

**METROPOLITAN EXPOSITION-RECREATION COMMISSION**

**Resolution 05-12**

For the purpose of adopting revised Personnel Policies.

Whereas, the Commission is authorized to adopt personnel policies pursuant to Metro Code 6.01.040(h); and

Whereas, it is necessary to update the MERC Personnel Policies periodically; and;

Whereas, it is necessary to make a number of revisions to keep the policies Current.

**THEREFORE BE IT RESOLVED:**

That the Metropolitan Exposition-Recreation Commission adopts the Personnel Policies in a form substantially similar to the attached Exhibit A, effective June 1, 2005.

Passed by the Commission on May 25, 2005.

TABLED

Chair

Secretary-Treasurer

Approved As To Form:  
Daniel B. Cooper, Metro Attorney

By: \_\_\_\_\_  
Lisa M. Umschied, Senior Attorney

## MERC STAFF REPORT

**Agenda Item/Issue:** CONSIDERATION of Resolution approving revised and updated personnel policies

**Resolution No.:** 05-12

**Date:** May 25, 2005

**Presented by:** Tanya Collier

### **BACKGROUND:**

The MERC Personnel Policies were adopted by MERC Resolution No. 8 on June 28, 1988. The policies have been revised seven times; the most recent revision was passed by the Commission on March 26, 2003 and implemented April 1, 2003.

Although the current policies were completely revised in 2001, the changes recommended in this resolution have come to the forefront as, primarily, housekeeping issues. The changes that are being recommended appear in red and are included in Attachment A.

- 1.2 Ability to Promulgate Work Rules (page 2)
- Section 4 – Definitions (page 5)
- 5.1 Classification of Positions (page 9)
- 6.3 Pay Rates and Ranges for Full-time Non-represented Employees (page 12)
- 6.9 Overtime—Non-Represented Non-Exempt Employees (page 14)
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- 12.0 General – Employee Responsibilities (page 25)
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- 12.16 Inclement Weather (page 33)
- 13.0 Discipline and Discharge (page 34)
- 16.1 Holidays (page 42)
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- 16.4 Family Medical Leave (beginning on page 46)
- 18.1 Career Development Program (CDP) (page 54)
- Acknowledgement of Receipt of Personnel Policies (page 59)

I want to thank legal counsel, Lisa Umschied, for working on the December 19, 2001 major overhaul of the policies and, being familiar with the policies, assisting with the 2003 revisions as well as these revisions.

**FISCAL IMPACT:** NONE

**RECOMMENDATION:** Commission Approval of Resolution 05-12.

## SECTION 1 - GENERAL PROVISIONS

### 1.0 Purpose and Objectives

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

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 that shall group all positions in Commission employment into classifications based upon their duties and responsibilities.

C. To provide a compensation plan for all represented and part-time non-represented employees, 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 provide for full-time, non-represented employees (and any represented employees who become part of the plan through collective bargaining procedures) a pay for performance compensation plan that rewards the employees' performance and contribution and that links pay increases to the achievement of individual and group goals and specific performance factors.

E. To promote efficiency, economy, and public responsiveness in the operation of Commission facilities.

F. To provide that employees covered by these rules shall be subject to proper conduct, the satisfactory performance of work, and the availability of funds.

### 1.1 Employment At-Will

All Commission employees are at-will employees who have the right to end their employment with the Commission at any time for any reason. The Commission reserves the same right to terminate employees at any time for any reason, with or without cause and with or without prior notice. These policies do not alter Commission employees' at-will employment, do not constitute an express or implied contract, and are not intended to be contractually binding. No contract of employment can be created, nor can an employee's status be modified, by an oral or written agreement (except a valid collective bargaining agreement), or course of conduct, except by a written agreement signed by both the Chair and Secretary-Treasurer of the Commission on behalf of the Commission.

The Commission retains all managerial and administrative rights entrusted to it and conferred on employers inherently and by law. These include, but are not limited to: the right to exercise judgment in establishing and administering policies, practices and procedures, and to make changes in them; the right to take whatever action is necessary in the Commission's judgment to achieve the Commission's mission and goals; and the right to set standards of productivity and services to be rendered. Any failure of the Commission to exercise any such prerogative or function in a particular way shall not be considered a waiver of the Commission's right to exercise that prerogative or function in the future or to preclude it from exercising the prerogative or function in some other way. 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:

A. Where a conflict exists between these Personnel Policies and the terms of a valid collective bargaining agreement, the collective bargaining agreement shall govern; and

B. 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.

## **1.2 Ability to Promulgate Work Rules**

Notwithstanding anything in these Personnel Policies, the Commission or designee retains the right to promulgate work rules for the orderly operation of its business. Nothing in these Personnel Policies is intended to limit or impair management's right on behalf of the Commission to promulgate, enforce and when necessary change its work rules.

## **1.3 Personnel Policy Administration**

A. The Commission by adoption of these personnel policies delegates overall administration of these Personnel Policies to the General Manager. Whenever a question arises as to the meaning or interpretation of provisions of these policies, the interpretation given by the General Manager or designee shall be final and binding.

B. The MERC Human Resources Manager shall:

1. Act as the agent of the General Manager in administering all the provisions of the Personnel Policies;
2. Prepare and recommend to the General Manager revisions and amendments to the Personnel Policies. However, the Commission and/or its designee shall retain ultimate decision making authority for modifying these personnel policies.

C. The Commission delegates its authority over all employees to the General Manager, providing, however, that the initial appointment of facility directors shall be subject to Commission approval. In all other respects, the General Manager shall be the Hiring Authority for all employees. The General Manager's authority shall include the ability to negotiate separation agreements when appropriate and desirable.

D. The Commission may engage outside services from persons or agencies for specific personnel projects or studies recommended by the General Manager.

## SECTION 2 – SEPARABILITY

If any section, subsection, sentence, clause or phrase of these policies is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these policies.

## SECTION 3 – LABOR ORGANIZATIONS

Employees of the Commission have the right to form, join and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining on matters relating to wages, hours, and working conditions in accordance with the Oregon Revised Statutes and regulations of the Oregon Employment Relations Board.

## SECTION 4 - DEFINITIONS

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

- a. Appointment: The filling of a position properly authorized by the Commission.
- b. At-will Employer: An employer who has the legal right to terminate its employees without notice and without cause.
- c. Collective Bargaining Agreements: Labor Agreements recognized by the Commission.
- d. Commission: The Metropolitan Exposition-Recreation Commission created by Metro Code Chapter 6.01 for the purpose of managing regional trade and spectator facilities.
- e. Days: Days means calendar days unless specifically provided otherwise.
- f. Event Employees: Part-time, non-benefited employees hired for the purpose of staffing trade and spectator events.

- g. Exempt Position: A position exempt from mandatory overtime compensation.
- h. Facilities: The Oregon Convention Center (OCC); the Portland Metropolitan Exposition Center (EXPO); the Portland Center for the Performing Arts (PCPA), and any other facilities as may be added to the Commission's responsibility over time.
- i. Facility Director: A Commission employee who serves as the General Manager's designated representative and is responsible for the management of a Commission facility.
- j. Fiscal Year: A 12-month period beginning July 1 and ending June 30.
- k. Flexible Work Schedule: An alternative work schedule approved by the Facility Director, other than the established normal work schedule, but which includes the same number of total hours per pay period as other full-time positions.
- l. First Opportunity Target Area (FOTA): A geographic area designated by the Commission for the purpose of providing first opportunity for available jobs to disadvantaged residents living in economically distressed neighborhoods in the immediate vicinity of the Oregon Convention Center or such other geographic area as may be determined by the Commission at a later date. The boundaries are determined by the Commission.
- m. Full-time Employee: A position in which the scheduled hours of work are 40 hours per week and which is provided for in the adopted Commission budget.
- n. General Manager: The designated representative of the Commission. The Commission by adoption of these personnel policies delegates to the General Manager overall administrative responsibility for MERC facilities.
- o. Grievance: A written expression of an alleged violation of these Personnel Policies, submitted by an employee(s) for the purpose of obtaining adjustment.
- p. Hiring Authority: The General Manager or designee, to whom authority is delegated for all employees in full-time and part-time service.
- q. Holiday: Unless defined differently in a recognized collective bargaining agreement, a holiday is 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.
- r. Human Resources Department: Metro Human Resources Department.
- s. Human Resources Director: Metro Human Resources Director.

