



## 1.01 DUTIES & AUTHORITY OF THE DIRECTOR OF HUMAN RESOURCES MISSION & VISION OF THE BUREAU OF HUMAN RESOURCES

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### City of Portland Human Resources Vision Statement

We are valued strategic business partners who collaborate with bureaus to transform the City of Portland into an Employer of Choice.

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### City of Portland Human Resources Mission Statement

Knowledgeable. Helpful. Responsive.

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### Human Resources Values

**Involvement:** We value participation with our customers and stakeholders in decision-making, problem-solving, and projects.

**Diversity Development:** We value our workforce and encourage full use of their diverse knowledge, experience, and talent.

**Accountability:** We are each responsible for our own performance and for contributing to the success of others and the organization as a whole.

**Stewardship:** We maintain the integrity of the human resources system consistent with and responsive to the City's interests.

**Creativity:** We use imagination and innovation in solving problems, anticipating change, and capitalizing on opportunities.

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### Authority of the Director of Human Resources

The responsibilities of the Bureau of Human Resources shall include coordination and control of the administrative and technical activities relating to maintenance of a comprehensive human resources system for the City, including employee relations, labor negotiations, training, employment services, classification, compensation, affirmative action, workforce development and employee benefits.

The Director of Human Resources shall formulate, administer and monitor administrative rules approved by the Council or the Chief Administrative Officer including provisions for:

1. Recruitment, examination, certification and appointment on the basis of applicants' knowledge, skills and ability;
  2. Classification;
  3. Preparation and maintenance of an equitable compensation plan;
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4. Employee behavior and expectations;
  5. Disciplinary guidelines with notice to employees of prohibited practices;
  6. Employee training and development;
  7. Employee Benefits;
  8. Affirmative Action and Diversity;
  9. HIPAA Compliance Officer.

In accordance with Oregon law, the Director of the Bureau of Human Resources or designee, on behalf of the Council, may enter into agreements with labor organizations, recognizing their exclusive representation of specified classifications within City service.

For purposes of the City of Portland Human Resources Administrative Rules, unless otherwise specified, "Director" shall mean the Director of Human Resources.

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## **Scope of Administrative Rules**

The City of Portland Human Resources Administrative Rules is a resource document containing personnel related rules for employees. These rules are adopted pursuant to Chapter 3.15 of the City Code and Chapter 4 of the City Charter, which state that the Director of Human Resources shall promulgate rules and procedures governing the appointment, promotion, discipline, behavior and removal of City employees. Such Rules shall become effective when approved by the City Council or the Chief Administrative Officer as Council's designee.

Some administrative rules shall be promulgated with and administered in conjunction with other bureaus or offices such as Risk Management and the Office of Management and Finance. Some rules are codified in the Administrative Rules for operational ease, but are administered wholly by other bureaus. The rules will clearly indicate who is responsible for administration.

The provisions of these Human Resources Administrative Rules apply to all employees of the City of Portland. In the event of a conflict between the Administrative Rules as they apply to employees and any applicable labor agreements, the latter shall govern.

It is expected that City of Portland supervisory personnel will administer these rules in a consistent manner. The provisions of Human Resource Administrative Rules are not conditions of employment and may be modified, revoked or changed in accordance with the steps outlined in the [Administrative Rule Development and Issuance](#).

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## **Violation of Rules**

Any person violating these rules may be subject to discipline up to and including termination of employment. These rules and procedures are to be read in conjunction with related federal and state statutes and local ordinances, as applicable.

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**Severability Clause**

If any section, subsection, sentence, clause or phrase of the Human Resources Administrative Rules is found to be invalid by any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of these Rules.

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**Administrative Rule History**

Adopted by Council March 6, 2002  
Effective April 5, 2002  
Revised September 16, 2005  
Revised April 17, 2009  
Revised November 4, 2011  
Revised April 25, 2016  
Revised February 15, 2018

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## **1.02 ADMINISTRATIVE RULE DEVELOPMENT AND ISSUANCE**

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### **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.

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### **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.

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### **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 emailing 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.

Guidelines attached to any of the rules are not subject to the rules revision processes.

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**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 development of new rules or revisions to existing rules generally occurs in one of two ways: through the regular review process of the rules (generally occurs on a bi annual basis) or due to changes in state or federal law or other policy changes that require new or revised rules. Final development and/or revision of the Human Resources Administrative Rules are the responsibility of the Director of Human Resources.

The process for rule development and approval generally is as follows (and may be changed as needed; for example when a rule is adopted by a Council ordinance):

1. The Director of Human Resources determines that a new or revised rule is warranted and notifies the CAO that they are initiating the process for rule development.
2. The Director of Human Resources provides citywide notice that the rules are going to be reviewed as part of the general review process and invites feedback from stakeholders (elected officials, city employees and city labor leaders).
3. Drafts of new and revised rules are distributed electronically 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. Information describing the reason for a new rule or the reason for revisions of an existing rule should accompany the drafts.
4. Council or CAO adopt the final rules.
5. The Human Resources Administrative Rules on the Bureau of Human Resources website are updated and copies sent to Auditor's office for repository.
6. Notice to Council, to all employees and to the City's labor leaders informing them of new or revised rule implementation.

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**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.

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**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.

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**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

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**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.

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**Interpretation of Rule**

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

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**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.

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**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, if any, are completed.

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**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.

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**Contact Information**

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

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**Human Resource Library**

The Bureau of Human Resources is responsible for maintaining an electronic copy of all existing Human Resources Rules across the City. Employees shall have access to these Rules via the human resources website.

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**Administrative Rule History**

Adopted by Council March 6, 2002, Ordinance No. 176302  
Effective April 5, 2002  
Revised October 19, 2010  
Revised December 4, 2013  
Revised April 25, 2016

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### 1.03 PUBLIC RECORDS INFORMATION, ACCESS AND RETENTION

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**Purpose**

All City records, regardless of physical or electronic form or media, created or maintained by City employees are subject to the State of Oregon's public records laws, which include provisions for safeguarding records from improper destruction or alteration and for providing public access to those records.

**ORS Chapter 192** provides that "every person has a right to inspect any public record of a public body in this state". The definition of "public body" includes state and local organizations including county and city governing bodies as well as City bureaus. Although the law provides specific exemptions to disclosure, most records in the possession of a public body are available to the public for inspections. It is the intention of the City of Portland to be responsive, in a timely manner, to requests for public records.

City employees should follow Auditor's Administrative Rule ADM-8.03 and their own bureau's rules in responding to public records requests. Consult with the Office of City Attorney when questions regarding the application of the Public Records Law in a particular situation arise.

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**Document Reproduction Charges Allowed**

ORS 192.440(4)(a) authorizes a public body to "establish fees reasonably calculated to reimburse the public body for the public body's actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet the person's request." Persons requesting extensive copying should be informed of the copying charge and provided an estimate of costs prior to making the copies. See [Auditor's Administrative Rule ADM-8.03](#) for public records request policies and procedures."

