

ORDINANCE No. 185602

*Ratify a Letter of Agreement between the City on behalf of the Bureau of Transportation Parking Enforcement Division and the American Federation of State, County and Municipal Employees, Local 189 with regard to Holiday Pay for Parking Code Enforcement Officers (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City and the District Council of Trade Unions (DCTU), of which the American Federation of State, County and Municipal Employees (AFSCME), Local 189 is a member, are parties to a collective bargaining agreement effective July 1, 2010 to June 30, 2013.
2. AFSCME, Local 189 is the sole and exclusive collective bargaining agent for the classification of Parking Code Enforcement Officer (Officer) at the Portland Bureau of Transportation (PBOT), Parking Enforcement Division (Division).
3. Four City designated holidays fall on a specific calendar day each year, as follows:
 - a. New Year's Day – January 1
 - b. Independence Day – July 4
 - c. Veteran's Day- November 11
 - d. Christmas Day – December 25
4. When meters are not enforced on a Saturday or Sunday because of state statute and rule, there is no work for Officers scheduled to work that day.
5. On or about July 24, 2012, the City and AFSCME, Local 189 entered into a Letter of Agreement (LOA) that establishes how Officers will be paid when they are scheduled to work on a holiday that falls on a specific day, and that day is a Saturday or Sunday.
6. In accordance with the LOA, Officers who are scheduled to work on either a Saturday or Sunday that falls on one of the established holidays in paragraph 3 are permitted to elect one of the following:
 - A. Work a scheduled day off in the same Fair Labor Standards Act work week, with approval from the Officer's supervisor;
 - B. Use accrued vacation leave, compensatory time or a deferred or postponed holiday; or
 - C. Take the day off without pay.

7. Article 15.2.3 of the DCTU labor agreement provides that no employee shall receive holiday pay if the employee is absent on his/or scheduled work day either immediately preceding or immediately following the holiday. In accordance with the LOA, if an Officer elects to take one of the established holidays listed in paragraph 3 off without pay, the Officer will receive holiday pay, Article 15.2.3 notwithstanding.
8. Funding for the pay consistent with the LOA is de minimis and is included in the current service level budget for PBOT.

NOW, THEREFORE, the Council directs:

- a. The LOA attached hereto as Exhibit A is hereby ratified by this Council.
- b. PBOT is authorized to fund the pay for the Officers consistent with the LOA within current service level budgets.
- c. This Ordinance is binding City policy.

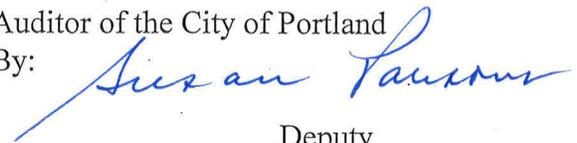
Section 2. The Council declares that an emergency exists because delay would create problems in determining pay for Parking Code Enforcement Officers for certain established holidays; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: SEP 05 2012

Mayor Sam Adams
Prepared by: Anna Kanwit:PW:sds
Date Prepared: August 23, 2012

LaVonne Griffin-Valade
Auditor of the City of Portland

By:



Deputy

Title

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INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED <u>SEP 04 2012</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams <i>[Signature]</i>	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
Position 1/Utilities - Fritz <i>[Signature]</i>	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL Bureau: Bureau of Human Resources Bureau Head: Jack D. Graham <i>[Signature]</i> Anna Kanwit	ACTION TAKEN:
Prepared by: Patrick Ward:sds Date Prepared: August 23, 2012	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Council Meeting Date: September 5, 2012	
✓ City Attorney Approval:	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz <i>[Signature]</i>	1. Fritz	✓	
2. Fish <i>[Signature]</i>	2. Fish	✓	
3. Saltzman <i>[Signature]</i>	3. Saltzman	✓	
4. Leonard <i>[Signature]</i>	4. Leonard	✓	
Adams <i>[Signature]</i>	Adams	✓	