



1.02 ADMINISTRATIVE RULE DEVELOPMENT AND ISSUANCE

Purpose

Employees of the City of Portland shall have access to rules and procedures related to their employment. The purpose of this rule is to ensure that all official human resources rules are accurately formulated, formally approved, printed in a consistent format, and maintained centrally in a Human Resources Library. Rules must be distributed in a timely manner to ensure compliance with rule objectives and to establish accountability of individuals expected to follow the rule. This document defines what a human resources rule is, explains the standardized rule format, outlines the steps for formulating, approving, issuing and amending rules and procedures, and establishes the Human Resources Administrative Rules Library.

What is an Administrative Rule

A city-wide Human Resources Administrative Rule is defined by all of the following criteria:

- It has broad application throughout the City of Portland;
- It helps ensure compliance with applicable laws and regulations, promotes operational efficiencies, enhances the Bureau of Human Resources mission or reduces institutional risks;
- It mandates or constrains action;
- The subject matter requires Council, or Chief Administrative Officer review and approval for rule issuance and major changes.

The Human Resource Administrative Rules should not be construed as a contractual agreement between the City and its employees. The City reserves the right, at any time, to withdraw or amend any portion of the Human Resources Administrative Rules as they apply to current or future employees, in accordance with these rules.

Administrative Rule vs. Operating Procedure

Rules shall be approved by the Chief Administrative Officer (CAO) as Council's designee unless otherwise noted in the City Charter. Prior to the adoption, amendment or repeal of any rule, the Director of Human Resources shall give public notice of the proposed action at least fifteen (15) days prior to the effective date by mailing the notice to each council member, all bureau directors and each labor organization representing City employees. The CAO must approve changes in the actual rule once adopted.

Any procedural aspects not fundamentally changing the substantive content of an Administrative Rule may be changed at the Human Resources Director's discretion as needed without prior CAO approval.

Formulating and Approving a Rule

The Director of the Bureau of Human Resources is responsible for the initial approval and the dissemination of rules once adopted. The responsibility for final approval of rules resides with the Council or the CAO.

The following is a sequential guide for the development and issuance of new or revised human resource rules. Development and/or revision of a Human Resources Administrative Rule is the responsibility of the Director of Human Resources.

This process will be consistent with the Office of Management & Finance Protocols for rule development.

1. A Bureau or Commissioner's office notifies Human Resources of the need for a new or revised rule. The Director of Human Resources may also independently initiate the new rule development process.
2. The Director of Human Resources determines that a new or revised rule is warranted and notifies the CAO he/she is initiating the process for rule development. The Director of Human Resources will then coordinate the following steps, as needed:
 - a. Develop problem definition and rule direction statement
 - b. Identify key stakeholders in particular rule issue
 - c. Assign staff for research and drafting
 - d. Staff collects and reviews data from bureaus, other jurisdictions and literature review of best practices
3. Draft rule and provide to the CAO and the Director of Human Resources or designee for initial approval.
4. Review Process: Drafts of new rules will be distributed to the elected officials, Bureau Directors and all employees as well as to the City's labor leaders for review and comment to solicit feedback before the final rule is issued. A memorandum of explanation describing the rationale for any new rule or the need for revisions of an existing rule should accompany the forwarded rule.
5. Final Rule to Council or CAO for adoption.
6. Add rule to Human Resources Administrative Rulebook, electronic library and copy to Auditor's office for repository.
7. Memo to Council and Bureaus informing them of new rule implementation.
8. Rule dissemination to employees.
9. Bureau/work unit training or meetings to explain new rule/procedures as needed.

The City Council, the CAO or Bureau Directors may originate draft rule proposals for formal consideration by the Bureau of Human Resources. To submit a draft rule, follow steps 2 and 3, and submit a draft rule to the Bureau of Human Resources under step 4.

Who is Involved in Rulemaking?

The Bureau of Human Resources will make every effort to ensure that key stakeholders are involved during the framing, formulation or review of new or revised rules. Key stakeholders may include Commissioners and staff, Bureau Directors, Human Resources professionals, labor representatives, employees, Risk Management and the City Attorney.

Distributing an Interim Rule

The Director of the Bureau of Human Resources is authorized to issue interim Human Resources Rules when a City rule must be established in a time period too short to permit completion of the process delineated in this rule. Interim rules may remain in force up to six months from the date of issuance or until a final rule has been approved and disseminated, whichever is sooner.

Issuing a Rule

Administrative rules and procedures approved by the Bureau of Human Resources will be printed with the seal of the city. The Director of Human Resources will make a broad city announcement regarding the adoption of the rule.

Amending a Rule

Rules and procedures will need to be amended or updated. It will be the responsibility of the Bureau of Human Resources to follow the process for rulemaking for adjustments and communicate the updated rule citywide.

Standard Format

To ensure consistency in Citywide Human Resources Administrative Rules, a standard format, indicated by this Administrative Rule, has been created using Word. Use of the standard format facilitates the adoption of clear and concise rules and procedures across the City.

Interpretation of Rule

The Director of Human Resources maintains authority for the interpretation and application of rules.

Citywide Rules and Collective Bargaining Units

Citywide Human Resources Rules govern all City employees. If there is a conflict between a citywide human resources rule and a collective bargaining agreement, the collective bargaining agreement prevails.

Employees and Union Representatives and the Rulemaking Process

In the interest of collaborative rule making, employees and labor representatives may be invited to participate in the development or review of a Human Resources Rule. However, this capacity is advisory only and the CAO, Bureau of Human Resources and City Council retain authority to adopt rules as needed.

In the event a rule is subject to mandatory collective bargaining, the rule may be implemented but employees under collective bargaining agreements will not be subject to the rule until bargaining obligations are completed.

Bureau Specific Work Rules

Bureaus may implement bureau specific human resources management work rules to assist in day to day operations. Bureau human resources work rules may be more restrictive than citywide rules, but cannot be written to provide more latitude. Bureau specific work rules do not require Council approval but are binding on all employees they cover.

All drafts of bureau-specific human resources management work rules must be forwarded to the Bureau of Human Resources for final approval prior to implementation and also to ensure that central Human Resources has a copy of all bureau specific rules in the rule repository. This provision does not apply to bureau-specific operating procedures.

Contact Information

Questions about the formulation and issuance of City Human Resource Rules should be directed to the Bureau of Human Resources.

Human Resource Library

The Bureau of Human Resources is responsible for maintaining both an electronic and a hard copy database of all existing Human Resources Rules across the City. Employees shall have access to these Rules via the human resources internet site.

Administrative Rule History

Adopted by Council March 6, 2002, Ordinance No. 176302
Effective April 5, 2002
Revised October 19, 2010
