



# SAFETY NET PROGRAM FAQ

Update: Nov. 20, 2020

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## **General Answers**

### **1. What is the Safety Net program?**

During the beginning of the recession in 1997-98, Council adopted ordinance number 171215, which established the Safety Net and Targeted Severance Programs. The Office of Management and Finance (then referred to as Office of Finance and Administration) developed these two programs, which continue to this day by offering leave options to employees during national- and state-declared emergencies.

The options under these programs have now been updated to reflect the needs of COVID-19, and provides bureau-approved flexible leave options to employees during national- and state-declared emergencies.

**NOTE:** As of October 29, 2020, the Safety Net program is available to represented employees.

### **2. What are the updates to the Safety Net program?**

The following provides a summary of the new Safety Net program options available for employees and bureaus to consider. The program provides opportunities for employees to adjust schedules without rejecting available work.

**Split / Flex Schedule** - Allows an employee to retain regularly scheduled hours with increased flexibility.

**Reduced Schedules** - Allowing employees to decrease their regular hours to no less than 20 hours per week, and retain healthcare benefits at the same level as they had before entering this arrangement. This reduction in hours is intended for a specific duration of time to primarily support caregivers and those with underlying health conditions.

**Voluntary Layoffs** - Should the City be required to take significant budget cuts for FY21-22, or if a bureau requires cuts in the current fiscal year because of lower than expected revenue, this option may be offered to employees. This opportunity secures healthcare benefits for three months under COBRA for employees and covered family members. Employees would maintain their normal recall rights.

**Unpaid Leave** - Allowing for extended unpaid leave with continued healthcare coverage paid by the bureau for up to 12 months to primarily support caregivers and those with underlying health conditions.

**Severance Agreements** - An updated severance program that would provide continued coverage of healthcare for up to six months and/or a cash payout. Total costs of one or a combination of these options would not exceed \$15,000, and employees who are offered this option and chose to leave would not have recall rights.

**Voluntary Furlough Days** - Bureau directors would be authorized to approve requests for voluntary furlough days to support the ad hoc needs of parents, caregivers and others who would otherwise be required to use accrued time for absences. This option retains the employee's accruals and allows unpaid furlough days.

### **3. Do I have to qualify for the Safety Net Program? Are there requirements?**

All bureaus are encouraged to identify the interest from regular, temporary and limited-duration, benefits-eligible employees. Based upon the interest, bureaus will assess its business operations, determine what can be offered and whether established project timelines can be delayed to support employee interest. In order to maintain benefit coverage, participating employees must have a minimum of 20 hours of scheduled, paid time per week. Employees eligible for benefits under the Affordable Care Act (ACA), are required to meet the minimum requirements for continued coverage. ACA eligibility details: <https://www.portlandoregon.gov/bhr/article/760952>.

Employees are encouraged to have conversations with their managers, bureau equity managers, and/or the human resources business partner within their bureau to ensure questions and concerns can be addressed. Decisions should be prioritized to reflect the intent; to provide support and flexibility to employees who are facilitating the virtual learning of small children, caregivers, or have underlying health conditions identified by the Centers for Disease Control and Prevention (CDC) related to COVID-19.

**4. Is the Safety Net program related to the Dependent Care survey that went out recently?**

Safety Net program changes were created before the Dependent Care survey and was based upon employee and bureau feedback during the summer. Expanding the Safety Net Program is designed to provide important flexibility for employees during this time of crisis, while also providing bureaus who are in financial difficulty an opportunity to achieve cost savings. The recent Dependent Care survey will further assess the needs and barriers for City employees who are juggling their roles as caregivers. We will closely analyze those results to determine what additional steps the City can take to support employees. City Council has already expressed its desire to better understand the additional support employees may be looking for and has directed BHR to bring back additional information/ideas for consideration.

