

**METROPOLITAN EXPOSITION RECREATION COMMISSION**

**Resolution No. 16-17**

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:**

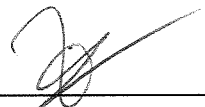
That the Metropolitan Exposition Recreation Commission adopts the changes to the Personnel Policies in a form substantially similar to the attached Exhibit B.

Passed by the Commission on June 1, 2016.

  
Chair

  
Secretary-Treasurer Vice Chair

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.:** 16-17

**Presented by:** Mary Rowe, Metro Human Resources Director

**Date:** June 1, 2016

### **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 as appropriate. These policies have been updated for legal compliance. These policies were presented to the Commission for discussion on May 4, 2016.

### **Resolution:**

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

- Sick Leave for Non-represented Variable Hour and Temporary Employees
- Sick Leave for Non-Represented Benefits-Eligible Employees

### **Long range fiscal impact:**

There is minimal additional fiscal impact projected for implementation of these Sick Leave policies changes.

### **Recommendation:**

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

**EXHIBIT A: SUMMARY OF PROPOSED PERSONNEL POLICY FOR MERC COMMISSION  
JUNE 1, 2016**

Below is a list of the draft policies for your review. These proposed policies are intended to supersede the ones adopted in January 2016.

<b>Policy</b>	<b>Existing All Metro Policy</b>	<b>Applicable Legal Provisions</b>	<b>Policy Summary/Explanation of Change</b>	<b>Fiscal Impact</b>	<b>Business Impact</b>
<b>Sick Leave for Non-represented Variable Hour and Temporary Employees</b>	<b>Sick Leave for Non-represented Variable Hour and Temporary Employees</b>	<b>ORS Ch 653</b>	To ensure compliance with statute deleted provision that employees do not accrue sick leave on overtime worked.	Minimal	Minimal
<b>Sick Leave for Non-represented Benefits Eligible Employees</b>	<b>Sick Leave for Non-represented Benefits Eligible Employees</b>	<b>ORS Ch 653</b>	To ensure compliance with statute deleted provision that employees do not accrue sick leave on overtime worked.	Minimal	Minimal

**DRAFT**  
  
3/4/16

 **Metro** | *Policies and procedures*

**Subject** Sick Leave for Non-represented Variable Hour and Temporary Employees  
**Section** Human Resources  
**Approved by**

---

**POLICY**

*Metro provides paid sick leave to non-represented variable hour and temporary employees in accordance with this policy.*

---

**Applicable to**

All non-represented variable hour and temporary employees.

*The availability of sick leave for represented employees is determined by the applicable collective bargaining agreement.*

**Definitions**

Qualifying Family Member: An employee’s spouse or domestic partner; biological, adopted or foster parent or child; child or parent of a domestic partner; parent-in-law; stepparent, grandchild, grandparent and grandparent-in-law; sibling and any other person for which the employee is a legal guardian or is in a relationship of in loco parentis; or as otherwise required by law.

Temporary: Temporary employees are hired to staff vacant, budgeted positions due to an employee’s absence, to fulfill unbudgeted additional staffing needs as they arise or to fulfill seasonal needs. Temporary employees may not work more than 1040 hours per year, measured from the original hire date. For the purposes of this policy, interns paid by Metro are treated like temporary employees, except interns may exceed 1040 hours in a twelve month period. (Interns who are students and provided employment opportunities for financial or vocational training through secondary or post-secondary educational institutions’ work study programs are not eligible for paid sick leave.)

Variable Hour: Variable hour employees are hired and scheduled for work as needed and to staff and support events at Metro and MERC facilities/venues. Variable hour employees include non-represented, part-time MERC employees. Variable hour employees’ work schedules will be determined by business needs and may result in a period of routine and ongoing scheduling or more sporadic scheduling. Non-represented variable hour employees have no guarantee of a minimum or maximum number of work hours, nor are they limited to a certain number of work hours per year.

## Guidelines

1. Non-represented variable hour and temporary employees may earn and use paid sick leave based on their hours paid.
2. Employees must comply with attendance and call-in expectations for their position as outlined in procedures below. Misuse of sick leave may be grounds for discipline, up to and including termination.

