

## **1.04 Personnel Records**

### **Deleted**

- Retain convenience copies 1 year after separation from city employment.

## **1.06 Employee Medical Files**

### **Added**

- Short term disability matters

## **2.06 Title I Reasonable Accommodations For People With Disabilities to Reasonable Employment Accommodations**

### **Deleted**

- Provides
- people with disabilities
- people, individuals
- employees and potential employees
- Who is Covered - All job applicants, job candidates, elected officials, and employees who have physical or mental conditions that substantially limit one or more major life activities or have a record of such a substantially limiting condition.
- Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and other physical, mental and social activities.
- A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- While the City will facilitate the purposes of this Rule to the best of its ability, individual cases may be more time consuming or challenging than others. Accordingly, all timelines specified in this section are aspirational.
- Discloses a disability;
  - Returns to work with an ongoing disability; or
  - If a recruiter, manager, or Business Partner recognizes an obvious challenge of a candidate or employee due to a disability,
  - Returns to work with an ongoing disability; or

## **2.06 Title I Reasonable Accommodations For People With Disabilities to Reasonable Employment Accommodations**

### **Deleted**

- If a recruiter, manager, or Business Partner recognizes an obvious challenge of a candidate or employee due to a disability,
- Applicants, elected officials, and employees will be asked to complete an Accommodation Request form
- Depending on the nature of the accommodation request, the Business Partner may request that the recruiter, manager, or supervisor initiate and/or lead the interactive process.
- Confirming that a disability is prompting the need for an accommodation; and
- Important Note: If a Title I accommodation request is made to another City representative, including but not limited to a Human Resources staff member, an Equity Manager, facilities personnel, or information technology staff, it is required that they communicate the request to the Business Partner within one (1) business day of the initial request being made.
- Responding to an Accommodation Request Once the Business Partner receives notice of a request for an accommodation, they will provide the employee or applicant with an Accommodation Request form as soon as feasible but no longer than two (2) business days. The employee or applicant must complete and return the Accommodation Request form as indicated.
- The Disability Resources and Employment Specialist at the Bureau of Human Resources is responsible for coordinating and monitoring the Title I accommodations system at a Citywide level. As part of this role, the Specialist provides systematic policy support for all Business Partners. The Specialist also manages the Title I appeals process and Citywide data collection on Title I accommodations.
- In limited circumstances, simple accommodations that are easily provided and that do not involve a financial transaction may be proactively provided by the manager or supervisor at their discretion. Medical documentation might not be required for a simple accommodation. However, even in these cases written documentation of the initial accommodation request is still required, and managers must aim to provide this information to the Business Partner within one (1) business day of the initial request being made, along with plans for fulfilling the request if it is a simple accommodation.
- If the manager is considering a denial for a simple accommodation request, the manager should communicate the applicant's or employee's initial accommodation request to their Bureau's assigned Business Partner within one (1) business day of the request being made. Managers may not deny simple accommodations without a documented discussion and review with the Business Partner.
- If managers are unsure whether an accommodation request is simple, managers should seek clarification by forwarding the request to the Business Partner within one (1) business day of the request being made.

## **2.06 Title I Reasonable Accommodations For People With Disabilities to Reasonable Employment Accommodations**

### **Deleted**

- about whether the workplace modifications or accommodation sought will be granted
- the Business Partner will first inform the employee's manager or, as appropriate, the Bureau's director.
- When the City of Portland grants an accommodation, the Business Partner and manager will provide an Approval of Accommodation form to the requestor and discuss implementation of the accommodation. A decision to provide an accommodation other than the one specifically requested will still be considered a decision to grant an accommodation. If the manager or Business Partner offers an accommodation other than the one requested, but the alternative accommodation is not accepted by the employee, the Business Partner will record the individual's rejection of the alternative accommodation on the Approval form.
- if circumstances change and they believe that an accommodation is needed due to workplace needs associated with evolving limitations from a disability (e.g. the disability becomes more severe or an employee is assigned new duties that require an additional or different reasonable accommodation). It is important to note that
- The City desires to facilitate the purposes of this Policy to the best of its ability, and individual cases may be more time consuming or challenging than others. Accordingly, all timelines specified in this rule are aspirational.
- that the initial accommodation request was made.
- has been received by the Business Partner
- If the Business Partner must request medical documentation from a requestor's health care provider, the time frame will stop on the day that the Business Partner makes a request to the individual to obtain medical information or sends out a request for documentation and will resume on the day that all needed documentation is received by the Business Partner. It is therefore recommended that the requestor work closely with their health care provider to expedite their response to the City of Portland's inquiry, ideally within 1-2 weeks.
- Important Note: For approved accommodations that require the purchase, testing, and installation of software or hardware technologies, additional time may be required. The Business Partner and the Bureau of Technology Services (BTS) Technology Business Consultant will decide on a case-by-case basis if more time is needed to fulfill an accommodations request, and if so, how much additional time will be necessary. In such circumstances the requestor, manager and other need-to-know individuals will be informed as to the revised timeline and the reason for the additional time.

