

# **ORDINANCE No.      185000**

\*Ratify a Letter of Agreement with Operating Engineers Local 701 and Thomas Gogas authorizing the settlement of a grievance regarding wages and back pay (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Thomas Gogas was employed by the Water Bureau as a Water Meter Technician II who asserted via the contractual grievance procedure that he was paid the incorrect wage rate when he began the Operating Engineer II Training Program on November 11, 2010.
2. Article 27.1 of the CBA provides that, "Wages shall be paid in accordance with the provisions of Schedule A attached hereto." Mr. Gogas was a Water Meter Technician II and paid \$27.88 per hour until November 10, 2010 as per Schedule A.
3. On November 11, 2010, Employee was appointed to the Operating Engineer I classification in order to participate in the Operating Engineering II Training Program which had yet to be approved. Mr. Gogas was paid at the Operating Engineer I entry wage rate of \$22.22 per hour per Schedule A.
4. On December 22, 2010, the Union filed a Level One grievance alleging that the City was paying Employee at the incorrect entry wage rate.
5. In July 2011, the City agreed to implement an official Operating Engineer II Training Program. Under the HRAR 9.03 the employee's salary shall be paid at his or her current wage rate until he or she completes the Training Plan. At such time the employee successfully finishes the Training Plan, the employee is eligible for promotion to Operating Engineer II and paid according the applicable wage rate.
6. The City shall reappoint Mr. Gogas to the Water Meter Technician II classification, effective November 11, 2010, as set out in the Operating Engineer II Training Program.
7. The City shall pay Mr. Gogas back wages for the period November 11, 2010 to September 14, 2011 in the amount of \$9,378.55. This amount is subject to regular payroll deductions, tax withholdings and contributions.
8. The City and Operating Engineers Local 701 have a mutual interest in settling this grievance.

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NOW, THEREFORE, the Council directs:

- a. The Settlement Agreement between the City and Operating Engineers Local 701 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 after its passage by the Council.

Passed by the Council: NOV 16 2011

Mayor Sam Adams

Prepared by: Yvonne L. Deckard:JMG

Date Prepared: November 1, 2011

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By



Deputy

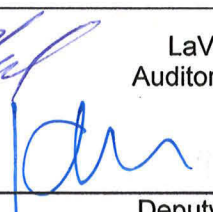


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Agenda No.  
**ORDINANCE NO. 185000**  
 with Title

\*Ratify a Letter of Agreement between the City of Portland, Operating Engineers Local 701 and Thomas Gogas authorizing the settlement of a grievance regarding wages and back pay (Ordinance)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Sam Adams</b>	CLERK USE: DATE FILED <b>NOV 10 2011</b>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By:  Deputy
<b>BUREAU APPROVAL</b> Bureau: Bureau of Human Resources Bureau Head: Jack D. Graham /  Yvonne L. Deckard 	<b>ACTION TAKEN:</b>
Prepared by: Julia Getchell Date Prepared: November 1, 2011	
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 type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date November 16, 2011	
<b>City Attorney Approval</b>	

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

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	