

METROPOLITAN EXPOSITION-RECREATION COMMISSION

RESOLUTION NO. 188

Authorizing revisions in Sections I - IX and XI - XIII of the Metropolitan Exposition-Recreation Commission Personnel Policies.


THE METROPOLITAN EXPOSITION-RECREATION COMMISSION FINDS:

1. That Personnel Policies were originally adopted by the Metropolitan Exposition Commission by Resolution No. 8 on June 8, 1988;
2. That Metropolitan Exposition-Recreation Commission Personnel Policies were revised by Metro Resolution No. 88-075 on September 22, 1988;
3. That Personnel Policies were revised by Commission resolution No. 55 on March 14, 1990;
4. That Personnel Policies were revised by Commission Resolution No. 163 on February 18, 1992 to include Pregnancy and Family Medical Leave;
5. That the Commission revised Section X (Employee Benefits) of the personnel policies by Commission Resolution No. 187 on June 10, 1992.
6. That the Commission and Metro Personnel staff in consultation and on approval of Metro Legal Counsel has completed a periodic review of current Commission Policies and recommends revisions to current Commission Policies.

BE IT THEREFORE RESOLVED that the Commission authorizes revisions to Sections I - IX and XI - XIII of the Commission Personnel Policies as attached to this resolution.

Passed by the Commission on this 8th day of July 1992.


Chairman


Secretary-Treasurer

Approved as to Form:


Metro Senior Assistant Counsel

METROPOLITAN EXPOSITION-RECREATION COMMISSION

PERSONNEL POLICIES

Effective _____, 1992

Adopted by MERC Resolution No. 8 on June 28, 1988.

Adopted and Revised by Metro Resolution No. 88-975 on September 22, 1988.

Revised by MERC Resolution No. 55, on March 14, 1990.

Revised by MERC Resolution No. _____, on _____, 1992.

MERC PERSONNEL POLICIES AND GUIDELINES

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SECTION 1 - GENERAL PROVISIONS

1.01 Purposes and Objectives

The purpose of these Policies is to implement the provisions of the Metro Code Section 6.01.090 by adopting and maintaining a system of personnel administration for the Metropolitan Exposition-Recreation Commission (hereinafter referred to as "Commission"), and to achieve for the Commission facilities the following services:

- (A) To provide and maintain a system of personnel administration, in which the appointment and retention of persons in Commission employment shall be achieved on the basis of promoting the public welfare and implementing the Commission's responsibilities.
- (B) To establish and maintain a position classification plan which shall group all positions in Commission employment into classifications based upon their duties and responsibilities.
- (C) To provide for a compensation plan which shall include for each classification a minimum and/or maximum rate and such intermediate rates as the Commission considers necessary and equitable.
- (D) To promote efficiency, economy, and public responsiveness in the operation of Commission facilities.
- (E) To provide that the employees covered by these rules shall be subject to proper conduct, the satisfactory performance of work, and the availability of funds.
- (F) These personnel policies do not constitute a contract of employment. Moreover, in order to meet future challenges and to continue to improve the working environment for all employees, the Commission retains the flexibility to change, substitute, interpret and discontinue the policies and benefits described herein, at any time, with or without notice to employees. No person shall be deemed to have a vested interest in, or legitimate expectation of, continued employment with the Commission, or any policy or benefit described herein or otherwise generally followed by the Commission. No contract of employment can be created, nor can an employee's status be modified, by any oral or written agreement (except a valid collective bargaining agreement), or course of conduct, except by a written agreement signed by both the Chairman and Secretary-Treasurer of the Commission on behalf of the Commission. Whenever a question arises as to the meaning or interpretation of any policy or practice of the Commission, the interpretation given by the Commission and/or its designees shall be final and binding.

(G) Nothing contained in this section or elsewhere in the personnel policies shall be construed as any guarantee of hours worked per day or per week. These Personnel Policies shall apply to all employees of the Commission except in the following circumstances:

- (1) Where a conflict exists between these Personnel Policies and the terms of a valid collective bargaining agreement, the collective bargaining agreement shall govern; and
- (2) Where a collective bargaining agreement contains any type of grievance resolution procedure, that procedure, including any procedural and/or substantive limitations placed upon it by the collective bargaining agreement, shall be the sole and exclusive remedy for employees in that bargaining unit, and the grievance procedure established by these Policies shall not apply to those employees for any purpose.

1.02 Personnel Policy Administration

(A) Overall administration of these Personnel Policies shall be the responsibility of the General Manager. The Personnel Manager shall administer the Personnel Policies for the General Manager.

The Personnel Manager shall:

- (1) Act as the agent of the General Manager in Administering all the provisions of the Personnel Policies;
- (2) Prepare and recommend revisions and amendments to the Personnel Policies;
- (3) Assign a Personnel staff member as a resource contact for Commission staff.
- (4) The Commission and/or its designee shall retain ultimate decision-making authority for hiring, firing, promoting, assigning, disciplining and modifying these policies.

(B) The Commission may engage outside services from persons or agencies for specific personnel projects or studies recommended by the General Manager and the Personnel Manager.

SECTION 2 - DEFINITIONS

Certain terms used in these Personnel Policies are defined as follows:

2.01 Hiring Authority:

The General Manager, to whom authority is delegated for all employees in full-time and part-time service, or the Commission in the case of the appointment of Facility Directors, the Director of Finance and Administration and the General Manager.

2.02 Appointment:

The filling, of a position properly authorized by the Commission as established in 2.01 above.

2.03 Commission:

The Metropolitan Exposition-Recreation Commission created by Metro Code Chapter 6.01.

2.04 Days:

Days means calendar days unless specifically provided otherwise.

2.05 Flexible Hours:

Hours authorized and scheduled as an alternative to the regular 8:00 a.m. - 5:00 pm work day.

2.06 Full-time Employee:

An individual whose position is designated as full-time in the adopted Commission budget.

2.07 Grievance:

A written expression of an alleged violation of these Personnel Policies, submitted by an employee(s) for the purpose of obtaining adjustment.

2.08 Holiday:

The 24-hour period between 12:01 am and 12:00 midnight of the day on which a holiday is "observed", for employees who work Monday through Friday. For those

employees whose work schedules are other than Monday through Friday, the holiday is the 24-hour period between 12:01 am and 12:00 midnight on the "actual" holiday.

2.09 In-house

Refers to current Metro and Metro ERC employees.

2.10 Job Classification

A group of similar duties, responsibilities and authorities, for which the same qualifications may be required, and for which the same schedule of pay shall be applied. Each classification in Commission service shall be included in the compensation plan.

2.11 Lay-Off:

A separation from employment because of organizational changes, lack of work, lack of funds or for other reasons not reflecting discredit on the employee.

2.12 Non-Represented Employee:

An employee who is not represented by a labor organization (union).

2.13 Part-Time Employee:

An individual whose position is designated as part-time in the adopted Commission budget.

2.14 Personnel Action (PA):

The written record of any action affecting the employee or the status of his/her employment.

