

# Policies

**Subject:** Other Leave Allowances

**Section:** Human Resources

**Approved by:** Marissa Madrigal, Chief Operating Officer

**Approved on:** Sept. 23, 2024

**Replaces:** Other Leave Allowances approved May 2022; Administrative Leave for Exemplary Service (Non-represented Employees), approved April 2022; Alternative Duty Leave, approved October 2013; Bereavement and Funeral Leave approved on April 2022; Jury Duty and Witness Leave, approved December 2012; Leave of Absence without Pay, approved December 2012

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## PURPOSE

Metro provides employees with various types of leave in accordance with this policy.

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## APPLICABLE TO

This policy is applicable to all employees unless stated otherwise in this policy or if the provision is negotiated in a collective bargaining agreement. Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.

## POLICY SECTIONS

1. Bonus Leave
2. Alternative Duty Leave
3. Bereavement and Funeral Leave
4. Jury Duty and Witness Leave
5. Leave of Absence without Pay

## GUIDELINES

### 1. Bonus Leave

- a. Bonus leave outlined in this section is applicable to non-represented, benefits-eligible, regular status and limited duration employees (excluding employees in the Office of the Metro Auditor).

- b. The intent of bonus leave is to reward employees for exemplary service and/or a substantial amount of work in excess of regular work hours for a sustained period of time.
- c. The decision whether to award leave and the length of the leave awarded are at Metro's sole discretion. Bonus leave is not intended to compensate employees for extra work on an hour-for-hour basis.
- d. The maximum leave that may be awarded under this policy is 40 hours per fiscal year.
- e. Leave must be awarded in 8-hour increments, although it may be used in smaller increments in accordance with regular procedures for use of vacation and personal holidays.
- f. Leave awards under this policy are in addition to accrued paid leave and will have no effect on accrual rates or maximum accrual limits for other types of leave.
- g. Bonus leave time must be used within the fiscal year in which it is awarded. Leave time that is not used within the applicable fiscal year will be forfeited.
- h. Employees will not receive monetary payment for any unused leave awarded under this policy
- i. Bonus leave is awarded at the beginning of each fiscal year in July. Department Directors must submit all bonus leave requests to their supervisor (DCOO, GM, or COO) by May 1 of each year. Approved requests must be submitted to Human Resources by June 1 and awards will be issued in July.
- j. A supervisor who wishes to award bonus leave to an employee will submit the bonus leave request form with their justification to their Department Director.
- k. Department Directors will submit any requests they are in support of to their supervisor (DCOO, GM, or COO), for their review and approval, before deciding to award bonus leave.
- l. Once the bonus leave has been approved, it is the responsibility of the Department Director (or designee) to notify Human Resources by emailing the completed, signed request form by June 1 to [employee.statusupdate@oregonmetro.gov](mailto:employee.statusupdate@oregonmetro.gov).
- m. Human Resources will establish a bonus leave bank for the employee by entering the hours into the timekeeping system and will confirm with the supervisor and Department Director when this process has been completed.
- n. The supervisor will notify the employee of leave awarded under this policy.
- o. Employees who have been awarded leave should follow regular procedures for requesting to use accrued leave. Employees may use leave under this policy only after receiving notification that the Human Resources has established a bonus leave bank.

## **2. Alternative Duty Leave**

In compliance with Oregon law, Metro provides for the following types of alternative duty leave.

- a. Peace Corps: At least two years of unpaid leave for volunteering with the Peace Corps and other approved federal volunteer programs.
  - i. This provision is applicable to full-time, regular status employees.

