System access for users will be assigned for each system based on the individual's job classification and function and the user's role in the system. Restriction of access will be dependent upon the least access necessary to perform job responsibilities. All role and system access assignments must have documented approval (electronically or in writing) by authorized parties. Roles will be regularly reviewed and updated.
14. Physical access to sensitive areas will be authorized based on job function and shall be revoked immediately upon termination.
15. User's access will be deactivated or removed immediately upon termination.
16. Any user accounts that have been inactive in the past 90 days will either be removed or disabled.
17. No user will be provided with direct access to queries and/or databases except database administrators.

Confidential Data

18. Confidential data, is to be secured and protected while in transit over networks and while in storage per directions from IS.
19. The requirements to encrypt confidential data stored on electronic media vary depending on the sensitivity of the data and how the data is accessed and/or used. Departments are responsible for initiating requests for IS to assist them with encrypting and securing confidential data. IS will work with departments and users to ensure that these requirements are met based on the type of confidential data being accessed and/or used.

Electronic Media

20. Confidential or sensitive information must never be copied onto removable electronic media or removed from secured Metro facilities without authorization from the Department Director or IS.
21. Electronic media containing customer confidential or sensitive data must be stored securely, labeled as confidential and be physically retained, stored or archived only within secure Metro locations, subject to Metro's records retention schedules or third party agreements.
22. All media must be sent or delivered by a secured courier or other delivery methods that can be accurately tracked and that have been approved by IS.

Sharing Data with Service Providers

23. If cardholder data is shared with service providers (for example, back-up tape storage facilities, managed service providers such as Web hosting companies or security service providers, or those that receive data for fraud modeling purposes), the following policies and procedures must be followed:
24. Operations must maintain a documented list of any service provider that is given cardholder data, provided direct access to the cardholder network, or can affect the security of the cardholder network.
25. Any written agreement with a service provider that is given cardholder data, provided direct access to the cardholder network, or can affect the security of the cardholder network, must include an acknowledgement of the service providers' responsibility for securing all cardholder data they receive from Metro.
26. Prior to engaging with a service provider that is given cardholder data, provided direct access to the cardholder network, or can affect the security of the cardholder network, Metro will conduct due diligence and follow an established process to ensure that the security of cardholder data within the service provider's network has been addressed.
27. Metro will have an ongoing program to monitor the PCI Data Security Standard (DSS) compliance status of any service provider that is given cardholder data, provided direct access to the cardholder network, or can affect the security of the cardholder network.

Vendor Access

28. Accounts used by vendors to access, support or maintain system components via remote access must be approved by IS prior to use.
29. Such accounts will be enabled only during the time period needed and disabled when not in use
30. Vendor remote access accounts must be monitored by staff when in use.

Employee Facing Technologies

31. Metro has developed use policies for all critical employee-facing technologies (e.g. remote-access technologies, wireless technologies, removable electronic media, laptops, e-mail use and Internet use). Employee use of employee facing technologies under this policy, including cellular phones and mobile devices must comply with the provisions of the IT: Acceptable Use and Cellular Phone Policies.
32. Explicit management approval is required prior to using any employee-facing technology in the cardholder data environment.
33. Any employee-facing technology used must be authenticated with a user ID and password or other authentication item (for example, token).

Cloud Computing and Approved Cloud Storage Providers (CSPs)

34. Cloud computing resources may only be used for business purposes and with the written approval of the IS Director. CSP access is granted for specific use based on user job duties and business need.