## **2.06 Title I Reasonable Accommodations For People With Disabilities to Reasonable Employment Accommodations**

### **Deleted**

- Extension of the Time Frame An extension of the time frame for providing an accommodation will be considered in circumstances that may not have been anticipated or avoided in advance of the request for accommodation, or that are beyond the City of Portland's ability to control. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. In such circumstances the requestor, manager and other need-to-know individuals will be informed as to the reason for the delay and anticipated delivery of a solution. The City desires to facilitate the purposes of this Policy to the best of its ability, and individual cases may be more time consuming or challenging than others. Accordingly, all timelines specified in this rule are aspirational.
- Accommodation Request Denial - If the City of Portland denies a request for accommodation, the manager and Business Partner will give the Denial form to the requestor and discuss the reason for the denial. The form will explain both the reasons for the denial of the individual's specific requested accommodation and the process for appealing this decision. If appropriate, the applicant, candidate, or employee will be informed of alternatives that could be explored.
- Appeals - An employee dissatisfied with the resolution of a reasonable accommodation request may submit a reconsideration request (an appeal) to the Disability Resources and Employment Specialist at the Bureau of Human Resources via email at [ADATitleI@portlandoregon.gov](mailto:ADATitleI@portlandoregon.gov) to reconsider that decision. An employee must request reconsideration within 10 business days of receiving the Denial form. This deadline is not aspirational, and strictly enforced.
- Complaints - A job applicant, candidate, or employee with a disability who believes that they have been discriminated against in an employment action or reasonable accommodation request (including any form of retaliation) may file a complaint with both the Employee Relations Manager and the Workforce Recruitment and Training Manager in the Bureau of Human Resources. An applicant or employee may also file a complaint with the State of Oregon Equal Opportunity Officer or the Federal Equal Employment Opportunity Commission.
- Tracking and Record Keeping for Audit Purposes - To allow the City of Portland to ensure compliance with this Rule, Title I of the ADA, and Oregon state law, the Business Partner is responsible for tracking all accommodations that occur within their assigned Bureau(s). Once a month, the Business Partner will send a Bureau report to the Disability Resources and Employment Specialist, who will collate all Bureau reports and produce a monthly Citywide data report on Title I accommodations.

### **Added**

- is dedicated to providing
- all job applicants, job candidates, employees, interns, and elected officials (collectively, "Workers").

## 2.06 Title I Reasonable Accommodations For People With Disabilities to Reasonable Employment Accommodations

### Added

- for qualifying
- people with disabilities, people who are pregnant or have related conditions, and people who have religious customs and/or beliefs (a “Protected Status”)
- as amended and Title VII of the Civil Rights Act of 1964 as amended. The Rule also facilitates compliance with Oregon state law, namely ORS 659A.112 and ORS 659A.033
- color, disability status, or other protected status
- Definition of Disability As defined by the ADA, “disability” means a physical or mental condition that substantially limits one or more major life activities, or there’s a record of such a substantially limiting condition.
- Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.
- A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.
- Definition of Religion As defined by the Civil Rights Act, “religion” includes all aspects of religious observance and practice, as well as beliefs. The Equal Employment Opportunity Commission (EEOC) further defines “religious beliefs” to include theistic beliefs (i.e. those that include a belief in God) as well as non-theistic moral or ethical beliefs about right and wrong that are sincerely held with the strength of traditional religious views. Social, political, and/or economic philosophies and personal preferences are not considered religious beliefs.
- Definition of Pregnancy As described by Oregon State law and for the purposes of this Rule, “pregnancy” means pregnancy, childbirth, or a related medical condition, including but not limited to lactation.
- Note: For nursing City employees who have a need to express milk for a child 18 months of age or younger, Oregon state law (ORS 653.077) provides such employees a reasonable rest period to express milk each time the employee has a need to express milk and requires the City to make reasonable efforts to provide a private location for nursing other than a public restroom or toilet stall. For more information, please speak with a Human Resources Business Partner.
- Changed - any to a
- Changed - workplace to work environment