## Procedures

1. Rate of accrual: Non-represented variable hour and temporary employees accrue paid sick leave at a rate of .05 hours per hour paid. Employees may accrue and use up to a maximum of forty (40) hours of sick leave annually.
2. Eligibility for use:
  - a. Employees shall be eligible to use earned sick leave after 60 calendar days of service.
3. Use of sick leave:
  - a. Employees shall be eligible to use sick leave as soon as it is accrued.
  - b. When using sick leave, employees will report sick leave consistent with rules for entering hours worked.
4. Notification: For unforeseen absences, employees unable to report to work shall contact their supervisor and report the reason for their absence pursuant to their department notification procedures, unless it is not practicable to provide notice. Employees are then required to provide notice as soon as practicable. For foreseeable absences, employees should notify their supervisor of their need to use sick leave at least 10 days in advance. For qualifying unforeseeable leaves, employees should provide notice as soon as is practicable.
5. Reasons for sick leave use:

Employees may use accrued sick leave:

  - a. For mental or physical illness, injury or health condition, medical care, diagnosis and treatment, or preventive medical care of a mental or physical illness, injury or health condition, for themselves or for a qualifying family member.
  - b. When leave is for a purpose specified by FMLA or OFLA.
  - c. To address domestic violence, harassment, sexual assault, or stalking in accordance with state law and Metro's Domestic Violence, Sexual Assault, Criminal Harassment and Stalking Protections Policy.
  - d. In the event of a public health emergency, which includes closure of the school or place of care of an employee's child, or by order of a public official due to a public health emergency.
6. Documentation: An employee's supervisor may require the employee to provide a note from a health care provider or other professional supporting the need for leave in the following situations:
  - a. If the employee takes more than three consecutive scheduled workdays of sick time.
  - b. If the employee is suspected of misusing and/or abusing sick time.

Medical verification shall be provided within 15 calendar days after the supervisor requests the verification. Metro will pay any reasonable costs for providing medical verification or certification. Failure to provide requested documentation may result in disciplinary action, up to and including termination.

7. Rate of Pay: Sick leave will be paid at the employee's rate of pay for that job and shift for the hours the employee was scheduled to work on that day.
8. Unused Sick Leave at Termination: An employee's accrued sick leave will not be paid out upon termination, resignation, retirement or other separation from employment.
9. Reinstatement: Employees re-employed within 180 days of termination will have their accrued sick leave balance restored. Employees who leave Metro employment prior to 60 days after initial date of hire and return within 180 days of termination shall be entitled to begin using their accrued sick leave after their total combined period of employment with Metro exceeds 60 days.
10. Reporting of Sick Leave to PERS: Metro shall participate in the PERS unused sick leave program. Metro shall report the number of unused sick leave hours to PERS as provided in ORS 238.350. As a result, once an employee is terminated from the agency, there is no carry-over of sick leave hours should the employee be rehired at a later date except as provided in the paragraph above regarding reinstatement within 180 days.
11. Written Notification of Accruals: Metro will provide notification on employees' pay statements of the amount of accrued and unused sick time available for use by an employee.
12. Misuse of sick leave: May be grounds for discipline, up to and including termination.

## **Responsibilities**

### Employees:

- Notify your supervisor as soon as possible of your absence for unforeseen absences following attendance and call-in policies applicable to your work group.
- For planned absences, when possible provide at least ten (10) days advance notice.
- Make a reasonable attempt to schedule the use of sick time in a manner that does not unduly disrupt Metro's operations.
- For unforeseen qualifying leaves, provide notice as soon as is practicable.
- If advance notice of sick leave has not been requested, provide medical verification of need for sick leave within fifteen (15) days after supervisor or HR requests it.
- Code leave appropriately in Metro's timekeeping system. Use sick leave for approved purposes only.

### Supervisors:

- Request supporting documentation if needed to substantiate the employee's need for leave when the employee has been absent for more than three (3) consecutive days or you have reason to believe the employee is misusing or abusing sick leave. (Note: Metro may need to pay costs of requesting documentation from medical provider that are not covered by health care benefits.)