35. Acceptable CSPs are those that have been approved by IS. IS will publish a list of approved CSPs on its MetroNet page.
36. Users are only allowed to access CSPs using Metro workstations or laptops for approved business needs.
37. Users may not use CSP to store any documents that contain the following:
 - a. Social security numbers
 - b. Credit card numbers, sensitive authentication data, cardholder names, or expiration dates (collectively and individually known as cardholder data or CHD)
 - c. Data protected by HIPAA (electronic protected healthcare information or ePHI)
 - d. Personally identifiable information (PII) or financial information (PIFI)
 - e. Data that, if advertently exposed to the general public, would cause material harm or bring discredit to Metro or related organizations

Metro Owned Mobile and Cellular Phones/Devices

38. Users with Metro owned mobile or cellular phones/devices must regularly update their cellular phone's operating system to the current version of the software. IS will not support cellular phones that are unable to be updated to a recent version of the operating system software. Users of phones that cannot run a recent version of their operating system should contact IS to arrange for a cellular phone upgrade in order to be in compliance with this Policy and the Cellular Phone Policy.
39. Users must activate the password protection on their cellular phone.

Remote Access

40. Remote access is restricted to users who have a valid business requirement for it. Metro will incorporate 2-factor authentication for remote user access originating from outside the Metro network by personnel and all third parties.
41. Users accessing Metro Webmail or other Metro information systems remotely are responsible for accessing it on a technology service that is running a recent version of its operating system, that is actively employing anti-virus software and have their system password protected.
42. IS is not able to provide support for individual users accessing Metro technology services remotely.

Employee Wireless Access

43. The Metro guest wireless network is provided for business purposes only. Rules for its use are the same as for use of other Metro information systems and devices. Department Directors may approve limited, incidental personal use consistent with the terms of this policy and the IT: Acceptable Use Policy. The Metro wireless network may only be used for business needs subject to supervisory approval. Access to Metro business resources will not be provided through the guest network.

Anti-Virus (Malware) Software

44. Users may not disable or attempt to disable or otherwise circumvent anti-malware systems.

Laptop Computer Security

45. It is employees' responsibility to maintain the physical security of their Metro-issued equipment when out of the office. Theft of equipment should be reported to the IS Help Desk immediately by employees. Employees are required to return Metro-issued information systems upon separation from Metro or when taking an extended leave of absence. When traveling users should not put Metro laptops or other information systems in checked baggage.

Incident Reporting

46. Breach of Security, Virus or Other Security Problem: Users suspecting that a security incident or breach of information systems security has occurred, a virus is on the system, or having concerns about any other security vulnerabilities or issues, should:
 - a. Contact the IS Help Desk immediately at x2222;
 - b. If off-site call 503-797-2222, or email "HelpDesk" and include the word "Critical" in the subject line; and
 - c. After normal work hours, send an email to the "HelpDesk" with a description of the security incident or breach, virus or other concern and in the subject line include the word "Critical." Do not wait until the next day.

Responsibilities

Employees:

- Immediately after hire, and annually thereafter, you are required to read the Information Security Policy and sign an acknowledgement of having done so. Questions about this policy should be directed to the Help Desk.
- Help ensure the security of Metro's information systems by following the password protection procedures in this policy and protocols issued by IS.
- Contact the Help Desk immediately if you suspect a breach of security, a virus or other security vulnerability.
- Any employee who is aware of a potential violation of this policy must immediately report the matter to his or her supervisor and to the IS Director, or to the Human Resources Director.
- Comply with provisions of other applicable policies including the IT: Acceptable Use and Cellular Phone Use Policies.

Supervisors:

- New users: Ensure that new employees are aware of the Information Security Policy.
- Ensure that employees in your unit are following the Information Security Policy.
- Notify Human Resources or IS when employees are transferring to a different work unit to ensure that their access is modified or terminated as appropriate.
- Notify IS when employees are inactive for 90 or more days.

Department Director:

- Is responsible for ensuring that work units with access to or using confidential data are working with IS to ensure the security of the data and information systems where it is maintained, stored and/or transmitted.
- Ensure that this policy is being implemented by supervisors and employees in your Department.
- Report any suspected information systems security issues to the IS Department Director immediately.
- Responsible for department implementing appropriate security systems for maintaining the confidentiality of electronic and hardcopy confidential data, including PAN, and periodically auditing electronic and hardcopy security of that data, including systems for storing and disposing of confidential data.

