

ORDINANCE No. 185600

*Ratify a Settlement Agreement and Memorandum of Understanding between the City on behalf of the Portland Police Bureau and the Portland Police Association that fully resolves and settles grievances regarding coach's pay, shift differential pay and the VCAD system (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City and the Portland Police Association (PPA) are parties to a collective bargaining agreement effective July 1, 2010 to June 30, 2013.
2. The PPA is the sole and exclusive collective bargaining agent for the purposes of establishing salaries, wages, hours and other conditions of employment for all sworn Portland Police Bureau (PPB) personnel below the rank of Lieutenant.
3. On or about February 7, 2012, the PPA filed Grievance No. 2012-04 regarding the payment of coach's pay, and alleged violations of Articles 3 and 63 of the parties' collective bargaining agreement. The City denied the grievance. The parties tolled the processing of the grievance on or about March 13, 2012 pending settlement discussions.
4. On or about February 29, 2012, the PPA filed Grievance No. 2012-05 over pay practices for detective coaches, and alleged violations of Articles 3 and 63 of the parties' collective bargaining agreement. The City denied the grievance. The parties tolled the processing of the grievance on or about March 13, 2012 pending settlement discussions. Grievance Nos. 2012-04 and 2012-05 are referred to collectively as the Coach's Pay grievances.
5. On or about July 19, 2011, the PPA filed Grievance No. 2011-09 over the non-inclusion of the shift differential when calculating and paying leave accruals, such as vacation, and alleged violations of Articles 3 and 55.2 of the parties' collective bargaining agreement. The City denied the grievance, and the PPA requested arbitration.
6. On or about August 4, 2011, the PPA filed Grievance No. 2011-10 alleging the non-inclusion of the shift differential in an officer's regular rate of pay for the purpose of paying overtime, and alleging violations of Articles 3, 43, and 55.2 of the parties' collective bargaining agreement. The City denied the grievance, and the PPA requested arbitration.
7. On or about January 31, 2012, the PPA filed Grievance No. 2012-02 alleging that the shift differential was not properly paid in violation of Articles 3, 43, and 55.2. The City denied the grievance, and the parties processed the grievance to arbitration. Grievance Nos. 2011-09, 2011-10 and 2012-02 are referred to collectively as the Shift Differential grievances.

8. On or about May 24, 2011, the PPA filed Grievance No. 2011-05 (the VCAD grievance) alleging that the City implemented a new VCAD system without first coming to agreement with the PPA over the mandatorily negotiable impacts of VCAD under Article 3 of the collective bargaining agreement. The City denied the grievance, and the PPA requested arbitration.
9. On or about August 23, 2012, the City and the PPA entered into a Settlement Agreement and Memorandum of Understanding (the Agreement and MOU) that fully resolves and settles the Coach's Pay grievances, the Shift Differential grievances and the VCAD grievance.
10. In accordance with the Agreement and MOU, the City will pay PPA members who are eligible for coach's pay consistent with Article 63 and the Agreement and MOU retroactively to February 16, 2012.
11. In accordance with the Agreement and MOU, the City will pay PPA members who are eligible for the shift differential premium consistent with Article 55.2 and the Agreement and MOU retroactively to June 1, 2012.
12. In accordance with the Agreement and MOU, the PPA shall have an advisory member on the VCAD user group effective the date the Agreement was signed.
13. In accordance with the Agreement and MOU, the PPA withdrew the Coach's Pay grievances, the Shift Differential grievances and the VCAD grievance effective as of the date the Agreement was signed.
14. Funding for the coach's pay and shift differential premium pay consistent with the Agreement and MOU, both retroactive and going forward, is included in the current service level budget for fiscal year 2012-13.

NOW, THEREFORE, the Council directs:

- a. The Agreement and MOU attached hereto as Exhibit A is hereby ratified by this Council.
- b. The PPB is authorized to fund the coach's pay consistent with the Agreement and MOU retroactive to February 16, 2012 and going forward within its current 2012-13 service level budget.
- c. The PPB is authorized to fund the shift differential premium pay consistent with the Agreement and MOU retroactive to June 1, 2012 and going forward within its current 2012-13 service level budget.
- d. The PPB is authorized to add a PPA advisory member on the VCAD user group consistent with the Agreement and the MOU.
- e. This Ordinance is binding City policy.

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Section 2. The Council declares that an emergency exists because delay in funding would create additional back pay owed; 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

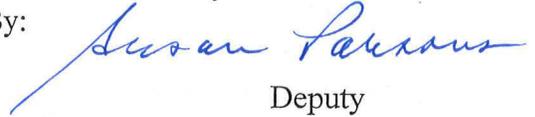
Prepared by: Anna Kanwit:JPG:sds

Date Prepared: August 23, 2012

LaVonne Griffin-Valade

Auditor of the City of Portland

By:



Deputy

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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	LaVonne Griffin-Valade Auditor of the City of Portland
Position 1/Utilities - Fritz <i>Amanda Fritz</i>	
Position 2/Works - Fish <i>[Signature]</i>	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: Bureau of Human Resources Bureau Head: Jack D. Graham / Anna Kanwit <i>[Signature]</i>	ACTION TAKEN:
Prepared by: Jerrell P. Gaddis: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>Amanda Fritz</i>	<input checked="" type="checkbox"/>	
2. Fish <i>[Signature]</i>	<input checked="" type="checkbox"/>	
3. Saltzman <i>[Signature]</i>	<input checked="" type="checkbox"/>	
4. Leonard <i>RL</i>	<input checked="" type="checkbox"/>	
Adams <i>[Signature]</i>	<input checked="" type="checkbox"/>	