- ii. An employee may draw on any type of accrued paid time off other than sick leave; otherwise, the leave will be unpaid.
  - iii. To request leave for Peace Corps or other federal volunteer service, an employee must provide a copy of their Peace Corps or other appointment documents to their supervisor upon receipt. Employees are encouraged to communicate their intention to apply for volunteer service and the anticipated dates of service as soon as possible to allow for appropriate planning.
  - iv. Upon expiration of the leave, the employee will be reinstated to the position held before the leave was granted unless the position has been eliminated for reasons unrelated to the employee's leave of absence.
    - 1. The employee will receive the same salary as prior to leave unless the applicable pay range has changed during the employee's absence, in which case the employee's salary will be adjusted accordingly.
    - 2. The employee will have the same leave accrual rate and other seniority rights they had before beginning leave.
  - v. Employees on leave for Peace Corps service must return to work within 90 days of their separation of service. Employees who do not return to work within this time period will be deemed to have separated from employment. Returning employees are required to notify Metro of their intent to return to work at least 30 days before their anticipated return date so that Metro can make the necessary arrangements.
- b. Red Cross: An employee who is a certified disaster services volunteer of the American Red Cross may take up to 15 work days of unpaid leave per 12-month period participate in disaster relief services in the State of Oregon.
- i. This provision is applicable to all full-time and part-time employees.
  - ii. An employee may draw on any type of accrued paid time off other than sick leave; otherwise, the leave will be unpaid.
  - iii. A disaster relief volunteer must notify their supervisor as soon as possible in accordance with the applicable work rules for unanticipated absences.
  - iv. The employee must provide documentation of Red Cross certification as soon as possible to confirm leave eligibility.
  - v. If the employee's participation is requested for only a partial day, the employee is not required to return to work for the remainder of their shift.
- c. Search and Rescue Operations: An employee who takes part in a search or rescue operation at the request of any law enforcement agency, the Department of Transportation, the United States Forest Service or any local organization for civil defense will be provided up to five work days of paid leave.
- i. This provision is applicable to all full-time and part-time employees.
  - ii. Paid leave will be in addition to any accrued paid time off.

- iii. An employee who receives a request for participation in a search and rescue operation must notify their supervisor as soon as possible in accordance with the applicable work rules for unanticipated absences.
  - iv. The employee must provide documentation of the request from law enforcement or another agency specified in this policy as soon as possible to confirm leave eligibility.
  - v. Leave will be excused and paid for the period of time for which the employee's participation is requested by the applicable agency, up to a maximum of five days. If the employee's participation is requested for only a partial day, the employee is not required to return to work for the remainder of their shift, and will be paid for the entire day.
  - vi. If an employee wishes to take part in search and rescue operation that is not at the request of law enforcement or another applicable agency, or that continues beyond five days, they should request time off following regular attendance policies or apply for unpaid leave under Metro's Leave Without Pay policy.
- d. Responsibilities
- i. Employee:
    - Notify your supervisor as soon as possible of the need for leave.
    - Give your supervisor the required documentation as soon as possible.
    - Keep your supervisor informed of any changes to your anticipated return date.
    - Request and code leave time consistent with this policy and regular timekeeping procedures.
    - Contact Human Resources if you have questions about your eligibility for leave under this policy or any other concerns related to taking leave.
  - ii. Supervisor:
    - Coordinate with the Department Director as needed to ensure that operational needs are met while the employee is on leave.
    - Notify Human Resources of requests for leave under this policy.
    - Ensure that the leave request is processed and coded appropriately.
  - iii. Human Resources Department:
    - Advise supervisors and employees on leave procedures as needed.

### **3. Bereavement and Funeral Leave.**

- a. This policy is applicable to all non-represented benefits-eligible regular and limited duration employees. Bereavement and funeral leave may be available for represented employees as determined by the applicable collective bargaining agreement and the Oregon Family Leave Act.
- b. Definitions:
  - i. Bereavement: A period of mourning following a death.
  - ii. Qualifying Family Member: As defined by the employee.

- c. Benefits-eligible regular status and limited duration employees are entitled to take up to three days of paid leave upon the death of a qualifying family member for bereavement, to attend the funeral or other memorial service, or to make other necessary arrangements. For benefits-eligible part-time employees, the length of leave will be prorated according to the employee's assigned work hours (FTE).
  - i. Under special circumstances, the supervisor or Department Director may approve paid leave for bereavement to attend the funeral or other memorial service or to make other necessary arrangements following the death of a person other than the employee's qualifying family member.
  - ii. Leave under this policy is distinct from unpaid protected bereavement leave for which the employee may be qualified under the Oregon Family Leave Act. OFLA bereavement leave does not alter or expand any paid funeral or bereavement leave that may be available under this policy. If leave granted under this policy is also covered by OFLA, the two types of leave will run concurrently. Please see Metro's Family and Medical Leave policy for more information.
- d. At the discretion of the supervisor or Department Director, leave may also be granted to eligible employees for the following purposes, to be paid from any accrued paid leave balance. If the employee does not have accrued leave, the leave will be unpaid.
  - i. The supervisor or Department Director may approve up to four additional days off for travel needs related to approved bereavement and funeral leave.
  - ii. The supervisor or Department Director may approve up to four hours of leave for an employee who is a participant in a funeral or memorial service.
  - iii. The supervisor or Department Director may approve up to four hours of leave to attend the funeral of a co-worker.
- e. Leave under this policy ordinarily should be taken within 60 days of the death. If necessary to accommodate religious or cultural practices or other special circumstances, the supervisor or Department Director may approve an extension of this time limit.
- f. Leave under this policy ordinarily should be taken in one continuous period, except as necessary to run concurrently with intermittent OFLA leave, to accommodate religious or cultural practices, or for other special circumstances.
- g. Employees will request leave as soon as practicable after learning of the need for leave. The initial request for leave may be verbal or written and may be directed to the employee's supervisor or Department Director.
- h. The supervisor or Department Director has discretion to request documentation of the need for leave. Acceptable documentation may include a death certificate, obituary notice, memorial service announcement, or any other documents of comparable reliability containing sufficient information to confirm the death and the relationship of the employee to the deceased. If documentation is requested, the employee must provide it within a reasonable time period specified by the supervisor or Department Director.