2.15 Promotional Opportunity:

Promotional opportunities are openings for current Metro and Metro ER Commission employees for any vacant positions which are newly created or vacated by the termination of an employee. (See 2.09)

2.16 Represented Employee:

An employee who is represented by a labor organization (union).

2.17 Personnel File or Personnel Records:

Those confidential records maintained and controlled by the Personnel Department for each employee of the Commission. These records will be kept separate from other Metro personnel records.

2.18 Resignation:

Voluntary separation from employment.

2.19 Suspension:

The temporary separation of an employee from the employee's duties with or without pay.

2.20 Temporary Appointment:

An employee who is hired to perform the duties of another employee on an authorized leave or other temporary assignments or projects, not to exceed 1,044 hours over a six (6) month period.

2.21 Transfer:

The change of an employee of the Commission from one position of the same class or of another class having the same salary range, involving the performance of similar duties, and requiring essentially the same basic qualifications.

2.22 Voluntary Demotion:

Demotion voluntarily requested by an employee to be placed in a lower classification

2.23 Work Schedule:

The assignment of hours of work by a supervisor.

SECTION 3 - CLASSIFICATION PLAN

3.01 Purpose

The purpose of the classification plan is to provide an inventory of specification for each class. The plan shall be developed and maintained so that all positions substantially similar with respect to duties, responsibilities, authority and qualifications are included within the same class, and so that the same range of compensation will apply.

3.02 Classification of Positions:

- (A) **New Positions.** Any new position added to the budget requires Commission approval.
- (B) **New Classifications.** Any new classification added to the classification plan requires Commission approval.
- (C) **Reclassification of Existing Positions.** Reclassification of an existing position from one classification to another existing classification shall be recommended at the discretion of the appropriate Director, and approved by the General Manager, and forwarded to the Personnel Manager for analysis and review, provided the reclassification can be accomplished within the limitation of the current budget. At the discretion of the appropriate Director, requests for reclassification may be initiated for the following reasons:
 - (1) **Reorganization.** When a department's reorganization plan is recommended by the Director and approved by the General Manager, such plans may have reclassification implications. If reclassification is necessary, the General Manager shall request that the Personnel Manager perform the required analysis and review.
 - (2) **Significant Change in Duties.** Significant changes in the duties of a position may have reclassification implications. In such instances, the Director, with the approval of the General Manager, may forward a proposal outlining the significant change in duties, function changes or the reassignment of duties, to the Personnel Manager perform the required classification analysis and review.
 - (3) **Position Vacancy.** When a Director, with the approval of the General Manager, desires to change the classification either upward or downward of a vacant position, the Director, with the approval of the General Manager shall forward a proposal outlining the significant function changes in duties or the reassignment of duties to the Personnel Manager to perform the

required classification analysis and review.

(D) Reclassification of an Incumbent

An incumbent employee who is reclassified to a higher classification will be placed on the beginning step of the new salary range or on an appropriate step in the new range which is at least equal to a one step increase. The anniversary date of the incumbent in the reclassified position will be changed to the effective date of the reclassification action.

3.03 Employee Requested Classification Review

An employee who questions the allocation of his/her position in its current classification, may submit a written request to the Director for review. Should the Director in his/her discretion, determine further review is warranted, he/she may request, upon approval by the General Manager, that the Personnel Manager perform the required classification analysis and review.

3.04 Job Descriptions

Content. Each written job description shall include the class title; reporting relationship, essential and marginal functions, a description of the duties and responsibilities of the position, and may include a statement of the minimum qualifications necessary to successfully perform the work.

(B) Interpretation. Job descriptions are descriptive and not restrictive. They are intended to indicate the kinds of duties that may be assigned to any position allocated to the class. They are not to be construed as prescribing the exact duties or responsibilities of any position, or as limiting or modifying the power of a Department head to assign, direct, and control the work of employees under his/her supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned, nor shall any specific omission necessarily mean that such factor is not included.

3.05 Job Title

A position, consistent with classification specification, may be given a job title by the Director, for the purpose of further definition within a specific department.

SECTION 4 - SALARY PLANS AND EMPLOYEE PERFORMANCE EVALUATION SYSTEM

4.01 Maintenance of Salary Plans

Salary plans for full-time, part-time and temporary employees are established by the Commission after receiving recommendations from the General Manager and the Personnel Manager. The salary plans shall include for each class a minimum and maximum rate and such intermediate rates as are considered necessary and equitable. Salary plans for represented employees are developed through the collective bargaining process and are subject to ratification by the Commission. Salary plans for non-represented employees must be approved by the Commission.

4.02 Salary Rates and Ranges

- (A) Salary Rates and Ranges. Employees shall be paid at least semi-monthly. Each employee shall be paid a rate of pay within the salary range for the class to which the individual has been appointed. Rates of pay are those established for each step in the salary range.
- (B) Rate Paid at Appointment. Normally an employee will be appointed at the minimum rate for the class. However, if a department head believes it is necessary to make an appointment above Step 3 authorization must be obtained from the General Manager or his designee. In determining such requests, the department head may give consideration to the qualifications of the candidate, and availability of applicants.

4.03 Performance Evaluation System and Merit Increases

- (A) Supervisors will annually evaluate the performance of each of their regular status employees, prior to their anniversary date, and forward the performance evaluation forms to the appropriate department head, facility director, Director of Finance and Administration, and the General Manager for signature. The evaluations will then be forwarded to the Personnel Manager for review and signature.
 - (1) All employees will be given a performance evaluation by their supervisor during their probationary employment.
 - (2) Employees hired at Step 1 shall receive a one step increase upon successful completion of their initial six (6) month probationary period. The annual review date is established at their date off probation. Employees hired at Step 2 or above will not be eligible for a salary increase until after one (1) full year of employment. Their annual review date is established at their

date of hire.

- (B) A common objective of every performance evaluation is to clarify job expectations in writing between supervisor and employee and provide a basis for salary review decisions.
- (C) Annual performance evaluations may not be delayed more than 45 days but will not change the anniversary date. When the performance evaluation is completed, the salary increase will be retroactive to the anniversary date. If a performance evaluation is not received within the 45 day delay time, the employee will automatically be given a one step increase unless they are at the top of their range.
- (D) Each supervisor shall discuss and review the performance evaluation with the employee. The employee must sign the performance evaluation to acknowledge that he/she has reviewed the evaluation. In the event the employee refuses to sign the form, the supervisor will acknowledge the employee's refusal to sign. The employee shall receive a copy of the evaluation before it is placed in the employee's personnel file. Each employee shall have the option of attaching a statement or clarification to his/her evaluation form. The completed appraisal will be forwarded through the department head and the General Manager to the Personnel Department and will be placed in the employee's personnel record file. A copy of the evaluation signed by all parties will be forwarded to the employee by the Personnel Department.