**5. How are the options in the Safety Net program prioritized in bureaus?**

It is up to bureaus to determine which options they can offer while meeting their operational needs, as discussed in question #3. Decisions should be prioritized to reflect the intent; to provide support and flexibility to employees who are facilitating the virtual learning of small children, caregivers, or have underlying health conditions identified by the Centers for Disease Control and Prevention (CDC) related to COVID-19.

**6. What if there's a program option that works best for me, but my bureau doesn't offer it?**

Employees are encouraged to discuss needs with their managers, bureau equity managers, and/or the human resources business partner within their bureau to ensure questions and concerns can be addressed and resolved.

Bureaus will need to make decisions about the program options they will offer based on the following considerations:

- Impact to services
- Available coverage or impact to colleagues
- Cost to operation (OT, additional staffing)
- Equitable application of approvals/denials
- Preference provided to caregivers
- Preference those with underlying health conditions

**7. What if my bureau denies my request to take part in this program?**

Whether one can participate in the program will be determined by employee needs, and the ability of the bureau to accommodate those needs immediately or in the future. Should an employee have additional questions, they will be encouraged to contact the bureau equity manager and/or the human resources business partner assigned to their bureau.

**8. Who makes the final decision on whether I can participate?**

Bureau management will be the decision maker within this process. As a City government and public organization, each bureau has an obligation to our community first.

**9. Where do I go if I feel like I'm being treated unfairly regarding the Safety Net Program?**

Go to your Human Resources Business Partner (HRBP). A list of HRBPs can be found here: <https://www.portlandoregon.gov/bhr/27797#ER>

You may also seek out your bureau's Equity Manager, or you can email [BHRcommunications@portlandoregon.gov](mailto:BHRcommunications@portlandoregon.gov), as an additional resource.

**10. Where are the forms?**

A schedule reduction form as well as applications for the Safety Net Layoff option, the Safety Net Severance option, and the Safety Net Temporary Leave option will all be available on the BHR website: <https://www.portlandoregon.gov/bhr/81209>

Bureaus will handle distribution of these forms as necessary given the options they choose to extend.

**11. Are there other leave options with flexibility besides this program?**

Families First Coronavirus Response Act (FFCRA); Coronavirus Aid, Relief, and Economic Security Act (CARES); COVID-19 Response Leave Sharing program; flexible work hours; Oregon Family Medical Leave Act (OFLA), alternate work schedules; Family and Medical Leave Act (FMLA). Employees are encouraged to contact their FMLA coordinator with questions.

A list of Family Medical Leave coordinators can be found here: <https://www.portlandoregon.gov/bhr/article/423838>

A list of existing leave options, and what the Safety Net program provides can be found here: <https://www.portlandoregon.gov/bhr/article/766690>

**12. When will this program be available to represented employees?**

All Safety Net options are subject to collective bargaining for represented staff. The City has an [agreement](#) with the District Council of Trade Unions (DCTU), Laborers' International Union of North America (LIUNA) Local 483, and Professional Technical Employees Local 17 (PROTEC17) to participate in this program.

**13. Why doesn't the Safety Net Ordinance mention caregivers?**

The intent is not to be exclusive and uses the term employees to cover a broad range of circumstances.

**14. How will you ensure that by opting into one of these options, I am not at risk for future layoff?**

Expanding the Safety Net Program does not prevent the possibility of future layoffs. In the event of layoffs, employees who participate in the Safety Net Program will be treated the same as other employees. They are neither shielded from layoffs, nor prioritized for layoffs.

**15. Who has reviewed this program, to ensure it is consistent with the City's core values?**

These programs strive to honor each core value. These programs provide savings to bureaus and are therefore fiscally responsible, BHR has communicated with stakeholders regarding each tool (e.g. employees, Bureau Directors, Council Exec's, OEHR, Equity Managers) they are been developed collaboratively and transparently. We continue to deal with institutional and systemic racism within our organization, we know this program has risks of being inequitable. We are all committed to continue to learn and make decisions that honor all the adopted values and have opportunities built in to review and discuss questions and concerns.