Human Resources:

- HR will notify IS when employees transfer or terminate. Upon notification of an employee's transfer or termination, information systems services must ensure that the user access is disabled.

Information Services:

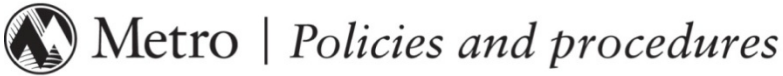
- Will implement technology solutions designed to help Metro departments comply with this policy.
- Will issue and post on the MetroNet password protection protocols.
- Responsible for auditing information security on a periodic basis.
- Will work with departments to prevent and resolve issues with security breaches, viruses and other information systems security problems.

References

- Information Technology: Acceptable Use Policy
- Cellular Phone Use Policy
- Payment Card Industry Data Securities Standards

Exhibit B to MERC Resolution 15-23

DRAFT
11/6/15



Subject Driving and Vehicle Use Policy
Section Risk Management
Approved by

POLICY

This policy sets forth the standards under which employees may drive vehicles for Metro business. Interns and volunteers, with written authorization from their Department Director and meeting the standards of this policy, may also operate vehicles for Metro business. It has been developed to maximize the safety of drivers, passengers and the public and to limit Metro's liabilities.

Applicable to

All employees and elected officials, who drive for Metro business ("drivers").

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

Definitions

Acceptable driving record: An acceptable driving record is one that meets the criteria set forth in Metro's Motor Vehicle Record Evaluation matrix (Appendix A).

Driving record check: A driving abstract containing a history of the employee's motor vehicle violations, convictions, accidents, collisions and other information maintained by motor vehicle licensing agencies.

Metro: All Metro properties and facilities, including but not limited to the Metro Regional Center, Parks, and all Visitor Venues.

Traffic crime: A conviction of any traffic offense that is punishable by jail sentence. Examples include but are not limited to criminal driving while suspended, hit and run, and failure to perform duties of a driver to an injured person in the event of a collision.

Class A, B, or C Traffic Violations: A conviction of a traffic offense that is designated as a traffic violation in the statute defining the offense or any other offense defined in the Oregon Vehicle Code that is punishable by a fine but that is not punishable by a term of imprisonment. Examples include but are not limited to failure to obey a traffic control device, driving while uninsured, and driving a vehicle without driving privileges.

Class D Traffic Violations: A conviction of a traffic offense that is designated as a traffic violation in the statute defining the offense or any other offense defined in the Oregon Vehicle Code that is punishable by a fine but that is not punishable by a term of imprisonment. Examples include but are not limited to unlawful use of a disabled parking permit, failure to use a safety belt, and speeding 1-10 MPH over the limit.

Vehicles and Passengers

1. Vehicles covered under this policy include cars, motorcycles, trucks, electric bikes and other motorized equipment, including road maintenance equipment, All Terrain Vehicles (ATVs), tractors, forklifts, Zoomers and other golf cart type vehicles.
2. Only authorized passengers are allowed to ride in Metro vehicles and other vehicles while in use for Metro business. Authorized passengers are:
 - a. Metro employees, interns, volunteers and elected officials conducting Metro business;
 - b. Agents acting on behalf of Metro;
 - c. Vendors and contractors working on behalf of Metro;
 - d. Participants in official Metro business and programs;
 - e. Representatives of other governmental agencies or employers working with Metro in the course and scope of their employment; and
 - f. Anyone with prior authorization by the Metro Fleet Manager or a Department Director.

Guidelines

1. Any individual who drives Metro vehicles or personal vehicles for Metro business must maintain a valid driver's license and an acceptable driving record.
 - a. If, by law, there is a certification requirement but no driver's license requirement to drive a particular type of vehicle (e.g. a forklift), that certification will be sufficient in lieu of a driver's license.
 - b. If, by law, neither certification nor a driver's license is required to drive a particular type of vehicle, the driver's license requirement will apply only if the vehicle will be driven in areas accessible to the public.
2. Employment finalists must pass a pre-employment driving record check if the position requires use of a vehicle for work.
3. Employees are responsible for complying with all laws and Metro policies related to driving, including all procedures below.