(E) Maintenance of Merit Step Increases

To maintain a merit step increase, the employee must maintain evaluations with a rating of "Exceeds Standards." Should the employee receive a "Meets Standards" evaluation, he/she shall be given a period of three months to raise the evaluation to an "Exceeds Standards" before losing the merit step increase. This reevaluation will not change the employee's anniversary date, but the merit step increase will be effective on the date of the reevaluation. Should an employee receive a "Below Standards" (Requires Improvement) evaluation, he/she shall lose the merit step increase and may be given a period of three (3) months to raise the evaluation to an "Exceeds Standards" before losing the merit step increase or receiving disciplinary action. Two consecutive evaluations that do not maintain an "Exceeds Standards" rating will automatically terminate the merit step increase.

(F) Effects of Promotion on Salary

(1) Promotion

An employee who is promoted will receive a pay increase to a rate equal to

a one step increase in the employee's current salary range, unless such increase is not sufficient to place the salary within the new salary range, in which case the salary will be advanced to the first step of the new range. The employee will serve a promotional probation of six (6) months. Employees who successfully complete their promotional probation in Step 1 of the new classification will receive a step increase to Step 2. Employees who successfully complete their promotional probation in Step 2 or above of the new classification will be eligible to proceed to the next step of the salary range after one year of service.

(2) Voluntary Demotion

If an employee is voluntarily demoted to a class having a lower salary range, as approved by the department head and the General Manager, the salary rate shall not be reduced as long as the rate is within the salary range of the lower classification. If the rate is above the salary range of the lower classification, the salary rate will be reduced to the highest step of the new range

- (a) The standard selection process may be waived by the Personnel Manager in the event of a voluntary demotion when the demoted employee is deemed qualified and a vacancy exists.
- (b) Voluntary demotions do not require an additional probationary period if the employee has completed his/her initial probationary period.

(3) Disciplinary Demotion

Disciplinary demotion will result in a reduction in salary to any level in the salary range of the lower class determined by the department head, and approved by the General Manager or his designee.

(4) Lateral Transfer

A lateral transfer is the voluntary or involuntary movement of a Commission employee from one classification to another classification having the same salary range to another position in the same classification, as approved by the department head and the General Manager.

Involuntary lateral transfers require that the employee receive two weeks written notice.

Lateral transfers within the same classification do not require completion of a new probationary period.

The employee's pay will remain the same for all lateral transfers.

4.04 Salary Range Adjustments

A salary range adjustment is a change in salary range assigned to a particular classification as authorized by the Commission. Salary range adjustments normally are made at the start of the fiscal year. Salary range adjustments are distinguished from step or merit increases and are not intended to give recognition to quality of performance. An employee whose salary range is adjusted will normally be placed at the closest comparable step in the new range without a reduction of salary, unless the employee is at the top step of the range. Such adjustments will not change an employee's anniversary date.

4.05 Overtime

(A) Non-represented, Non-Exempt Employees

- (1) Overtime shall be paid only to employees who are not exempted pursuant to the U.S. Department of Labor, Fair Labor Standards Act and applicable Oregon law.
- (2) No overtime shall be worked by non-exempt employees without the prior approval of the department head or his/her designee.
- (3) Overtime shall be paid at the rate of time and one-half (1-1/2) for the time actually worked in excess of the regularly scheduled forty (40) hours in one week or eight (8) hours in one day. For those employees whose work weeks are other than Monday through Friday, the work week begins on the first work day of their scheduled work week.
- (4) For the purposes of computing overtime, hours worked shall include only time actually worked by the employee, and shall not include holiday pay, vacation pay, or sick pay or compensable on-the-job injury pay.

(B) Non-represented, Exempt Employees.

No overtime shall be paid to non-represented exempt employees. Time worked on a holiday may be taken at a later date. It is understood that an exempt employee may have to work on occasion beyond business hours, and that some extra work hours beyond a usual work day or work week are part of the job expectations for an exempt employee. At the department head's discretion, some unrecorded personal time off may be utilized to accommodate a reasonable balance of flexible working hours. Recorded time off is not appropriate.

4.06 Working Out of Class

Whenever an employee is assigned to work temporarily in a higher classification for a period in excess of two weeks , he/she shall be considered as working "out of class" in a higher position and shall be paid from the date of assignment at the next step in their salary range or at the first step in the range designated for the higher classification if the employee is at the top step of their salary range. Requests for acting "out of class" status must be approved by the employee's supervisor in writing and follow the standard process through the Personnel Department. Such change will be effective the first work day of employment in such a position. An employee shall not remain in an acting capacity for a period exceeding six (6) months within a twelve (12) month period. The Commission will approve the extension for an employee serving in the acting General Manager's status.

SECTION 5 - SELECTION OF EMPLOYEES

5.01 Recruitment

Recruitment efforts will be coordinated by the Personnel Department in cooperation with the hiring department. Recruiting publicity will be distributed through appropriate media to meet promotional, first opportunity and affirmative action guidelines. Such publicity will indicate that the Commission is an affirmative action, equal opportunity employer and will be designed to attract a sufficient number of qualified candidates. Recruitment shall continue for a period of time sufficient to assure an opportunity for the promotional, first opportunity and applications from the general public as provided for in section 5.02 of these policies.

The Commission does not consider individuals serving in a volunteer role as Commission employees.

The Commission has delegated the responsibility of making final hiring decisions to the General Manager, or his/her designee except in the case of the appointment of the General Manager, the Director of Finance and Administration and facility directors, which is the responsibility of the Commission. The following sections describe the selection process which generally will be followed, but where the General Manager determines that an immediate appointment or hiring decision is necessary, the General Manager retains the right to make such a decision.

The recruitment process may be waived by the Personnel Manager in the event of a rehire appointment. To qualify for such an appointment, the employee:

- (1) Must have been terminated no longer than six (6) months from the position which he or she originally held; and
- (2) Must make a written request to Personnel to be placed on the rehire list within 10 days after the date of their termination; and
- (3) A vacant position within the same class or similar class for which they are qualified must exist within the six (6) month period.

5.02 Announcements and Posting

(A) Promotional/First Opportunity Recruitments

Promotional/first opportunity recruitments are openings for current in-house Metro and Metro ER Commission employees and first opportunity area applicants for any vacant positions which may have been newly created or vacated by the termination of an employee.

Outreach efforts for first opportunity will be conducted concurrent with any promotional in-house recruitments and through appropriate agencies as determined by the advisory Committee on the development of Economic Opportunities and others determined to be helpful in referral of qualified applicants. Those identified agencies will be asked to refer qualified applicants to the Personnel Department for application. When such a vacancy occurs, the promotional/first opportunity recruitment will be posted and advertised for 7 calendar days. Postings will be placed prominently in employee areas in all Metro and Metro ERC facilities and will be advertised as employment opportunities for the first opportunity target area. In-house and first opportunity applicants will be given first consideration for these promotional/employment opportunities. Should no in-house/first opportunity area applicant be selected through this process, the general recruitment process will begin.