**16. Will cost of living raises for represented employees (when eligible) be "frozen" while out on leave?**

Represented employees should check with their unions regarding the timing of cost of living increases based upon the Letters of Agreement negotiated prior the adoption of the FY21/22 budget.

**17. How will cost-of-living allowances (COLA) and merit increases be impacted if I select one of these options?**

While it is still unclear what financial decisions will be made about cost of living and/or merit increases next fiscal year, some options may impact an employee's merit and/or COLA timeline.

**18. Have stipends been evaluated as an option?**

The City continues to discuss stipends. We expect to have additional feedback from the Dependent Care survey to consider. In order to pay employees differently, the City must establish a stipend to be a legitimate factor for pay equity under state law. This is a very high standard. The bona fide factors that permit employees to be compensated differently for performing work of comparable character are a seniority system, a merit system, a system that measures earning by quantity or quality of production (such as piece-rate), workplace location, travel (if regular and necessary for the employee), education, training, and/or experience.

**19. How can bureaus ensure privacy when prioritizing employee participation?**

The employee interest form does not ask for health information. We are working with the City Attorney, Bureau Directors, and Equity Managers to ensure priority decisions are made equitably.

**20. Are bureaus going to have the ability to limit the amount of time employees can participate?**

They may want to. It will depend on the bureau, the service it provides, operations, whether work contracts are in play and a host of other considerations. Bureaus can negotiate with employees individually, but as public entity, we are responsible to public. So, if a bureau has need to get work done by a certain date, it may not be able to offer all options.

**21. Is there any thought of the program being extended?**

At this point, getting through FY 21/22 and pandemic is what's most important. It's too early to tell if the program can be extended beyond needs related to the pandemic.

**22. Is there an appeals process if someone is denied participation in the program?**

Contact your Human Resources Business Partner. You can also contact an Equity Manager or send a confidential email to [BHRCommunications@portlandoregon.gov](mailto:BHRCommunications@portlandoregon.gov).

**23. If an employee is approved for an option and then transfers to a different bureau, does the employee need to go through an approval process with the new bureau?**

If an employee is transferring positions/bureaus, the transfer and Safety Net program participation needs to be coordinated between the bureaus and HRBPs. If an employee is moving positions within the same bureau, the HRBP can facilitate.

**24. Do we have a timeline for when Safety Net will be available for represented employees?**

We are talking daily and hope to have an implementation timeline soon.

**25. How will bureaus prioritize consideration of request with potentially competing operational consideration from employees? How will prioritization occur amongst employees who each have caregiver responsibilities or underlying health conditions?**

Please see answer #6.

**26. How do bureaus prioritize requests made by employees after initial determinations have been made or implemented for other employees, e.g. determination of operational constraints, equity, etc.?**

Bureaus should make determinations in consultation with BHR business partners.

### Answers related to Split / Flex Schedule

**27. Can you explain more about split/flex time?**

Currently bureaus and employees can come to flexible schedule agreements by day, hours, and whatever works best for both. A [Schedule Creation form](#) can be found on the BHR website. Employees must work this out with their managers. We are working with labor partners to offer this option to represented employees.

### Answers related to Reduced Schedules

**28. If I reduce my schedule, how long could I retain full-time benefits?**

Full-time benefits may be retained throughout reduced schedules. This provision within the ordinance ends June 30, 2022.

**29. What if I only want to go part time for a while, can I go back to full-time at any time?**

The employee and bureau must agree on a time frame. If the employee wants to return to full-time sooner than the agreed upon date, a 30-day notice must be given by the employee.

**30. What is the minimum number of hours I need to work to remain eligible at my current**

**benefit contribution level?**

Twenty hours per week. For example, if an employee is currently working 64 hours per pay period, they are paying 12% of their healthcare premium costs. If an employee reduces from 64 hours to 40 hours as part of the Safety Net program, they would maintain the same contribution level for the duration of their agreement.