- i. The supervisor or Department Director will approve or deny requests and will notify the employee and the employee's immediate supervisor of this determination as soon as possible. Leave requests that are covered by OFLA will be processed consistent with Metro's Family and Medical Leave policy.
- j. When evaluating requests for leave that are subject to supervisor or Director approval, consideration will be given to the operational needs of the department, the employee's current workload, and the employee's overall attendance history.
- k. Responsibilities:
  - i. Employee:
    - Make a verbal or written request for leave as soon as possible.
    - Code leave appropriately in Metro's timekeeping system.
  - ii. Supervisor and Department Director:
    - Request supporting documentation if needed to substantiate the employee's need for leave.
    - Consult the Family and Medical Leave policy and coordinate procedures for OFLA bereavement leave if appropriate.
    - Approve or deny requests for leave and notify the employee and the employee's immediate supervisor of this determination as soon as possible.
    - Ensure that leave is coded appropriately in Metro's timekeeping system.
  - iii. Human Resources Department: Provide guidance and information as needed.

#### **4. Jury Duty and Witness Leave**

It is Metro's policy to comply with Oregon law allowing employees to take leave from work for jury duty without the loss of any employment benefits. Metro also provides leave to employees who are subpoenaed as witnesses. Benefits-eligible regular status and limited duration employees will be granted paid leave for jury duty and qualifying witness service.

- a. This policy is applicable to all employees. Paid leave in addition to accruals: Regular status and limited duration employees who are eligible to receive benefits from Metro. Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of the collective bargaining agreement will prevail.
- b. All Metro employees will be excused from work when summoned for jury duty or subpoenaed to appear as a witness before a court, legislative committee or judicial or quasi-judicial body in a matter in which the employee is not a party.
- c. Paid leave will be granted to benefits-eligible regular status and limited duration employees during jury duty or witness service except as specified below. Paid leave granted under this provision is in addition to the employee's regularly accrued paid leave.
- d. With the employee's agreement, Metro may petition for removal of an employee from jury duty if the employee's absence would cause an undue hardship to Metro's operations.
- e. Metro will not coerce or retaliate against employees due to their jury or witness service.
- f. If an employee is required to appear in a matter in which he or she is a party, time off may be granted subject to attendance policies and work rules. Such time off must be paid from

the employee's accrued paid time off. If the employee does not have accrued time off, the leave will be unpaid.

- g. If an employee is required to appear in court or before another government body in connection with his or her assigned duties, such time (including travel time) will be paid work time. The employee will pay to Metro any fees received for this service.
- h. Employees who are required to appear in court in connection with their status as a victim of a personal felony, domestic violence, sexual assault, harassment or stalking may have additional rights under other Metro policies. Please see Metro's Crime Victims' Leave Policy and Domestic Violence, Sexual Assault, Harassment and Stalking Protections Policy or contact the HR Department for more information.
- i. A subpoena is an order issued by the court requiring you to appear in person at a certain place, date and time to testify as a witness about a particular case. An employee summoned for jury duty or subpoenaed as a witness should notify his or her supervisor as soon as possible and provide a copy of the jury summons or subpoena. The employee should request leave using Kronos or with a leave request form if they do not have access to Kronos.
- j. The excused period of leave is the amount of time the employee is required to be present for jury or witness service during his or her regular work hours. Paid leave will be granted to benefits-eligible regular status and limited duration employees for jury duty or witness service in addition to the employee's regularly accrued paid leave time.
  - i. If the employee serves for less than a full day and works for the remainder of the day, leave will also include reasonable travel time to or from the employee's work site.
  - ii. An employee who is released from jury or witness service with four hours or more remaining in his or her shift will be expected to return to work for the remainder of the shift unless the supervisor determines in advance that an exception should be made due to staffing adjustments made to accommodate the leave.
  - iii. An employee who is released from jury or witness service with fewer than 4 hours remaining in his or her shift must consult with his or her supervisor for instruction on whether to return to work for the remainder of the day.
  - iv. If an employee serves for less than a full day but the supervisor directs him or her to stay home for the remainder of the shift, paid jury duty/witness leave will apply.
  - v. If an employee serves for less than a full day but chooses not to return to work, the remaining period of the workday will be unpaid unless the employee chooses to use accrued paid leave time.
  - vi. Employees who work non-standard shifts should consult with their supervisor. The employee's supervisor may approve a temporary shift change or partial paid leave if appropriate under the circumstances.

