

7. If an employee's pre-employment arrest leads to a conviction after hire, the effect of the conviction on the employee's position, if any, will be evaluated by the hiring manager in consultation with the City Auditor.
8. All criminal history information obtained by the Auditor's Office must remain confidential, except where disclosure is required by law.

E. Expunged Records

1. Expungement is the removal of certain criminal and juvenile arrests, citations, charges or convictions from a person's record. The Auditor's Office may not use the fact of an expungement or the expunged record itself to disqualify a person from an employment opportunity.
2. Once a court issues an order expunging a record, the expunged record must be treated as if it never existed. An applicant with an expunged record does not make a misrepresentation if they deny or otherwise do not disclose the existence of the expunged record.

F. Background Investigations

The Auditor's Office may investigate the backgrounds of applicants for and/or employees in positions that have access to restricted records and sensitive information, including but not limited to positions with access to confidential public safety records and/or that require a background investigation due to the nature of the assignment. Additional hiring restrictions may apply to such positions. Background investigations will be conducted in accordance with the following procedures:

1. Operations Management will determine the scope of investigation required for each position. The scope of the investigation required depends on the particular position or assignment, and there must be a nexus between the assigned duties and the scope of the investigation.

- a. A background investigation is intended to be more comprehensive than a criminal conviction check.
 - b. If credit history is intended to be part of the background investigation, Operations Management must consult with legal counsel. State law prohibits discrimination in employment based on information in the credit history of an applicant except under certain circumstances (e.g., if the credit history information is substantially job-related and the reason for the use of such information is disclosed to the applicant in writing).
2. The City Auditor must approve the investigation the first time it is conducted for a particular position or assignment, and thereafter if significant changes are made.
 3. The job announcement must note that a background investigation is required before hire or assignment to the position.
 4. Depending on the scope of the background investigation, the applicant / employee may be required to sign a release.
 5. Operations Management is responsible for arranging the background investigation and processing the cost of the investigation. Operations Management will consider potential conflicts of interest when arranging the investigation.
 6. The content of the background investigation is confidential.
 7. If a background investigation causes the Auditor's Office to question an applicant or employee's suitability for the position, the applicant may be ineligible for hire or the employee may be subject to reassignment or layoff. In some cases, information obtained during a background investigation concerning a current Auditor's Office employee may result in discipline up to and including termination.

G. References for Current or Former Employees; Legal Protections

1. The Auditor's Office will routinely provide the following information in response to reference inquiries regarding current or former Auditor's Office employees:
 - Verification that an individual is or has been employed by the Auditor's Office
 - Dates of employment
 - The title of the position held and the Auditor's Office division where employed
 - The salary of employee when they left the Auditor's Office
 - Whether employment was part-time or full-time.
2. If a manager or supervisor believes that additional factual information should be provided, they must consult with Operations Management to determine whether the additional information should be released.
3. Under Oregon law, an employer who discloses information about an employee's job performance to a prospective employer is protected from civil liability if the information is given in good faith. However, the presumption of good faith is rebutted where it can be shown that the information disclosed by the employer was knowingly false or deliberately misleading, was disclosed with malicious purpose, or violated any of the employee's civil rights.

H. Driving Records

Every person filling a position in which driving is an essential function must meet the eligibility criteria for driving on City business set forth in [City Human Resources Administrative Rule 3.09 – Driving Records](#). The Auditor's Office will evaluate the driving record of any applicant for or employee in a position in which driving is an essential job function in accordance with that rule.

This Chapter was adapted from:

[City Human Resources Administrative Rule 3.09 – Driving Records](#). Adopted by Council on March 6, 2002 (Ordinance No. 176302). Last revised April 25, 2016.

[City Human Resources Administrative Rule 3.11 – Criminal Conviction Checks](#). Adopted by Council on March 6, 2002 (Ordinance No. 176302). Last revised January 1, 2020.

[City Human Resources Administrative Rule 3.12 – Reference Checks and Employment Verification](#). Adopted by Council on March 6, 2002.

[City Human Resources Administrative Rule 3.16 – Background Investigations](#). Adopted by the Chief Administrative Office on October 15, 2002. Last revised November 4, 2011.

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CHAPTER VI: EMPLOYMENT OF RETIREES

A. Employment of Retirees

The Auditor's Office adopts HRAR 3.06 regarding "Employment of Retirees" in its entirety with the following modifications.

1. The following definitions are changed:

- "City of Portland" should be read as "City of Portland, including the Auditor's Office," except in reference to "City of Portland City Code";
- "HRAR 8.04" should be read as "ARA 3.08"; and
- "HRAR 6.03" should be read as "ARA 3.06."

2. The "Eligibility Section" is modified to be:

Reemployment of such employees is solely at the discretion of the Auditor, or the Auditor's designee, and subject to the following conditions:

- a. Reemployment shall be to a classification in which the retiree previously held status.
- b. The retiree shall not have the benefit of any previously acquired seniority.
- c. No permanently appointed employee shall be displaced by reemployment of a retiree.
- d. Must be approved by the Auditor or the Auditor's designee.
- e. No reemployed retiree may work for the City for more than five (5) years, without approval by the Auditor.