(B) General Recruitment

In the event no qualified applicant is selected through the promotional opportunity/ first opportunity process, standard recruiting publicity will be distributed to appropriate media and/or other organizations to attract a sufficient number of qualified applicants from which one or more may be selected. The period of recruitment will be indicated on job announcements and advertisements.

5.03 Applications

Applications will be accepted by the Personnel Department only when there is an open recruitment.

5.04 Equal Employment Opportunity/Affirmative Action

The Commission states as its policy a commitment to provide equal employment opportunities without regard to race, color, religion, national origin, disability, sex, age, sexual orientation, or marital status, except where a bona fide occupational qualification exists.

5.05 Employment of Relatives

Notwithstanding Section 5.04, no members of an *employee's family shall be employed in a position of exercising supervisory, appointment or grievance adjustment authority over the other family member.

* "Member of an employee's family" means husband, wife, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew or stepparent or stepchild of the individual, or any other member of an employee's household.

5.06 Personnel Records

An official personnel file will be maintained by the Personnel Department for each employee of the Commission. The personnel file will constitute the official record of an individual's employment with the Commission.

No information that reflects critically upon an employee shall be placed in an employee's personnel record without giving a copy to the employee.

Access to the personnel file shall be limited to the employee, management staff and the staff of the Personnel Department. Management staff must have job-related reasons to have access to job-related information in an employee's file upon request to the Personnel Department. Employees may review their files in the Personnel Department during regular Commission business hours. Employees have the right to copies of material in their personnel files upon request and upon reasonable payment for copying cost. Personnel records will leave the Personnel Department only under the procedures established by the Personnel Department.

Information in personnel files will be treated as exempt from public disclosure to the extent provided by the Oregon Public Records law.

SECTION 6 - PROBATIONARY PERIOD

6.01 Purpose

The probationary period shall be a continuation of the screening process and shall provide the supervisor an opportunity to observe the employee's work, to train and aid the new employee in adjustment to the new position, and to reject any employee whose work performance fails to meet required standards. The successful completion of probation is for the Commission's internal screening process only, and does not confer any form of tenure or other expectation of continued employment.

6.02 Duration

All initial full-time or part-time appointments, or transfers to a new classification within the same salary range, rehires, and all promotional probationary appointments shall be tentative and subject to a minimum probationary period of six (6) full months of service.

6.03 Action at End of Probationary Period

Prior to completion of an employee's probationary period, the supervisor must, take one of the following actions:

- (A) Affirm that the services of the employee have been found to be satisfactory and recommend that the employee be given regular status in the position.
- (B) Recommend that the employee's services be terminated, or in the case of a promoted employee who has completed their initial probationary period, but who has not successfully completed their promotional probationary period, that the employee shall be returned to a position in the previously held classification. Employees serving their initial probationary period may be disciplined or terminated without cause, with or without prior notice. However, nothing in this paragraph shall be construed as implying or requiring that cause must exist for the discipline or termination of a regular status employee.
- (C) Recommend that the probationary period be extended for a period of time not to exceed three (3) months.
- (D) A department head may extend an employee's probationary period for a specified time not to exceed an additional three (3) months. The employee and the Personnel Department shall be notified of the reasons for the extension.

6.04 Accrual of Leave During Probation for Full-Time Appointments

- (A) Sick Leave: Sick leave benefits based upon or earned in connection with time worked shall accumulate during an employee's probationary period. Sick leave may be used after completion of 90 days of service with the Commission.
- (B) Vacation Leave: Vacation leave benefits based upon or earned in connection with time worked shall accumulate during an employee's initial probationary period. Upon successful completion of the initial probationary period, employees will be credited with accrued vacation leave and will be eligible to take accrued vacation leave with pay. An employee who terminates during the initial probationary period shall not be entitled to vacation leave payment.
- (C) Funeral Leave: Funeral leave benefits shall be as provided in Section 9.08.

SECTION 7 - EMPLOYEE CONDUCT AND DISCIPLINE

7.01 General

- (A) Employees cannot act as a volunteer, perform volunteer work, or otherwise work as a volunteer for the Commission.
- (B) Employees cannot work for more than one department of the Commission at the same time, or hold more than one position at any time.
- (C) No Commission employee shall accept any outside employment which creates a conflict of interest.

7.02 Political Activity

- (A) Nothing contained within this chapter shall affect the right of the employee to hold membership in and to support a political party, to vote as they choose, to privately express their opinions on all political subjects and candidates, to maintain political neutrality and to attend political meetings.
- (B) No official, employee or any other person shall attempt to coerce, command or require any Commission employee to influence or give money, service or other thing of value to aid or promote any political committee or to aid or promote the nomination or election of any person to public office.
- (C) No public employee shall solicit any money, influence, service or other thing of value or otherwise aid or promote any political committee or the nomination or election of any person to public office while on the job during working hours. However, nothing in this section is intended to restrict the right of a public employee to express personal political views.

7.03 Unlawful Harassment Policy

The Commission is committed to providing an environment free of unlawful harassment for employees. Unlawful harassment is harassment based on an employee's race, color, religion, national origin, disability, age, sex, sexual orientation, or marital status. Unlawful sexual harassment is unsolicited and unwelcome sexual overture, sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature. Any charge of unlawful harassment should immediately be brought to the attention of the line supervisor, department head, Personnel Manager, or the General Manager. The normal chain of command may be waived if an employee's supervisor or department head is to be investigated. Investigation of alleged unlawful harassment shall be conducted by the Personnel Manager unless otherwise stipulated by the Commission. There will be no retaliation

by the Commission for good faith reporting of alleged unlawful harassment.

7.04 Drug/Alcohol Abuse Policy

- (A) An employee who believes that he/she has a problem involving the use of alcohol or drugs can ask the supervisor or a member of the Personnel Department for confidential assistance. No discipline or discrimination will result from an employee asking for such assistance, although a "reentry" or performance contract will be required of an employee once the problems have been identified or assessed and a treatment program started. Failure to sign or to live up to the performance contract or treatment program obligations will be grounds for discipline, including termination.

The Commission also agrees to work jointly with the employee to identify all Metro ERC and, if applicable, union benefits and benefit programs that may be available to help deal with the problem, such as leaves of absence, sick pay, short-term or long-term disability pay, and health insurance. Any continuing rehabilitation treatment will be paid for by the employee and whatever employee coverage for such treatment that is provided by the existing benefits package. The request for assistance and any later treatment program will be kept as confidential as possible under all the factual circumstances.

Although the Employer recognizes that alcohol and drug abuse can sometimes be successfully treated and it is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek such assistance BEFORE drug or alcohol problems lead to on-the-job safety or misconduct incidents, or violations of this policy and to corresponding disciplinary action. AFTER a violation of this policy occurs, or AFTER a drug- or alcohol-related accident, an employee's willingness to seek Metro ERC or outside assistance will NOT "excuse" the violation and generally will have no bearing on the determination of an appropriate penalty.

