

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING THE)	ORDINANCE NO. 91-426A
REVISION OF METRO CODE SECTIONS)	
2.02.180, 2.02.185, AND 2.02.200,)	Introduced by Rena Cusma,
ADOPTING THE MANAGEMENT COMPENSA-)	Executive Officer
TION PACKAGE)	

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 2.02.180 Vacation is amended to read as follows:

"2.02.180 Vacation:

(a) The following provisions are applicable to nonrepresented regular and non-represented regular part-time employees only. Appropriate contract provisions shall apply to those employees represented by an employee union.

(b) Subject to the provision on probation, all regular and regular part-time employees shall be granted annual vacation leave with pay.

(c) Regular and regular part-time employees who have been employed by Metro for more than six (6) consecutive months may be granted accrued vacation leave by approval of the department head or his/her designee. Department head vacations shall be approved by the Executive Officer. Special consideration of vacation needs of employees can be considered by the department head or the Executive Officer upon request.

(d) Employees shall not accumulate more than 250 hours of vacation leave. Additional hours may be accrued with the written approval of the Executive Officer. Such written authorization shall be filed in the Personnel Office.

(e) Any employee who is about to lose vacation credit because of accumulation limitations may, by notifying the department head five (5) days in advance, absent themselves to prevent loss of this time. Such action taken by the employee shall not constitute a basis for disciplinary action or loss of pay. Vacation leave shall not accrue during a leave of absence without pay, or educational leave with pay, the duration of which exceeds fifteen (15) consecutive calendar days. Any employee who is granted a leave of absence without pay shall first be scheduled for

any vacation leave and/or compensatory time that has accrued to the employee before commencing leave without pay.

(f) Department heads or their designees shall schedule vacation for their respective staff with consideration for the desires of the staff and for the work requirements of the department. Vacation schedules may be amended to allow the department to meet emergency situations.

(g) Any regular or regular part-time employee who resigns, retires, is laid off or dismissed from employment with Metro shall be entitled to immediate lump sum payment for accrued and unused vacation at his/her existing salary rate provided, however, that such lump sum payment shall not be made if separation occurs prior to the completion of the initial probationary period including any extensions."

Section 2. Metro Code Section 2.02.185 Vacation Credit and Accrual Rate is amended to read as follows:

"The vacation credit and accrual schedules for regular and regular part-time employees are as follows:

<u>Total Years of Continuous Service</u>	<u>Accrual Rate Per Pay Period</u>	<u>Equivalent Annual Hours for Full-Time Employees</u>
Date of Hire through completion of 3 years	5.00 hours	120 hours
4 years through completion of 7 years	6.00 hours	144 hours
8 years through completion of 11 years	7.00 hours	168 hours
12 plus years	8.00 hours	192 hours

Regular part-time employees shall accrue vacation under the above schedule at a rate proportionate to the time worked per week."

Section 3. Metro Code Section 2.02.200 Leave of Absence with Pay is amended to read as follows:

"2.02.200 Leave of Absence with Pay: Regular nonrepresented and regular part-time nonrepresented employees may request leave of absence with pay for the purposes specified in this section. Each request shall be approved by the Executive Officer on its merits and on the basis of the guidelines provided in this section. Approved

requests shall be filed in the Personnel Division. All leaves of absence with pay under this section, for nonrepresented employees in the Council Department, shall have their leaves of absence with pay approved by the Presiding Officer of the Council. Appropriate contract provisions shall apply to those employees represented by an employee union.

(a) Compassionate Leave: In the event of a death in an employee's immediate family, the employee may be granted leave of absence with pay not to exceed three (3) working days. Time not worked because of such absence shall not affect accrual of vacation or sick leave.

(b) Funeral Participation: When an employee participates in a funeral ceremony, he/she may be granted one-half (1/2) day off to perform such duty. Time not worked because of such absence shall not affect accrual of vacation or sick leave.

(c) Witness or Jury Duty: When a Metro employee is called for jury duty, or is subpoenaed as a witness, he/she shall not suffer any loss of his/her regular compensation during such absence; however, the amount of compensation an employee receives for such duty shall be paid to Metro. Time not worked because of such duty shall not affect accrual of vacation and sick leave.

(d) Military Leave: An employee who has successfully completed the probationary period and who is a member of the National Guard, or of a reserve component of the Armed Forces of the United States, or of the United States Public Health Service, shall be entitled, upon application, to a leave of absence with pay for a period not exceeding fourteen (14) calendar days in any one (1) calendar year to perform temporary active or training duty. Such leave shall be granted without loss of time, or other leave, and without impairment of merit ratings or other rights or benefits to which he/she is entitled. Military leave shall be granted only when an employee receives bona fide orders to temporary active or training duty, and shall not be paid if the employee does not return to his/her position immediately following the expiration of the period for which he/she was ordered to duty.