Procedures

1. **Eligibility Criteria.** All drivers must meet all of the following criteria in order to be allowed to drive on Metro business:
 - a. Be at least 18 years old;

- b. Possess a valid driver's license;
 - c. Possess a Commercial Driver License (CDL) if driving a vehicle requiring such;
and
 - d. Maintain an acceptable driving record.
2. Departments shall only allow drivers who meet the above eligibility criteria to drive a personal vehicle on Metro business or fleet vehicle. Requests to deviate from this policy must be submitted to the Metro fleet manager in writing. The fleet manager will consult with HR, Risk Management and/or the Office of Metro Attorney as needed.
 3. Metro will conduct the acceptable driving record check on a periodic basis or use an automated driving record check system for all individuals who drive a Metro vehicle. If the driving record check indicates an unacceptable driving record, Metro will notify the employee and provide him or her with an opportunity to review the driving record report for accuracy.
 4. An acceptable driving record is calculated through the Motor Vehicle Record Evaluation matrix provided in Appendix A.
 5. Employees who drive personal vehicles must complete Appendix B.
 6. Employees who drive Metro vehicles must complete Appendix C in order to provide the information necessary for Metro to complete the Motor Vehicle Record Evaluation Matrix in Appendix A
 7. Failure to maintain an acceptable driving record will result in termination of driving privileges until such time that the employee's driving record returns to acceptable.
 8. For employees holding a position for which driving is an essential function, failure to maintain an acceptable driving record may result in disciplinary action up to and including termination.
 9. **Other Drivers.** Contractors and other non-employees may not drive Metro vehicles unless approved in writing by the respective Department Director and fleet manager. Drivers must meet the same criteria required for Metro employees.

Driver Responsibilities

1. It is of high importance that the trust of the public vested in Metro be protected and enhanced by appropriate behavior by any person who operates a motor vehicle in the course and scope of work. This includes safe driving, courteous behavior and avoiding the perception of misconduct while operating any motor vehicle.
2. Drivers shall comply with all applicable state and local driving laws, parking regulations, and all Metro fleet, vehicle and safety policies and rules.
3. All drivers and passengers shall wear safety belts when the vehicle is in motion.
4. The driver should take reasonable steps to remedy minor vehicle issues, consulting with the fleet motor pool administrator and/or fleet manager as needed. Recurrent issues and any concerns that cannot be resolved by the driver should be referred to the fleet manager as soon as possible.
5. Drivers shall be held personally responsible and liable for any parking tickets and may be held personally responsible and liable for any towing and impound fees for improperly parked vehicles.

- a. Parking fines received on Metro vehicles shall be paid or otherwise resolved promptly by the driver at his or her own expense. The employee will not face discipline for parking tickets that are timely paid unless the employee has repeated parking violations that disrupt Metro's operations or increase its costs.
 - b. A driver must notify his or her supervisor within 24 hours of receiving a parking citation on a Metro vehicle.
 - c. A driver must notify his or her supervisor as soon as possible if a Metro vehicle is towed or impounded.
6. Drivers shall be held personally responsible and liable for any failure to comply with the rules of the road for drivers while driving a vehicle on Metro business.
- a. A driver must notify his or her supervisor within 24 hours of receiving a traffic-related ticket while driving a Metro vehicle.
 - b. An employee who drives for Metro as an essential function of his or her position must report all driving-related suspensions and traffic crime convictions to the HR Department within 5 calendar days, even if the underlying incident did not occur while driving for Metro.
 - c. An employee whose driver's license has been suspended or revoked shall immediately notify his or her supervisor if the suspension or revocation will impact his or her ability to drive for work.
 - d. For photo radar or other citations issued against a Metro vehicle's registration, Fleet Services or the employee's department will identify the driver. The driver shall be personally responsible and liable for promptly paying the fine or otherwise resolving the citation.
7. In the event of an accident while driving on Metro business, the driver shall immediately notify his or her supervisor and Risk Management. If driving a Metro vehicle, the employee shall follow all instructions placed in each vehicle for that purpose and notify fleet staff as soon as it is practical to do so.
8. Drivers shall ensure that any passengers who ride with them in a Metro vehicle or in any vehicle while on Metro business are:
- a. Authorized passengers as defined in the "Vehicles and Passengers" section;
 - b. In the vehicle for Metro-related business;
 - c. Wearing safety belts in accordance with Oregon state law; and
 - d. Conducting themselves in a manner that does not impede safe driving.
9. Drivers shall not drive Metro vehicles or private vehicles for Metro business when they are taking prescription or over-the-counter medication that may impair their ability to safely operate a moving vehicle. If in doubt, the employee should first obtain approval from his/her physician that it is safe to drive while taking the medication.
10. When operating a vehicle, driving safely is the first responsibility. Concentration on driving should be the highest priority. Drivers may not text, operate a hand-held telephone, or use any other hand-held mobile communication device while driving. The