(B) Prohibited Conduct

1. Alcohol. The possession, transfer, sale, offering, consumption or being under the influence of any intoxicating liquor while on Metro ERC property is prohibited. **IMPORTANT:** The conduct prohibited includes consumption of any intoxicating liquor prior to reporting to work or during breaks or lunch period or on the job, unless specifically associated with official Commission business. For purposes of this provision, "under the influence" shall be defined as a blood alcohol content of .02 or higher.
2. Drugs. The possession, transfer, sale, offering, consumption or being under the influence of any narcotic, hallucinogen, stimulant, sedative, or drugs (except as authorized and prescribed by a physician and then only if

reported to the supervisor prior to beginning work) while on Metro ERC property, or time (such as on customer's premises).

EXCEPTION: The use of medically-prescribed or over-the-counter drugs during working hours is approved, and an employee shall have no obligation to inform his or her supervisor of such usage unless the prescribed or over-the-counter drug contains a warning notice of possible impairment which may prevent an employee from performing his or her job safely and adequately; for example, operating mechanical equipment. An employee must inform his or her supervisor that he/she is taking prescribed or over-the-counter drugs which contain a warning of possible impairment prior to beginning work each day he or she uses the medication.

IMPORTANT: The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during breaks or lunch period or on the job. An employee who tests "positive" for any such substances by screening and confirmation tests, including an employee who tests positive as the result of an authorized prescribed substance that was not reported to the supervisor prior to beginning work, will be deemed "under the influence" for the purposes of this rule.

The only exception is that less than 50 nanograms of THC, the active ingredient in marijuana, will not be considered a positive test.

(C) Right to Test

When the Employer reasonably suspects that an employee has consumed or is under the influence of alcohol or any other substance or is otherwise in violation of this policy, the Employer may require that the employee submit to appropriate tests for alcohol or prohibited drugs or substances in his/her system, including urinalysis. Failure to promptly give written consent, without qualification, to such testing and failure to provide samples for such testing will be grounds for immediate suspension pending further investigation and consideration, and for possible discipline, including termination.

The Employer will bear the expense of all testing under this provision requested by the Employer. A positive test must be confirmed by a second test which uses a different methodology than the one which was used for the initial positive result. An employee subject to testing will, upon request, receive a sample of the tested substance so that the employee can submit it to an independent lab (one chosen by the Employer) for verification.

An employee determined to have violated this rule for the first time will not automatically be subject to discipline or discharge depending on the circumstances of the violation and whether he or she agrees to complete an approved substance

abuse program. Second or subsequent violations of this rule may result in discipline, up to and including discharge.

The results of all investigations, tests, and discipline will be kept strictly confidential to the extent permitted by law, except that such information will be made available on request by the employee.

7.05 Discipline

All employers have certain rules which employees must follow, and the Commission is no exception. Nothing in these personnel rules precludes department heads and supervisors from establishing work rules not inconsistent with this chapter for efficient operation and administration of the job site, or precludes supervisors from having private discussions with employees. These discussions may be in the form of assignment, instruction, or any other job-related communication. Any disciplinary action may be grieved under the grievance procedure established by these policies.

(A) Disciplinary actions shall include only the following: oral or written reprimand, suspension, reduction in pay, transfer, demotion and/or dismissal from employment. Any of these disciplinary actions may be utilized. It may not be necessary in every circumstance that the discipline be taken progressively.

The Commission reserves the right to terminate or discipline an employee whenever:

- (1) The employee's performance is unsatisfactory, or
- (2) The Commission feels discipline or termination is appropriate for other reasons, or
- (3) Whenever it is determined that such action is in the best interests of the Commission.

(B) The following are some examples (but not all) of the types of conduct which will result in disciplinary action. The listing of these examples is for illustrative purposes, and in no way limits the Commission's authority and discretion to discipline or terminate employees pursuant to paragraph (A) of this section.

- (1) Unauthorized absence from duty;
- (2) Abuse of leave privileges;
- (3) Below standard work performance;
- (4) Discourteous treatment of any member of the public or any Commission employee, including but not limited to intentional tortious conduct;
- (5) Possessing, using, transferring, offering or being under the influence of any intoxicants or narcotics during working hours;
- (6) Fraud in securing appointment or promotion;
- (7) Insubordination including, but not limited to, refusal or failure to follow the

directive of a supervisor or other designated management staff, failure to comply with an established work rule or procedure, or discourteous behavior toward members of management;

- (8) Misuse of Commission property, funds, or records;
- (9) Neglect of duty;
- (10) Willful deceit;
- (11) Willful violation of established safety policies;
- (12) Any conviction by a court of law which demonstrates an impaired ability to properly perform work for the Commission;
- (13) Inability to get along with fellow employees so that work being performed is hindered or below standard;
- (14) Violation of any Commission regulation;
- (15) Any falsification of information during the employment application or employment appointment process, regardless of when discovered;
- (16) Unlawful harassment;
- (17) Theft, including personal or public property;
- (18) Sleeping on the job;
- (19) Gambling on Commission premises, including but not limited to card games, dice games;
- (20) Violation of these personnel policies, established work rules or other management directives.

(C) Procedure for Suspension, Reduction in Pay, Transfer, Demotion, or Dismissal. Information gathered by the supervisor will be reviewed by the Personnel Department prior to the supervisor taking any suspension, reduction in pay, transfer, demotion or dismissal action. If the Personnel Department determines a basis for discipline may exist, then:

1. An employee may be suspended, with pay, pending disciplinary action.
2. A written notice of contemplated disciplinary action (suspension, reduction in pay, transfer, demotion, or dismissal) shall be delivered to the affected employee in person or by mail. This notice shall state the reasons for the proposed action and will include:
 - a. the alleged conduct by the affected employee
 - b. the violation(s)
 - c. a date, time, and place for the affected employee to have an opportunity to address the violation(s) at a pre-disciplinary meeting.
3. Upon completion of the pre-disciplinary meeting (outlined in 2. above), a written notice of the actual disciplinary action taken, if any, shall be delivered to the affected employee in person or by mail. This notice shall state the disciplinary action taken, the violation(s), and the effective date of the disciplinary action. This notice shall be a permanent part of the affected

employee's personnel record.

4. No failure by the Commission to follow any of the procedures described herein shall be grounds for invalidating disciplinary action, including termination, which is otherwise deserved on the merits. Additionally, the Personnel Manager may, in his/her discretion, dispense with all or part of these procedures, with or without notice to the employee.
- (D) The affected employee may grieve the final disciplinary action pursuant to the grievance procedure established in this policy. In the case of a dismissal action, the grievance shall be filed at Step 2, with the General Manager, with a copy to the Personnel Department.

SECTION 8 - RESIGNATION AND LAYOFF

8.01 Resignations

Any employee may resign from the Commission by presenting an oral or written resignation to the supervisor, manager or department head. To resign in good standing, an employee must give the department head a minimum of two weeks notice, unless, because of extenuating circumstances, the department head agrees to permit a shorter period of notice. The termination form shall be promptly forwarded to the Personnel Department by the department head. If an employee who has resigned seeks to rescind the resignation, such rescission only may be granted by the affected department head at his/her sole discretion. The Personnel Department may conduct exit interviews or take similar steps to verify reasons for each resignation.