(e) Administrative Leave: An employee at the level of department/division head, or above, may be granted administrative leave in recognition of their exempt status. Other nonrepresented employees who work in classifications which are exempt from overtime pay may also be granted such leave at the discretion of their department/division head and with the approval of the Executive Officer or Presiding

Officer of the Council, whichever is applicable. Such leave shall not be cumulative from year to year, shall be compensable only in the form of leave time, and shall not exceed forty (40) hours in a fiscal year. Time not worked because of such leave shall not affect accrual of vacation or sick leave."

Section 4. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District
this 26th day of September, 1991.



Tanya Collier, Presiding Officer

ATTEST:


Clerk of the Council

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GOVERNMENTAL AFFAIRS COMMITTEE REPORT

ORDINANCE NO. 91-426, APPROVING THE REVISION OF METRO CODE SECTIONS 2.02.180, 2.02.185, AND 2.02.200 ADOPTING THE MANAGEMENT COMPENSATION PACKAGE

Date: September 20, 1991 Presented by: Councilor DeJardin

COMMITTEE RECOMMENDATION: At its September 19, 1991 meeting the Governmental Affairs Committee voted 4-0 to recommend Council approval of Ordinance No. 91-426. Voting were Councilors Devlin, DeJardin, Hansen, and Knowles. Councilor Collier was excused.

COMMITTEE DISCUSSION/ISSUES: Personnel Director Paula Paris presented the staff report. She said this ordinance, coupled with Resolution 91-1506, constitutes a management compensation package for non-represented employees. The package is the result of discussions with representatives of management service employees, which began to work out the details of the transition to the Public Employees Retirement System and developed into a broader package.

The ordinance covers two areas: vacation and administrative leave. The Code amendments dealing with vacation increase the total allowable vacation accrual from 200 to 250 hours, and increase accrual rates. Ms. Paris justified the increases for non-represented employees as recognition that managerial positions require some experience, and to bring non-reps to parity with AFSCME employees, who have a 250-hour vacation accrual cap. The administrative leave provisions are in recognition of management service employees' exemption from overtime pay, and in recognition of their responsibilities and duties.

Chair Devlin opened the public hearing. Tim Collins, Vice-President of AFSCME Local 3580, testified. Mr. Collins said that many Union employees are also exempt from overtime and he said the Union would like administrative leave to be implemented for all exempt employees. In response to questions from Councilor Hansen, Mr. Collins said his Union represents AFSCME employees at Metro Center, the gatehouses, and some Zoo staff. Councilor Hansen asked whether the Union bargained for increased vacation and administrative leave. Mr. Collins said they asked for higher vacation but not administrative leave; he added that 80% of Local 3580 members are exempt from overtime under the provisions of the Fair Labor Standards Act.

The Committee approved amendments proposed by staff, including a provision that administrative leave for Council Department employees must be approved by the Presiding Officer, not the Executive Officer.

The ordinance has an emergency clause and will be effective upon approval by the Council.

STAFF REPORT

CONSIDERATION OF ORDINANCE 91-426, FOR THE PURPOSE OF ADOPTING THE MANAGEMENT COMPENSATION PACKAGE FOR NON-REPRESENTED EMPLOYEES AND AMENDING THE PERSONNEL CODE.

Date: September 5, 1991

Presented by: Paula Paris

Background: As a result of discussions with non-represented employees regarding the integration of PERS, other areas of non-rep compensation and recognition were also explored. The objective of this ordinance amendment is to align the non-reps with other Metro/Merc employees and with other comparable jurisdictions, such as Multnomah County, Clackamas County, Washington County, Tri-Met, Port of Portland, Beaverton, and the State of Oregon.

Resolution No. 91-1506 will complete the management compensation package and will be presented along with this ordinance amendment.

Fiscal Impact: Budget neutral. No direct, immediate monetary impact. There is a potential future fiscal impact of the additional 50 hours to cash-out an employee who terminates or retires with a cap of 250 hrs., which is also the case for the AFSCME represented employees.

Vacation Leave: Increase the amount of time allowed to accumulate from 200 hrs. to 250 hrs. and increase the annual accrual rates. The 250 hour cap on time allowed to accumulate is the same amount that has been ratified in the AFSCME contract.

Some comparable jurisdictions have separate accrual rates for non-reps than for represented employees. The reasons for this are, a) managers are not hired as "entry" level employees. They have obtained their experience from one or more previous employers and are already at an accrual rate level commensurate with their experience, b) vacation time helps to re-create management employees to maximize high efficiency for the agency, and c) it establishes fair recognition for management employees. Directors and managers have also reported that the current accrual rates are a hinderance to the recruitment of management employees.