use of hands-free devices is prohibited while driving Metro vehicles, except that departments may authorize the use of two-way radios for business purposes if allowable by law. Additionally, drivers may not listen to music with a headset while operating a motor vehicle in the course and scope of work.

11. All personal miles driven using Metro vehicles, including miles driven to and from home for those assigned a take-home vehicle, are reportable as taxable income based on the current IRS mileage rates. These miles must be reported to the Payroll Division on a quarterly basis as follows:
 - a. Miles driven Jan–Mar: reported by April 10
 - b. Miles driven Apr–Jun: reported by July 10
 - c. Miles driven Jul–Sept: reported by Oct 10
 - d. Miles driven Oct–Dec: reported by Jan 10
12. All miles driven using a personal vehicle for work-related purposes may be reimbursed. To be reimbursed, drivers must submit a completed request for reimbursement form on a quarterly basis as follows:
 - a. Miles driven Jan–Mar: reported by April 10
 - b. Miles driven Apr–Jun: reported by July 10
 - c. Miles driven Jul–Sept: reported by Oct 10
 - d. Miles driven Oct–Dec: reported by Jan 10
13. Forms for reporting personal and work-related mileage can be obtained from the Payroll Division.

Vehicles

1. **Assigned vehicles.** When the Department Director and fleet manager agree that a particular position requires a vehicle for the performance of duties and responsibilities, Metro will assign a specific vehicle to the operator occupying that position.

Use of Metro vehicles to commute to and from work, except as stated above, is prohibited unless approved in advance in writing by the Department Director or the fleet manager. Before taking a Metro vehicle home, an employee who is not regularly assigned a vehicle must notify both the Department Director and the fleet manager and obtain written approval from either one.
2. **Privately-Owned Vehicles.** Metro allows use of privately-owned motor vehicles to conduct official Metro business. A privately-owned motor vehicle used for Metro business must be in safe mechanical condition to provide safe transport. Vehicles must conform to the mandatory vehicle equipment requirements of the state in which the vehicle is registered. Employees must meet or exceed mandatory insurance requirements and the vehicle registration must be current.
 - a. A motor pool vehicle shall be used when a personally-owned vehicle does not meet these standards.

- b. Employees should use Metro vehicles, when available, rather than privately-owned vehicles in all cases in which a vehicle is necessary for work-related travel.
 - c. Drivers based at facilities where fleet vehicles are located are first required to attempt to use a Metro fleet vehicle for Metro business.
 - i. In the event one is unavailable, the employee may use his or her personal vehicle, with supervisor or manager approval, and receive mileage reimbursement.
 - ii. Mileage reimbursement for the use of a privately-owned motor vehicle is considered full payment (including depreciation, insurance, deductible, maintenance, and operating costs) for its use.
3. **Worker's Compensation.** Employees injured in the course and scope of work should file a workers' compensation claim with Metro's workers' compensation insurer.