- Address misuse of sick leave with employees in a timely manner, consulting with Human Resources as needed.
- Approve or deny advance requests for sick leave and notify the employee as soon as possible. You may not deny, interfere with, restrain or fail to authorize sick time to which an employee is entitled.
- You may not require employees using accrued sick leave to find replacement for or make-up their scheduled hours.
- You may not retaliate or in any way discriminate against an employee with respect to any term or condition of employment because the employee has inquired about, requested or taken sick time, nor interfere with an employee's right to take accrued sick leave.
- Ensure that leave is coded appropriately in Metro's timekeeping system.

### **Conformity with State Law**

The application of this policy is intended to comply with state law. Human Resources will notify employees of changes in guidelines/procedure for use of sick leave pending issuance of state regulations.



# Metro | *Policies and procedures*

DRAFT

3/4/16

**Subject** Sick Leave for Non-Represented Benefits-Eligible Employees

**Section** Human Resources

**Approved by**

---

## POLICY

*Metro provides non-represented benefits-eligible regular and limited duration employees with paid sick leave for use by the employee or a qualifying family member in the event of illness, domestic violence related absences, bereavement leave and as otherwise allowed by law.*

---

## Applicable to

All non-represented benefits-eligible regular and limited duration employees.

*Paid sick leave may be available for represented employees as determined by the applicable collective bargaining agreement.*

## Definitions

Qualifying Family Member: An employee's spouse or domestic partner; biological, adopted or foster parent or child; child or parent of a domestic partner; parent-in-law; stepparent, grandchild, grandparent and grandparent-in-law; sibling and any other person for which the employee is a legal guardian or is in a relationship of in loco parentis; or as otherwise required by law.

## Guidelines

1. Benefits-eligible regular status and limited duration employees will accrue sick leave with pay at a rate of .05 hours per hour paid, up to a maximum of 104 hours per year for a full-time employee. There is no limit on an employee's maximum accrued sick leave balance.
  - a. For benefits-eligible part-time employees, leave accruals will be prorated according to the employee's assigned work hours (FTE).
  - b. Leave under this policy is distinct from unpaid protected sick leave for which the employee may be qualified under the Oregon Family Leave Act, federal Family and Medical Leave Act, or other laws. If leave granted under this policy is also covered by OFLA/FMLA, the two types of leave will run concurrently as allowed by law. Please see Metro's Family and Medical Leave policy for more information.



## Procedures

### 1. Use of Sick Leave:

- a. Employees shall be eligible to use sick leave immediately upon accrual.
- b. For full-time exempt employees, absences of four hours or more will be tracked in the leave management system and covered through the use of available sick leave accruals. Part-time exempt employees and those on a flex schedule, must enter sick leave in the leave management system when they need to be absent for one-half (1/2) or more of their regularly scheduled shift for qualifying absences.

### 2. When using sick leave, employees will report sick leave consistent with rules for entering hours worked and vacation leave.

### 3. Reasons for sick leave use:

Employees may use accrued sick leave:

- a. For mental or physical illness, injury or health condition, medical care, diagnosis and treatment, or preventive medical care of a mental or physical illness, injury or health condition, for themselves or for a qualifying family member.
- b. When leave is for a purpose specified by FMLA or OFLA.
- c. To address domestic violence, harassment, sexual assault, or stalking in accordance with state law and Metro's Domestic Violence, Sexual Assault, Criminal Harassment and Stalking Protections Policy.
- d. In the event of a public health emergency which includes closure of the school or place of care of the employee's child, or by order of a public official due to a public health emergency.

### 4. Sick Leave Notification: For unforeseen absences, employees unable to report to work shall contact their supervisor and report the reason for their absence pursuant to their department notification procedures, unless it is not practicable to provide notice. Employees are then required to provide notice as soon as practicable. For foreseeable absences, employees should request notice at least 10 days notice in advance.

### 5. Sick Leave Use in Conjunction with Workers' Compensation: An employee on a Workers' Compensation claim may elect to receive full net wages in paid sick leave while also receiving time loss payments. Employees who are receiving Workers' Compensation payments for an injury or illness may use sick leave to equal the difference between the Workers' Compensation payment for lost time to bring the employee to full net take-home pay for the pay period. In such instances, Metro will prorate charges against the employee's accrued sick leave. When an employee receives payments from Workers' Compensation and sick leave that exceed the employee's net pay, the employee will reimburse Metro for the overpayment of sick leave paid. Metro and the employee will work out a repayment plan for reimbursement. Upon repayment of the total amount of the excess, the employee's sick leave account shall be credited with that portion of the sick leave repaid.