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**Record Transfer Procedure**

See [Auditor's Administrative Rule ADM-8.04](#)

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**Contact Information**

Questions concerning potential exemptions or procedural issues in responding to requests should be referred to the City Attorney's office. Any questions regarding Archives or Records Management should be directed to the Archives and Records Management division in the Auditor's Office.

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**References**

City Code 3.76.010; City Charter 2-504; OAR 192; OAR 166

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**Administrative Rule History**

Adopted by Council March 6, 2002, Ordinance No. 176302  
Effective April 5, 2002  
Revised September 28, 2009  
Revised April 25, 2016

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## **1.04 PERSONNEL RECORDS**

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### **Official Personnel Record**

The City of Portland complies with all applicable federal, state, and local laws to maintain records of employees and/or prospective employees. The official personnel record consists of information housed centrally at the Bureau of Human Resources. The Bureau of Human Resources is responsible for maintaining and securing those employee records. For records held in other areas of the City of Portland, the responsibility for security and maintenance lies within that bureau or work unit

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### **Rule Applicability**

The provisions of this administrative rule apply to

- City Employees
  - Former City Employees
  - Prospective Employees
  - Members of the Public
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### **Definition of Personnel File**

For purposes of this Administrative Rule, the official personnel file consists of information gathered by the Bureau of Human Resources which relates to the:

- Individual's application
- Personal Information (non-medical)
- Selection materials
- Promotions, demotions, transfers
- Salary
- Performance evaluations
- Disciplinary actions, and termination of employment
- Work history, status and tenure

Employees shall have the right to include in their personnel file letters of commendation, training certifications, educational records and other documents relevant to their employment.

Information about employees should include only that which is necessary and relevant to employment and should be used only for employment related purposes.

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### **Notice**

No information reflecting critically on an employee shall be placed in the employee's personnel file unless the employee is notified.

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### **Remedies of Employees Objecting to Material in File**

Documents may be removed from the employee's official personnel file only upon mutual agreement of the Director of Human Resources or designee, the bureau director and the employee or the employee's representative. The Oregon public records law prohibits destruction of public records except when certain conditions are met.

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Documents that are removed from the official personnel file, and their retention or storage, will be dealt with in accordance with the public records law or other public policy requirements.

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**Records Open to Inspection**

Confidential records shall only be disclosed within the City to aid in personnel administration. External inquiries regarding the record of an employee or a former employee shall be responded to in accordance with disclosure laws, or released upon the employee's written authorization in accordance with the [Administrative Rule on Reference Checks and Employment Verification](#).

The Director of Human Resources shall determine procedural requirements regarding the release of personnel data.

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**Bureau Medical Records**

Medical records shall not be retained in the official personnel file, but in a confidential file, which is physically separate from the official personnel files. See the Administrative Rule on Employee Medical Files.

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**Bureau Personnel Record**

Each bureau or work unit will designate a record location for employees and prospective employees. Bureaus have the responsibility of maintaining and securing any and all types of records, forms, and data relating to the selection, status, performance, salary, discipline, and training of employees. This includes responsibility for ensuring the confidentiality of those records designated as such.

Bureau Personnel Records are convenience copies with the official record being held at the Bureau of Human Resources. It is the responsibility of those in charge of the bureau personnel record to ensure documents that need to be placed in the official employee file are sent to Employee Records in Human Resources when they are created or received.

In order to ensure the security and confidentiality of records, each bureau or work unit shall establish administrative, technical and physical controls to protect confidential information from unauthorized access or disclosure.

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**Union Access to Personnel Files**

The employee's authorized representative may inspect and obtain copies of the employee's official personnel file, upon the employee's written release.

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**Employee Access to Employee Files**

Employees shall have the right to inspect and obtain copies of their own personnel records within the prescribed guidelines of this rule to the extent provided by applicable law.

Employees requesting to see their official personnel file will be directed to contact Human Resources. At no time during the examination of the employee's file shall the file be out of the direct supervision of the record keeper.

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**Employee Access to Bureau Employee Files**

Employees have the same right to inspect their bureau personnel file as they do their official personnel file.

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**Disclosure of  
Information in Personnel  
Files**

External inquiries regarding the record of an employee or a former employee shall be responded to in accordance with the [Administrative Rule on Reference Checks & Employment Verification](#).

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**File of Employee  
Transferred or  
Separated from Service**

The Bureau employee file of an employee who is transferred/promoted to another bureau will be forwarded to the employee's new bureau. Upon separation from City employment, transfer any remaining original documents to the Bureau of Human Resources. Retain convenience copies 1 year after separation from city employment. Follow guidelines for confidential destruction when disposing of personnel records. If there is pending legal action the bureau file will be retained by the bureau until such time as transfer to the Bureau of Human Resources is authorized by the City Attorney's Office.

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**Personnel Record  
Retention**

All employee files will be retained in accordance with the [Record Retention Requirements](#) as determined by the Auditor's Office as well as federal, state and local laws.

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**Responsibility of  
Employees**

Employees are expected to promptly notify their supervisor and the Bureau of Human Resources of changes of name, home address and telephone number to assure proper records management.

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**Fees**

The Bureau of Human Resources may charge fees for providing information to requestors. These charges may not exceed the actual cost of providing the information but may include copying costs and costs for labor involved in locating and copying the information.

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**Administrative Rule  
History**

Adopted by Council March 6, 2002, Ordinance No. 176302  
Effective April 5, 2002  
Revised July 1, 2004  
Revised July 9, 2007  
Revised October 19, 2010  
Revised April 25, 2016

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## 1.05 POSTING REQUIREMENTS

**Rule** There are a variety of posters and notices required by law that shall be posted in a conspicuous place at the work site where workers have ready access to the information. A conspicuous place would be anywhere employees congregate such as the lunchroom, a time clock, or check-in table.

**Required Notices** The following is a list provided by the Bureau of Labor and Industries. At the end of the list, you will find out how to order numbers 1-7.

1. Federal Minimum Wage Poster  
U.S. Department of Labor, Wage and Hour Division, 503-326-3057  
Website: <http://www.dol.gov>
2. Polygraph Protection Act Notice  
U.S. Department of Labor, Wage and Hour Division, 503-326-3057  
Website: <http://www.dol.gov>
3. Federal Family and Medical Leave Poster  
U.S. Department of Labor, Wage and Hour Division, 503-326-3057  
Website: <http://www.dol.gov>
4. EEOC "The Law"  
EEOC, 1-800-669-3362  
Website: <http://www.eeoc.gov>
5. State Minimum Wage Poster  
BOLI, Technical Assistance for Employers, 971-673-0824  
Website: <http://www.oregon.gov/BOLI>
6. Oregon Family Leave Poster  
BOLI, Technical Assistance for Employers, 971-673-0824  
Website: <http://www.oregon.gov/BOLI>
7. Job Safety and Health Poster  
Department of Consumer & Business Services, Oregon OSHA Resource Center, 1-800-922-2689 Website: <http://www.cbs.state.or.us/external/osh>
8. Worker's Compensation Notice of Compliance  
The Workers' Compensation Division issues this notice after it receives the "Guaranty Contract" from the insurer. Employers should receive this notice after purchasing workers' compensation insurance. Contact Labor Relations if you need this information. Website: <http://www.cbs.state.or.us/external/wcd/operations/coverage/nocorder.html>

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9. Employment Insurance Notice (Form 11)  
The Employment Department automatically sends this notice after an account is set up or reopened. Website:  
<http://www.employment.oregon.gov>
  9. Uniformed Services Employment and Reemployment Rights Act (USERRA) poster Website:  
[http://www.dol.gov/vets/programs/userra/USERRA\\_Federal.pdf](http://www.dol.gov/vets/programs/userra/USERRA_Federal.pdf)
  10. American Recovery and Reinvestment Act (ARRA) 2009 Website:  
<http://www.recovery.gov/Contact/ReportFraud/Documents/WhistleblowerPoster.pdf>
  11. Employment of Minors Certificate.  
This poster is required for those who employ minors. The City receives a new poster each year. Contact Labor Relations if you need this information.

