



## **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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