## **2.06 Title I Reasonable Accommodations For People With Disabilities to Reasonable Employment Accommodations**

### **Added**

- Changed- customarily to typically
- Added- A qualifying
- The Bureau of Human Resources (BHR) is responsible for coordinating and monitoring the reasonable accommodations system at a Citywide level. This includes providing technical assistance and appropriate training to all Business Partners, managing the appeals process for reasonable accommodations, and Citywide recordkeeping on reasonable accommodations.
- the Business Partner will provide an Accommodation Request intake form.
- Deleted- it will be regarded as an initial accommodation request.
- Learning more about the Worker's Protected Status is prompting the need for an accommodation, including the Worker's ability to perform essential functions of the job and what options are available to accommodate the Worker; and
- for input on the proposed accommodation, including whether an, may be available
- The decision will also be communicated to the Worker's manager or supervisor, as well as any relevant stakeholders
- When the City of Portland grants an accommodation, the Business Partner will provide an Approval of Accommodation letter to the Worker. The letter will include next steps for implementation, as well as any training that may be needed.
- A decision to provide an accommodation other than the one specifically requested will still be regarded as a decision to grant an accommodation. If an alternative accommodation is offered but declined by the Worker, the Business Partner will note the Worker's rejection of the alternative accommodation on the Approval letter.
- If the City of Portland denies a request for accommodation, the Business Partner will provide a Denial of Accommodation letter to the Worker and discuss the reason for the denial. The letter will explain both the reasons for the denial of the accommodation request and the process for appealing this decision. If appropriate, the Worker will be informed of alternatives that could be explored.
- if they believe an additional or different accommodation is needed due to changing workplaces or job expectations (e.g. an employee is assigned new duties or works in a new building location).
- While the City will facilitate providing reasonable accommodations to the best of its ability, individual cases may be more time consuming or challenging than others. Accordingly, all timelines specified in this Rule are aspirational.
- the Business Partner received the initial accommodation request. This 15-day period includes the 2-day period in which the Business Partner must contact the applicant or candidate after being notified of a request for a reasonable accommodation.

## **2.06 Title I Reasonable Accommodations For People With Disabilities to Reasonable Employment Accommodations**

### **Added**

- For disability-related accommodation requests, if the Business Partner must request medical documentation from the Worker's health care provider, the time frame will stop on the day the Business Partner makes a request to the Worker to obtain medical information or sends out a request for documentation and resumes on the day the Business Partner receives all needed documentation. It is therefore recommended that the Worker work closely with their health care provider to expedite their response to the City of Portland's inquiry, ideally within 1-2 weeks.
- An extension of the time frame for providing an accommodation will be considered when circumstances come up that could not have been anticipated or avoided in advance of the request for accommodation or are beyond the City of Portland's ability to control. This may include times when the purchase, testing, and installation of software or hardware for approved accommodations requires additional time. When these circumstances are present, the time for processing a request for reasonable accommodation will be extended as reasonably needed by the Business Partner, in consultation with appropriate stakeholders. In these cases, the Worker, manager, and other need-to-know individuals will be notified as to the revised timeline, the reason for the additional time, and when the solution is expected to be ready.
- Appeals To appeal an ADA accommodation determination: A Worker who disagrees with the outcome of an ADA accommodation request may send an appeal request to the Bureau of Human Resources by email to ADATitleI@portlandoregon.gov where it will be reviewed by the Disability Resources & Employment Specialist. The appeal must be requested by email within 10 business days from the date of the Denial of Accommodation form. This deadline is strictly enforced.
- To appeal a religious or pregnancy accommodation determination: A Worker who disagrees with the outcome of a religious or pregnancy accommodation request may send an appeal request to the Bureau of Human Resources by email to [to be determined], where it will be reviewed by the Employee Relations Manager. The appeal must be requested by email within 10 business days from the date of the Denial of Accommodation form. This deadline is strictly enforced.
- Complaints - A Worker with a Protected Status who believes they have been discriminated against in an employment action or reasonable accommodation request (including any form of retaliation) may file a complaint with the Bureau of Human Resources. For more guidance on the complaint process, read HRAR 2.02 Prohibition Against Workplace Harassment, Discrimination and Retaliation.
- Tracking and Record Keeping for Audit Purposes - To ensure compliance with this Rule, as well as relevant U.S. federal and Oregon state laws, the Human Resources Business Partners are responsible for tracking and recording all accommodation requests that occur within their assigned Bureau(s).
- Inquiries - Any employee wanting further information concerning these procedures may contact their Human Resources Business Partner.