What Bureau of Labor and Industries (BOLI) offers:

BOLI offers a “8-in-1” poster which includes the first seven state and federal postings required. It is 24’x39’ and costs \$10 + \$7.50 postage and handing. You may order by calling 971-673-0824, pick one up at the Portland Office, 800 NE Oregon Street, Suite 1045, or click on this hyperlink [http://www.boli.state.or.us/BOLI/CRD/C\\_Postings.shtml](http://www.boli.state.or.us/BOLI/CRD/C_Postings.shtml). Go to "Commonly Required Postings in Oregon" and click on "Order Form." Print the form, indicate the number of “Commonly Required Postings in Oregon” posters you need and send in the form with payment.

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**Site Team Manager Responsibility**

Human Resources Site Team Managers need to ensure the required postings are conspicuously posted in each work site or location. Large fines can be charged for being out of compliance.

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**Updates in Posting Requirements**

Labor Relations will notify Site Team Managers if changes in postings are required as well as a yearly reminder of the posting requirements.

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**Contact Information**

Labor Relations

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**Administrative Rule History**

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

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## **1.06 EMPLOYEE MEDICAL FILES**

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### **City Policy**

The City of Portland works to ensure the confidentiality and security of its medical records and the privacy of employees. It is the policy of the City of Portland to treat all medical information about employees as confidential in accordance with all applicable laws and regulations.

All City employees are obligated and responsible for protecting the confidentiality of medical records, medical conditions and the privacy of employees. No employee shall disclose medical records or private health information to another employee or individual, except as specified under these Administrative Rules. Failure to comply with these rules shall be subject to discipline, up to and including discharge from employment.

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### **Types of Medical Records**

The City of Portland maintains the following medical records concerning its employees:

1. Medical Records relating to an employee's ability to perform employment for the City, or the health of a spouse, domestic partner, or dependent. (Hereinafter referred to as Employment Medical Records).
  2. Medical Records relating to an employee's litigation against the City, OSHA Compliance, and Long-Term Disability. (Hereinafter referred to as Tort Medical Records).
  3. Medical Records relating to an employee's Workers' Compensation or disability claim with the City. (Hereinafter referred to as Workers' Compensation Medical Records).
  4. Medical Records relating to a firefighter or police officer's disability claim under the Fire and Police Disability and Retirement Plan. (Hereinafter referred to as FPDR Medical Records).
  5. Medical information relating to an employee's participation in a City Sponsored Benefit Plan. (Hereinafter referred to as Employee Benefit Medical Records).
  6. Medical records related to a city employee's exposure to hazardous conditions such as chemicals, toxic substances, bloodborne pathogens, biological agents, bacteria, virus, fungus, radiation, noise, dust, heat, cold, vibration, repetitive motion, or other dangerous work-related conditions.
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**Employment Medical Records  
Files and Storage**

Employment Medical Records shall be filed and stored as follows:

1. All medical information and related information that describes the health, medical history, or condition of an employee or an employee's family member must be handled as confidential medical information.
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2. Such information must be stored in a secure file physically separate from the personnel file.
  3. Medical records (except Hazard Exposure Records) should be forwarded to the Bureau of Human Resources at the time they are generated. Medical records must be transmitted to the Bureau of Human Resources in a manner that ensures confidentiality is maintained. Reference copies should be maintained by the employee's bureau in a secure file physically separate from other personnel files. All reference copies should be forwarded to the Bureau of Human Resources when an employee separates from City service. If there is pending legal action, the file will be retained by the bureau until such time as transfer is authorized by the City Attorneys Office.
  4. Hazard Exposure Records should be maintained in a secure file physically separate from other personnel files and handled as confidential medical information.
  5. Each Bureau must have a written procedure specifying the individuals or class of individuals who may have access to employee medical files and the job-related reason for such access.
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**Access to Employee  
Medical Records**

The Bureau director or designee, the Division of Risk Management, and the City Attorney's Office may share information contained in Employee Medical Files with others as follows:

1. To assist supervisors and managers responsible for making decisions with respect to temporary or permanent accommodations due to medical condition(s);
2. Inform first aid and safety workers about a known condition that may require emergency treatment and about specific procedures that are needed if the workplace must be evacuated;
3. Grant access to government officials checking for ADA compliance reviews;
4. Grant access to the Bureau Director or designee, the City's Division of Risk Management and Office of the City Attorney, as the situation requires.

Except for the above-mentioned reasons, medical information about employees should not be disclosed to anyone without a [City of Portland Authorization for Use or Disclosure of Health Information Form](#) or alternative form approved by the City Attorneys' Office signed by the employee.

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**Employee Access to Employment Medical Records**

Medical Records that are maintained by the City are not part of the employee's personnel records.

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**What to Include in Employee Medical Record File**

- Post-offer Pre-Employment Physical
- ADA Accommodation Requests and supporting medical documentation
- Fitness for duty exam
- Medical information related to sick, FMLA/OFLA or catastrophic Leave management or medical layoff.
- Information from an employee's health care providers regarding the employee's medical condition, physical restrictions, or need for workplace modification.
- Employee requests for leave that identify the employee's illness or injury
- "Emergency" forms that list the employee's medical condition(s), health care provider(s), and/or prescription medications; and
- Release/Readiness to Return to Work after Disability
- Information regarding the medical condition of an employee's family member.

**NOTE:** Any authorized workplace accommodation should be documented in an employee's personnel file but should not reference any medical information.

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**Employee Medical Records and the Health Insurance Portability and Accountability Act (HIPAA)**

Federal Regulations explicitly exclude employment records held by the City of Portland in its role as an employer from the HIPAA medical record requirements\*.

Records that are exempt from the HIPAA requirements at the City of Portland include Worker's Compensation health records, FMLA/OFLA health information, ADA Accommodation Requests and supporting documentation, occupational injury, disability insurance eligibility, sick-leave requests, drug screenings, workplace medical surveillance, fitness-for-duty tests, injured worker return to work, medical layoff, & Catastrophic Leave.