8.02 Layoffs

A department head may separate an employee without prejudice because of lack of funds or curtailment of work, after giving notice of a minimum of ten (10) working days or ten (10) days pay if notice is not given to such employee. The condition of reduction in force layoff shall be as follows:

(A) Separation and Recall Criteria

Reductions in the work force, and any subsequent recalls to employment, will be based upon the following factors:

- 1 . Attendance, safety and disciplinary records;
- 2 . Job knowledge, skill and ability to do the required work;
- 3 . Previous work experience, including the ability to perform other jobs which the employee may be called upon to perform as a result of the reduction in force;
- 4 . Past work performance and performance evaluations; and
- 5 . Length of service.

Evaluations of these factors is at the sole discretion of the General Manager or his/her designee.

(B) Laid Off Employees

Laid off employees shall be placed on layoff list and shall have recall rights to vacant positions in the classification in which they were laid off for a period of one (1) year following the date of layoff. The recall rights of employees on layoff lists shall be determined and evaluated by the criteria listed in (A) above. An offer of reemployment may be made in writing to the last address reflected in

the employee's personnel records. It is the employee's obligation to keep the Personnel Department informed of any changes in address. Laid-off employees who have been notified that they are being recalled to a vacant position must report to work within fourteen (14) calendar days or their names will be removed from the layoff list. If the Personnel Department attempts to contact the employee by mail and the letter is returned the employee's name will be removed from the layoff list.

(C) Rejection of Appointment from Layoff List

When an employee on the layoff list rejects an offered appointment to a vacant position, the employee's name will be removed from the lay-off list.

(D) Accrual Rates upon Reappointment

When an employee on layoff status is reappointed by the Commission, previous accrual rates will be maintained.

**SECTION 9 - WORK SCHEDULES, HOLIDAYS, VACATION, SICK LEAVE, AND
OTHER LEAVES OF ABSENCE**

9.01 Work Schedules

The normal work week shall be 40 hours, Monday through Friday, and the normal work day shall be 8:00 a.m. to 5:00 p.m. Some departments have work schedules and hours which may vary due to the scheduling of events. In order to provide the best service to the public, department heads may establish operating schedules for departments which vary from the normal work schedule. Nothing contained in this section or elsewhere in the Personnel Policies shall be construed as any guarantee of hours of work per day or per week.

- (A) **Flexible Work Schedules:** Department heads may establish employee work schedules which vary from the normal work schedule. All flexible work schedules must be approved by the department head or his/her designee.
- (B) **Lunch and Breaks:** All full-time employees shall be allowed at least a thirty (30) minute, not more than an hour, lunch. All employees are entitled to a fifteen (15) minute break period when working a continuous four (4) hour work period.

9.02 Holidays

The following shall be considered holidays for full-time employees. However, personal days (No. 10 below) cannot be utilized by employees in their initial probationary period.

- | | |
|---------------------------------------|-----------------------------|
| 1. New Year's Day | January 1 |
| 2. Martin Luther King, Jr.'s Birthday | Third Monday in January |
| 3. President's Day | Third Monday in February |
| 4. Memorial Day | Last Monday in May |
| 5. Independence Day | July 4 |
| 6. Labor Day | First Monday in September |
| 7. Veteran's Day | November 11 |
| 8. Thanksgiving Day | Fourth Thursday in November |
| 9. Christmas Day | December 25 |
| 10. Three Personal Days | Open |

- (A) Exempt employees working on a holiday will be compensated at their regular rate of pay and the holiday will be accrued to be taken at a later date. Non-exempt employees who work on a holiday and are eligible for overtime compensation shall receive one and one-half (1 ½) time compensation for the time worked if the employee has actually worked 40 hours during the week in which the holiday occurs. If the employee has not worked 40 hours during the week in which the

holiday occurs, payment for time worked will be at straight time. Additional holiday compensation does not apply to the personal days listed as No. 10 above.

- (B) The three (3) personal days will be used as the employee's first three days of vacation time. The personal days must be used within the fiscal year in which they accrue. Employees hired between July 1 and October 30 will receive three (3) personal days; employees hired between November 1 and February 28 (February 29 in Leap Year) will receive two (2) personal days; and employees hired between March 1 through June 30 receive one (1) personal day. Requests for use of personal days will be scheduled as vacation leave in Section 9.03(C). Should no vacation hours be taken within the fiscal year, the three (3) personal days will be lost.
- (C) Holidays falling on Saturday or Sunday. Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. Whenever a holiday falls on a Sunday, the following Monday shall be observed as the holiday. Employees working an irregular work week shall receive the same number of holidays as employees working a regular work week.

9.03 Vacation Leave

- (A) Vacation leave with pay for full-time employees shall accrue at the rate shown below:

Total Years of Service	Accrual Rate at 24 Pay Periods per year	Vacation Rate Per Year
0 through 4	3.34 hours	80 hours
5 through 9	5.00 hours	120 hours
10 through 14	5.84 hours	140 hours
15 through 19	6.67 hours	160 hours
20 through 24	7.50 hours	180 hours
25 or more	8.34 hours	200 hours

- (B) Vacation Accrual.

Employees who have successfully completed the probationary period and have received a full-time appointment are eligible to take accrued vacation leave with pay. However, Employees will not be allowed to accrue more than two hundred fifty (250) hours of vacation leave. Vacation leave beyond two hundred fifty (250) hours will be lost, unless reasons for an exception receive approval by the Department Head and General Manager. Accumulations must be within stated limits as of June 30 each fiscal year. Excess vacation accruals will be lost if not used by June 30, unless reasons for an exception receive approval by the department head, director and General Manager.

(C) Scheduling of Vacations.

Vacation requests shall be submitted through the supervisor and approved by the Department Head on an "Employee Leave Request Form". Request for vacation leave shall be submitted at least two (2) weeks prior to desired vacation time. Personal holidays shall be scheduled in the same manner as vacation leave. If no exception has been granted and the employee would lose accrued vacation time because a request was denied by the supervisor, the employee will be compensated for all hours lost over the accrual limit.

(D) Vacation Pay upon Termination.

A full-time employee who has successfully completed his/her initial probationary period, has been appointed to regular status and is separated from the Commission, shall be entitled to payment for accrued vacation leave, including personal days accrued as vacation. In no case shall payment be for more than the maximum accumulation. In case of death, compensation for accrued vacation leave including personal days accrued as vacation shall be paid in the same manner that salary due is paid.

9.04 Paid Sick Leave

Sick leave is intended to be used for illness, injury or other temporary physical disability, and is not to be used for personal time off or to extend holidays or vacation periods (except as defined in the "Sick Leave Credit" section of these policies). No compensation for accrued sick leave shall be provided for any employee upon termination of employment.