- t. Human Resources Manager: MERC Human Resources Manager.
- u. Hourly Rate: The rate of compensation for each hour of work performed by hourly staff.
- v. Immediate Family: Unless defined differently in a recognized collective bargaining agreement or by applicable law, immediate family means husband, wife, son, daughter, father, mother, brother, sister, father-in-law, mother-in-law, grandparents, grandchildren, domestic partner or any relative living in the employee's household.
- w. Internal Recruitments: A recruitment for a vacant position in which only current regular status MERC employees, and current Metro employees who are eligible under the Metro Code, may be considered as internal candidates.
- x. Job Classification: A group of job positions with similar duties, responsibilities and authority, for which the same qualifications may be required, and for which the same pay range shall be applied, and which is included in the Commission's compensation plan.
- y. Job Share: A job share position is a full-time position which is shared by two employees.
- z. Layoff: A separation from employment because of organizational changes, lack of work, lack of funds or for other reasons not reflecting discredit on the employee.
- aa. Limited duration: A full-time benefited position for a pre-defined amount of time for A specific purpose.
- aa. Market Target: As used in the Commission's Pay For Performance Program, the mid-point in a salary range.
- bb. MERC: Metropolitan Exposition-Recreation Commission. A seven-member commission appointed by the Metro Council President and confirmed by the Metro Council, responsible for overseeing the management of regional trade and spectator facilities.
- cc. Metro: Metropolitan Regional Government. The Commission's regionally elected governing body.
- dd. Non-benefited Position: Any position that is less than full-time.
- ee. Non-exempt Employee: A position that is eligible for overtime compensation.
- ff. Non-represented Employee: An employee who is not a member of a collective bargaining unit.

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- gg. Part-time Employee: An employee who holds a non-benefited position in which the scheduled hours of work are less than 40 hours per week.
- hh. Pay For Performance Program: The Commission's compensation program for all full-time, non-represented employees (and any represented employees who become part of the plan through collective bargaining procedures).
- ii. Personnel Action (PA): The Commission's administrative documentation of personnel decisions, such as hiring, promotion and transfers.
- jj. Personnel Policies: Personnel policies are the policies of the Commission created for the purpose of establishing the rules governing employment with the Commission, which may be changed or amended at any time, with or without advance notice, by the Commission.
- kk. Probationary period: A six-month continuation of the hiring process during which an employee is required to demonstrate fitness for the position into which they have been hired or promoted. Successful completion of any probationary period is for management's internal screening process only and does not convey any form of tenure or other expectation of continued or permanent employment.
- ll. Promotion: An employee moving from a position in one classification to a position in another classification having a higher maximum rate of pay.
- mm. Reclassification: A change in the classification of a position by raising it to a class with a higher rate of pay, reducing it to a class with a lower rate of pay, or changing it to another class at the same rate of pay. Changes are based upon the duties currently assigned to an existing position or to be assigned for a vacant position. A reclassification is made to ensure that the duties of the job being performed match the duties stated in the classification.
- nn. Regular Status Employee: An employee who has successfully completed the required initial probationary period and is appointed to fill a full or part-time position approved by the Commission.
- oo. Regular Status Position: A Commission approved and funded position.
- pp. Represented Employee: An employee who is a member of a certified collective bargaining unit recognized by the Commission.
- qq. Resignation: Voluntary separation from employment.
- rr. Temporary Employee: A temporary hire appointed for the purpose of meeting emergency, non-recurring or short-term workload needs, or to replace an employee during an approved leave of absence. A temporary employee may be given a non-status appointment without open competition and consideration only for the purposes

stated in this definition. Temporary appointments shall not be used to defeat the open competitive recruitment and selection process. Temporary employment shall not be used as any portion of a required probationary period.

- ss. Trending: As used in the Commission's pay for performance plan, the statistical method used to adjust pay ranges to keep pace with the labor market.
- tt. Volunteer: An individual serving in a non-paid voluntary capacity is not considered a Commission employee.

## SECTION 5 - CLASSIFICATION PLAN

### 5.0 Purpose

The purpose of the classification plan is to provide an inventory of specifications for each classification. A classification 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 so that the same range of compensation will apply.

The job classification shall summarize typical duties, responsibilities and qualifications that apply to all positions within the classification. Managers and supervisors are responsible for ensuring that the duties assigned to employees are consistent with the relevant job classification.

Job classifications are used to compare Commission positions to similar positions in the market place and to assess the internal relationship of Commission positions to one another.

### 5.1 Classification of Positions

#### A. New positions

All new positions require approval by the General Manager. Any new position that would require additional budget spending authority under Oregon law requires Commission approval.

B. New classifications

Any new classification added to the classification plan requires approval by the General Manager. Any new classification that would require additional budget spending authority under Oregon law 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 Facility Director, approved by the General Manager, and forwarded to the Human Resources Manager or designee for analysis and review, provided the reclassification can be accomplished within the limitation of the current budget. At the discretion of the appropriate Facility Director, requests for reclassification may be initiated for the following reasons.

1. **Reorganization.** When a department's reorganization plan is recommended by the Facility Director and approved by the General Manager, such plans may have reclassification implications. If reclassification is necessary, the General Manager shall request that the Human Resources Manager or designee perform the required analysis and review.
2. **Significant Change in Duties.** In such instances where the duties of a position change substantially on an ongoing basis so that the current classification is no longer appropriate, the Facility Director, with the approval of the General Manager, shall forward a proposal outlining the significant changes in duties, functions or the reassignment of duties, to the Human Resources Manager or designee to perform the required classification analysis and review.
3. **Position Vacancy.** When a Facility Director, with the approval of the General Manager, desires to change the classification of a vacant position, either upward or downward, the Facility 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 Human Resources Manager or designee to perform the required classification analysis and review.

D. Reclassification of a Full-time Non-represented Employee

An employee's pay may or may not be increased as a result of reclassification. No employee's pay may go below the minimum of the pay range for the employee's job. Employees whose pay remains at their market target after reclassification are not eligible for an increase to their base pay but are eligible to receive a lump sum performance pay award,

not to exceed the maximum of their range, following their annual review. Employees will not be eligible for increases to their base pay until the market target exceeds their current base pay.

E. Reclassification of a Full or Part-time Represented Employee

Reclassification of a represented employee's position will be conducted in accordance with collective bargaining agreements.

F. Reclassification Compensation

When an employee is reclassified to a position in a classification with a higher maximum pay rate, the employee shall be placed at the beginning pay rate of the salary range or receive an increase of 5 percent, whichever is greater.

When an employee's current salary is over the maximum of the range of the allocated classification the employee's salary will be "red circled." This means that the employee's salary will remain at his/her current level with no step or COLA increases until the maximum of the range catches up to or exceeds the employee's current actual salary.

**Deleted:** When an employee's current salary is below the minimum of the range of the classification in which he/she is placed, the employee will receive an increase to the minimum of the classification in which he/she is allocated. However, if the employee's current salary is within the allocated classification, there is no increase to the employee's current salary.

5.2 Employee Requested Classification Review

An employee who questions the allocation of their position in its current classification may submit a written request to the Facility Director for review. Should the Facility Director determine further review is warranted, the Facility Director may request, upon approval by the General Manager, that the Human Resources Manager or designee perform the required classification analysis and review.

5.3 Working out of Classification

Whenever an employee is assigned to work temporarily in a higher classification for a period in excess of two weeks, they shall be considered as working "out of class" and they shall be placed, from the date of the assignment, at the beginning pay rate of the higher classification or receive an increase of 5 percent, whichever is greater.

Requests for working out of class must be approved by the employee's supervisor in writing and follow the standard process through the Human Resources Manager. Such change will be effective the first day of employment in such a position.

An employee shall not work out-of-class for a period exceeding six (6) months within a twelve (12) month period unless approved in writing by the General Manager. Any employee working over sixty (60) days out of class must be approved by the Facility Director.

The Commission will approve the extension for an employee serving in the acting General Manager's status.

## **5.4 Job Descriptions**

### **A. Content**

A job description shall contain a summary of the most important features of a job including the general nature of the work performed. 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 shall include a statement of the minimum qualifications necessary to successfully perform the work. Job descriptions are not meant to cover every aspect of the job.

### **B. Interpretation**

Job descriptions are descriptive of job content; changes may be made from time to time as necessary.

### **C. Pay for Performance**

Individual Pay for Performance program goals and objectives for full-time non-represented employees shall reflect the key areas of responsibilities in the job description.

## **5.5 Job Title**

A Facility Director may give a position a working job title that is consistent with the position's classification specification.

## **5.6 Job Measurement**

In order to determine the appropriate compensation level for each non-represented full-time job in relationship to the labor market as well as to other Commission jobs, the Human Resources Manager or designee will conduct a classification and compensation study at least every fifth year. In years in which a study is not conducted, trending will be applied.

## SECTION 6 – COMPENSATION

### 6.0 Maintenance of Pay Plans

Pay plans for non-represented part-time employees are established by the Commission after receiving recommendations from the General Manager and the Human Resources Manager. Pay plans for represented employees are developed through the collective bargaining process and are subject to ratification by the Commission. Pay plans for full-time non-represented employees under the Pay for Performance Program must be approved by the Commission.

### 6.1 Pay Rates and Ranges for Part-time Employees

Each part-time employee shall be paid a rate of pay within the pay range for the class to which the individual has been appointed. Part-time employees will receive pay increases from time to time at the discretion of the Commission.

### 6.2 Pay Rates and Ranges for Full and Part-time Represented Employees

Pay increases for all represented employees shall be administered in accordance with collective bargaining agreements.

### 6.3 Pay Rates and Ranges for Full-time Non-represented Employees.

All MERC full-time non-represented employees are compensated in accordance with the Commission's Pay For Performance Program. The Pay For Performance Program is intended to compensate employees based on their job performance and contribution to MERC. Under this program, employees' pay increases are tied to the achievement of individual and group goals and specific performance factors. The General Manager or his or her designee shall administer the Pay For Performance Program.