Insurance Requirements for Use of Privately Owned Vehicles

- 1. The driver of a privately-owned motor vehicle used to conduct Metro business must be insured against liability (person and property) in an amount not less than the minimum requirements of the state in which the vehicle is registered.
- 2. The driver's insurance is primary with respect to bodily injury and property damage; Metro's self-insurance shall apply only as excess of the employee's personal insurance.
- 3. Metro will investigate and defend any claim or action against Metro or its employees on behalf of drivers covered by this policy except:
 - a. When any claim is resolved by the employee's insurance; and
 - b. If the use of the vehicle was outside the scope of Metro business.
- 4. Use of privately-owned motor vehicles for Metro business in violation of the automobile financial responsibility laws (e.g. not having legal insurance coverage limits) will result in disciplinary action up to and including termination.
- 5. The vehicle owner is responsible for payment of personal auto insurance deductible related to an accident.

Metro Insurance

Automobile Liability

Metro self-insures auto coverage and receives authorization from the Oregon DMV to operate motor vehicles under certificate #118. Risk Management will maintain this authorization as required by Oregon DMV.

Metro's maximum policy and coverage limits will be the minimum limits required by ORS Chapter 742.

- 1. The limit of insurance under this coverage shall be reduced by:
 - 2. All sums paid or payable under workers' compensation, disability benefits or similar law, and

3. All sums paid by or for anyone who is legally responsible, including all sums paid for by the Risk Fund.
4. Any amount payable for damages under this coverage will be reduced by any amount an “insured” may be paid under Personal Injury Protection Coverage.
5. In no event will an “insured” be entitled to receive duplicate payment for the same element of loss.

Rental vehicles

1. Metro self-insures automobile and liability coverage, including for rental vehicles. Generally, departments should decline rental insurance coverage, especially if rental vehicles are obtained using a Metro Purchasing Card. However, circumstance may exist where the department desires to purchase this coverage with input from Risk Management.
2. If an accident occurs when the vehicle is used outside the scope of Metro business (e.g., if a rental vehicle is used for a non-job-related side trip) liability coverage, collision coverage deductibles, and other charges will not be paid by Metro.
3. For other types of vehicle services (such as Uber, Lyft, Car2Go, etc), please contact the Finance Department for questions about reimbursement and insurance.

Incidental Use of Metro-Owned Vehicles for Non-Business Purposes

1. When operating a Metro vehicle, drivers may:
 - a. Make stops for lunch or other meals if appropriate to the time of day, provided the stop is along the normal route and does not add any additional mileage to the trip; and
 - b. Make stops for restroom breaks as needed.
2. Stops or other uses of Metro vehicles are prohibited in all instances if it would create a reasonable public perception of misuse or abuse of the vehicle and/or the driving privilege.
 - a. Prohibited vehicle use includes, but is not limited to, stops at a liquor store, a bar or tavern, an adult bookstore, a gambling establishment, or any other business or location that the public may reasonably consider misuse of Metro vehicles.
 - b. Drivers may not purchase or transport alcoholic beverages for personal use at any time while using a Metro vehicle. Drivers may not consume alcoholic beverages and then drive a Metro vehicle or personal vehicle for Metro business.
 - c. Drivers may not transport unauthorized passengers while driving on Metro business or in a Metro vehicle.
 - d. Drivers may not smoke or use cigarette alternatives in a Metro vehicle.

Training

Metro may assign training requirements at any point for new or existing drivers.

Summary of Responsibilities and Duties:

Employees/Interns/Volunteers:

- Follow all rules and procedures outlined in this policy.

Supervisors/Department Directors:

- Supervisors and Department Directors are responsible for enforcing this policy, and shall ensure all employees who drive understand these policies and the potential consequences for violating them.
- Immediately notify Human Resources upon receiving information regarding any violations reported under this policy.
- Supervisors must ensure employees are trained on vehicles and equipment that they will use in their job duties.