(A) Accrual of Sick Leave.

Paid sick leave shall accrue at the rate of four and one-third (4.33) hours per payroll period or 104 hours per year. Part-time employees shall not accrue sick leave. Sick leave shall not accrue during any period of leave of absence without pay, for any reason.

(B) Use of Sick Leave.

An employee may use his/her accrued sick leave when temporarily unable to perform his/her work duties by reason of personal illness, injury, disability medical or dental care, or, illness, injury or physical disability of a person living in the employee's household.

(C) Sick Leave Credit.

Full-time employees who use twenty-four (24) hours or less of sick leave within one (1) 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.

(D) On the Job Injury Leave.

When an employee is injured on the job, he/she is eligible to receive time loss compensation in accordance with State statutes establishing workers' compensation benefits.

(E) Sick Leave Certification.

A department head may require certification of the attending physician or practitioner to substantiate that an illness or injury prevents the employee from working, or requires the presence of the employee, or requires changes in the terms of his/her employment. At the Director's discretion, the employee may be directed to be examined by a physician or practitioner of the Director's choice and at the Commission's expense to determine if the employee is able to fully perform the duties of his/her position. In any event the department head shall have final authority to decide if any sick leave usage is appropriate.

9.05 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 right in employment than if the employee has 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 Department 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 Department 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 certification 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 his/her former position, unless it has been eliminated due to material changes in the Commission's financial or business circumstances, or the circumstances have so changed that the employee cannot be reinstated to his/her 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.

9.06 Pregnancy Leave/Transfer

The Commission provides temporary transfer or pregnancy leave without pay to eligible employees who are physically unable to perform the duties of their regular position due to pregnancy, child birth, or related medical reasons, without significant risk to the health or safety of the employee or her pregnancy.

- (A) The employee shall be entitled to take pregnancy leave or temporary transfer due to pregnancy without being penalized.
- (B) The position of an employee on temporary transfer or pregnancy leave shall either remain vacant during the leave, or it may be filled on a temporary basis and considered vacant for reinstatement.
- (C) An employee returning from pregnancy leave or temporary transfer shall be reinstated with no greater or lesser rights in employment than if the employee had not taken the leave (pursuant to ORS 659.389).
- (D) Subject to these policies, and upon written request, all pregnant employees of the Commission are eligible.
- (E) Temporary Transfer:
 - (1) The Commission shall provide a temporary transfer for the employee if there is an available job which is suitable for the employee and to which the transfer can be reasonably accommodated.
 - (2) To initiate a transfer, the employee must submit a written request to the Department Head and Personnel Department. The employee's written request must contain the following:

- (a) The specific duties affected by the pregnancy,
 - (b) The reasons why the employee is unable to perform her duties without significant risk to the health or safety of the employee or her pregnancy,
 - (c) A statement that the employee is physically able to perform available work,
 - (d) A doctor's opinion/certificate confirming (a), (b), and (c) above, to determine whether a transfer is reasonably necessary.
- (3) The Department Head or Personnel Department may request an additional independent medical opinion, at Commission expense, within three (3) working days after 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 reasonable 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 her Department Head and the Personnel Department. The leave request must include the period of time for which the leave is requested. The leave request must also address the employee's disability from performing other available work:
 - (a) If the employee previously requested a 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 Department 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 the Personnel Department with 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.

9.07 Parental Leave

The Commission provides parental leave of up to twelve (12) weeks for eligible employees who have become parents. At the employee's discretion, the leave shall be paid from accrued vacation time or accrued sick leave, or be unpaid.

- (A) The employee shall be entitled to take parental leave without being penalized for taking leave.
- (B) When the employee returns from the leave, he or she must be restored to the former or an equivalent job, without loss of seniority, service credits, etc. If the employee cannot be reinstated to the former or equivalent job because the

employer's circumstances have changed, the employee must be reinstated to any other position that is available and suitable.

- (C) All employees who have completed ninety (90) days of service are eligible to request the leave. If the period of leave occurs during any probationary period, the probationary period shall be extended for the period of the leave.
- (D) Employees have the option of using their accumulated leave balances during the parental 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) Employees are entitled to a maximum of twelve (12) weeks unpaid parental leave. Such entitlement begins on the date of birth of the child, or on the date of the taking of physical custody of a newly adopted child.
- (F) A request shall be submitted simultaneously to the Department Head and the Personnel Department thirty (30) calendar days before the occurrence of the event. The request must be in writing and contain the following information:
 - (1) The employee's intent to take parental leave beginning on a date certain more than (30) days from the date of the request.
 - (2) The anticipated date of birth of the parent's child, or
 - (3) The anticipated date that the parent will obtain physical custody of a newly adopted child under six years of age, and
 - (4) The dates when the parent, or if both parents request parental leave, the dates which each parent will commence and terminate his or her portion of the parental leave.
 - (5) Failure to submit a written request in accordance with (1) above may result in a reduction of leave time by 3 weeks as a penalty for untimely notice of leave.
- (G) Employees who return from parental leave by the date listed in the written request on file will be restored to their former position without loss of seniority or vacation credits. If circumstances change so that the employee's former job is no longer available, that worker will be reinstated to an equivalent position or any other position that is available and suitable. Employees who do not return may be disciplined.

9.08 Funeral Leave

- (A) Use of Funeral Leave. A maximum of three (3) days leave with pay shall be allowed a full-time employee to attend the funeral of the employee's immediate family member. Time not worked because of such absence shall not affect accrual of vacation or sick leave.
- (B) Additional Leave. If travel is required, additional days (chargeable to sick leave) may be allowed upon application to the employee's department head or designee.
- (C) Under special circumstances, leave to attend a funeral may be granted by the department head upon the death of a person other than the employee's immediate family member.
- (D) When an employee participates in a funeral service, he/she will be granted four (4) hours time off with pay chargeable to any accrued leave to attend such funeral service subject to the approval of the department head.

9.09 Jury Duty and Other Court-Related Leave

Any full-time employee of the Commission shall be granted leave, with pay and without loss of any benefits of his/her employment, when called for jury duty or subpoenaed as a witness, subject to the following provisions:

- (A) The employee granted such leave shall pay all money, except travel allowance, received for his/her service as juror or witness to the Commission.
- (B) Employees serving as a juror or witness who do not serve for an entire day must return to work as otherwise scheduled.
- (C) Where the employee is required to serve as juror or witness on a scheduled day off or vacation day, and such day cannot reasonably be rescheduled, he/she may retain the fee paid for service as a juror or witness on his/her day off or vacation day.
- (D) Attendance in court in connection with the employee's official assigned duties, including the time required going to the court and returning to the work site.

9.10 Military Leave

(A) Military Leave

Employees shall be granted military leave and right to reinstatement as required by applicable federal or state law.

- (1) Employees who fail to return to duty and/or request reinstatement with the Commission within the time period allowed by applicable law shall be deemed to have resigned.
- (2) Employees who take military leave during a probationary period must serve out the remainder of their probationary period upon reinstatement in order to become regular employees.