#### A. Components of Compensation Under the Pay For Performance Program

Employees' pay consists of the following two elements:

1. Base pay, as described in this section. Employees whose total annual pay is less than the market target for their classification may, depending upon merit, receive an annual adjustment to their base pay. Base pay, however, may never exceed the market target for the job position.
2. A discretionary annual lump sum award, as described in this section.

B. Annual Adjustments To Pay

Under the Pay For Performance Program, employees do not receive annual cost of living adjustments to their pay. Depending upon performance and the individual employee's pay rate, in a year an employee may receive (a) base pay, with no annual adjustment and no lump sum award; (b) base pay, with an annual adjustment and no lump sum award; or (c) base pay, with an annual adjustment and a lump sum award.

C. Base Pay

Employees in the Pay For Performance Program shall receive base pay with the pay range for their classification. Pay ranges reflect the market pay levels for similar jobs in the labor markets where the Commission competes for qualified labor. The pay range minimum is the lowest base pay rate payable to an employee. The market target for each classification shall be set by the Commission. The market target is the maximum base pay that the Commission will pay for a job.

**Deleted:** is the average base pay for that job in the labor market.

D. Lump Sum Awards

If eligible, an employee may be awarded an annual lump sum award. An eligible employee may receive a lump sum award up to an amount that brings the employee's annual compensation up to the maximum of their pay range.

E. Total Pay

Total pay for a position consists of base pay plus an annual lump sum award. An employee's total pay may not exceed the top of the range for that position. To ensure that the Commission's pay ranges reflect the current market value of Commission jobs, the Human Resources Manager or designee will trend yearly. In addition, the Human Resources Manager or designee shall conduct a classification and compensation study at least every five years.

F. Pay Below the Range Minimum

No employee's pay will be below the minimum of the pay range for the employee's job. In the case of annual pay range adjustments, the Human Resources Manager or designee will review the pay impact on any employees whose pay falls below their respective pay range minimum following the range adjustment. Employees who fall below the new range minimum will be placed at the minimum of the range.

G. Compensation at Market Target

Employees whose pay is at their market target are not eligible for an annual increase to their base pay, but are eligible to receive a lump sum bonus, based upon their job performance, up to the maximum of their range. Such employees will not be eligible for increases to their base pay until the market target exceeds an employee's current base salary.

## H. New Hire Rates

The starting pay for new hires is usually at or near the minimum of the pay range. In some situations it may be appropriate to recognize the candidate's experience. The Human Resources Manager or designee and the hiring manager will determine the starting pay of the new employee. The pay rate provided to a new hire may not exceed the market target.

## I. Annual Pay Increases

Each year the Commission will determine if an annual pay increase will be provided to eligible employees. This decision will be based on the Commission's ability to pay and the pay practices of the outside labor market.

### 6.4 Effects of Promotion on pay for Full-time and Part-time Non-represented Employees and Full and Part-time Represented Employees

An employee who is promoted will be placed at the minimum of the range or receive a five percent (5%) increase, whichever is greater. An employee who has been promoted is not eligible for Pay For Performance while on promotional probation.

### 6.5 Voluntary Demotion

If an employee voluntarily demotes, as approved by the Facility Director and General Manager, to a class having a lower pay range, the employee's pay rate shall not be reduced as long as the pay rate is within the pay range of the lower classification. If the employee's pay rate is above the pay range of the lower classification, the pay rate will be reduced to the maximum pay rate of the new range.

### 6.6 Disciplinary Demotion

Disciplinary demotion will result in a reduction in pay to any level in the pay range of the lower class determined by the department head, and approved by the General Manager or designee. At the discretion of the department head and Facility Director an employee's pay may be red circled.

### 6.7 Lateral Transfer

A lateral transfer is the voluntary or involuntary movement of a Commission employee from one classification to another classification having the same pay range or to another position in the same classification, as approved by the Facility Director and the General Manager. Lateral transfers within the same classification do not require completion of a new probationary period. In the case of a lateral transfer, the employee's pay will remain the same.

## **6.8 Pay Range Adjustments**

A. A pay range adjustment is a change in pay range assigned to a particular classification as authorized by the Commission. Pay range adjustments for classifications outside the Pay For Performance Program are generally made at the start of the fiscal year. Pay range adjustments are distinguished from step or Pay for Performance increases and are not intended to give recognition to quality of performance. An employee whose pay range is adjusted will normally be placed at the closest comparable place in the new range without a reduction of pay, unless the employee is at the top of the range.

When an employee's salary range is adjusted and the employee's salary falls below the salary range minimum, the employee's salary will be increased to the minimum of the adjusted salary range.

B. Pay adjustments to classifications within the Pay For Performance Program are implemented through trending and/or through a classification and compensation study, in accordance with Section 5.6 of these policies.

## **6.9 Overtime – Non-represented Non-exempt Employees**

A. At a minimum the Commission shall pay overtime rates in accordance with applicable law with regard to payment of overtime wages. The Commission may choose to exceed the law.

B. No overtime shall be worked by non-exempt employees without the prior approval of the department head or their designee.

C. 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 full-time employees whose workweeks are other than Monday through Friday, the workweek begins on the first workday of their scheduled workweek.

D. For the purpose of computing overtime, hours worked shall include only time actually worked by the employee, and shall not include holiday pay, vacation pay, sick pay, compensable on-the-job injury pay or leaves of any type.

## **6.10 Overtime – Represented Non-exempt Employees**

For represented non-exempt employees, the Commission shall pay overtime rates in accordance with applicable law or as required by the applicable collective bargaining agreements, whichever is greater.

## **6.11 Overtime - Exempt Employees**

A. No overtime shall be paid to exempt employees. Time worked on a holiday may be taken at a later date upon the approval of the supervisor. It is understood that an

exempt employee may have to work on occasion beyond business hours and that extra work hours beyond the usual workday or workweek are part of the job expectations for an exempt employee.

B. 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.

C. The Commission expects that exempt employees will fulfill their position responsibilities and that their work performance will be evaluated by overall results, rather than merely by the number of hours worked. For this reason, infrequent absences of less than a half-day by an exempt employee that do not negatively impact expected work performance and productivity will not be tracked or covered through the use of leave accruals.

However, when an exempt employee has an absence of four hours or more, such absence should be covered through the appropriate leave accruals. Absences of less than a full day in cases where there are not available leave accruals must not result in salary reduction, and supervisors and exempt employees should explore options available to meet productivity expectations, such as flexing a particular week's schedule. Absences of a full day or more, where there are no available leave accruals, may result in reduction in salary earned for that pay period when authorized by the Facility Director or designee.

D. Exempt employees are expected to complete their job in whatever amount of time it takes. If an exempt employee routinely completes their work in less than 40 hours a week their workload maybe adjusted by the supervisor, manager or Facility Director.

Excessive absences may indicate a work performance problem that should be addressed through performance evaluation and, if necessary, the disciplinary process.

E. In accordance with law, exempt employees may not be suspended without pay except in increments of one week or more.

## SECTION 7 – PAY POLICIES

### 7.0 Pay Periods

Employees shall be paid at least semi-monthly.

## **7.1 Pay Days**

Standard paydays will be on the 10<sup>th</sup> and 25<sup>th</sup> of each month or the immediately preceding business day when a payday falls on a holiday or weekend.

## **7.2 Over and Underpayments**

In the event an employee does not receive wages or benefits to which the employee is entitled, the Commission shall correct the error and provide all wages and benefits owed to the employee.

Should administrative errors result in an employee receiving wages or benefits to which the employee is not entitled, the Commission shall notify the employee in writing and make arrangements to recover the overpayment, through either reimbursement or future payroll deductions authorized by the employee, as provided by law.

# **SECTION 8 – PERFORMANCE EVALUATIONS**

## **8.0 Performance Evaluations – Purpose**

The purpose of performance evaluation is to assess an employee's work performance over a specified length of time.

It is the goal of the Commission to evaluate every full and part-time regular status employee no less than once each fiscal year. A satisfactory performance evaluation is not a guarantee of an increase in wages, salary or benefits, advancement or continued employment. An employee who does not receive a performance review should not assume that his or her job performance is satisfactory. The Commission's failure to provide an employee with a performance review does not entitle the employee to any rights or recourse.

An employee has a duty to report the failure of a supervisor to perform a timely evaluation.

## **8.1 Performance Evaluation for all Full-time, Non-represented Employees in the Pay for Performance Program**

As part of the Pay For Performance Program, every full-time, non-represented employee will have performance goals and objectives. Goals and objectives are developed jointly by the manager and the employee. Goals and objectives shall be tied to facility goals. Goals and objectives are established in June for the following fiscal year. An employee's progress toward meeting goals and objectives will be evaluated by the employee's manager at least two times a year, in January and June. For every employee in his or her work group, a manager shall submit to the Human Resources Manager a complete written evaluation. The

mid-year evaluation is due no later than January 31. The year-end evaluation is due no later than July 31. The year-end evaluation will become part of the employee's permanent personnel record.

