

METROPOLITAN EXPOSITION-RECREATION COMMISSION

RESOLUTION NO. 163


Authorizing a revision in the leave provisions for the Metropolitan Exposition-Recreation Commission Personnel Policies.

THE METROPOLITAN EXPOSITION-RECREATION COMMISSION FINDS:

1. That Personnel Policies were originally adopted by MERC Resolution No. 8 on June 8, 1988;
2. That MERC Personnel Policies were revised by Metro Resolution No. 88-075 on September 22, 1988;
3. That Personnel Policies were revised by MERC Resolution No. 55 on March 14, 1990;
4. That the Oregon Administrative Rules provision for Pregnancy Leave became effective in January 1988 that such leave is currently covered under general provisions of MERC Personnel Policies, however, it is the Commission's desire to specifically include Pregnancy Leave;
5. That the Oregon Administrative Rules provision for Family Medical Leave became effective on January 2, 1992;

BE IT THEREFORE RESOLVED that the Commission authorizes a revision in the MERC Personnel Policies which will include Pregnancy Leave and Family Medical Leave.

Passed by the Commission on this 18th day of February, 1992.


Chairman


Secretary/Treasurer

Approved as to Form:


Metro General Counsel

REVISION TO METRO ERC PERSONNEL POLICIES:

New Provision:

9.10 Family Medical Leave

The Commission provides family medical leave of up to twelve (12) weeks within a two-year period for eligible employees for the care of family members who suffer serious health conditions. For the purpose of this leave, family members are defined as a seriously-ill spouse, parent, parent-in-law, or child, or a sick minor child requiring home care. At the employee's discretion, the leave shall be paid from accrued personal leaves (including vacation leave, sick leave, compensatory time leave, personal holiday leave), or be unpaid.

(A) The employee shall be entitled to take family medical leave without being penalized for taking such leave.

(B) An employee returning from family medical leave shall be reinstated with no greater or lesser rights in employment than if the employee had not taken the leave (pursuant to ORS 939, Oregon Laws 1991).

(C) All full-time and part-time employees who have completed at least 180 calendar days of employment while averaging at least twenty-five (25) hours of work per week are eligible to request the leave.

(D) Employees have the option of using their accumulated leave balances during the family medical leave. If the employee chooses to take leave without pay, benefits will be paid through the last day of the month following the month in which the leave without pay commences. If the employee chooses to utilize accumulated balances, benefits will be continued as long as the leave is continued on paid status.

(E) Eligible employees may take a maximum of twelve (12) weeks of family medical leave within a two-year period. Each two-year period begins on the date of the first day of actual leave taken.

(F) When the employee can anticipate that the serious health situation is going to arise, the employee must submit a written request to the Department Head and Personnel Director at least fifteen (15) days prior to taking the leave.

When the employee cannot anticipate the serious health condition of the family member, an oral request can be made to the Department Head to be confirmed in writing to the Department Head and Personnel Director within three (3) working days.

The employee's written request must contain the following:

- (1) the relationship of the employee to the person needing care,
- (2) the health condition of the family member necessitating the leave, along with a doctor's certificate stating such health condition,
- (3) the anticipated length of absence, not to exceed twelve (12) weeks,
- (4) other family members who are taking family medical leave and when they are taking it, or are otherwise available to care for the family member.

(G) The Commission is not required to grant this leave of absence during any period of time in which another family member is also taking a family medical leave of absence from their employer, or is otherwise available to care for the family member.

(H) The employee who takes a family medical leave of absence has a duty to make a reasonable effort to schedule medical treatment or supervision so as to minimize disruption of the Commission's operations, subject to the approval of the treating physician.

(I) The former position of an employee on family medical leave shall either remain vacant during the leave, or it may be filled on a temporary basis and considered vacant for reinstatement purposes.

(J) At the conclusion of a family medical leave, the employee shall be reinstated to their former position, unless it has been eliminated due to material changes in MetroERC's financial position or business circumstances, or the circumstances have so changed that the employee cannot be reinstated to their former position, in which case the employee shall be reinstated to an equivalent position which is available and suitable. If the circumstances have so changed that the employee cannot be reinstated to the former or an equivalent position, then the employee shall be reinstated to an available suitable position.

(K) Employees who do not return by the date specified may be disciplined up to and including dismissal.

receipt of the initial medical opinion.

(F) Pregnancy Leave:

(1) The Commission shall provide a pregnancy leave of absence if no suitable work is available for temporary transfer, and if the leave can be reasonably accommodated.

(2) The period of leave shall be the reasonable period of time during which the employee is disabled from performing any available positions. To initiate a leave of absence, the employee must make the request in writing to their Department Head and Personnel Director. The leave request must include the period of time for which the leave is requested. The leave request must also address the employee disability from performing other available work:

- (a) If the employee previously requested temporary pregnancy transfer, she must state whether a transfer was offered to her, and if a transfer was offered, the employee must explain why she is disabled from performing those job duties;
- (b) If the employee did not request temporary pregnancy transfer, she must explain why she is disabled from performing any available job duties known to her; and
- (c) a doctor's opinion/certificate confirming (a) or (b) above.

3) The Department Head or Personnel Director may request an additional independent opinion, at Commission expense, within three (3) working days after receipt of the initial medical opinion.

(4) Employees have the option of using their accumulated leave balances during pregnancy leave. If the employee chooses to take leave without pay, benefits will be paid through the last day of the month following the month in which the leave without pay commences. If the employee chooses to utilize accumulated balances, benefits will be continued as long as the leave is continued on paid status.

(5) If, during the course of the leave, another position which the employee is qualified to perform becomes available, the Commission will, within three (3) working days, offer the available position to the employee, unless a physician has determined that the employee must remain on leave for a fixed or minimum period of time and the job becomes available during that period of time, or unless a physician has determined that the employee is disabled from performing any job duties for an indefinite period of time.

(G) If, during the course of pregnancy leave or transfer, the employee regains the ability to perform the duties of her former position, she shall, within three (3) working days of her knowledge of her regained ability, notify the Commission. The Commission shall restore the employee to her former position within ten (10) working days of notification by the employee, unless the position has been eliminated due to changed circumstances, in which case the employee will be reinstated to an available equivalent position. If no equivalent positions are available, the employee shall be reinstated to an available and suitable position.

(H) If, at any time during the course of pregnancy leave or transfer, the employee is released by her treating physician to perform the duties of her regular position, she must provide the written release to her Department Head and Personnel Director within three (3) working days of the release. The Commission will, within ten (10) working days of receipt of notice of release, restore the employee to her former position, unless the position has been eliminated due to changed circumstances, in which case, the employee will be reinstated to an available equivalent position. If no equivalent positions are available, the employee shall be reinstated to an available and suitable position.

(I) Employees who do not follow timelines established in this policy or do not return by the date specified may be disciplined up to and including dismissal.