\*67 Fed. Reg. 53181, 53192 (August 14, 2002)

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**Tort Medical Files**

The City investigates, gathers, and retains medical records of employees who are involved in OSHA investigations, have applied for Long-Term Disability, or have initiated a tort claim against the City.

- 1.) **OSHA Matters:** 29 CFR 1910.1020 requires that these records be available to employees, their designated representatives and to OSHA
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investigators. These records are shared with the City Attorney if an OSHA matter is or is anticipated to be litigated.

- 2.) **Long Term Disability Matters:** These records are shared with the City Attorney if a disability matter is or is anticipated to be litigated. They may also be provided to the employee or employee's representative with proper authorization as required by law.
- 3.) **Tort Matters:** These records are shared with the City Attorney if a tort matter is anticipated to be litigated. They may also be provided to the employee or employee's representative with proper authorization as required by law.

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### **Employee Benefit Files**

Employee Health or Benefit information acquired by the City of Portland's Benefit Office for the purpose of Benefit Administration is covered by Federal HIPAA standards. See HIPAA Policy & Procedures for confidentiality and record release requirements. Such files are not part of the employee medical record but a separate and legally distinct Employee Benefit File. Information included in the Employee Benefit File:

Initial Enrollment Information	Copy of Marriage License
Annual Enrollment Information	Beneficiary Designation
Cobra Notice	Domestic Partner Affidavit for Health
Change in Family Status	Benefits

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### **Workers' Compensation Medical Records**

Risk Management investigates, gathers and retains medical records of employees that are relevant to claims filed for work related injuries or occupational diseases.

1. ORS 656.360 requires the confidentiality of these records.

Outside entities, other than those entitled to the documents by law must have a [City of Portland Authorization For Use or Disclosure of Health Information Form](#) signed by the employee who is the subject of such record. Pursuant to ORS 192.502(19), Workers' Compensation claims records are exempt from public disclosure. An alternative disclosure release form may be used for disclosure of employee records if that form has been approved by the City Attorney's Office.

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### **Fire & Police Disability & Retirement Medical Records**

FPDR investigates, gathers and retains employee medical records that are relevant to claims filed with FPDR for service-connected, occupational or nonservice connected disability.

ORS 192.496(1) & 192.502(2) require the confidentiality of these records.

All requests for FPDR Medical Records from internal entities must be submitted directly to FPDR. Outside entities, other than those entitled to the documents by law, must have a signed authorization from the employee who is the subject of such request.

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**Handling Medical Records Request**

Records may not be released without authorization except as required by law. An employee must sign the [City of Portland Authorization For Use or Disclosure of Health Information Form](#). An alternative disclosure release form may be used for disclosure of employee records if that form has been approved by the City Attorney's Office.

The City of Portland Authorization For Use or Disclosure of Health Information Form or alternative disclosure release form signed by the employee shall be placed in the employee's appropriate file when medical records from a file are released.

It is a violation of this policy to release information from employee medical records or to discuss or disseminate such information to individuals who have no legitimate business need to know, who do not have proper authorization, are who are not entitled to the medical records by law.

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**Medical Records Request**

All record requests shall be forwarded to Human Resources for appropriate action and response. Employees receiving any subpoena or other request to appear, respond, answer questions, or provide information to an administrative agency or department, or other legal authority, must immediately notify and deliver the subpoena, document, or request to the City Attorney's Office. This is to protect the employee and the City and to ensure employee privacy and compliance with the law and this Administrative Rule.

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**Employee Drug & Alcohol Testing Results**

The City of Portland retains all Drug & Alcohol testing information required by 49 CFR Part 40 in a secure file within the Labor Relations Unit of the Bureau of Human Resources and such information shall not be disclosed unless required by law or authorized by the employee.

The City of Portland is not required to obtain employee authorization to disclose drug and alcohol testing information required by 49 CFR Part 40 and other Department of Transportation agency drug and alcohol testing rules. (Also see HIPAA citation CFR 164.512).

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**Electronic Communication and Employee Health Information**

Discussions regarding specific health issues of City employees shall be confidential and shall not be conducted over e-mail, except when deemed necessary by Risk Management and/or the City Attorney's Office for the City to effectively manage and administer claims and benefits, and when the communications are otherwise protected from disclosure. General information regarding employee absence due to a health issue is permissible via email to manage leave or benefit coverage.

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**Medical Record Retention**

1. At the time an employee transfers to another bureau, their medical file (except Hazard Exposure Records) shall be forwarded in full to their new bureau.
  2. At the time an employee separates from service, the medical file (except Hazard Exposure Records) shall be forwarded to Employee Records in Human Resources for incorporation into the employee's permanent medical record.
  3. Employee medical files are retained in accordance with state and federal record retention requirements. Once the applicable retention period has expired, the
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files will be disposed of in a confidential and secure manner.

4. Hazard Exposure Records are to be maintained for the entire retention period by the safety office of the bureau that employed the employee at the time the exposure occurred.
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**Administrative Rule History**

Adopted by Chief Administrative Officer July 1, 2004  
Effective July 1, 2004  
Revised September 16, 2005  
Revised July 9, 2007  
Revised May 9, 2008  
Revised April 17, 2009  
Revised February 15, 2018

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## **1.07 TIME REVIEW AND APPROVAL**

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### **Purpose**

Management review and approval of City time entry is required to ensure that time submissions are accurate and employees receive pay in accordance with City pay policy and practices.

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### **Bureau Responsibilities**

Every bureau shall be responsible for establishing and maintaining bureau-specific management of time entry review and approval systems, documenting the procedures and processes they adopt in their system, and retaining all source time entry and review and approval process documentation, which substantiates that their system is being followed.

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### **Time Review and Approval Requirements**

Each bureau time review and approval process shall contain the following elements:

1. Managerial review and approval of time source documents used as the basis for time entry into SAP.
  2. In cases in which data entry into SAP of time data from other systems or hard copy is necessary, there shall be a review of the data entered into SAP to ensure it is consistent with the approved time from (1) above. This review shall be performed by an individual other than the individual(s) entering the data.
  3. Managerial approval of any retroactive time entry change or in circumstances where a time entry change has been made to a previously approved time submission.
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### **Timing**

The regular deadline for execution of bureau time review and approval activities in support of the elements listed above is the Friday after the end of the pay period. In exceptional circumstances when the regular deadline cannot be met, time review and approval activities shall be executed by the Friday after the end of the subsequent pay period. Bureaus may require their managers to review and approve time on an intermittent basis throughout a pay period up through the regular deadline in order to address operational needs.

Adjustment to the SAP time submission and bureau time review and approval processes timeline may be required as the result of announced process scheduling changes, including those noted in the Annual Payroll Calendar. Bureaus will need to adjust internal time review and approval processing schedules accordingly.

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### **Adoption of more restrictive bureau requirements**

The standards and guidelines outlined in this Administrative Rule are the minimum requirements for time review and approval. Bureaus may adopt more restrictive procedures to address their specific circumstances.

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**Documentation and  
Accountability**

Bureaus will document their bureau-specific time review and approval process and any subsequent process changes and submit those to the Bureau of Human Resources to ensure the most current plans are on file with Human Resources. The standardized format to be used to document the plan is available in the Bureau of Human Resources Forms Library.