## **2.06 Title I Reasonable Accommodations For People With Disabilities to Reasonable Employment Accommodations**

### **Added**

- References - Title I of the Americans with Disabilities Act (ADA) of 1990, as amended Title VII of the Civil Rights Act of 1964, as amended ORS 659A.112 ORS 659A.033

## **3.01 Recruitment Process**

### **Deleted**

- direct appointment References - Title I of the Americans with Disabilities Act (ADA) of 1990, as amended

### **Added**

- Competitive or limited competitive recruitment and selection processes are also developed to attract and evaluate qualified candidates to fill temporary and casual workforce needs.
- and equity goals. All recruitment and selection processes must be equitable and competitive.
- Limited Competitive Recruitment: A recruitment and selection process open to a limited pool of applicants who are uniquely qualified for the position.
- See Administrative Rule 2.06 on Title I Reasonable Accommodations
- a limited-competitive process
- Review of Written Test Items to Written Tests
- All written tests must be administered as part of the recruitment process. At no time shall a written test of any form be administered after the eligible list is established.
- Review of Assessment Center Exercises to Assessment Center Exercises
- All assessment center exercises must be administered as part of the recruitment process. At no time shall an assessment center exercise test of any form be administered after the eligible list is established.
- Job Interest Notification Form to Job Interest Notification
- Human Resource Analyst to Senior Recruiter
- and applicants may refer concerns to the administrator of the purchased test via the Senior Recruiter.
- and applicants may refer concerns to the administrator of the purchased test via the Senior Recruiter.
- Applicants may take notes on some promotional examinations with bureau approval.

### **3.03 Types of Appointments**

#### **Deleted**

- Regular employees who are appointed to a limited term position through a recruitment process do not retain rights to return to their former position at the conclusion of the limited term position.

### **3.04 Temporary Appointments**

#### **Deleted**

- the Director of Human Resources

#### **Added**

- A competitive or limited-competitive process is completed to identify the most qualified candidate for the role.
- and confirmation a competitive or limited-competitive process was completed.

### **3.06 Employee of Retirees**

#### **Deleted**

- and is eligible to receive
- status or to another classification, providing the employee is qualified to perform the work.
- Tier One/Two, whichever results in the longer period of employment for the reemployed retiree, An OPSRP Pension Program retiree may not work more than 1199 hours or two years, whichever results in the longer period of employment without approval by the Director of Human Resources.
- NOTE: The number of hours paid by a PERS covered employer to a PERS Tier One/Two retiree may not total 1040 hours or more in a calendar year without negatively impacting the retiree's retirement benefits. The number of hours paid by a PERS covered employer to an OPSRP Pension Program retiree may not total 600 hours or more in a calendar year. Returning retirees are responsible for ensuring they do not exceed this limit in a calendar year.
- are hired into a new classification, to the step or place in the salary range for the classification that affords them the least reduction in pay from the rate at retirement.
- Appointment
- with or without a break in service

### **3.06 Employee of Retirees**

#### **Deleted**

- six months
- be limited to no more than the equivalent of two weeks off (unpaid time) per six months,
- This is consistent with the
- one half year