In the event that an employee disagrees with a manager's written evaluation of the employee, no later than 15 calendar days after the date of the written evaluation, the employee may note his or her disagreement and attach a statement of clarification to the evaluation form. The manager has final authority to establish the goals and the evaluation.

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### **8.2 Performance Evaluation for Full and Part-time Represented Employees and Part-time Non-represented Employees**

Supervisors should evaluate the performance of their non-temporary employees annually or more frequently, prior to the employee's anniversary date, and forward the written performance evaluation to the Human Resources Manager.

Performance reviews should be sufficiently specific to inform and guide the employee in the performance of job duties and responsibilities and to provide the necessary documentation for management's personnel decisions.

In the event that an employee disagrees with a manager's written evaluation of the employee, no later than 15 calendar days after the date of the written evaluation, the employee may note his or her disagreement and attach a statement of clarification to the evaluation form. The manager has final authority to establish the evaluation.

Performance evaluations are intended to be a management tool for supervisors and managers, and a tool for employees to use in their professional growth and career development. An employee's receipt of a positive performance evaluation does not guarantee or promise that the employee will receive an increase in pay or continued employment. Similarly, a supervisor's failure to provide an employee with a performance review does not guarantee that an employee's performance is satisfactory.

### **8.3 Performance Evaluation for Full and Part-time Represented and Non-represented Probationary Employees**

All probationary employees shall be given at least one written performance evaluation by their supervisor during their probationary period.

### **8.4 Performance Communication**

The supervisor shall communicate the results of a performance evaluation to the employee. The employee must acknowledge that they have reviewed the evaluation. In the event the employee refuses to sign the evaluation form, the supervisor will acknowledge the employee's refusal to sign in writing on the form. The employee shall receive a copy of the evaluation before it is placed in the employee's personnel file. No later than 15 calendar days

after the date of the written evaluation, employees may attach a statement of clarification to their evaluation form.

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## **8.5 Unsatisfactory Performance Evaluations**

If an employee receives an unsatisfactory performance evaluation, the employee shall be placed on a work improvement plan with specific goals and timelines to improve performance. If an employee does not meet the requirements in the plan, the employee will be disciplined up to and including termination.

## **SECTION 9 - SELECTION OF EMPLOYEES**

### **9.0 Equal Employment Opportunity**

It is the policy of the Commission to ensure that equal employment opportunities exist for all applicants and employees without regard to their race, color, religion, national origin, sex, sexual orientation, age, marital status, Vietnam era or Disabled Veteran status, or disability for which reasonable accommodation can be made, or any other status protected by law. Equal opportunities and considerations will be afforded in recruiting, selecting, hiring, transferring, promoting, compensating and terminating employees.

Recruitment efforts will be coordinated in cooperation with the hiring department. Recruiting publicity will be distributed through appropriate media to meet promotional, first opportunity and Equal Opportunity guidelines. Such publicity will indicate that the Commission is an 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 9.1.D of these policies.

Any Commissioner or employee who has a question about MERC's Affirmative Action Program may obtain a copy from the Human Resources Director.

The Commission has delegated the responsibility of making final hiring decisions to the General Manager or designee. The following sections describe the selection process that generally will be followed, but where the General Manager determines that an immediate appointment or hiring decision is necessary, the General Manager or designee retains the right to make such a decision.

### **9.1 Announcements and Posting**

A. All promotions and appointments to vacancies shall be based on the requirements of the position and organizational and operational needs of the Commission. All recruitment periods listed below may be extended only with the approval of the General Manager or designee prior to the announcement of any recruitment.

#### **B. Internal Recruitment**

Internal recruitments are openings for which current full and part-time regular status employees who have successfully completed their initial probationary period and Metro employees who qualify as internal candidates under the Metro Code may apply before members of the general public will be considered. There will be no internal application process for limited duration positions.

The internal recruitment will be posted for 7 calendar days. Postings will be placed prominently in employee areas in all Metro and Commission facilities. Internal applicants will be given first consideration for these internal recruitments. Internal applicants who meet the minimum qualifications and pass the supplemental screening for the position shall be interviewed in this internal recruitment process. Should no internal applicant be selected through this process, the first opportunity area recruitment process will begin.

C. First Opportunity Recruitment

The First Opportunity Program is intended to provide maximum employment opportunities for economically disadvantaged residents living in the First Opportunity Target Area.

First Opportunity Recruitments are openings for first opportunity area applicants for vacant positions. In addition to standard recruiting techniques, good faith outreach efforts will be made through target area job training and economic development agencies to identify, recruit, assist and if necessary, train and refer such applicants. When vacancies occur, the First Opportunity recruitment will be posted and advertised for 14 calendar days. Postings will be placed prominently in employee areas in all Metro and Commission facilities and will be advertised as employment opportunities in at least one Target Area newspaper. First opportunity applicants will be given consideration for the employment opportunities after the internal recruitment process has concluded. First opportunity applicants who meet the minimum qualifications and pass the supplemental screening for the position shall be interviewed in this First Opportunity Target Area recruitment process. Should no First Opportunity Target Area applicant be selected through this process, the general recruitment process will begin.

D. General Recruitment

In the event no qualified applicant is selected through the internal or First Opportunity process, standard recruiting techniques will be used to attract a sufficient number of qualified applicants from whom one or more may be selected. The period of recruitment will be indicated on job announcements and advertisements.

9.2 Voluntary Demotion

The standard selection process may be waived by the Human Resources Manager or designee in the event of a voluntary demotion when the demoted employee is deemed qualified and a vacancy exists.

**9.3 Applications**

The Commission or designee may elect to receive and/or screen the applications.

#### **9.4 Employment of Relatives or Near Relatives**

No relative or near relative shall work together in a supervisory/subordinate role with another relative or near relative.

Any employment of relatives or near relatives requires the recommendation of the Human Resources Manager and the approval of the Facility Director.

If two employees who are in a supervisor/subordinate role or who work as co-workers in the same department become near relatives, the Facility Director's and Human Resources Manager's approval is required for their continuation in the same working relationship. Approval for such appointments may be granted when justified as being in the best interest of the Commission.

Near relatives are parents, children, spouses, domestic partners, brothers, or sisters, including in-laws and step-relatives in these relationships.

### **SECTION 10 - RECORDS**

#### **10.0 Personnel Records**

An official personnel file shall be maintained 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 Metro and MERC Human Resources who have a work related need for information. Management staff must have job-related reasons to have access to job-related information in an employee's file. Upon request to the Human Resources Department employees may review their files in the Human Resources Department during regular Commission business hours. Employees have the right to inspect and copy information in their personnel files to the extent provided by state law. Original personnel records cannot be removed from the Human Resources Department. Information in personnel files will be treated as exempt from public disclosure to the extent permitted by the Oregon Public Records law.

#### **10.1 Working Files**

Supervisors and managers may, and are encouraged to, keep working files for purposes of employee evaluations and managing their employees. Working files are not official personnel files.

### **SECTION 11 - PROBATIONARY PERIOD**

## **11.0 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, instruct 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.

## **11.1 Duration**

All initial full-time or part-time appointments, or transfers to a new classification within the same salary range, and all promotional probationary appointments shall be tentative and subject to a minimum probationary period of six (6) full months of service unless otherwise specified in an applicable collective bargaining agreement.

## **11.2 Time Missed During the Probationary Period**

If an employee is absent from work for any full or partial work days totaling full work days for any reason during the probationary period, the employee's probationary period shall be extended by the number of days the employee was absent from work.

## **11.3 Evaluation Prior to the End of Probationary Period**

It shall be the goal of the Commission that employees have their work performance evaluated by their immediate supervisor at least two times during their probationary period. The first evaluation should occur approximately midway through the probationary period, and the second evaluation should occur prior to the end of the probationary period. A supervisor's failure to evaluate an employee during probation does not mean the employee automatically successfully completes probation.

## **11.4 Voluntary Demotion**

Voluntary demotions do not require an additional probationary period. If the employee has completed their initial probationary period.

## **11.5 Action at End of Probationary Period**

Before an employee's probationary period ends, 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 for department approval that the employee be given regular status in the position. Full-time non-represented employees and their supervisors shall establish goals and objectives for the remainder of the fiscal year.

B. Recommend for department approval 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, subject to availability, 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. Non-Represented employees. An employee's probationary period may be extended for a period of time not to exceed an additional three (3) months, with written notification as to reasons for the extension given to the employee and the Human Resources Manager.

D. Represented employees. Extending a probationary period will be done in accordance with the applicable collective bargaining agreement.

#### **11.6 Accrual of Leave During Probation for Full-Time Appointments**

A. Sick Leave

Sick leave benefits are based upon or earned in connection with time worked. 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. An employee may not take paid vacation leave during probation. 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 resigns or is terminated during the initial probationary period shall not be entitled to vacation leave payment.

C. Personal Days

Personal days cannot be utilized by employees in their initial probationary period.

D. Funeral Leave

Funeral leave benefits shall be provided as described in Section 15.6.

**11.7 Accrual of Leave During Probation for Part-time Appointments**

Part-time employees are not eligible for leave accrual or benefits.