Bureaus will retain all documentation relating to their time review and approval process results to demonstrate they are following their adopted time review and approval process.

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**Retention of Time Source  
and Time Review and  
Approval Documents**

Bureaus are to retain all time management records, including those related to time review and approval in accordance with the City's retention schedule, and make such records available for internal policy compliance and external auditor review upon request.

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**Administrative Rule  
History**

Adopted by Chief Administrative Officer November 4, 2011  
Revised December 4, 2013  
Revised April 25, 2016

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## Guidance for HR Administrative Rule 1.07 Time Review and Approval

December 2013

### Source Documents Defined:

Time source documents include, but are not limited to: emails, PRESS, UDARS, Journal System, Crew Cards, ESS, timesheets, leave requests and are used to record and submit employee time for the purposes of generating City payroll are to be reviewed and approved by City management. Inclusion of this definition of source documents does not imply the need for the creation of new source documents beyond those currently in use. Bureaus shall ensure they have sufficient source documentation to adhere to all City policies, including those relating to the requirements of the City's time review and approval requirements.

### Time Review Practices Defined:

1. Managerial review and approval of time source documents used as the basis for time entry into SAP.

Source documents used as the basis for time entry into SAP require management review and approval. This may be achieved through mechanisms such as manual or electronic signoff on timesheets, attendance rosters and leave requests. Bureaus may also require management review and approval of data being entered into SAP using CATS\_DA or through Management Self Service (MSS) approvals if available, in order to ensure that data entered into SAP is accurate and has been approved.

2. In cases in which data entry into SAP of time data is by a timekeeper or is imported from other systems, there shall be a review of the data entered into SAP to ensure it is consistent with the approved time from (1) above. This review shall be performed by an individual other than the individual(s) entering the data

There are several methods through which this requirement can be met. After time has been entered into SAP, Bureaus may require managerial review and approval of all employee time using the SAP report PT\_BAL00 prior to Friday of the time entry deadline. Time approval by Managers or Supervisors for their employees in SAP Manager Self Service (MSS) when available, also meets the verification requirement.

In bureaus where difficult operational logistics exist, a bureau may choose to have a person other than the person who entered the data verify that the data entered into SAP matches the approved time source documentation. The person performing this task can be bureau management, financial staff, or alternate timekeeping staff. Management review and approval of all time source documents as described in (1) above continues to be required. Management oversight and sign off on the pay period results of the data verification process is required to ensure an accurate and accountable payroll.

In the event it is not feasible due to volume to verify that data entered into SAP is consistent with approved source documentation for all employees in a bureau, verification may occur via sampling of a significant number of entries per payroll period. Managers should also perform periodic unscheduled spot checks of their own and document the results. Additionally, the Bureau of Human Resources may perform unscheduled performance audits.

Bureaus that adopt SAP data verification practices, which have an individual other than a direct manager or supervisor performing the verification for their employees, shall document their procedure as well as provide a justification for why verification of all data entry is not practical for their bureau.

3. Managerial approval of any retroactive time entry change or in circumstances where a time entry change has been made to a previously approved time submission.

Bureaus will need to establish procedures, which ensure all changes to time entries are approved by bureau management and documented.

4. Bureaus using the ESS/MSS time management tools offered through SAP shall follow the guidelines below in order to be in compliance with HR Administrative Rule 1.07:
  - The time request application shall be used as the source document for all leave requests (including unexpected sick leave) and overtime requests requiring pre-approval. Bureaus are expected to set policy regarding whether or not to use the time request tool to document leave requests for FLSA exempt employees requesting a partial day absence in compliance with HR Administrative Rule 8.03.
  - Use the manager delegation application to ensure time approvals are processed in accordance with the "Timing" section of HR Administrative Rule 1.07 and time requests are processed in a timely fashion.
  - Approved time requests shall be reviewed against entries on the timesheet to ensure accuracy of reported absence or overtime.
  - An employee certification shall be cancelled by the manager or timekeeper in the event of a timesheet change made by the timekeeper after employee certification has occurred. Employees shall recertify their timesheet once the correction has been made.
  - A manager approval shall be cancelled by the manager or timekeeper in the event of a timesheet change made by the timekeeper. Managers shall reapprove the timesheet once the correction has been made.
  - The time approval application may be used by managers to approve time even for employees who do not enter their own time via ESS.

Bureaus utilizing ESS/MSS SAP time management tools as stated in this Guidance will be compliant with HR 1.07. Use of this process should be acknowledged in the bureaus' Time Review and Approval Plan Submission.



## **2.01 EQUAL EMPLOYMENT OPPORTUNITY (EEO)/AFFIRMATIVE ACTION**

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### **Purpose**

The City of Portland is an equal employment opportunity employer and is committed to an active affirmative action and diversity program. The City will continue to recruit, hire, train, and promote into all job levels without regard to race, religion, gender, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, source of income, or Vietnam era veterans status. It is the policy of the City to ensure:

- Equal opportunity to all employees and candidates;
- That employees be selected and promoted based on merit and without discrimination;
- Reasonable accommodations are provided to qualified employees and applicants that require them.

Elected officials and all employees of the City of Portland, management and supervisory staff in particular, shall ensure that the intent and the stated requirements of this rule are implemented in all employee relations and personnel practices. It is the responsibility of every employee to ensure that the work environment is free of any practice of discrimination or harassment. The City Affirmative Action Officer is responsible for implementation of the affirmative action program.

Additionally, contractors doing business with the City of Portland are required to assure that equal employment opportunity be offered by their organization(s), and that they comply with appropriate sections of this policy and with applicable state and federal regulations. The provisions for external affirmative action measures are contained in City Code.

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### **Accommodations**

Any accommodations made in accordance with the American Disabilities Act must be in writing.

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### **Special Provisions Relative to Age**

Equal employment opportunity as to age applies to persons who are age 18 or older. State law forbids employment discrimination on the basis of age. It is unlawful to fail or refuse to hire or to discharge an individual or otherwise discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges of employment, because of such individual's age.

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### **Special Provisions Relative to Disability**

Equal employment opportunity for persons with disabling conditions includes making a reasonable accommodation to known disabilities of a qualified disabled applicant or employee who would be able to perform the essential duties of the job if such accommodation is made.

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**Bona Fide Occupational Qualifications**

Age, gender or physical requirements may be considered if they constitute a bona fide occupational qualification necessary for performance of the essential duties of the job.

Physical capacity requirements relating to minimum standards for employment may be a reasonable selection factor. However, such standards must be reasonably necessary for the specific work to be performed and uniformly applied to all applicants for the particular job category, regardless of age or sex.

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**Complaint Procedure**

The City of Portland has an internal complaint procedure designed to address and resolve complaints of discrimination, including retaliation and harassment. See the Administrative Rule on [Prohibition Against Workplace Harassment, Discrimination and Retaliation](#). Individual bureaus may have work rules and complaint procedures specific to their work places. The City will take appropriate action to prevent discrimination, including retaliation and harassment, and to ensure that the rights of employees who file complaints are respected, whether the complaint is filed through the internal complaint procedure, a grievance, or with a local, state, or federal agency, or court.