- k. An employee on leave for jury duty service will have his or her benefits continue for the duration of jury service and witness leave.
- l. If it is permitted by the applicable court or forum, an employee granted paid leave to serve as a juror or witness must waive all fees received for this service, with the exception of travel allowance. If the court or forum does not allow fees to be waived, employees receiving paid leave must pay any fees other than travel allowance to Metro.
  - i. Fees should be remitted by signing over the check to Metro and delivering it to the Metro Financial and Regulatory Services Department, Accounts Receivable.
  - ii. Employees who take unpaid leave or who serve as a juror or witness on their own time or while on accrued leave may keep all fees associated with this service.
- m. An employee on jury duty or witness leave must keep his or her supervisor informed of any changes to his or her anticipated return date and time. If the duration of leave is not known at the outset, the employee should follow regular call-in procedures.
- n. Responsibilities
  - iii. Employee:
    - Notify your supervisor if leave is needed to serve as a juror or witness.
    - Give a copy of the jury summons or witness subpoena to your supervisor as soon as possible.
    - Code leave time as jury duty leave in Kronos or notify your supervisor if assistance with Kronos is needed while on leave.
    - Keep your supervisor informed of any changes to your anticipated return date. If you are released from witness or jury service after a partial day, return to work or contact your supervisor for instruction in accordance with this policy.
    - Waive or pay to Metro any fees, other than travel allowance, received in connection with jury or witness service for which paid leave is awarded.
    - If you experience any adverse employment action or negative treatment as a result of taking leave under this policy, report it following the procedures outlined in Metro's Discrimination and Harassment Policy.
  - iv. Supervisor:
    - Coordinate with the Department Director to ensure that operational needs are met while the employee is on leave.
    - Ensure that leave is coded appropriately in Kronos.
  - v. Department Director: Petition the court to excuse an employee from jury service if the employee's absence would constitute an undue hardship
  - vi. Financial and Regulatory Services – Accounts Receivable: Receive and process jury and witness fees.



## **5. Leave of Absence without Pay**

Metro has discretion to provide leaves of absence without pay to benefits-eligible regular status and limited duration employees for any reasonable purpose not covered by other leave policies or accrued time off.

- a. This leave provision is applicable to all employees, including probationary employees, who are in benefits-eligible regular status and limited duration positions.
- b. Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.
- c. An employee in a benefits-eligible regular status or limited duration position may be granted a leave of absence for any reasonable purpose not covered by other leave policies or accrued time off, without pay and without employee benefits, provided such leave can be scheduled without adversely affecting Metro's operations.
  - i. For employees who have completed initial probation, leave without pay may be granted for a period of up to 90 days upon the approval of the Department Director. In rare circumstances, the period of approved leave may be extended up to a maximum total leave period of 180 days upon written approval by the General Manager (for visitor venues employees), Chief Operating Officer (COO) or designee.
  - ii. Supervisors have discretion to grant probationary employees brief periods of unpaid time off for illness for which the employee has insufficient accrued sick leave, for bereavement, or for any other appropriate purpose, subject to the department's operational needs.
  - iii. An employee may not be granted more than 180 total days of leave under this policy in any four year period unless required by law or approved in writing by the GM or COO due to extraordinary circumstances.
- d. The decision whether to grant leave is at Metro's discretion. Metro is under no obligation to grant a request for leave without pay unless required by other laws or policies. Leave without pay under this policy is not appropriate if another type of protected leave or accrued time off is available.
- e. Subject to the department's operational needs, a supervisor may approve unanticipated, brief periods of unpaid leave, such as a sick day for a probationary employee who does not yet have accrued time off. Such absences will be tracked subject to applicable attendance policies and work rules.
- f. An employee may request leave without pay by submitting a Leave Request Form to their Department Director or designated signer.
- g. Requests for unpaid leave of up to 90 days may be approved by the Department Director provided the leave request is not covered by other leave policies.
  - i. The Department Director shall notify the HR Benefits Manager before awarding leave of more than 30 days for any purpose.