**SECTION 12 - EMPLOYEE CONDUCT**

**12.0 General – Employee Responsibilities**

Employees are expected to maintain satisfactory work performance standards. Consistent with this expectation, an employee is encouraged to learn the performance criteria for the job and the guidelines, policies, procedures, work rules, standards of conduct established by the Commission, and any other applicable laws and regulations.

~~Commission employees shall not accept any outside employment that prevents them from performing the duties and responsibilities for their position or creates a conflict of interest.~~

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Employees failing to comply with the standards outlined below are subject to disciplinary action up to and including termination.

**12.1 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 to give money, service or other things 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 work hours. However, nothing in this section is intended to restrict the right of a public employee to express personal political views.

**12.2 Abandonment of Position**

An absence of three consecutive days or shifts without notifying the supervisor or manager is job abandonment and may be considered a voluntary resignation.

### **12.3 Appearance and Conduct**

Public relations are an integral part of each Commission employee's job. Appropriate and neat appearance that ensures workplace safety and projects a professional image is essential to the productive and efficient operation of the workplace.

### **12.4 Attendance**

Tardiness and absenteeism adversely affect the efficiency and service level of the Commission. Employees who cannot report at the designated starting time must notify their supervisor immediately.

Absenteeism or tardiness that is unexcused or excessive in the judgment of the Commission will result in disciplinary action, up to and including dismissal.

### **12.5 Smoking**

Smoking and using tobacco is prohibited in Commission facilities except where otherwise designated.

### **12.6 Unlawful Harassment**

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 overtures, 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, Facility Director, Human Resources 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 Human Resources Manager or designee unless otherwise stipulated by the Commission. There will be no retaliation by the Commission for good faith reporting of alleged unlawful harassment.

### **12.7 Sexual Harassment – General**

The Commission is committed to creating and maintaining a work place in which employees and customers can work together in an atmosphere free of all forms of harassment, exploitation, or intimidation, including sexual harassment. Every Commission employee should be aware that the Commission does not tolerate any sexual harassment and that such behavior is prohibited both by law and Commission policy. It is the intention of the Commission to take whatever disciplinary action may be needed, up to and including termination, to prevent and correct behavior that violates this policy.

A. Sexual harassment is defined as unwelcome behavior of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other Commission activity;
2. Submission to or rejection of such conduct is used as the basis for evaluation in making personnel decisions affecting an individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive Commission environment.

B. Some examples of sexual harassment are:

1. Unwanted sexual advances;
2. Offering employment benefits in exchange for sexual favors;
3. Visual conduct, e.g., leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters.
4. Verbal conduct, e.g., making or using derogatory comments, epithets, slurs or jokes.
5. Verbal abuse of a sexual nature, e.g., making graphic verbal commentaries about an individual's body, using sexually degrading words to describe an individual, or sending suggestive or obscene correspondence, letters, notes, or invitations.
6. Physical conduct, e.g., touching or impeding or blocking movements.
7. Making or threatening reprisals after a negative response to sexual advances.

In determining whether the alleged conduct constitutes sexual harassment, consideration will be given to the record of the incident as a whole and the totality of the circumstances, including the nature of the conduct and the context in which the alleged incidents occurred.

C. Sexual and General Harassment - Informal Complaints

Complaints of sexual harassment that are not presented as formal grievances or problems involving sexual harassment that come to the attention of Commission management other than as individual complaints may be dealt with in the following ways:

1. An employee who seeks to make a complaint involving circumstances in which the complainant wishes to maintain confidentiality before initiation of formal complaint procedures or management action may contact the Human Resources Manager for counsel and guidance. Employees are also encouraged to utilize the services of the Commission Employee Assistance Program.
2. If attempts fail to informally resolve the complaint through meetings with the parties involved, the Human Resources Manager has the responsibility for making recommendations to Commission management for resolution of the complaint.
3. Sexual harassment issues that come to the attention of Commission management other than by individual complaints will be dealt with by management on an ad hoc basis within thirty (30) working days. This may be preceded by fact-finding by a person or persons appointed by the Human Resources Manager or designee for this purpose.

D. Sexual and General Harassment - Formal Complaints

An employee who alleges that an act of unlawful discrimination or harassment by another employee has occurred may file a grievance as set forth in these policies or the applicable collective bargaining agreement. A complaint must include the following information:

1. Complainant's name and class status (race, gender, disability, age, veteran status, sexual orientation, etc.), if applicable;
2. Nature of the complaint, date the alleged violation occurred, and the name of the person who is the subject of the complaint; and
3. If the complaint is in regard to a sub recipient, contractor or subcontractor, the name of that organization.

The Human Resources Manager or designee shall, within ten (10) working days:

1. Thoroughly investigate the complaint and establish a file of findings;
2. Submit the findings with a recommendation to the General Manager;

3. Inform the complainant of the determination and any action to be taken; and
4. Notify complainant of relevant avenues of appeal, if appropriate.

E. Confidentiality

In the complaint resolution procedures and in accordance with existing policies, every reasonable effort will be made to protect the privacy of the parties concerned.

F. Retaliation

Retaliation against individuals who report or complain of sexual harassment and prohibited by law and Commission policy.

**12.8 Drug/Alcohol Abuse Policy**

Employees may not possess, be under the influence of, or use any alcohol, intoxicant, or narcotic on the way to work, on the job, or on Commission premises (including parking lots, adjacent parking lots, or surrounding buildings). In addition, the unlawful manufacture, distribution, possession, or use of controlled substance is prohibited in the workplace and on Commission property.

If a representative of the Commission has reason to believe that an employee is unable to perform the duties of their job in a safe and productive manner, or if in management's opinion the employee's presence on the job creates a risk to the safety and well-being of the employee or others, the public or Commission property, the employee will be immediately suspended from the workplace.

A. An employee who believes they have a problem involving the use of alcohol or drugs can ask a supervisor or the Human Resources Manager for confidential assistance. No discipline or discrimination will result from an employee asking for such assistance.

The Commission also agrees to work jointly with the employee to identify all Commission 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 Commission recognizes that alcohol and drug abuse can sometimes be successfully treated and 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 drug or alcohol-related accident, an employee's

willingness to seek Commission or outside assistance will NOT excuse the violation and generally will have no bearing on the determination of an appropriate penalty.

A "Last Chance Agreement" 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 last chance agreement or treatment program obligation will be grounds for discipline, including termination.

B. Prohibited Conduct

1. Alcohol. The possession, transfer, sale, offering, consumption or being under the influence of any intoxicating liquor while on Commission property is prohibited. IMPORTANT: The conduct prohibited includes consumption of any intoxicating liquor prior to reporting to work or during breaks or lunch periods or on the job, unless specifically associated with official Commission business.
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 Commission 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 their 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 their job safely and adequately; for example, operating mechanical equipment. An employee must inform their supervisor that they are taking prescribed or over-the-counter drugs, which contain a warning of possible impairment prior to beginning work each day they are using 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.

C. Right to Test

When the Commission 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 Commission may require that the employee submit to appropriate tests for alcohol or prohibited drugs or substances in their 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 discipline, including termination.

The Commission will bear the expense of all testing under this provision requested by the Commission. A positive test must be confirmed by a second test, which uses a different methodology than the one 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 (chosen by the Commission) for verification.

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

**D. Commercial Driver's License (CDL)**

All Commission employees holding CDL's that operate commercial vehicles on behalf of the Commission will be subject to the federally mandated drug and alcohol testing requirements.

The Federal Highway Administration (FHWA) has promulgated rules to implement the Omnibus Transportation Employee Testing Act of 1991. These rules affect those employees required to maintain a CDL as part of their jobs. The Commission will follow and meet all Federal regulations.

**12.9 Ethics Policy**

All MERC Commissioners and employees are covered by the Oregon Government Standards and Practices Act. All Commissioners and employees must comply with all requirements of the state ethics laws for public officials and employees. Any Commissioner or employee who has a question about the state ethics laws may obtain a copy of the law's requirements from the Human Resources Manager.

**12.10 Travel Policy**

All business travel shall be approved by the Commission, General Manager, facility directors or Director of Administration. Business travel is defined as travel in relation to official Commission business, which requires the employee to travel more than 55 miles from Portland.

Other expenses related to travel for job-related Commission purposes within 55 miles of Portland should be reimbursed through petty cash or weekly expense reports.

Allowable and non-allowable expenses are detailed in the Business Travel Policy.

**12.11 Confidentiality**

Employees may work with, and may have access to, information that must be kept confidential. Such information includes customer and client data, product specifications, production techniques, personnel records and personnel matters, payroll data, financial data, sales and marketing activity and plans, trade secrets and proprietary information.

Confidential information may only be discussed with staff members and employees who have a work-related need for information. Failure to protect confidential information is a serious offense and subject to discipline up to and including termination.

**12.12 Personal Use of Electronic Office Equipment**

Any personal use of electronic office equipment should be limited in terms of length of time and frequency. It should result in no or negligible cost to the public; any identifiable incremental cost should be reimbursed. No financial gain may result from the use of public property. Personal use should cause no negative public perception or poor image for the Commission or its employees. Violation of the Network Access Policy is subject to discipline up to and including termination.