Risk Management:

- Conduct driving record checks for existing employees, interns, volunteers and elected officials.

Human Resources:

- Conduct driving record checks at hire of employees, interns, volunteers and elected officials.

Property Services and Fleet Manager:

- Maintain Metro vehicles in proper working order in collaboration with assigned operators and programs as required by fleet procedures.

Attachments

Appendix A – Motor Vehicle Record Evaluation

Appendix B – Driver & Vehicle Statement of Qualification

Appendix C – Metro Driving Record Check Information for Metro Vehicles

References

ORS Chapter 742 – Insurance Policies

ORS 153 – Violations and Fines

ORS Chapter 811 – Rules of the Road for Drivers

Drug and Alcohol Use Policy

APPENDIX A

Matrix

Motor Vehicle Record Evaluation

This form shall be completed for any finalists to a position in which driving is an essential job function, and for all other individuals who may operate a Metro vehicle.

Applicant name: _____ Driver's license number: _____

Date of motor vehicle record (within 30 days of evaluation): _____

Evaluation Completed by: _____ Date of Evaluation: _____

The applicant must hold a valid driver's license: Yes (Pass) No (Disqualified)

Category	Type of Offense (see definitions on page 1)	Allowance (as applied from date of conviction to date of evaluation)	Description	Date of conviction	Points (circle all that apply)
I.	Any traffic crime the applicant was convicted of within the last 36 months	None allowed	1.		<input type="checkbox"/> Disqualify
	Any traffic crime the applicant was convicted of within the last 60 months	1 within the past 60 months	1.		2
		2 or more within past 60 months are not allowed	2.		<input type="checkbox"/> Disqualify
II.	All Class A, B or C traffic violations	1 within the past 12 months	1.		1
		2 or more within past 12 months are not allowed	2.		<input type="checkbox"/> Disqualify
		2 within the past 36 months	1.		1
			2.		1
3 within the past 36 months are not allowed	3.		<input type="checkbox"/> Disqualify		
III.	Any class D traffic violations	2 within the past 12 months	1.		1
			2.		1
		3 or more within past 12 months are not allowed	3.		<input type="checkbox"/> Disqualify
		3 within the past 36 months	1.		1
	2.			1	
3.			1		
	4 or more within past 36 months are not allowed	1.		<input type="checkbox"/> Disqualify	
IV.	Diversion Agreement	Complete	No more than 1 within the past 120 months		2
		Not Complete	None allowed		<input type="checkbox"/> Disqualify
Total Points of all categories: (May not exceed 3 points or the applicant does not meet acceptable driver criteria)					

As of the date of this evaluation, applicant:

- Meets acceptable driving record criteria
- Does not meet acceptable driving record criteria

APPENDIX C

Metro Driving Record Check Information for Employee Driving Metro Vehicles

This form should be completed by all Metro employees that drive Metro fleet vehicles. It is used to obtain driving record checks required by the Driving & Vehicle Use Policy.

_____	_____	_____
First Name	Middle Name	Last Name
_____	_____	_____
Department	Division	Facility Location
_____	_____/_____/_____	() _____ x _____
Employee number	Date of Birth (MM/DD/YYYY)	daytime or work phone number
_____	OR / WA / Other _____	_____/_____/_____
Driver's license#	State of issue (circle or complete)	Expiration MM/DD/YYYY
_____	_____	_____
Class of license	Endorsements	Restrictions
_____	() _____ x _____	
Supervisor's name	Supervisor's day time or work phone number	

Metro use only - Do not write below this line

Date driving record received ____/____/_____

Circle one:

- 1) Acceptable
- 2) Requires review

Review Results	HR Acceptable/Not-Acceptable Notes: _____ OMA Acceptable/Not-Acceptable Notes: _____ Risk Management – Final determination Acceptable/Not-Acceptable Initials _____ Notes: _____ Supervisor notified date _____ Employee notified date _____ Date entered into PeopleSoft _____
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