

ORDINANCE No. 184518

* Ratify a Letter of Agreement between the City of Portland, AFSCME Local 189, and Verena Fabian authorizing the settlement of a grievance regarding working out of classification and placement on a new classification wage range. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Ms. Verena Fabian was employed by the Water Bureau as a Laboratory Analyst who asserted via the contractual grievance procedure that she was assigned to substantially perform the duties of Microbiologist without remuneration required by the contract.
2. Article 11.3 of the Collective Bargaining Agreement between the parties states “when an employee is assigned to a higher classification, the employee’s pay rate shall be the step within the higher classification range which represents at least a three percent (3%) increase over the employee’s regular rate in his or her former classification”
3. David Shaff, Water Bureau Director, affirmed that Ms. Fabian worked out of classification as a Microbiologist between October 8, 2007 and August 18, 2008. He granted her compensation of \$1,093.47 for these instances of working out of classification.
4. On August 18, 2008 the City reclassified the Microbiologist classification to the Laboratory Analytical Specialist classification. Ms. Fabian was placed on the second year wage step of the Laboratory Analytical Specialist classification.
5. The parties agree that due to the length of time Ms. Fabian worked out of classification she should have been placed at the top step (third year) of the Laboratory Analytical Specialist classification. The Water Bureau has agreed to pay Ms. Fabian \$21,622.59 for the difference between the second year and third year wage step retroactive to August 18, 2008.
6. The City and AFSCME Local 189 have a mutual interest in settling this grievance.
7. Note: the attached Letter of Agreement incorrectly names the new classification “Laboratory Specialist”. This ordinance corrects the name of the new classification to “Laboratory Analytical Specialist”.

NOW, THEREFORE, the Council directs:

- a. The Letter of Agreement between the City and AFSCME Local 189 attached as Exhibit A is hereby ratified by the Council.

Section 2. The Council declares that an emergency exists in order that this compensation action may occur without delay; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: APR 13 2011

Mayor Sam Adams
Office of Management and Finance
Prepared by: Yvonne L. Deckard:JMG
Date Prepared: March 29, 2011

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

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Agenda No. **184518**
ORDINANCE NO.
Title

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INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED <u>APR 08 2011</u>
COMMISSIONER APPROVAL	
Mayor—Finance and Administration - Adams <i>May 11</i>	LaVonne Griffin-Valade Auditor of the City of Portland
Position 1/Utilities - Fritz	
Position 2/Works - Fish	By: <i>J. Anderson</i> Deputy
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: Bureau of Human Resources Bureau Head: Kenneth L. Rust/Yvonne L. Deckard <i>AB</i>	
Prepared by: Julia Getchell Date Prepared: March 29, 2011	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date April 13, 2011	
City Attorney Approval	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____
Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 5 minutes (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	