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Any Commissioner or employee who has questions about MERC's Network Access Policy should request a copy from the Human Resources Director.

**12.13 Workplace Violence**

Workplace violence is defined as any act of physical, verbal or written aggression by an individual in or related to the work place. This includes, but is not limited to, verbal or physical threats or intimidation, assault or battery by an employee, former employee or visitor to a Commission workplace. Workplace violence also includes destruction or abuse of property.

The Commission is committed to maintaining a safe work environment free of all forms of violence for all Commission employees, agents of the Commission and customers. Any act of violence or intimidation, including verbal or physical threats, is strictly prohibited at all times and will lead to disciplinary action, which may include immediate termination.

**12.14 Restriction of Weapons**

A. No Commission employee while on duty on the premises of Commission property, including Commission owned or leased parking areas, and no Commission employees while on duty, whether on Commission property or not, shall:

1. Possess a loaded or unloaded firearm. "Firearm" means a weapon, by whatever name known, including pistol, revolver, gun, or rifle, which is designed to expel a projectile by the action of an explosive, compressed air, or spring.
2. Possess a dangerous weapon. "Dangerous weapon" means metal knuckles, straight razor, weapon of the type commonly known as a nunchaku, blackjack, sap, or sap glove, slingshot, bomb or bombshell, and any type of knife other than an ordinary pocketknife with a blade not longer than three and one-half inches. When carried with intent to use the same unlawfully against another, "dangerous weapon" also includes any instrument or device capable of inflicting injury to the person or property of another.
3. Possess or discharge fireworks or explosives of any nature.

**B. Exception**

1. Commission employees who have been authorized specifically and in writing by the Commission or General Manager to possess firearms or dangerous weapons as part of their job duties.

**12.15 Accepting and Taking Items from Exhibitors**

No Commission employee is permitted to accept or take items from exhibitors. Accepting or taking items from exhibitors is subject to disciplinary action up to and including termination.

**12.16 Inclement Weather**

- ~~A. All employees are to assume that all buildings are open as normally scheduled unless they are told otherwise by their Facility Director.~~
- ~~B. Employees not scheduled to work or scheduled to be on approved leave during any facility closure due to inclement weather will be compensated consistent with the work schedule or approved leave and shall record their time according to the applicable leave policy.~~
- ~~C. In the event that a Facility Director or designee determines that inclement weather conditions justify shortening the workday for facility employees, the modified hours will be treated as the full workday for employees who report to work. Any employee who is unable to report to work may take the time as unpaid leave or may charge the absence to any accrued leave balance, except sick leave, but shall not be credited with paid time for the modified schedule. Non-exempt employees who require additional travel time may take the time as unpaid leave or may charge the additional time to any accrued leave balance, except sick leave. Employees unable to work the full modified schedule shall follow applicable procedures for notifying a supervisor of the absence.~~

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If a facility is closed due to inclement weather, employees who are scheduled to work will be paid for their normal work hours.

D. If the inclement weather day was a previously scheduled vacation day, personal day or day off, it will be treated as such.

**Deleted:** any employee working that day shall be paid for their normal work hours. Any employee unable to report for work due to inclement weather may, upon approval of the Facility Director, use accrued personal or vacation leave.

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## SECTION 13 – DISCIPLINE AND DISCHARGE

### 13.0 General

Nothing in these personnel policies precludes managers and supervisors from establishing work rules that are consistent with these policies 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 in Section 14 by these policies. The Commission reserves the right to enter into last chance agreements with its employees.

A. Disciplinary actions shall include, but not be limited to, 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 discipline employees, up to and including termination, 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 behaviors are some (not all) examples of the types of conduct that 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. Abandonment of position;
2. Abuse of leave privileges;
3. Unauthorized absence from duty;
4. Below standard work performance;

5. Discourteous treatment of any member of the public or any Commission employee, including but not limited to intentional tortious conduct;
6. Any rude, boorish, insulting, intimidating, abrasive, bullying, or threatening behavior that can be construed as creating an unproductive work place or hostile working environment.

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6. Possessing, using, transferring, offering or being under the influence of any intoxicants or narcotics during work hours;
7. Fraud in securing appointment or promotion;
8. 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 towards members of management;
9. Misuse of Commission property, funds, or records;
10. Neglect of duty;
11. Habitual or excessive absence or tardiness, or abuse of sick leave privileges;
12. Failure to cooperate or interfering with an internal investigation;
13. Willful deceit;
14. Willful violation of established safety policies;
15. Any conviction by a court of law that demonstrates an impaired ability to properly perform work for the Commission, or that would cause an embarrassment or inconvenience to the Commission;
16. Inability to get along with fellow employees so that work being performed is hindered or below standard;
17. Violation of any Commission regulation;
18. Any falsification of information during the employment application or employment appointment process, regardless of when discovered;
19. Unlawful harassment or discrimination;
20. Theft, including personal or public property;

21. Sleeping on the job;
22. Gambling on Commission premises, including but not limited to card games, dice games;
23. Bringing weapons on Commission property;
24. Violation of these personnel policies, established work rules or other management directives.

B. Procedures for Suspension, Reduction in Pay, Transfer, Demotion, or Dismissal

Information gathered by the supervisor will be reviewed by the Human Resources Manager and the Facility Director prior to the supervisor taking any suspension, reduction in pay, transfer, demotion or dismissal action. If the Human Resources Manager or designee determines a basis for discipline may exist, then:

1. An employee may be suspended, with or without pay, pending disciplinary action. The General Manager must approve any proposed suspension without pay.
2. A written notice of contemplated disciplinary action 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); and
  - 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 process 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 Human Resources Manager may, in his or her discretion, dispense with all or part of these procedures, with or without notice to the employee.

C. The affected employee may grieve the final disciplinary action pursuant to the grievance procedure established in these policies. In the case of a dismissal action, the grievance shall be filed at Step 2, with the General Manager, with a copy to the Human Resources Manager or designee.

## SECTION 14 - GRIEVANCE PROCEDURE

### 14.0 General

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

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.

### 14.1 Procedure

A. An employee who believes a grievance exists which has not been resolved by informal means shall reduce the grievance to writing. The written grievance shall 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 shall present the written grievance to the supervisor 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 supervisor 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 Facility Director.

C. The Facility Director and the employee will attempt to resolve the grievance within five (5) calendar days from the date of submission of the written grievance to the Facility Director. If the grievance remains unresolved after the five (5) calendar day period, the employee must submit it within another five (5) calendar days to the General Manager.

D. The General Manager will discuss the grievance with the Facility Director and the Human Resources 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.

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.

## SECTION 15 - RESIGNATION AND LAYOFF

### 15.0 Resignations

Any employee may resign from the Commission by presenting an oral or written resignation to the employee's supervisor or manager. To resign in good standing, an employee must give the supervisor or manager a minimum of two weeks notice, unless, because of extenuating circumstances, the supervisor or manager agrees to permit a shorter period of notice. The termination form shall be promptly forwarded to the Human Resources Department by the supervisor or manager.

If an employee who has resigned seeks to rescind the resignation, such rescission may only be granted by the Facility Director.

The Human Resources Manager or designee may conduct exit interviews or take similar steps to understand reasons for each resignation.

### 15.1 Layoffs

A manager 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 conditions of a reduction in force layoff shall be as follows:

#### A. Separation and Recall Criteria

Reductions in the work force, and any subsequent recall opportunities 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;
5. Ability to get along with others; and
6. Length of service.

Evaluation of these factors is at the sole discretion of the General Manager or designee.

**B. Laid Off Employees**

Laid off employees shall be placed on a layoff list and shall have the opportunity to be considered for vacant positions in the classification in which they were laid off for a period of one (1) year following the date of layoff. Specifically, laid off employees shall have the right to apply as internal candidates for Metro and MERC positions for one year following layoff. A laid off employee's application will be determined and evaluated by the criteria listed in 14.1(A). It is the employee's obligation to keep the Human Resources Department informed of any changes in address. Laid off employees who have been notified that they have been selected for a vacant position must report to work within fourteen (14) calendar days or their names will be removed from the layoff list. If the Human Resources 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 layoff list.

**D. Accrual Rates Upon Reappointment**

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

**E. Employees terminated as a result of staff reduction will be eligible for vacation pay for accumulated vacation and may be eligible for continuation of health insurance coverage through the Consolidated Omnibus Budget Reconciliation Act (COBRA).**

**SECTION 16 - WORK SCHEDULES, HOLIDAYS, VACATION,  
SICK LEAVE, AND OTHER LEAVES OF ABSENCE**

**16.0 Work Schedules**

The normal workweek shall be 40 hours, Monday through Friday, and the normal workday shall be 8:00 AM to 5:00 PM. Some departments have work schedules and hours that may vary due to the scheduling of events. In order to provide the best service to the public, facility directors may establish operating schedules for departments that 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**

Supervisors and managers may establish employee work schedules, which vary from the normal work schedule. The Facility Director or designee must approve all flexible work schedules.

**B. Job Share**

Any full-time position may be designated as a job share position by the General Manager at the request of a Facility Director.