**31. By reducing my hours, do I then become at-risk to be laid off?**

Employees who have bureau approval to reduce their schedule would not be at any higher risk for layoff. Because a reduction in schedule provides a cost saving to the bureau, this arrangement could help reduce the need or extent of layoffs for a bureau.

**32. Will reducing my hours impact my current benefit contributions?**

No, your employee premium share contributions will remain as if you did not reduce your hours. For example, if your current benefit contributions are 5%, you will continue to contribute 5% even at your reduced schedule.

**33. If an employee reduces their hours below 72 -per pay period / 36 per week – will it negatively impact their leave quota accruals? For example, if an 80-hour employee goes to 60 hours, will their sick leave and vacation leave accruals then pro-rate, or will they remain at 80-hour levels?**

As long as the bureau uses the processes developed for this program, the reduction in schedule will not result in a decrease, in an employee's pre-participation of sick leave and vacation leave accrual levels.

**34. If I reduce my hours, will the work hours be set specifically?**

The purpose of implementing a reduced schedule is to allow flexibility to meet employee needs. Employees interested in a reduced schedule should work with their manager to find an arrangement that meets the needs of the employee and the bureau.

**35. What if I work more than the agreed upon reduced hours?**

Payment for hours worked would be subject to applicable Human Resources Administrative Rules, as well as State and Federal law. If you expect to work beyond your reduced hours, you should be in communication with your manager.

**36. Is the reduction of hours option available to all employees (regular, limited duration, temporary, casual)?**

Regular, limited duration, and temporary employees are eligible for participation since these are all budgeted positions. Employees in these positions are potentially eligible for benefits, and will continue receiving those benefits if they are taking a reduction in

hours, but still working/paid at least 20 hours per week.

Casual employees have variable hour schedules, and are not eligible for benefits, the schedule related component of the program offering doesn't apply.

**37. What time code do I use on my timesheet for a reduced schedule?**

RSUP will be used for hour reductions in the Safety Net Program. RSUP is currently set up for use by DCTU, PROTEC17, and DCTU-Housing. It is being programmed to also be available for LiUNA (PCL) and non-reps. Until this is programmed, PCL and non-rep employees should use A/A code "FRUP" and enter the time that the employee is not working (reducing their schedule). If there are questions about how to use this code, please consult with your bureau timekeeper.

**38. If I reduce my schedule, can I qualify for Work Share?**

Work Share eligibility is determined by the Oregon Employment Department (OED). An employee's normal weekly hours of work and wages must be reduced by at least 20%, but no more than 40%. If you have already submitted a Work Share initial claim form, we will file a claim for you for each week that you reduce your schedule. If you have not filed a Work Share initial claim form previously and you would like to receive Work Share benefits, your initial claim form must be submitted by 5 p.m. on Monday of the first week you plan to start reducing your schedule under the Safety Net program. You can find the forms and a detailed Work Share FAQ at <https://www.portlandoregon.gov/bhr/article/761976>. Contact your HRBP about how to submit your Work Share forms.

**39. Regarding a reduced schedule, if full-time employee decided to go two-thirds time, then later wants to go fifty percent, is it renegotiated or just done?**

Specific circumstances need to be renegotiated between an employee and their manager.

**40. If an employee already works a reduced schedule, do they need to apply?**

Only if they want to further reduce their schedule.

**41. Does vacation accrual get reduced with the new (reduced) schedule?**

If someone is on a reduced workweek, the accrual will remain the same. Accruals are what the employee had at the time the reduced schedule begins. For example, if someone elects to go to 32 hours, vacation would still accrue at 40 hours.

## **Answers related to Voluntary Layoff**

### **42. Can I collect unemployment if I agree to a voluntary layoff?**

If you choose to file for unemployment, the City will not contest the claim.