This Chapter was adapted from:

[City Human Resources Administrative Rule 3.06 – Employment of Retirees](#). Adopted by Council on March 6, 2002 (Ordinance No. 176302). Last revised January 31, 2024.

CHAPTER VII: COLLEGE WORK STUDY PROGRAM

A. Program Objectives

The Auditor's Office may hire work study employees through the City's established Work Study Program. The Work Study Program is a federally funded program authorized by the Higher Education Act of 1965. It provides employment to college students who otherwise may not be able to complete their education. Work Study Program appointments are used to enable students to gain practical knowledge and further prepare a student for a particular occupation. The program is not intended to supplant or replace City positions.

B. Who Pays for Work Study?

The Auditor's Office is responsible for paying a percentage of an Auditor's Office work study employee's gross wages (depending on the student's school), plus an estimated five percent for other payroll expenses. Colleges finance the remaining portion of the wages.

C. Creating Positions; Wages

1. The Auditor's Office has discretion to create work study positions, interview and hire work study employees, and set wages, within an hourly compensation range set by the respective colleges, within federal guidelines.
2. To create a work study position, the hiring manager will work with Operations Management to develop a job description and submit it to Human Resources. Human Resources will post the job description at participating colleges and assist with the marketing of student positions.
3. Human Resources will notify the Auditor's Office if colleges do not approve the position. Generally, four-year colleges do not allow positions involving teaching and instruction-related tasks.

D. Hiring Work Study Employees

1. Work study employees are hired as follows:
 - a. Students interested in the work study position will contact the Auditor's Office hiring manager directly for interviews.
 - b. The hiring manager will notify Human Resources of the names of the applicant(s) the Auditor's Office wishes to hire.
 - c. Human Resources will execute a contract with the college on behalf of the Auditor's Office and provides administrative support for the Work Study Program, including payroll, personnel action processing, grant tracking, and billings.
 - d. The student(s) must submit their letter showing a work study award to Human Resources and complete hiring paperwork. Human Resources will need the following documents to confirm the hire:
 - A letter from the Auditor's Office indicating the desire to hire the student
 - Proof of work study grant (i.e., certificate of eligibility or authorization referral)
 - A copy of the student's valid I.D.
 - Wage rate and effective date of the hire
 - Authorized position title the student will to be hired into
 - Cost center code
 - e. The hiring manager must receive confirmation from Human Resources before a work study employee may begin work.
 - f. The hiring manager must develop a suitable plan for training the work study employee under close supervision.

2. Work study employees serve at will, do not accrue status in the class in which they have been hired, and have no appeal rights upon demotion, suspension, or termination from the class.
3. Work study employees do not receive leave, service credit, or retirement or healthcare benefits, and are not eligible for priority reemployment under [Auditor's Office Administrative Rule 3.07 – Employee Movement, Chapter V: Layoff, Recall, and Redeployment](#).
4. All work study grants expire at the end of spring term and are terminated on or before June 15. All students awarded summer work study grants must be rehired on June 16 after receiving a certification or authorization from their school.

E. Hours of Work; Time Sheets

1. The hiring manager and work study employee will determine a schedule for the work study employee.
 - a. The hours that work study employees can work vary, but generally, work study employees work 40 hours per week if they attend a four-year college, 20 hours per week if they attend a two-year college, and up to 40 hours per week during breaks. A written request to work during breaks may be required by the college.
 - b. Work study employees may work no more than eight hours per day, no more than 40 hours per week, and no more than five consecutive days. No overtime is permitted.
2. Work study employee time sheets are processed through SAP. Human Resources will compute City earnings to date where necessary and send the Auditor's Office a copy of the time sheet sent to the school.

F. Raises

The Auditor's Office may give raises to work study employees at its discretion, subject to the hourly compensation range set by the respective college. Raises can be given any time but can only be retroactive to the beginning of the current pay period. If the Auditor's Office issues a raise, Operations Management will contact Human Resources via memo indicating the new wage rate. Human Resources will notify Operations Management if additional paperwork is needed to implement the raise.

G. Grant Tracking

Human Resources is responsible for tracking work study grant amounts, but supervisors are expected to regularly communicate with students to track their grant balance. The Division must compensate the student directly for any earnings beyond their grant.

H. Termination

The Auditor's Office must immediately notify Human Resources if a student is released from Work Study Program employment. Human Resources will notify the college.

I. Injuries

Work study employees on the City's payroll are covered by the City's Workers' Compensation Program. In the event of an injury, the student's supervisor should consult Operations Management as soon as possible. Reporting must comply with [Auditor's Office Administrative Rule 3.06 – Leaves, Chapter VII: Supplemental Workers' Compensation Benefits](#).

This Chapter was adapted from:

[City Human Resources Administrative Rule 3.14 – College Work-Study Program.](#)

Adopted by Council on March 6, 2002 (Ordinance No. 176302). Last revised October 15, 2002.

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