A Job Share position is a full-time position that is shared by two employees. Benefits shall be apportioned between the position occupants in proportion to time worked by each. Apportioning benefits may be altered upon written agreement of position occupants. The benefits of a job share position may not exceed the benefits of any other full-time position.

**C. Telecommuting**

Telecommuting is defined as transportation and work alternatives that substitute home-to-work commuting with working at home or at satellite work locations. In order to telecommute an employee must receive written authorization by the Facility Director.

**D. Part-time Positions**

With the written agreement of the Facility Director(s) and supervisor(s), part-time non-benefited positions may be combined to increase an employee's hours but not for the purpose of receiving benefits.

**E. Lunch and Breaks**

All employees shall be allowed a lunch break of at least thirty (30) minutes, but not more than one hour for every work shift of at least six hours. All employees are entitled to a

fifteen (15) minute paid break period for every four-hour segment or major portion thereof in the work period. If an employee works a shift longer than 10 hours they are entitled to three paid rest breaks.

**16.1 Holidays**

The following shall be considered holidays for full-time employees. However, Personal Days (16.1 C) cannot be utilized by employees in their initial probationary period.

HOLIDAY	DATE
New Year's Day	January 1
Martin Luther King, Jr.'s Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25
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 (1-1/2) 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 personal days (16.1 C).

~~B. A work week is defined as Monday at 8:00 AM through Friday at 5:00 PM unless the department is a 24-hour operation and then the workweek is Thursday at midnight through Wednesday at 11:59 PM.~~

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~~C. For those individuals that work more than eight (8) hours a day (i.e. 9, 10 or 12 hour days) as their normal schedule, the number of hours reflected on the time allocation sheet shall be equal to the number of hours in their regular workday for personal and recognized holidays.~~

~~D. The three (3) personal days may be used at the employee's discretion during the fiscal year in which they accrue.~~

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Employees hired between July 1 and October 30 will receive three (3) personal days; employees hired between November 1 and February 29 will receive two (2) personal days; and employees hired between March 1 through June 30 will receive one (1) personal day. Requests to use personal days will be handled as vacation leave (15.2 C). If the personal holidays are not taken within the fiscal year, they will be lost.

Personal days cannot be utilized by employees in their initial probationary period.

D. 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. Full-time employees working an irregular workweek shall receive the same number of holidays as employees working a regular workweek unless otherwise defined in a collective bargaining agreement.

**16.2 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. 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 and fifty (250) hours of vacation leave. Vacation leave beyond two hundred and fifty (250) hours will be lost, unless reasons for an exception receive approval by the Facility Director 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 Facility Director and General Manager.

C. Scheduling of Vacations

Vacation requests shall be submitted through the supervisor and approved by a manager on an "Employee Leave Request Form." Request for vacation leave shall be submitted at least two (2) weeks prior to desired vacation time. Personal days 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 may request an exception to exceed the 250-hour limit.

D. Vacation Pay upon Termination

A full-time employee who has successfully completed the 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 accrued personal days. 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.

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E. Transfer of Vacation Leave Credits

Under normal circumstances leave accruals are not transferable. However, upon written request of a regular Commission employee to the General Manager, the voluntary transfer of vacation leave hours may be authorized on a limited, carefully monitored basis as follows:

1. Only employees eligible to accrue vacation may request transfer of vacation leave hours.
2. Each request will be reviewed and approval granted or denied on a case-by-case basis by the General Manager.
2. Requests must be due to a catastrophic illness of the requesting employee only.
3. The requesting employee must have no accrued sick leave balance and no accrued vacation leave balance at the time of the request.
4. Upon approval of the General Manager the requesting employee, or another Commission employee they have designated, may initiate requests to Commission employees for the transfer of accrued vacation leave hours.
5. Employees wanting to voluntarily transfer accrued vacation leave hours to the requesting employee may do so only as follows:
  - a. The transferring employee's Facility Director must authorize the transfer of hours by signature, and such authorization will indicate the transfer of hours can be accomplished within the facility fiscal-year budget;
  - b. The transfer of accrued vacation leave hours cannot exceed a total of 40 hours per transferring employee for each individual requesting employee for each fiscal year;
  - c. If the transferring employee's vacation leave balance has reached the capped limit, the employee cannot uncap their accrued hours to allow for a transfer of hours. Transferred

hours must be deducted from accrued hours at or below the applicable cap.

6. Normal leave accruals will not continue for requesting employees while they are on paid leave status as a result of transferred hours. However, health and welfare benefits provided for any other employee on paid leave status will continue for the requesting employee for as long as they remain on paid status.
7. Any transferred vacation leave hours unused by the requesting employee shall be returned to all transferring employees' vacation leave accrual balances on a pro-rated basis.
8. Copies of approved requests and approved transfers of hours must be sent to the Human Resources Manager and Human Resources Department.

### **16.3 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 their accrued sick leave when temporarily unable to perform their 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 employees are injured on the job, they are eligible to receive time loss compensation in accordance with state law establishing workers' compensation benefits.

E. Sick Leave Certification

A supervisor or manager 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 their employment. To the extent provided by law, the Commission may require an employee to submit to a medical examination to confirm that an illness or injury prevents an employee from performing essential job functions or that the employee poses a threat due to a medical condition. If the Commission requires a medical examination it will bear the cost not covered by insurance. In any event, the supervisor or manager shall have final authority to decide if any sick leave usage is appropriate.

16.4 Family Medical Leave

A. The Commission provides family medical leave as required by law. Otherwise unpaid family medical leave shall be paid from accrued personal leave time (including vacation leave, sick leave, and personal holiday leave) Employees may determine the order in which to use their paid leave accrual during approved, otherwise unpaid family medical leave. In the event than an employee has no accrued personal leave time, approved family medical leave shall be unpaid. The Human Resources Director or designee shall be responsible for developing specific family medical leave policies and administering the Commission's family leave program. Supervisors, managers and employees with questions about their rights to family medical leave should consult the Human Resources Director.

B. An employee may take family medical leave when family medical leave is required by applicable law, including leave for the employee's own serious health condition, the serious health condition of a family member, a sick child, or for parental leave,

C. Employees shall be entitled to take family medical leave without being penalized for taking such leave.

D. An employee returning from family medical leave shall be reinstated with no greater or lesser right in employment than if the employee had not taken the leave (pursuant to the Family Medical Leave Act and the Oregon Family Leave Act).

E. If required by law, health and welfare coverage will continue at the same level of benefits and contributions for employees on family medical leave as for other benefit eligible employees. If employees fail to return from leave, except because of their own or a

**Deleted:** At the employee's discretion, the leave shall be paid from accrued personal leaves (including vacation leave, sick leave, personal holiday leave), or be unpaid. The Human Resources Manager or designee shall be responsible for administering the Commission's family leave program. Supervisors, managers and employees with questions about their rights to family medical leave should consult the Human Resources Manager.¶

- Deleted:** for the following situations:¶
- ¶ 1. The employee's own serious health condition, including pregnancy-related conditions;¶
  - ¶ 2. The serious health condition of the employee's spouse, parent, parent-in-law, same sex domestic partner, or biological, adopted or foster child;¶
  - ¶ 3. A non-serious health condition of the employee's child requiring home care.

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**Deleted:** E. Full-time and part-time employees are eligible to request the leave if they (a) have completed at least 180 calendar days of employment while averaging at least twenty-five (25) hours of work per week, or (b) have completed at least 12 months of employment (not necessarily consecutive) and have worked at least 1250 hours during the 12 month period immediately preceding the leave.

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family member's serious health condition or another circumstance beyond their control, the Commission can recover health premiums if paid during leave. These monies may be recovered from the final paycheck if there is one, or a lawsuit.

F. To the fullest extent permitted by law, effective September 1, 2005, family medical leave shall be administered on a "rolling backward" year basis. Eligible employees shall be entitled to twelve work weeks of leave during each "rolling" twelve-month period measured backward from the date an employee uses any family medical leave (for example, an employee taking family medical leave is entitled to take the balance of any twelve weeks that has not been used by the employee during the immediately preceding twelve months).

G. Employees shall submit a written request for family medical leave as required by law.

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. Employees shall have all rights to reinstatement as required by applicable law.

J. Employees who do not return by the return date specified in the approval of their leave may be disciplined up to and including termination.

## 16.6 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

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Deleted: Eligible employees may generally take a maximum of twelve (12) weeks of family medical leave within a one-year period. Each one-year period begins on the date of the first day of actual leave taken. Leave may be taken continuously or, under certain circumstances, on a reduced leave schedule (such as two days a week), or intermittently.

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Deleted: When an employee can anticipate that a serious health situation is going to arise, the employee must submit a written request to their supervisor or manager and Human Resources Manager or designee, 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 their supervisor or manager to be confirmed in writing to the supervisor and manager and Human Resources Manager or designee, within three (3) working days. The employee's written request must be on a Leave Request Form [1]

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Deleted: L. At the conclusion of a family medical leave, the employee shall be reinstated to their former position [5]

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The Commission provides parental leave [7]

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¶

If travel is required, additional days (chargeable to sick leave) may be allowed upon application to the employee's supervisor or manager.

C. Under special circumstances, leave to attend a funeral may be granted by the supervisor or manager upon the death of a person other than the employee's immediate family member.