### **43. What are recall rights?**

Recall rights are defined under HRAR 7.06:

<https://www.portlandoregon.gov/citycode/article/12433>

Under this rule, laid off employees are placed on a recall for work list in the classification they were laid off from. Employees are eligible for recall for a period of time equal to the length of their total City service; at least three years but no more than five years.

## **Answers related to Unpaid Leave**

### **44. If I take temporary unpaid leave, can I collect unemployment?**

While unemployment claims are determined by the state, voluntary leaves of absence do not typically qualify because work is still available to the employee.

### **45. What if I'm told I have to come back, and I'm not ready?**

Temporary unpaid leave would be approved for a specific period by bureau management. If there's an operational need to come back earlier, that will be discussed by management and the employee. Failure to return to work as directed shall be considered a voluntary separation from City service.

### **46. If I take unpaid leave, what if my bureau decides after a few months, they can't continue to pay for my healthcare coverage?**

The leave is unpaid and approved conditioned upon the bureau agreeing to pay for healthcare coverage. Bureaus would not have the option to discontinue its required contribution under this arrangement.

### **47. If I take unpaid leave, how much notice will I get to report back to work?**

Bureaus may recall employees to work at any time during the leave, failure to return to work as directed will be considered a voluntary separation from City service. Employees will have up to 30 calendar days to report back to work after notification.

**48. How will unpaid leave affect my retirement?**

Unpaid leave will not generate income subject to PERS, and as a result will not be reported. Leaves of absence greater than 11 days are reported to PERS and may affect creditable service time.

**49. How will I pay my employee contribution for benefit coverage during unpaid leave?**

Employee contributions for unpaid leave in the current fiscal year will be deducted from the employee's last check before going on leave. Should a leave cross over into a new fiscal year a payment option would need to be agreed upon.

**50. What is the expectation of employees and bureaus at the end of the agreed upon unpaid leave period?**

Employees should expect to return to their prior position, at their prior rate of pay upon return from leave. However, should the bureau decide layoffs are necessary during a period of unpaid leave, the employee's position could be impacted. If an employee's position is impacted, the bureau will follow recall and redeployment policies and procedures.

**51. Will my leave accruals continue to increase while I'm on temporary unpaid leave?**

No. Leave accruals will remain as is during the entire leave. No new leave will accrue.

**52. Can I work for another employer during temporary unpaid leave?**

Yes. However, all employees must make a written disclosure regarding outside employment, including actual or potential conflicts of interest. Please review [HRAR 4.05](#) for additional information.

**53. What's the functional difference between unpaid leave and furlough?**

Furlough is something you would take one or two days a week and keeps you eligible for Work Share. Unpaid leave is for an agreed upon longer length of time.

**54. Will this unpaid leave factor into the General Leave of Absence limit under HRAR 6.01 (no more than 12 months in any 5-year period)?**

No. Unpaid leave under the Safety Net program is unique and separate.

## **Answers related to Severance Agreements**

**55. Can I collect unemployment if I agree to the severance option?**

While unemployment claims are determined by the State, voluntary separations do not typically qualify.

**56. If I do a severance agreement, can I take the healthcare coverage for six months, and the cash payout, then apply for a City job when or before the healthcare coverage runs out?**

No. Severance agreements restrict future City employment for three years after separation.

**57. Would the up to \$15K severance be in place of, or in addition to any accrued leave that may be paid out?**

In addition to; this is from a separate source of money, and not connected to vacation payouts.

**58. Does the City have a quota of how many employees can take the severance package?**

No. It is a decision to be made by individual bureaus, based on employee needs and the bureau's ability to continue operations.

**59. When is the last date the severance option can be taken?**

Currently, there are no parameters or dates around this option. This is not like the voluntary retirement program of years past. The dollar amount might be the same but the way it works is different.

