

ORDINANCE NO. 189873 *As Amended*

*Approve revisions to the Human Resources Administrative Rules related to recruitment, employment of retirees, inclement weather, compensation, performance management, and prohibited conduct (Ordinance; amend Portland Policy Document HRAR 3.01, 3.06, 4.01, 4.11, 8.02-8.04, 9.02 and 11.02)

The City of Portland ordains:

Section 1. The Council Finds:

1. The City's current rules listed above place a burden on bureaus to evaluate their own work for potential conflicts according to recent changes in Oregon state laws.
2. This conversation, and best practices from other jurisdictions, provide an opportunity for the City to clarify its own policies and rules in this area, ensuring we are upholding the highest ethical standards and serving the interests of the community.
3. The proposed HRAR rule revisions were revised to incorporate feedback from the fall review and were redistributed for review and comment in December 2019 to Council, bureau managers, Citywide human resources staff, labor leaders and City employees.
4. HRAR 3.01, Recruitment Process, expands equitable he types of recruitment processes to include competitive recruitment and limited competitive recruitment. This applies to at-will, regular, temporary, casual and limited duration opportunities.
5. Amendments to HRAR 3.06, Employment of Retirees, are required due to the changes in the State of Oregon laws around working retirees.
6. Revisions are necessary to HRAR 4.01, Drug & Alcohol Use Prohibited, clarify the definitions of drugs to not include CBD products which are federally legal. This does not include employees subjected to the Commercial Driver's License (CDL) policy. CDL holders are required to comply with the CDL drug and alcohol testing standards including maximum testing thresholds for marijuana.
7. To minimize up front budget impacts from inclement weather incidents HRAR 4.11, Inclement Weather, modifies how these incidents are paid. Making it so that eligible employees are awarded deferred holiday hours equal to the number of hours the employee was regularly scheduled to work on the day of the event instead of regular pay for time not worked.
8. HRAR 8.02, Hour of Work and Overtime Compensation: FLSA Covered Employees, clarifies that 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.

9. Work schedule changes are expanded in HRAR 8.02 to include that 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.
10. Modifications to HRAR 8.03, Hours of Work, Overtime Compensation & Management Leave: FLSA Exempt Employees, are necessary to address other exceptions in rare circumstances.
11. The provisions HRAR 8.04, Compensation, eliminate the verbiage that 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 are no longer needed due to
12. Revisions to HRAR 9.02, Performance Management, establish clear priorities, support frequent and meaningful feedback, and ensure equitable assessments of individual performance. This revision aligns with the process and goals of the City's performance management system, Success Factors.
13. Amendments are necessary to HRAR 11.02, Prohibited Conduct, to clarify and expand on examples of prohibited conduct for City employees. This expansion was approved in 2019 resolution 37413 to replace HRAR 4.05, Outside Employment and Volunteer Activities.

NOW, THEREFORE, the Council directs:


- a. Human Resources Administrative Rule 3.01, Recruitment Process is hereby amended in accordance with Exhibit B, effective January 1, 2020.
- b. Human Resources Administrative Rule 3.06, Employment of Retirees is hereby amended in accordance with Exhibit C, effective January 1, 2020.
- c. Human Resources Administrative Rule 4.01, Drug & Alcohol Use Prohibited, is hereby amended in accordance with Exhibit D, effective January 1, 2020.
- d. Human Resources Administrative Rule 4.11, Inclement Weather, is hereby amended in accordance with Exhibit E, effective January 1, 2020.
- e. Human Resources Administrative Rule 8.02, Hour of Work and Overtime Compensation: FLSA Covered Employees, is hereby amended in accordance with Exhibit F, effective January 1, 2020.

- f. Human Resources Administrative Rule 8.03, Hours of Work, Overtime Compensation & Management Leave: FLSA Exempt Employees, is hereby amended in accordance with Exhibit G, effective January 1, 2020.
- g. Human Resources Administrative Rule 8.04, Compensation, is hereby amended in accordance with Exhibit H, effective January 1, 2020.
- h. Human Resources Administrative Rule 9.02, Performance Management, is hereby amended in accordance with Exhibit I, effective January 1, 2020.
- i. Human Resources Administrative Rule 11.02, Prohibited Conduct, is hereby amended in accordance with Exhibit J, effective January 1, 2020.

Section 2. The Council declares that an emergency exists in order to avoid continued conflict with State of Oregon legislative changes which came into effect on January 1, 2020; therefore, this ordinance shall be in full force and effect from and after its passage by Council.

Passed by the Council, MAR 04 2020

Mayor Ted Wheeler
Prepared by: Cathy Bless
February 5, 2020

Mary Hull Caballero
Auditor of the City of Portland
By  Deputy

Agenda No. 179
 Item Type: Ordinance No. 189873 **As Amended**
 Council Meeting Date: March 4, 2020

Title: *Approve revisions to the Human Resources Administrative Rules related to ~~workplace harassment, discrimination, and retaliation~~, recruitment, employment of retirees, inclement weather, compensation, performance management, and prohibited conduct (Ordinance; amend HRAR-~~2.02~~, 3.01, 3.06, 4.01, 4.11, 8.02-8.04, 9.02 and 11.02)

Portland Policy documents

AGENDA TYPE

Consent

Regular

Time Certain Start Time 10:25

Item 1 of 1

Total amount of time needed for presentation, testimony and discussion (Regular and Time Certain Only): 25 Minutes

INTRODUCED BY: Mayor Wheeler

COMMISSIONER / AUDITOR APPROVAL

Mayor - Finance & Admin. - Wheeler Digitally signed by Mustafa Washington
Date: 2020.02.25 10:54:17 -0800

Position 1/ Utilities - Fritz

Position 2/ Works - Vacant

Position 3/ Affairs - Hardesty

Position 4/ Safety - Eudaly

City Auditor - Hull Caballero

1) Is a completed Impact Statement attached? Yes

3) Is the item a Code ordinance? Yes No

If yes, **Auditor Office** Approval

5a) Is item a Portland Policy Document or Administrative Rule? Yes No

BUREAU APPROVALS

Bureau: OMF/CAO

OMF/CAO: Carmen Merlo Digitally signed by Carmen Merlo
Date: 2020.02.20 15:54:49 -0800

Bureau Approval: Cathy L. Bless Digitally signed by Cathy L. Bless
Date: 2020.02.18 11:28:44 -0800

Prepared By: Cathy Bless

Date Prepared: February 13, 2020

2) Does the item amend the budget? Yes No
If yes, **Budget Office** Approval

4) Is this item a contract (current or future), code, easement, franchise, comp plan or Charter? Yes No
If yes, **Attorney Office** Approval

5b) If yes, is the City Policy/Admin Rule directive in the ordinance or resolution? Yes No

ACTION TAKEN:

CLERK USE: DATE FILED 2/25/20

Mary Hull Caballero
Auditor of the City of Portland

By: Keelan McClymont Digitally signed by Keelan McClymont
Date: 2020.02.25 15:06:43 -0800
Deputy

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Vacant		
3. Hardesty	✓	
4. Eudaly	✓	
Wheeler	✓	