#### **Added**

- or an Oregon Public Service Retirement Plan (OPSRP)
- retirement benefits
- and is receiving, monthly pension benefit
- if the appointment is to a different classification from which the employee retired, the applicable pay rate shall comply with the provisions set forth under HRAR 8.04 and the City's Pay Equity Policy.
- to the position they held at the time of retirement
- within 30 days of their effective retirement date
- 1 year
- Returning to a Different Classification - Retirees may apply for reemployment in a different classification than what they held at the time of their retirement. Retirees who are appointed to a different classification from a certified eligible list, following an examination process, will not be subject to the abovementioned hours or benefit limitations and shall only be distinguished from an initial permanent appointment to the extent that is required by the law.
- begin work within 30 days of their effective retirement date
- to be eligible for City paid health care coverage up to 1 year.
- Within the course of a Working Retirees
- employment, they may request unpaid time equal to the
- the 1 year period
- and City paid benefit coverage will be terminated

### **3.07 Veteran's Preference**

#### **Deleted**

- is awarded

### **3.07 Veteran's Preference**

#### **Added**

- by attaching the appropriate documentation to their master profile in the City's applicant tracking system, no later than the closing date of the initial announcement.
- A "disabled veteran" is defined as a veteran who has a disability rating from the United States Department of Veterans Affairs, a veteran whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty or a veteran who was awarded the Purple Heart for wounds received in combat. For purposes of this section, "disabled veteran" also includes a person who is receiving service-connected compensation from the United States Department of Veterans Affairs under 38 U.S.C. 1110 or 1131
- that does not involve a merit-based, competitive process.
- qualifies for veteran's preference
- if an interview is part of the selection process.
- Any form of veteran's preference applied that is different than a score must be approved ahead of time by the Bureau of Human Resources in consultation with the City Attorney's office.

### **3.11 Criminal Conviction Checks**

#### **Deleted**

- that impairs the ability of the employee to perform their work duties and responsibilities

### **4.01 Drug & Alcohol Use Prohibited**

#### **Added**

- but does not include CBD products which are federally legal under the 2018 Farm Bill.
- ; or (4) the City is required by law to report the results, including but not limited to federal grant requirements.
- ("CDL)" Note that, notwithstanding the exclusion of federally legal CBD from the definition of "drugs" under this policy, employees subject to the CDL policy are required to comply with the CDL drug and alcohol testing standards, including maximum testing thresholds for marijuana.

## 4.05 Outside Employment and Volunteer Activities

### Deleted

- Outside employment by City employees is permissible if it does not adversely impact the employee's City work, is in accordance with the City's rules on Ethical Conduct (HR Administrative Rules 11.01, 11.02 and 11.03), the City's Code of Ethics and if it does not create a conflict of interest with the employee's City job. Bureaus may implement more restrictive rules on outside employment. The rules on outside employment apply to both paid and unpaid activities, including volunteer activities.
- Outside employment shall not:
  - 1. Involve use of City time, facilities, equipment and supplies, or the influence of the employee's position with the City; or
  - 2. Involve receipt of money or other consideration for duties performed as a City employee; or
  - 3. Involve competing with the City in providing a service or product; or
  - 4. Involve such time demands as would render performance of the employee's duties less efficient or take precedence over extra duty required by City employment.
- prohibition

### Added

- Outside employment, which includes business ownership, by City employees is allowed subject to the following parameters and process:
- Outside employment shall not:
  - 1. Involve use of City time, facilities, equipment and supplies, or the influence of the employee's position with the City; or
  - 2. Involve receipt of money or other consideration for duties performed as a City employee; or
  - 3. Adversely affect or discredit the City, involve competing with the City in providing a service or product; or place the employee in a position which conflicts with their duties to the City; or
  - 4. Affect the quality or quantity of the employee's performance of their City duties or their availability to report for City Duties as required.
- All Employees \* All employees must make a written disclosure regarding outside employment, including actual or potential conflicts of interest.
- In the event of an actual or potential conflict of interest, a written plan to resolve or prevent the conflict is required.
- \*Members of PPA, PPCOA, and other represented employees whose collective bargaining agreements require disclosure of outside work, shall follow the policies and procedures

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described in their agreements. Seasonal employees are not required to submit disclosure forms but must always comply with the State Ethics Statute and City HR rules.