(B) Alternative Duty Leave

- (1) Any full-time employee who serves as a volunteer in the Peace Corps or U.S. Public Health Service, shall be granted approved unpaid leave during the service period.
- (2) Upon returning, the employee shall have the right to be reinstated to the position held before the leave was granted.
- (3) Failure of the employee to return to work within 90 days of the termination of the service shall be cause for dismissal.

9.11 Other Leaves of Absence without Pay

In instances where the work will not be seriously handicapped by the temporary absence of a full-time employee, a department head may grant a leave of absence without pay not to exceed ninety (90) calendar days. Leaves of absence without pay for periods in excess of ninety (90) days, but not to exceed six (6) months, must be approved by the General Manager. Request for such leave must be in writing and must establish reasonable justification for approval of the request.

SECTION 10 - EMPLOYEE BENEFITS

10.01 Health and Welfare Benefits

- (A) Benefits are available only to persons occupying full-time, budgeted positions (see definition 2.06).
- (B) All full-time employees shall receive health, life, disability, vision and dental insurance on the first day of the month following their first full month of full-time employment.

10.02 Social Security

The Commission and all employees shall participate in the Federal Old Age and Survivors Insurance Program.

10.03 Retirement Fund (PERS)

All employees of the Commission become a PERS member when they have worked six months for the Commission in a qualifying position requiring at least 600 hours per 12-month period. That six months "waiting period" cannot be interrupted by more than 30 consecutive working days. The effective date of membership is the first day of the calendar month after the employee has met this requirement. The commission will pick up the employee's 6% contribution (except as otherwise provided by addenda to these policies).

10.04 State Unemployment Compensation

The employees of the Commission are covered under the provisions and regulations of the Oregon Unemployment Compensation Insurance Laws.

SECTION 11 - GRIEVANCE PROCEDURE

11.01 General

It is the policy of the Commission to provide for an orderly process whereby non-represented employees may have their dissatisfactions considered fairly and rapidly without fear of reprisal. Every effort should be made to first find an acceptable solution by informal means with the first-line supervisor.

11.02 Grievance Defined

A written expression of an alleged violation of these Personnel Policies, submitted by an employee(s) for the purpose of obtaining adjustment.

11.03 Procedure for Non-Represented Employees

- (A) An employee who believes a grievance exists which has not been resolved by informal means must reduce the grievance to writing. The written grievance must contain:
- (1) A clear and complete account of the action or inaction by the department head or supervisor which adversely affected or affects the employee.
 - (2) The specific provision(s) of these personnel policies believed to have been violated or misapplied to the employee.
 - (3) The date of the circumstances giving rise to the grievance and the date of the employee's first knowledge of those circumstances, if later.
 - (4) The remedy sought by the employee to resolve the grievance.
- (B) The employee must present the written grievance to his/her department head within ten (10) calendar days of the occurrence of the circumstances giving rise to the grievance or the employee's first knowledge of those circumstances. The department head shall discuss the grievance with the employee and attempt to resolve it. If the written grievance is not resolved within five (5) calendar days from the date of submission of the written grievance to the department head, it may be submitted within another five (5) calendar days to the employee's director.
- (C) The Director and the employee will attempt to resolve the grievance within five (5) calendar from the date of submission of the written grievance to the Director. If the grievance remains unresolved after the five (5) calendar day period, the employee may submit it within another five (5) calendar days to the General

Manager.

- (D) The General Manager will discuss the grievance with the Director and the Personnel Manager together, and an attempt will be made to resolve the grievance. The General Manager will respond to the grievant within fifteen (15) calendar days from the date the grievance was submitted to the General Manager. The decision of the General Manager shall be final and binding.
- (E) Any or all time limits specified in these rules may be waived by mutual consent of all parties. Likewise, any step in the procedure may be waived by mutual consent of all parties. Mutual consent shall be confirmed in writing.
- (F) Any grievance not taken to the next step by the grievant within the prescribed number of days after receipt of a response shall be deemed resolved to the employee's satisfaction.

SECTION 12 - EDUCATIONAL OPPORTUNITIES

12.01 Educational Opportunities

- (A) All regular full-time employees are encouraged to pursue educational opportunities or work programs for promotion which are directly related to the employee's work and which will enhance the employee's job-related skill level.
- (B) Full-time employees who register for courses which are judged to be of direct and significant benefit to the Commission may receive some reimbursement for expenses incurred by the employee while taking approved courses provided that:
 - (1) The course is submitted to the Director for approval at least thirty (30) days prior to proposed enrollment, and the course is approved by the Director.
 - (2) The course is taken on the employee's own time.
 - (3) Reimbursement is subject to departmental budgetary limitations and priorities.
 - (4) The employee receives a grade of "C" or better or a "pass" grade if the class is graded on a "Pass-Fail" basis. The Commission will make reimbursement within thirty (30) days after proof of satisfactory completion of the course.
 - (5) The employee is not receiving reimbursement for tuition from other sources.
- (C) In lieu of tuition reimbursement the director may approve time off with pay so an employee may attend courses or training which are directly related to the employee's current position and will result in improved job performance.
- (D) Normally, the cost of textbooks and technical publications required for such courses or training shall be the responsibility of the employee. However, the Commission may elect to reimburse the employee for textbooks and publications for such courses.

12.02 Training

- (A) The Commission may develop and implement its own training and development programs.
- (B) The Commission may obtain and implement training and development programs to be conducted by person(s) other than Commission employees.
- (C) The director may temporarily change an employee's work assignment for a period not to exceed ninety (90) work days, without posting, so that such employee can participate in training provided.

- (D) If an employee is required to participate in any training and development program, it shall be considered time worked for pay purposes. All tuition, texts, training materials, and other expenses incident to such required participation shall be assumed by the Commission.
- (E) If an employee desires to participate in any training and development program in which their participation is not required, time off to attend must be approved by the director. All tuition, texts, training materials, and other expenses incident to such non-required participation shall be assumed by the employee, however, the Commission may elect to reimburse the employee for textbooks and publications for such courses.
- (F) The Commission shall notify employees of available training and development programs provided by the Commission.

SECTION 13 - ACKNOWLEDGEMENT OF RECEIPT OF PERSONNEL POLICIES

13.01 All Commission employees shall be given a copy of the Personnel Policies and shall acknowledge receipt by signing a facsimile of the form below:

I acknowledge that I have received a copy of the Metropolitan Exposition-Recreation Commission Personnel Policies which outlines my working conditions, privileges and obligations as a Commission employee. These policies constitute the general policies of the Commission and may be supplemented by more specific policies. Further, I understand that the personnel policies are necessarily subject to change. I understand that no contract of employment can be created, nor can an employee's status be modified by any oral or written agreement (except a valid collective bargaining agreement), representation, or course of conduct. Lastly, I understand that these policies do not in any way constitute a contract of employment, either express or implied.

Signature of Employee

Date