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**Contact Information**

Any person having questions about this rule or the City's Diversity Development/Affirmative Action program should contact the City Affirmative Action Officer in the Bureau of Human Resources.

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**References**

41 CFR §60-1.4; §60-2.13(a); §60-2.20; City Code Chapter 23

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**Administrative Rule History**

Adopted by Council March 6, 2002, Ordinance No. 176302  
Effective April 5, 2002  
Revised December 4, 2013

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## **2.02 PROHIBITION AGAINST WORKPLACE HARASSMENT, DISCRIMINATION AND RETALIATION**

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### **Workplace Harassment, Discrimination and Retaliation Prohibited**

It is the City's policy to prohibit workplace harassment, discrimination and retaliation on the basis of protected status. Protected status includes race, religion, gender, marital status, familial status, national origin, age, mental or physical disability (as defined by the Americans with Disabilities Act and state law), sexual orientation, gender identity, source of income, protected veterans' status or other protected status under applicable law.

The City of Portland is committed to creating a respectful and professional work environment that is free of harassment, discrimination, and retaliation and that promotes employment opportunities.

Workplace harassment, discrimination, and retaliation manifests in the workplace in two primary ways:

1. In forms of harassment, discrimination, and retaliation that violate state and federal laws; and
2. In forms of inappropriate conduct that may not violate law, but which violate this City rule because the conduct is not conducive to creating a respectful and professional work environment for employees.

This rule covers both types of behavior. The intent of this rule is to prohibit conduct that is unlawful and also to prohibit and stop other inappropriate conduct based on protected status before it rises to the level of unlawful discrimination, harassment, and retaliation.

Employees are expected to talk with their supervisor, other managers, the Human Resources Business Partner (HRBP) assigned to their bureau, Bureau of Human Resources (BHR) staff or the Bureau of Human Resources Employment and Outreach Office in the if they experience harassment, discrimination, and/or retaliation regardless of its origin. Supervisors or managers receiving such complaints shall take appropriate corrective action to stop the harassment, discrimination and retaliation.

Harassment, discrimination, and retaliation are prohibited in the workplace or in any work-related setting outside the workplace. Every employee shares the responsibility for bringing to the City's attention conduct that interferes with providing a work environment free of harassment, discrimination, and retaliation.

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### **Who is Covered by this Rule?**

This Rule covers all elected officials, employees, interns (paid or unpaid), volunteers and applicants for employment with the City of Portland, as well as contractors providing services to the City of Portland such as outside vendors or

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consultants. Contractors providing a service to the City should be notified of this rule.

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## Definitions

**The definitions in this rule are designed to be consistent with the City’s goal of creating a respectful and professional work environment. Therefore, these definitions not only define unlawful conduct but also define inappropriate conduct prohibited by this City policy.**

**Harassment:** Inappropriate verbal or physical conduct, which may include conduct that is derogatory or shows hostility towards an individual, related to the individual’s protected status. The intent or consent of the persons engaging in the inappropriate conduct, or whether the person toward whom the inappropriate conduct is directed is aware of it, does not matter.

**Sexual Harassment:** Is a specific type of harassment, which includes unwanted sexual advances, requests for sexual favors, and other sexually oriented verbal or physical conduct. It may also include situations where:

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

**Discrimination:** Unequal or different treatment of an individual in any personnel action on the basis of protected status.

**Retaliation:** Conduct that would likely deter an individual from reporting or supporting a claim of harassment or discrimination may constitute retaliation. The City will not tolerate retaliation against any individual who reports discrimination or harassment, testifies, assists, or participates in any manner in an investigation, proceeding or hearing, regardless of the outcome of the complaint. Retaliation can occur even if the underlying complaint of harassment or discrimination is not substantiated. Examples of retaliation towards an individual include demotion, suspension, failing to hire or consider hiring, failing to treat impartially when making employment related decisions, or assigning the individual the least desirable jobs. Retaliation may also include more subtle forms such as shunning by co-workers.

## Examples of Prohibited Inappropriate Conduct

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This list of prohibited inappropriate conduct is meant to give some examples of inappropriate behavior and is not a complete list of conduct prohibited by this rule.

### Verbal or Physical Conduct

1. Use of epithets, innuendos, names, comments, foul language or slurs regarding an individual’s protected status, either in written or oral form.

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2. Jokes, pranks or other banter, including stereotyping because of protected status.
  3. Physical touching or contact with any intimate body part including but not limited to breasts, buttocks, hair, neck, lips, legs, thighs and feet, such as pinching, kissing, grabbing, patting or neck massages/rubs.
  4. Unwelcome physical touching or contact, such as unwelcome hugs or touches.
  5. Using sexual innuendoes, sharing racist, sexist, or sexual stories, making suggestive comments, making suggestive gestures, suggestive actions, sexual propositions, requests for sexual favors, graphic commentaries, suggestive or insulting sounds; and refusing to take “No” when requests for social interaction or dates are refused.

**Written or Graphic Material**

Written, visual, oral, gestures, graphic, or other material directed toward a person on the basis of protected status.

This rule prohibits inappropriate language, jokes, written or graphic materials in the workplace or work related setting. Inappropriate materials placed on walls or elsewhere in City premises or circulated in the workplace is prohibited; this includes sending inappropriate jokes or other written or graphic materials via e-mail, the internet, by fax, cell phone, mobile data computer or any other electronic means or downloading this material from the internet.

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**Religious Accommodation Required**

The City is committed to providing a reasonable accommodation of an employee’s sincerely held religious beliefs and practices unless such an accommodation would create an undue hardship. A reasonable accommodation may include allowing the employee to use vacation or other appropriate leave for a holy day or other religious observations; wearing religious clothing in the workplace to the extent it does not conflict with other legitimate bureau rules regarding uniforms and safety gear; and such other accommodation as may be reasonable to provide. The [Request for Religious Accommodation Form](#) can be found in the Forms section on the BHR Website.

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**Disability Accommodation Required**

The City is committed to providing a reasonable accommodation that will allow an employee with a disability to perform the essential functions of their job unless such accommodation would create an undue hardship. The Job Accommodation form can be found in the Forms section on the BHR website. Also see [HRAR 2.01, Equal Employment Opportunity \(EEO\) Affirmative Action](#).

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**Manager/Supervisor Expectations**

Managers and supervisors shall enforce this rule and maintain a productive, respectful, and professional workplace. Managers and supervisors must take immediate action to stop and prevent discrimination, harassment, or retaliation where they know or have reason to know that it is occurring. Tacit approval of harassment, discrimination, other inappropriate conduct, and/or retaliation by, for example, laughing and treating a situation as a joke, failing to take action or advising an employee not to complain, is prohibited.