## **4.05 Outside Employment and Volunteer Activities**

### **Added**

- Record Keeping and Violations Disclosure forms and written plans shall be retained in the employee's personnel file.
- Written plans may be revised or revoked at any time.
- This rule addresses specific requirements regarding Outside Employment but otherwise incorporates the State Ethics Statute, ORS 244, the City's rules on Ethical Conduct, HR Administrative Rules 11.01, 11.02 and 11.03, and the City's Code of Ethics. Any City employee who violates any aspect of this policy and the principles related to this policy shall be subject to discipline, up to and including discharge.
- Bureaus may work with BHR to tailor a more restrictive policy to meet individual bureau needs within the limits of applicable collective bargaining agreements.
- without approval from the Director of Human Resources.

## **4.08 Information Technologies**

### **Added**

- This rule is not intended to cover remote access through BTS approved means to City systems; however, it is meant to cover downloading accessed information onto a personal computer or other device.

## **4.11 Inclement Weather**

### **Added**

- Changed- Citizens of Portland to Community members
- 4. In the event the Mayor authorizes City employees to be paid for time not worked during an inclement weather event, any City staff required to report to work shall receive a deferred holiday equal to the number of hours the employee was regularly scheduled to work on the day of the event. Deferred Holiday hours are to be scheduled and used at a later date using the proper time off request processes within the employee's bureau and with the approval of their immediate supervisor. This provision does not apply to public safety personnel including those employed within the Portland Police Bureau, the Portland Fire and Rescue Bureau or the Bureau of Emergency Communications.

## **5.01 Discipline**

### **Deleted**

- Administrative Leave
- Bureau Directors may place an employee on administrative leave for up to 60 calendar days to remove an employee from the workplace due to concerns about workplace safety or during an investigation that may lead to termination. Bureau Directors may approve administrative leave for up to 10 calendar days during the seven day notice period prior to the effective date of a proposed termination. Administrative leave shall not be extended unless approved by the Director of Human Resources and the Commissioner-in-Charge or other elected official. Under some limited circumstances, administrative leave may also be unpaid. Any unpaid administrative leave must be approved by the Director of Human Resources.
- Placement of an employee on administrative leave is not a disciplinary action.

## **6.01 General and Administrative Leaves of Absence**

### **Added**

- Administrative Leave: Bureau Directors may place an employee on administrative leave for up to 60 calendar days to remove an employee from the workplace due to concerns about workplace safety or during an investigation that may lead to termination. Bureau Directors may approve administrative leave for up to 10 calendar days during the seven day notice period prior to the effective date of a proposed termination. Administrative leave shall not be extended unless approved by the Director of Human Resources and the Commissioner-in-Charge or other elected official. Under some limited circumstances, administrative leave may also be unpaid. Any unpaid administrative leave must be approved by the Director of Human Resources.
- Placement of an employee on administrative leave is not a disciplinary action.

## **6.04 (A) Sick Leave**

### **Added**

- Please see the City of Portland's Charter, Code and Policies 9.01.040 Use of Sick Time

## **6.07 Military Leave**

### **Added**

- Short-Term and Long-Term Disability coverage will end at the end of the month in which military leave begins, unless otherwise specified in an employee's collective bargaining agreement.

- Healthcare Flexible Spending Account (HCFSA) and Dependent Care Flexible Spending Account (DCFSA)
- DCFSA
- HCFSA

## **Deleted**

- Long Term
- The City paid portion of
- may continue for a maximum period of thirty (30) days. Coverage ends on the thirtieth day of a military leave
- flexible spending accounts, Medical Expense Reimbursement Program (MERP) and Dependent Care Assistance Program (DCFS)
- DCAP
- MERP