D. When an employee participates in a funeral service, the employee 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 supervisor or manager.

#### **16.7 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 their 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 their 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, they may retain the fee paid for service as a juror or witness on the 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, will be considered time worked.

E. An employee appearing as a witness in a personal case (e.g., divorce, injury) may use accrued leave time.

#### **16.8 Military Leave**

A. 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.

**16.9 Other Leaves of Absence Without Pay**

In instances where the work will not be seriously impaired by the temporary absence of a full-time employee, a Facility Director 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.

Unpaid leaves of absence are at the discretion of the Facility Director. A Facility Director is under no obligation to grant a request for an unpaid leave of absence.

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## SECTION 17 - EMPLOYEE BENEFITS

### 17.0 New Employee Orientation

All new employees must attend Metro's new employee orientation as soon as practical. The Human Resources Manager or designee is responsible for ensuring that each new employee is notified of this requirement and scheduled to attend the first new-employee orientation available.

Facility directors or designees are responsible for orientation of new employees of their facility.

### 17.1 Health and Welfare Benefits

A. Benefits are available only to persons occupying full-time, budgeted positions.

B. On the first day of the month following their first full month of full-time employment all full-time employees shall receive health, life, disability, vision and dental insurance, term life and accidental death and dismemberment insurance, Long Term Disability, dependent care and medical expense reimbursement pre-tax program, and a voluntary employee salary savings plan under Section 401(k) of the Internal Revenue Code.

### 17.2 Retirement Fund (PERS)

The Oregon Public Employees Retirement System (PERS) is governed by state law.

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. This six-month "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).

### 17.3 State Unemployment Compensation

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

#### **17.4 Professional Memberships**

The Commission acknowledges the value of professional memberships as a means of keeping abreast of professional trends or developments. Depending on the availability of funds and the benefit to the Commission, dues for professional associations may be paid by the Commission. Group memberships, or memberships in the Commission's name, are preferable to individual memberships. The Facility Director's or designee's written approval is required.

#### **17.5 Service Awards**

The General Manager or designee will establish and implement a service award program acknowledging and recognizing employees for length of service or other accomplishments. Any such award program or awards issued pursuant to the program shall not change any employee's status or eligibility for benefits.

#### **17.6 Employee Assistance Program**

When budgeted funds are available, the Commission may provide an employee assistance program to assist employees with problems they may be experiencing.

#### **17.7 Employees with Disabilities**

The Commission provides reasonable accommodation to its disabled employees to the extent required by applicable law.

The employee is responsible for requesting accommodation and for providing medical documentation to assist in understanding the nature of the employee's functional limitations. The documentation may be subject to confirmation by a Commission appointed, and paid for, licensed health provider.

### **SECTION 18 - EDUCATIONAL OPPORTUNITIES**

#### **18.0 Educational Opportunities**

A. All regular full-time and permanent part-time employees are encouraged to pursue educational opportunities or work programs for professional development that are relevant to the employee's work and that will enhance the employee's job-related skill level.

B. Full-time and permanent part-time employees who register for courses which are judged to be of benefit to the Commission may receive some reimbursement, depending on the availability of facility or departmental funds, for expenses incurred by the employee while taking approved courses provided that:

1. The course is submitted to the supervisor or department manager for approval at least thirty (30) days prior to the proposed enrollment, and the course is approved by the Facility Director.
2. Reimbursement is subject to departmental budgetary limitations and priorities.
3. 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.
4. The employee is not receiving reimbursement for tuition from other sources.

C. The supervisor, manager or Facility Director may approve time off with pay so an employee may attend courses or training which are related to the employee's current position and/or will result in improved job performance.

D. 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, depending on the availability of facility or departmental funds.

#### **18.1 Career Development Program (CDP)**

A. ~~As funds are available, the Commission desires to provide progressive learning opportunities for professional growth and advancement within MERC. The Career Development Program is designed to invest in employees and encourage their professional development. The Career Development Program provides educational grant funds and other activities and resources to help employees upgrade and gain new professional skills.~~

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Education grants are intended to supplement, not replace, education and training funds in facility budgets.

B. The Marketing and Communications Manager shall serve as the Career Development Program Manager. The General Manager is the final authority regarding program design and changes.

C. To foster a work environment that is fair to all employees, respects diversity and facilitates upward mobility, a CDP budget will be proposed each year by the Career Development Program Manager for consideration by the Commission.

D. A Career Development Steering Committee, consisting of MERC employees, will administer the program. The Facility directors and MERC General Manager should,

upon recommendations from the Career Development Program Manager, jointly select staff to volunteer to serve on the Steering Committee.

The members should serve staggered two-year terms in order to ensure continuity and institutional memory, while providing fresh ideas, input and the opportunity for other staff members to serve.

E. Full-time and part-time employees who have MERC as their primary employer, who have passed their probationary period, who work a substantial number of hours at MERC and who have career potential at MERC will be eligible to apply for Career Development Program education grant funds.

F. The criteria used for selecting employees to receive Career Development Program education grants are as follows:

1. Degree of commitment to career development;
2. Logic of career plan or proposal;
3. Reasonable cost;
4. Past job performance; and
5. Eligibility for Career Development Program.

G. Subject to the availability of funds, the Career Development Program will pay tuition-required fees, books and required supplies for courses or classes taken through college, university, vocational school or professional development programs.

1. The applicant must request payment of costs on a completed application form.
2. Employees receiving education grant funds must show substantial completion and receive a passing grade for courses or classes taken.

## **18.2 Training**

Training is differentiated from Educational Opportunities and Career Development in that the Commission expects all employees, upon hire or promotion, to possess the general education and experience to successfully perform the duties of the position. If additional specific, job-related training is necessary for an employee to become more proficient, it is the

Commission's philosophy to provide this training. This training is different from the educational opportunities and Career Development Program discussed in Sections 18.0 and 18.1 of these policies.

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 supervisor, manager, Facility Director or General Manager 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 program in which their participation is not required, time off to attend must be approved by the supervisor, manager or Facility Director. All tuition, tests, training material, 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 19 – ACKNOWLEDGMENT OF RECEIPT  
OF PERSONNEL POLICIES**

I have received a copy of the Metropolitan Exposition-Recreation Commission (MERC) Personnel Policies. I understand the policies contained in it, and I have had an opportunity to ask questions about and discuss the policies with my supervisor or another representative of MERC. I fully understand the policies governing my employment with MERC and I agree that I will conform to these policies.

I understand that these revised Personnel Policies are not a contract of employment, express or implied, between MERC and me and that I should not view these policies as a contract of employment.

I understand that these revised Personnel Policies take precedence over, supersede and revoke all previous versions of the Policies. I understand that some of these policies and procedures are more fully explained in MERC administrative rules, work rules, documents or law. I also understand and agree that MERC reserves the right to change or alter these policies with or without notice.

I understand and agree that my employment is for no definite period and may, regardless of the time and manner of payment of my wages or salary, be terminated at any time by MERC or me, without cause, and without any previous notice.

I also understand that no representative of MERC, other than the Chair and Secretary-Treasurer of the Commission, has authority to enter into an agreement with me for employment for any specified period of time or to make any agreement contrary to the foregoing.

The effective date of these *revised* Personnel Policies is June 1, 2005.

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Signed: \_\_\_\_\_ (Employee)

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Signed: \_\_\_\_\_ (General Manager)

Date: \_\_\_\_\_

(Employee's copy.)

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OGC/LMU/kww (12/19/01)

**SECTION 19 – ACKNOWLEDGMENT OF RECEIPT  
OF PERSONNEL POLICIES**

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The effective date of these *revised* Personnel Policies is January 1, 2002.

Signed: \_\_\_\_\_ (Employee)

Print name: \_\_\_\_\_

Date: \_\_\_\_\_

Signed: \_\_\_\_\_ (General Manager)

Date: \_\_\_\_\_

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(Detach and sign this copy for inclusion in personnel files.)

When an employee can anticipate that a serious health situation is going to arise, the employee must submit a **written** request to their supervisor or manager and Human Resources Manager or designee, 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 their supervisor or manager to be confirmed in writing to the supervisor and manager and Human Resources Manager or designee, within three (3) working days. The employee's written request must be on a Leave Request Form and contain at least 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 attached 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.

I. 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.

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.

L. At the conclusion of a family medical leave, the employee shall be reinstated to their former position, unless it has been eliminated, in which case the employee shall be reinstated to an available equivalent position.

When permitted by law, the Commission may make deductions from an exempt employees' salary for any hours taken as intermittent or reduced-schedule family medical leave within a work week.

## 16.5 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, they must be restored to the former or an equivalent job, without loss of seniority, service credit, etc. If the employee cannot be reinstated to the former or equivalent job because the job has been eliminated, the employee must be reinstated to any other position that is available.

C. Employees are eligible to request the leave if they have completed at least 180 calendar days of employment.

D. Employees have the option of using their accumulated leave balances during the parental leave.

E. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.

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F. A request shall be submitted simultaneously to the supervisor or manager and the Human Resources 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 request.

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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 their 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 or may result in a delay of the 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. Employees who do not return may be disciplined up to and including termination.