- ii. If a request for leave may qualify as Family and Medical Leave or other types of leave protected by law, the Department Director shall refer the matter to the HR Benefits manager even if the leave is for fewer than 30 days.
- h. Requests for extensions of leave beyond an initial 90-day period must be approved in writing by the General Manager, Chief Operating Officer (COO) or designee.
  - i. The Department Director will forward all such requests to the General Manager or COO with a copy to the Human Resources (HR) Benefits Manager.
  - ii. The General Manager, COO or designee will notify the Department Director and HR Benefits Manager of the decision to approve or deny the request for leave.
- i. The Department Director will notify the employee of the decision to approve or deny the request for leave. If leave is denied, the employee will be given a written explanation of the reason for the denial.
- j. Leave will ordinarily be without health insurance or other benefits unless the employee elects to continue coverage at their own expense. If the period of leave spans more than one month, Metro's contributions toward the employee's health care premiums will be suspended at the conclusion of the month in which leave begins.
  - i. After receiving notification of an award of leave of more than 30 days, the HR Benefits Manager will send the employee any necessary information about the continuation of benefits.
  - ii. An employee who wishes to continue health insurance coverage while on leave should respond promptly to Consolidated Omnibus Budget Reconciliation Act (COBRA) notice and other benefits information. Employees may contact the HR Benefits Manager with any questions.
  - iii. Extended coverage shall be subject to any restrictions in the applicable benefit policy or plan.
- k. Leave approved under this policy ordinarily must be taken in one continuous period. It is not appropriate to schedule intermittent leave in order to extend the continuation of paid benefits.
- l. Leave may not be taken from one position in order to complete a trial period in a different position.
- m. Employees will not accrue additional leave time while on a leave of absence without pay.
- n. Employees must return from leave as scheduled or contact their Department Director if additional leave time is needed. Employees who do not take one of these steps may be deemed to have resigned in accordance with applicable attendance policies and work rules, with consideration given to any extenuating circumstances.
- o. An employee returning from leave for their own serious health condition as defined in Metro's Family and Medical Leave policy will be required to provide a release to full duty before resuming work.
- p. When an employee is on a leave of absence without pay due to a serious medical health condition, they may apply for an extension of health benefits provided by Metro. If they

choose to do so, they will be responsible for their portion of the premium cost-share required for the benefit.

q. Responsibilities

i. Employee:

- Submit a written request for leave without pay to your Department Director at least 30 days in advance or as soon as possible after learning of the need for leave. Include an explanation and/or documentation of the need for leave and your anticipated return date.
- Respond promptly to COBRA notices if you wish to continue employment benefits at your own expense during leave.
- Provide a release to full duty before resuming work following leave taken for your own serious health condition.
- Return to work as scheduled. Contact your Department Director if you need to extend leave beyond the original period.

ii. Department Director:

- Approve or deny requests for leave of up to 90 days. Notify the HR Benefits Manager before awarding leave of 30 days or more. Consult relevant policies and confer with the HR Benefits Manager if a request for leave without pay may qualify as Family and Medical Leave or any other category of leave protected by law.
- Forward requests for leave of more than 90 days to the General Manager, COO or their designee, with a copy to the HR Benefits Manager.
- Notify the employee of the decision to approve or deny leave. Provide a written explanation if leave is denied.
- Ensure that leave time is properly recorded in the Kronos timekeeping system.

iii. General Manager, Chief Operating Officer or Designee: Approve or deny requests for leave of more than 90 days, with copies to the Department Director and HR Benefits Manager. Provide a written explanation if leave is denied.

iv. Human Resources Department:

- Send COBRA notices and any other necessary information related to the continuation of benefits.
- Maintain records related to approved leave requests.
- Update the Human Resources Information System (HRIS) for employees on leave 30 days or more.

## REFERENCES

ORS 652.250; ORS 404.200 (Search and Rescue Leave)

ORS 401.378 (Red Cross Disaster Relief Services Leave)

ORS 236.040 (Peace Corps Leave)

Metro Family and Medical Leave policy

Metro Discrimination and Harassment Policy

ORS 10.061 (jury duty fees); ORS 10.090 (jury duty employment protections)

Oregon Family Leave Act, ORS 659A.150 – 659A.186.

Family and Medical Leave Act, 29 USC Ch. 28

<http://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>

<https://www.oregon.gov/boli/TA/docs/OFLA-Poster.pdf>