

## ORDINANCE No. 188055

\*Ratify a Letter of Agreement between the City and Laborers' Local 483 regarding Maintenance Confined Space Entry and Hazardous Materials Teams (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Laborers' Local 483 (Union) is a signatory union to the July 1, 2013 – June 30, 2017 Collective Bargaining Agreement between the City and the District Council of Trade Unions (DCTU).
2. The Bureau of Transportation Maintenance Operations Group has two special assignments requiring employees to complete training and obtain certifications, and wear Personal Protective Equipment (PPE) when engaged in the assignment.
3. Confined Space Entry Team, known as the Maintenance CSET. Maintenance CSET members work inside of permit-required confined spaces as defined by OSHA or are serve as the rescue team for the entry team. Team members are required to successfully complete 40 hours of training annually in the use of Self-Contained Breather Apparatus/Positive Pressure Respirators (SCBA/PPR) and Low Angle Rope Rescue certifications.
4. Cleaning Hazardous Materials from Sewers (CHMS). This assignment involves the cleaning of contaminated materials encountered verified as hazardous by testing. Employees assigned to this work must first successfully complete advanced Personal Protective Equipment (PPE) and Safety Data Sheet (SDS) training courses and, when hazardous materials are encountered, wear protective suits, eye protection and use fitted face mask breathing apparatus
5. Schedule A, #4 the current labor agreement between the City and the DCTU, provides a premium of \$2 per hour when employees are engaged to work in permit required confined spaces as determined by OSHA or working with contaminated soils. Eligibility to require HAZWOPER certification. While the work described in #3 and #4 above is similar neither require HAZWOPER certification.
6. The City and the Union did not intend to exclude employees assigned these duties from receiving the premium. Therefore, under the Letter of Agreement attached as Exhibit A, the City and the Union agree that, retroactive to July 1, 2015, Maintenance CSET members are entitled to receive a premium of \$2 per hour for actual time worked rounded up to the nearest whole hour when engaged in work inside a confined space as defined by OSHA or serving as the rescue team for the entry team.
7. Pursuant to the Letter of Agreement, Maintenance CSET members are entitled to the \$2 per hour premium upon successful completion of required training and obtain the certifications necessary to perform these duties. .

NOW, THEREFORE, the Council directs:

- a. The Letter of Agreement between the City and the Union attached as Exhibit A is hereby ratified by the Council.
- b. The Mayor and the City Auditor are hereby authorized to pay for the premium pay for Maintenance CSET and CHMS members from the budget of the Bureau of Transportation.

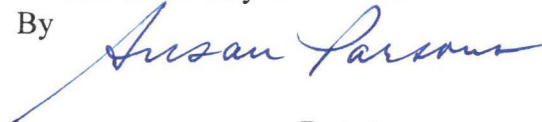
Section 2. The Council declares that an emergency exists because delay would in paying the premium would prevent the City from timely carrying out its commitment under the Letter of Agreement; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: OCT 26 2016

Commissioner Steve Novick  
Prepared by: Anna Kanwit: PTW  
Date Prepared: October 10, 2016

**Mary Hull Caballero**  
Auditor of the City of Portland

By



Deputy

Agenda No.  
**ORDINANCE NO.**  
Title

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<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Charlie Hales</b></p> <hr/> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Hales <i>[Signature]</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> <hr/> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: Bureau of Human Resources <i>for</i></p> <p>OMF CAO: Fred Miller <i>[Signature]</i></p> <p>Bureau Head: Anna Karwit <i>[Signature]</i></p> <p>Prepared by: Patrick Ward</p> <p>Date Prepared: October 10, 2016</p> <p>Financial Impact &amp; Public Involvement Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document</p> <p>If "Yes" requires City Policy paragraph stated in document.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>City Auditor Office Approval:</b> required for Code Ordinances</p> <p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date October 26, 2016</p>	<p>CLERK USE: DATE FILED <u>OCT 18 2016</u></p> <hr/> <p style="text-align: right;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> _____ Deputy</p> <p><b>ACTION TAKEN:</b></p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p><b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/></p> <p><b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)</p>

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