

SETTLEMENT AGREEMENT

(Second Shift Differential Grievances)

This agreement is entered into between the City of Portland (City), on behalf of the Water Bureau (Bureau) and the American Federation of State, County and Municipal Employees, Local 189 (AFSCME).

BACKGROUND:

1. The City and the District Council of Trade Unions (DCTU), of which AFSCME is a member union, are parties to a Collective Bargaining Agreement (CBA) effective July 1, 2010 to June 30, 2013.
2. On July 9, 2009 AFSCME filed a grievance 2009-105) stating that the City, upon configuration of SAP, stopped the practice of paying Water Treatment Operators (WTOs) assigned to the Day 1 and Day 2 schedule four (4) hours of shift differential pay for the hours of 4:00 p.m. to 8:00 p.m. AFSCME failed to advance this grievance to arbitration.
3. On January 6, 2011 AFSCME filed a grievance (2011-103) that was identical to 2009-105.
4. Notwithstanding AFSCME's failure to advance grievance 2009-105 to arbitration, the Bureau agrees to pay shift differential retroactive to June 11, 2009.
5. The parties wish to resolve grievance 2011-103 and pay shift differential to Water Treatment Operators as follows:

AGREEMENT:


1. The City agrees to pay the second shift differential to Leonard Custis and Alan Boschee, WTOs who are assigned to the Day 1 and Day 2 schedule, for the hours they worked between 4:00 p.m. and 8:00 p.m. retroactive to June 11, 2009.
2. AFSCME will withdraw grievance 2011-103 with prejudice.
3. The City and AFSCME agree that this settlement agreement does not violate Article 28.2 Underpayments by agreeing to retroactively pay employees shift differential back to June 11, 2009.
4. The Agreement sets no precedent for any purpose.
5. This Agreement is effective upon approval by the City Council by Ordinance.

Updated 12-07-12 by JMG

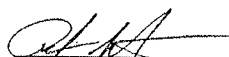
Exhibit A
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For the City of Portland:

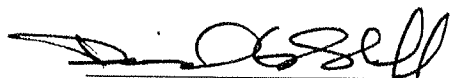
For AFSCME, Local 189:



Anna Kanwit, Date
Bureau of Human Resources Director

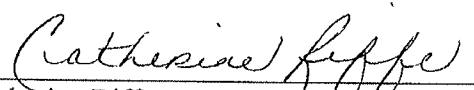


Rob Wheaton 12-12-12
Council Representative Date



David Shaff 12.24.2012
Portland Water Bureau Administrator Date

APPROVED AS TO FORM:



Catherine Riffe 1-9-13
Chief Deputy City Attorney Date