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Managers and supervisors are responsible for ensuring that notes, comments, posters and other materials on walls, bulletin boards or elsewhere in the workplace, that are derogatory or show hostility toward an individual or group because of protected status are removed, and that oral forms of derogatory, harassing or hostile media, such as music, are not permitted in the workplace. Managers and supervisors are expected to educate and remind employees about the impropriety of these items as well as the inappropriateness of jokes, slurs, or other negative verbal comments that violate this rule. Managers and supervisors are also responsible for educating employees that the use of City owned equipment, including but not limited to vehicles and electronic devices such as computers, telephones, mobile phones, tablets, photocopiers, or faxes for any of these purposes is also prohibited.

If a manager or supervisor receives a complaint from a City employee, an applicant, a member of the public or a contractor about harassment, discrimination, other inappropriate conduct, or retaliation in a City worksite or if a manager or supervisor observes or becomes aware of discrimination, harassment, other inappropriate conduct or retaliation in a City worksite, they shall contact the Human Resources Business Partner or Site Team Manager as soon as possible, but no later than two working days after receiving the complaint or becoming aware of the discrimination, harassment or retaliation.

Managers and supervisors are expected to contact human resources personnel **even if** the person making the complaint requested that it be kept confidential or if the person toward whom the inappropriate conduct was directed is not aware of it. Managers and supervisors should inform an individual making a complaint that strict confidentiality may not be feasible.

Any supervisor or manager who is aware of harassment, discrimination, other inappropriate conduct, and/or retaliation or and condones it by action or inaction will be subject to disciplinary action.

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**What Should Employees Do?**

1. Not engage in discrimination, harassment or retaliatory conduct in violation of this rule.
2. If you believe you are being subjected to conduct that violates this rule: tell the offender to "stop it!" Say it firmly, without smiling or apologizing. Nothing prevents you from filing a complaint because you did not tell the offender that their behavior is unwelcome or ask the offender to stop.
3. Promptly file a complaint using the procedure below if you are the recipient of harassment, discrimination or retaliatory conduct prohibited by this rule. If you are witness to prohibited conduct, you are encouraged to bring that information to the attention of a supervisor or to Human Resources staff. Employees are not required to follow any supervisory chain of command in filing a complaint or reporting possible violations of this rule.

Nothing in this Rule is intended to restrict an individual's right to file a complaint with the Bureau of Labor and Industries or the [Equal Employment Opportunity Commission](#), or to file a grievance under a union contract. However, notifying a union steward or other union official does not constitute filing a complaint with the City under the complaint procedure outlined below.

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**Internal Complaint Process**

Any individual who feels they have been the recipient of prohibited discrimination, harassment, retaliation and/or other conduct prohibited by this rule is encouraged to notify the responsible person(s) of the inappropriateness of their conduct.

**Who to Contact**

A current City employee is encouraged to discuss such concerns with their immediate supervisor. This will provide the supervisor with an opportunity to review the concerns of the individual. If the employee does not feel comfortable discussing the concerns with their immediate supervisor, the employee should contact:

- their supervisor's manager; or
- their bureau director; or
- Bureau of Human Resources staff; or
- the Bureau of Human Resources Employment and Outreach Office (formerly the Diversity, Outreach and Employment Resources Office and the City Diversity Development/Affirmative Action Office).

A non-City employee such as an applicant, a member of the public or a contractor may contact the specific bureau where the alleged harassment, discrimination, retaliation, or other inappropriate conduct occurred or file a complaint with the Bureau of Human Resources Employment and Outreach Office.

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**Investigation**

Bureaus investigating a complaint should follow the procedure outlined in [Attachment A](#). (The attachment is a procedure only and is not part of the binding Human Resources Administrative Rule).

When appropriate, the individual who receives the complaint may discuss options for informally resolving the complaint with the complainant.

All complaints must be thoroughly and promptly investigated. The individual making the complaint and the accused shall be notified of the results of the investigation and whether action will be taken. Retaliation will not be tolerated.

Immediate action may be required in situations where prohibited harassment, retaliation, or discrimination has occurred.

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**External Complaint Process**

An external discrimination complaint is defined as any complaint of discrimination filed with a court or a state or federal enforcement agency. External discrimination complaints are handled by the Risk Manager and the City Attorney's Office. Any employee who receives a copy of notice of an external discrimination complaint shall immediately forward that complaint to the Risk Manager. The Risk Manager will ensure that the BHR Employment and Outreach Office, the City Attorney's Office, and the bureau involved are apprised of the complaint. The Risk Manager and City Attorney's Office are responsible for issuing any communications regarding the complaint.

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**Confidentiality**

All information received in connection with inquiries, or with the filing, investigation, and resolution of workplace harassment, discrimination, and retaliation complaints is treated as highly sensitive. Employees authorized by the

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City to receive and investigate complaints are required to maintain confidentiality to the extent possible. It is expected and anticipated that all parties involved in complaints will observe the same standard of sensitivity. It is emphasized that this practice is in the best interest of all parties; however, absolute confidentiality cannot be guaranteed.

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**Training**

The City will provide training on this Rule to all City employees upon hire and every three years thereafter.

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**Complaint Resolution**

The Director of Human Resources, in cooperation with the bureau manager and Commissioner-In-Charge, and the City Attorney's office shall have the authority to settle a discrimination complaint in accordance with the City Code.

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**Complaint Procedures**

**Important Notice to All Employees:** Employees who have experienced conduct they believe is contrary to this rule have an obligation to take advantage of the complaint procedure included in this rule. An employee's failure to fulfill this obligation could affect their other rights. Every employee shares the responsibility for bringing to the City's attention conduct that interferes with providing a work environment free of harassment, retaliation and illegal discrimination.

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**Administrative Rule History**

Adopted by Council March 6, 2002, Ordinance No. 176302  
Effective April 5, 2002  
Revised July 28, 2003  
Revised July 1, 2004  
Revised July 9, 2007  
Revised October 19, 2010  
Revised November 4, 2011  
Revised December 4, 2013  
Revised April 25, 2016  
Revised February 15, 2018

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## **ATTACHMENT A**

### **Investigation Steps**

The responsible person investigating the complaint will complete the following steps:

1. Evaluate the complaint.
2. Determine whether there is reason to believe prohibited discrimination or harassment may have occurred.
3. When appropriate, the individual who receives the complaint may discuss options for informally resolving the complaint with the complainant.  
This is not a required first step.
4. Document the action and resolution efforts taken and then communicate the results to the complainant, to appropriate management personnel, and to the alleged offender.
5. Where corrective action is considered to be appropriate, communicate that fact to management personnel who will determine the appropriate corrective or disciplinary action in accordance with the administrative rule on discipline and any applicable collective bargaining agreement.
6. Consistent with applicable rules and collective bargaining agreements, in determining the appropriate corrective action the responsible manager will consider:
  - o the severity of the conduct
  - o position/authority of the alleged offender
  - o number/frequency of encounters
  - o relationship of the parties
  - o conduct of complainant
  - o effect of action on complainant, and
  - o effect of action on the work environment
7. If necessary, the responsible manager will take remedial action reasonably calculated to end discrimination, harassment, retaliation or other conduct that violates this rule.