### 6. Documentation: An employee's supervisor may require the employee to provide a note from a health care provider or other professional supporting the need for leave in the following situations:

- a. If the employee takes more than three consecutive scheduled workdays of sick time.
- b. If the employee is suspected of misusing and/or abusing sick time.

Medical verification shall be provided within 15 calendar days after the supervisor requests the verification. Metro will pay any reasonable costs for providing medical verification or certification. Failure to provide requested documentation may result in disciplinary action, up to and including termination.

7. Rate of Pay: Sick leave will be paid at the employee's regular rate of pay for that job, for the hours the employee was scheduled to work on that day.
8. Written Notification of Accruals: Metro will provide notification on employees' pay statements of the amount of accrued and unused sick time available for use by an employee.
9. Misuse of sick leave: May be grounds for discipline, up to and including termination.

Metro shall not conclude that any employee has misused sick leave without first notifying the employee in writing that the employee appears to be misusing sick leave, and giving the employee an opportunity to respond.

10. Infrequent Absences of Exempt Employees: When an exempt employee has an absence of four or more hours, such absences will be tracked in the leave management system and covered through the use of available leave accruals as appropriate for the situation.

Infrequent absences of less than four hours by an exempt employee that does not negatively impact expected work performance or productivity will not be covered through the use of leave accruals. In addition, this section would not apply if an employee has received prior approval from their manager to flex their schedule in a given workweek.

11. Sick Leave Incentive: Regular full-time employees who use twenty-four (24) hours or less of sick leave within one fiscal year period shall accrue eight (8) additional hours of vacation leave in exchange for eight (8) hours of sick leave at the end of the fiscal year period. Regular part-time employees who use twenty-four (24) hours or less of sick leave within one fiscal year period shall accrue up to eight (8) additional hours of vacation leave based on their FTE, in exchange for the same number of sick leave hours at the end of the fiscal year period.
12. Unused Sick Leave at Termination: No payment for accrued sick leave shall be provided for any employee upon termination, resignation, retirement or other separation from employment for any reason. Metro shall participate in the PERS unused sick leave program as provided in ORS 238.350. Metro shall report the number of unused sick leave hours to PERS for use in the calculation of the employee's final average salary.
13. Reinstatement: Employees re-employed within 180 days of termination will have their accrued sick leave balance restored up to 80 hours. Employees who leave Metro employment prior to 60 days after initial date of hire and return within 180 days of termination, shall be entitled to begin using their accrued sick leave after their total combined period of employment with Metro exceeds 60 days.

## **Responsibilities**

### Employee:

- Notify supervisor of unplanned absences in accordance with work unit or department procedures.
- For planned absences, when possible provide at least ten (10) days advance notice.
- For unforeseen qualifying leaves, provide notice as soon as is practicable.

- If advance notice of sick leave has not been requested, provide medical verification of need for sick leave within fifteen (15) days after supervisor or HR requests it.
- Code leave appropriately in Metro's timekeeping system.

Supervisor and Department Director:

- Request supporting documentation if needed to substantiate the employee's need for leave when employee has been absent for more than three (3) consecutive days or you have reason to believe the employee is abusing sick leave. (Note: Metro may need to pay costs of requesting documentation from medical provider that are not covered by health care benefits.)
- Address misuse of sick leave with employees in a timely manner, consulting with Human Resources as needed.
- Approve or deny advance requests for sick leave and notify the employee as soon as possible. You may not deny, interfere with, restrain or fail to authorize sick time to which an employee is entitled.
- May not require employees using accrued sick leave to find replacement for or make-up their scheduled hours.
- May not retaliate or in any way or discriminate against an employee with respect to any term or condition of employment because the employee has inquired about, requested or taken sick time, nor interfere with an employee's right to take accrued sick leave.
- Ensure that leave is coded appropriately in Metro's timekeeping system.

Human Resources Department:

- Provide guidance and information as needed.

**References**

Metro Family and Medical Leave policy

Domestic Violence, Sexual Assault, Criminal Harassment and Stalking Protections Policy

**Conformity with State Law**

The application of this policy is intended to comply with state law. Human Resources will notify employees of changes in guidelines/procedure for use of sick leave pending issuance of state regulations.