## **7.01 Transfers**

### **Added**

- within an employees' current classification to a

## **8.02 Hours of Work and Overtime Compensation FLSA Covered Employees**

### **Added**

- Due to the unique nature of these operations, Emergency Communication Supervisors employed in the Bureau of Emergency Communications and serving on a 24-hour schedule shall be eligible for overtime based on all hours paid over forty in a workweek, excluding paid sick leave.
- Changed- Rescheduling of Work Days to Work Schedule Changes
- Overtime compensation under this section is not applicable to short-term schedule modifications such as work schedule changes made in response to an inclement weather event unless otherwise required by law.
  - 1. Involve use of City time, facilities, equipment and supplies, or the influence of the employee's position with the City; or

## **8.03 Hours of Work, Overtime Compensation & Management Leave: FLSA Exempt Employees**

### **Added**

- Other Exception: In rare circumstances exempt employees may be eligible for overtime or compensatory time off, at straight time, for additional hours worked when there is an urgent business need that exists and the Director of Human Resources and the Director of the Bureau approve, in writing, overtime pay. Such overtime pay shall not continue for more than six months unless approved by City Council via ordinance.

## **8.04 Compensation**

### **Deleted**

- At the end of the thirty-six (36) month period the bureau director's continued employment shall be at will and at the sole discretion of the Commissioner-in-Charge with no obligation of severance payment upon termination.

## **8.06 Working Out of Classification**

### **Deleted**

- Six months
- unless extended by the Director of Human Resources.
- Because the out-of-class assignment results in an over-fill appointment that will also last more than thirty (30) consecutive calendar days the Director of Human Resources must give prior approval for that appointment as well.

### **Added**

- one year
- There is limited qualified talent to fulfill the temporary need, and
- An overview of why the employee selected to conduct the higher-level work is uniquely qualified;
- result in an over-fill appointment and require

## **9.02 Performance Management**

### **Deleted**

- manage performance by promoting employee understanding of successful job performance and commitment to the objectives and goals critical to the success of the agency.

## 9.02 Performance Management

### Deleted

- Written Performance Evaluations will be done on an annual cycle. determined by each bureau. Employees within the same bureau may be evaluated on different annual cycles. The Bureau director or designee shall review each performance evaluation after the employee has reviewed and commented on the completed evaluation. Bureau directors or their designee are responsible to ensure managers are reminded to conduct performance evaluations in a timely manner.
- Merit increases must be awarded in the fiscal year in which they are earned. This does not apply to employees returning from active military duty who otherwise would be eligible for a merit pay increase. Except in exceptional circumstances, such as the employee has been on an extended leave of absence, and as approved by the Director of Human Resources, retroactive merit increases for prior fiscal years shall not be awarded. To accommodate employees whose anniversary dates are in June, merit increases for these employees must be awarded no later than August 31 following the close of the fiscal year ending June 30.
- on their anniversary date
- Bureau Performance Evaluations - Those bureaus developing their own Performance Evaluations shall include the following requirements:
  - 1. A consistent annual performance evaluation period for each employee covered by the Performance Management System.
  - 2. A performance rating schedule, which identifies the performance attained for each rating category.
  - 3. A description of the cycle or cycles of performance evaluation which will be used by the bureau.
  - 4. A written performance evaluation for each employee that is developed and communicated to the employee summarizing the performance of the past cycle and includes:
    - A. Identification of their job performance expectations and performance measures that are results-based or behavior-based or a combination of both;
    - b. An individual employee development plan for the upcoming performance evaluation cycle;
    - c. Provisions for ongoing review during the plan year to discuss employee performance, monitor progress, modify, and update the performance plan as needed.
- Guidance for HR Administrative Rule 9.02 Performance Management
- Issue: Provide guidance to bureaus for submitting support documentation for non-represented employee merit salary increases.
-