## 2.03 BLOODBORNE PATHOGEN EXPOSURE AND THE WORKPLACE

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### Background

The Occupational Safety and Health Administration (OSHA) regulate facilities where employees could be exposed to blood and other body fluids, which may carry disease causing pathogens.

Bloodborne pathogens are microorganisms that may be present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B virus (HBV), Hepatitis C virus (HCV) and human immunodeficiency virus (HIV). OSHA enacted the Bloodborne Pathogen Standard (29CFR1910.1030). to reduce occupational exposure to human bloodborne pathogens that employees may come in contact with in the workplace. This standard establishes a framework for training and medical response.

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### Purpose

The City of Portland is committed to maintaining a healthy and safe work environment for employees. The City has adopted an Exposure Control Plan (ECP) to comply with OSHA standards. The ECP provides guidelines and procedures to prevent, minimize and respond to occupational exposure to bloodborne pathogens. Bureaus are required to adopt the City's Exposure Control Plan and such other procedures dictated by the nature and scope of work performed in each bureau.

City Risk provides training for employees, who because of their duties may reasonably anticipate exposure to human blood, body fluids, and other potentially infectious materials. City Risk also facilitates follow-up assessment, education and testing for city employees who have an on-the job exposure. More information is available on the City Risk web page.

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### Non-discrimination

Bureau managers or supervisors may not refuse to hire, promote, or discharge from employment, an individual because that person is or is believed to be HBV, HCV or HIV infected, as long as the individual can, with or without reasonable accommodation, perform the essential duties of the job and who does not pose a safety risk to other employees or the public. Exclusion of a person infected with HBV, HCV or HIV or believed to be infected, from any position on the basis of that infection or belief is prohibited unless, with reasonable accommodation, there remains a significant or materially enhanced risk of infection to others. A competent medical authority designated by the City must evaluate the severity of such a risk.

Persons who believe they have been discriminated against on the basis of a bloodborne pathogen infection are protected under City rules of nondiscrimination and may contact the Diversity, Outreach and Employment Resources Office for assistance. See the [HR Administrative Rule on Prohibition Against Workplace Harassment, Discrimination and Retaliation](#).

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**Guidelines for Employees with Bloodborne Pathogen Infection**

The City of Portland recognizes that HBV, HCV or HIV may pose significant and delicate issues for employees in the workplace. Accordingly, the following guidelines are offered:

1. Persons with a bloodborne pathogen infection are encouraged to share information concerning their ability to perform assigned work with management for the purpose of reasonable accommodation, help and understanding and/or referral to the [Employee Assistance Program](#).
2. Self-disclosure of bloodborne pathogen infection is voluntary. Harassment and/or disparate treatment are prohibited.
3. Management or employees needing more specific direction or advice concerning bloodborne pathogens in the workplace can contact their bureau Safety Officer or City Risk at 503-823-5101. Ask to speak with the Occupational Health Nurse or a Loss Prevention Specialist.

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**Confidentiality**

Confidentiality of all employee medical records shall be maintained in accordance with all applicable federal and state laws.

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**Employee Refusal to Work**

Employees are not permitted to refuse to work with a fellow employee or member of the public who has, or is suspected of having, a bloodborne pathogen infection. An employee who is concerned about the risk of exposure from others should review their concerns with a supervisor or the City Risk's Occupational Health and Infectious Disease Program Manager at 503-823-5238.

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**Exposure Control**

Each bureau is responsible to identify positions that have a reasonable likelihood of occupational exposure to bloodborne pathogens. Each bureau is responsible for informing their employees of the City's Exposure Control Policy and for ensuring that new employees obtain this information during their orientation.

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**Education**

The City of Portland recognizes the importance of information and education relating to bloodborne pathogens.

**HBV and HCV**

For additional information about hepatitis B and hepatitis C, visit CDC's hepatitis webpage at <http://www.cdc.gov/hepatitis>.

**HIV**

Information specialists staff the National AIDS Hotline at 1-800-448-0110. They can answer questions or provide information on HIV infection and AIDS and the resources available in your area. More information is available at the CDC AIDS/HIV home page at <http://www.cdc.gov/hiv/> Additional information about occupational exposures to bloodborne pathogens is available on the National Institute for Occupational Safety and Health (NIOSH) webpage at <http://www.cdc.gov/niosh/topics/bbp/>.

Risk Management will provide training resource information and will assist with the inter-bureau coordination of educational programs.

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**Response to a Possible Exposure**

1. In the event of an occupational exposure, first aid providers should follow the universal precautions as outlined in the OSHA Bloodborne Pathogen Standard and described in the City’s Exposure Control Plan.
2. Worksite first aid kits should contain appropriate personal protective equipment, such as but not limited to, gloves, gowns, face shields or masks and eye protection, mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Personal protective equipment will be considered “appropriate” only if it does not permit blood or other potentially infectious material to pass through to or reach the employee’s work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use. Contact bureau Safety Officers or City Risk at 503-823-5101 for additional information about worksite first aid kit requirements.

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**Administrative Rule History**

Adopted by Council March 6, 2002, Ordinance No. 176302  
Effective April 5, 2002  
Revised November 4, 2011  
Revised April 25, 2016

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## **2.04 GENDER IDENTITY NON-DISCRIMINATION**

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### **Rule**

The City of Portland prohibits discrimination on the basis of gender identity and gender expression. Gender identity refers to a person's internal, deeply-felt sense of being male, female, or something other or in-between, regardless of the sex they were assigned at birth. Gender expression refers to an individual's characteristics and behaviors (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as masculine, feminine or other. No person shall be discriminated against based on the individual's gender identity or gender expression in any aspect of employment including but not limited to recruitment, selection, hiring, wages, hours, benefits, assignment or promotion.

The City will not tolerate disrespectful language or behavior from its employees toward anyone. Every person shall be addressed in a manner that is consistent with the person's expressed preference. This includes the use of a person's preferred pronoun or lack of pronoun, as well as preferred name, even if it is different from the person's legal name. The refusal of managers, supervisors, co-workers and other employees to address individuals in a manner consistent with their expressed preference will not be tolerated.

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### **Gender-Specific Facilities**

The City will make reasonable efforts to accommodate all employees who use gender-specific City facilities.

All City employees shall have access to use City bathroom facilities corresponding to their gender identity or gender expression. The employee decides which bathroom facility to use. In facilities, such as locker rooms, where undressing in the presence of others may be unavoidable, the City will make reasonable efforts to accommodate the privacy concerns of all users.

All City employees using gender-specific facilities where undressing in the presence of others may be unavoidable are expected to deal with each other in a respectful and responsible manner.

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### **Dress Codes**

All City employees are expected to maintain a neat and professional appearance. Employees are permitted to dress consistent with their gender identity or gender expression.

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### **Resources**

The Bureaus' assigned Human Resources Business Partners are available to respond to questions regarding this rule. The Diversity Outreach and Employment Resources Office is also available as a resource.

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### **Administrative Rule History**

Adopted by Council March 6, 2002, Ordinance No. 176302  
Effective April 5, 2002  
Revised November 4, 2011  
Revised April 25, 2016

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