Administrative Leave: Establish Administrative Leave for manager level staff and above with discretion for senior staff. The Administrative Leave provision allows us to remain competitive during recruitments, provides a clearer form of demarcation between management and represented employees, has the advantage of departmental discretion, and is a clear form of recognition for their (overtime) exempt status.

Most comparable jurisdictions have some form of a non-rep/management compensation package that includes various incentives for being in the management/non-rep service. Some jurisdictions

have diverse leave packages, higher salary schedules, more or better insurance packages, employer paid deferred compensation plans (in addition to PERS), and allow each non-rep employee to negotiate their own leave bank package when they are hired in addition to already established leave packages.

We believe this portion of the management compensation package to be an equitable and reasonable plan for our non-represented employees. It is, therefore, recommended by the Executive Officer that Ordinance No. 91-426 be adopted.

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"2.02.180 Vacation:

~~(a)~~ The following provisions are applicable to nonrepresented regular and regular part-time employees only. Appropriate contract provisions shall apply to those employees represented by an employee union.

~~(a)~~ ~~(b)~~ Subject to the provision on probation, all regular and regular part-time employees shall be granted annual vacation leave with pay.

~~(b)~~ ~~(c)~~ Regular and regular part-time employees who have been employed by Metro for more than six (6) consecutive months may be granted accrued vacation leave by approval of the department head or his/her designee. Department head vacations shall be approved by the Executive Officer. Special consideration of vacation needs of employees can be considered by the department head or the Executive Officer upon request.

~~(c)~~ ~~(d)~~ Employees shall not accumulate more than 200 ~~250~~ hours of vacation leave. Additional hours may be accrued with the written approval of the Executive Officer. Such written authorization shall be filed in the Personnel Office.

~~(d)~~ ~~(e)~~ Any employee who is about to lose vacation credit because of accumulation limitations may, by notifying the department head five (5) days in advance, absent themselves to prevent loss of this time. Such action taken by the employee shall not constitute a basis for disciplinary action or loss of pay. Vacation leave shall not accrue during a leave of absence without pay, or educational leave with pay, the duration of which exceeds fifteen (15) consecutive calendar days. Any employee who is granted a leave of absence without pay shall first be

scheduled for any vacation leave and/or compensatory time that has accrued to the employee before commencing leave without pay.

(e) (f) Department heads or their designees shall schedule vacation for their respective staff with consideration for ~~seniority~~, the desires of the staff and for the work requirements of the department. Vacation schedules may be amended to allow the department to meet emergency situations.

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~~The above schedule may vary from Metro contracts with employee unions, in which case the contract provisions shall apply to union employees.~~ Regular part-time employees shall accrue vacation under the above schedule at a rate proportionate to the time worked per week."

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"2.02.200 Leave of Absence with Pay: Regular nonrepresented and regular part-time nonrepresented

employees may request leave of absence with pay for the purposes specified in this section. Each request shall be approved by the Executive Officer on its merits and on the basis of the guidelines provided in this section. Approved requests shall be filed in the Personnel Division.

Appropriate contract provisions shall apply to those employees represented by an employee union.

(a) Compassionate Leave: In the event of a death in an employee's immediate family, the employee may be granted leave of absence with pay not to exceed three (3) working days. Time not worked because of such absence shall not affect accrual of vacation or sick leave.

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(d) Military Leave: An employee who has successfully completed the probationary period and who is a member of the National Guard, or of a reserve component of the Armed Forces of the United States, or of the United States Public Health Service, shall be entitled, upon application, to a leave of absence with pay for a period not exceeding fourteen (14) calendar days in any one (1) calendar year to perform temporary active or training duty. Such leave shall be granted without loss of time, or other leave, and without impairment of merit ratings or other rights or benefits to which he/she is entitled. Military leave shall be granted only when an employee receives bona fide orders to temporary active or training duty, and shall not be paid if the employee does not return to his/her position immediately following the expiration of the period for which he/she was ordered to duty.

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this _____ day of _____, 1991.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

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Section 4. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1991.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

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METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: October 1, 1991
TO: Rena Cusma, Executive Officer
FROM: Paulette Allen, Clerk of the Council *PA*
RE: TRANSMITTAL OF ORDINANCE NOS. 91-424, 425, AND 426A

Attached for your consideration are true copies of the ordinances referenced above adopted by the Council on September 26, 1991.

If you wish to veto any of the above referenced ordinances, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Thursday, October 3, 1991. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time and date stated above, these ordinances will be considered finally adopted.

I, *Ernette Shalley*, received this memo and true copies of Ordinance Nos. *91-424, 91-425 and 91-426A* from the Clerk of the Council on *Sept Oct 01, 1991*.

ORD. MEM