## 9.02 Performance Management

### Deleted

- Background: Chapter 9.02 Performance Management requires written performance management evaluations to be completed for each non-represented employee on an annual cycle determined by each bureau.
- This chapter of the HR Administrative Rules also requires bureaus to provide confirmation of a completed, written annual performance management evaluation for each non-represented employee and report every employee's annual performance rating to the Bureau of Human Resources. BHR has clarified that a copy of the written annual evaluation is required to be forwarded to BHR as the official holder of the personnel file for each employee.
- In order for a non-represented employee to receive a merit pay increase, a copy of the written annual evaluation must accompany the merit pay increase request, unless otherwise provided by these rules.
- This guidance document addresses elements of information which need to be included with the merit pay increase and written evaluation copy and the timing of submitting such documents.
- General Guidelines
  - 1. A complete copy of the written performance management evaluation should be filed with BHR annually, whether or not the non-represented employee is eligible for a merit increase.
  - 2. In the event that a pay increase is being requested for the employee, the first page of the performance evaluation form or coversheet should include the following:
    - The amount of the increase (percentage—i.e., 2%, 3%, 4.1% etc.)
    - The effective date of the increase
    - The dated signature of the Manager/Supervisor
    - The employee's name as it appears in SAP
    - The employee's PRNR
  - 3. The evaluation documentation may be submitted electronically to BHR Operations

### Added

- establish clear priorities, support frequent and meaningful feedback, and ensure equitable assessments of individual performance.
- for inclusion in the employee's official personnel file.
- To ensure consistency in the distribution of merit pay, adherence to the City's policy on pay equity, and the continued utility of merit pay to reward exceptional performance, merit pay shall be awarded in alignment with the City's standardized performance rating scale.
- a maximum of 4.1%

- To ensure consistency in the distribution of merit pay, adherence to the City’s policy on pay equity, and the continued utility of merit pay to reward exceptional performance, merit pay shall be awarded in alignment with the City’s standardized performance rating scale.

## **9.03 Training Plans**

### **Deleted**

- 1.if there is an existing eligible register for the target classification; or

## **10.01 Benefits General**

### **Added**

- Employees who are not hired into benefits eligible status may still qualify for City paid coverage under the Affordable Care Act (ACA), if they average 26 hours weekly over a pre-determined six month measurement period. Benefits will be equivalent to CityBasic medical, dental, and vision coverage. Eligibility can be maintained for up to six months, provided a worker is employed and in paid status. Coverage may continue if an employee averages 26 hours a week during the next measurement period. Additional information (including measurement period dates, hours required, cost to employee and bureau, health plan details) can be found in the current Benefits Handbook.

## **10.03 Trip Reduction Incentive Program (TRIP)**

### **Added**

- automatically loaded onto their Hop cards
- Changing or canceling a pass deduction: When an employee wishes to make changes to a transit pass payroll deduction, they must do so via the SAP CityLink Portal. It takes approximately 6 weeks lead-time to process these changes. Employees may also make changes to their zone pass or mailing address via the SAP CityLink Portal.
- HR and Payroll Services
- HR and Payroll Services (503) 823-4385
- The origin and destination must both be within the TriMet transit district. The Emergency Ride Home voucher must be presented to the taxi driver before starting the trip and cannot be used for reimbursement purpose.

### **Deleted**

- pass mailed to them automatically each month
- Employees who enroll via the SAP CityLink Portal can have a C-TRAN pass mailed to them automatically each month.
- City’s TRIP Coordinator
- PBOT Options (503) 823-6051

## 11.02 Prohibited Conduct

### Added

- City employees should avoid even the appearance of impropriety at all times. The following conduct is expressly prohibited.
- Employees shall not use their employment in any way to obtain financial gain or avoid financial detriment for the employee, their household or family members. Employees shall not use their employment in any way to obtain financial gain or avoid financial detriment for any business, not-for-profit organization, or other separate legal entity, excluding government entities, with which the employee or a member of the employee's household or family is associated. "Associated" means that the employee or member of the employee's household or family is:
  - (1) A director, officer, owner or employee of a private business or closely held corporation, or someone who owns or has owned stock, another form of equity interest or debt instruments worth \$1,000 or more at any point in the preceding calendar year in a private business or closely held corporation;
  - (2) A director or officer, owner or employee of a publicly-held corporation or someone who owns or has owned \$100,000 or more in stock or other form or equity interest, stock options or debt instruments in the corporation at any point in the preceding calendar year; or
  - (3) An employee of a not-for-profit organization, or someone who otherwise receives remuneration from the organization. "Associated" does not mean holding the position of a non-remunerated board member of a not-for-profit organization. However, for transparency, employees must notify their bureau director and immediate supervisor, or for Council action, state on the record, if their work duties require them to take an action that affects a not-for-profit organization on which they or a household or family member serves on the board.