**60. What are the specifics regarding the option of COBRA for employees who have elected coverage under our City benefits package versus those who do not have City coverage? Will all employees who elect a voluntary severance be eligible for City benefits continuation?**

The rules of the City benefits plan are that employees must currently be enrolled in a City healthcare plan before separating, in order to be eligible for COBRA coverage.

**61. Are there any healthcare accounts that the \$15,000 can be deposited into before taxes if one chooses the severance package?**

No, under COBRA, employees won't be taxed. But, if a cash payout is taken, it will be taxed.

**62. Can a person take the 6 months of healthcare coverage and still get a partial payout if**

**that doesn't add up to the \$15,000?**

Yes. You can choose a combination of benefit coverage and cash payout. Employees can review current plan rates at <https://www.portlandoregon.gov/bhr/article/626939> and calculate the six-month value of their elected coverage. Additional questions regarding coverage and calculations can be answered by reaching out to Benefits at [Benefits@portlandoregon.gov](mailto:Benefits@portlandoregon.gov).

**63. If I am receiving Long-Term Disability (LTD) benefits, will doing a severance agreement disqualify my LTD claim?**

Separating employment after your LTD claim is approved will not end your eligible benefits. Once approved, it is your "disability" status that determines how long your LTD benefits will continue; not your employment status with the City. However, any cash payout would be considered "salary continuation" and will affect the amount of your monthly LTD benefits for a period of time. The Standard Insurance will take the cash payout amount and divide it by your Pre-disability earnings (PDE) to determine the period it would cover. For example, a \$10,000 cash payout with PDE of \$2,500 per month would last for 4 months from the date of the payment. If your severance agreement is for continued healthcare coverage only, that would not affect your LTD benefits.

**64. Can my severance payout be applied to my deferred compensation account?**

No, but you may have an opportunity to use your vacation payouts. Employees should contact [christina.pham@portlandoregon.gov](mailto:christina.pham@portlandoregon.gov) to discuss their options.

## **Answers related to Voluntary Furlough Days**

**65. What if I commit to taking furlough days, but change my mind?**

Furlough days can be arranged and revised with an employee's manager.

**66. What time code do I use on my timesheet for voluntary furlough?**

FRUP

**67. Will I still qualify for Work Share, or some other type of aid if I take voluntary furlough days?**

Work Share eligibility is determined by the Oregon Employment Department (OED). An employee's normal weekly hours of work and wages must be reduced by at least 20%, but no more than 40%. If you have already submitted a Work Share initial claim form, we will file a claim for you for each week that you reduce your schedule. If you have not

filed a Work Share initial claim form previously and you would like to receive Work Share benefits, your initial claim form must be submitted by 5 p.m. on Monday of the first week you plan to start reducing your schedule under the Safety Net program. You can find the forms and a detailed Work Share FAQ at <https://www.portlandoregon.gov/bhr/article/761976>. Please contact your HRBP about how to submit Work Share forms.

**68. If I take voluntary furlough, and then mandatory furlough is implemented in the future, will I get credit for the days I “volunteered,” or will I be required to start over?**

If additional furlough days are required any voluntary furlough days taken after October 31, 2020 through June 30, 2021 by the employee will count toward any new requirement.

**69. Can I take furlough in partial days, or in smaller increments so the impact is not as great?**

Furlough days must be taken in 8-hour increments (one full workday). This is related to how furlough is processed in SAP.

**70. Do furloughs affect PERS accrual at all?**

Yes. Furlough reduces the amount of money you make, so that lower amount would impact IAP and your year-over-year calculation. Please reach out to PERS directly for answers specific to your situation.

**71. For those looking at voluntary furlough, will Work Share reimbursements be available after the end of the calendar year?**

The City applied for Work Share at the end of May 2020, so the Work Share program is in place for us until May 2021. The City may reapply, but for now the program ends in May 2021.

**72. How will a Safety Net furlough day impact a City-recognized holiday?**

Taking a furlough day before or after a holiday would still allow you to receive holiday pay.