

ORDINANCE No. 188128

*Authorize settlement between Portland Police Association and the City of Portland through its Portland Police Bureau regarding employment claims (Ordinance).

The City of Portland ordains:

Section 1. The Council finds:

1. The Portland Police Bureau (PPB) terminated employee Isaac Lackey on December 23, 2015. The Portland Police Association ("PPA") grieved the termination. The City denied the grievance and the PPA advanced the grievance to arbitration.
2. The parties now desire to compromise and settle the grievance. A copy of the proposed Settlement Agreement is attached as Exhibit A.
3. Under the terms of the Settlement Agreement:
 - a. Lackey's termination will be rescinded and he will be reinstated to his former position as a Criminalist with the PPB, with his reinstatement effective retroactively to December 23, 2015, the date of his termination;
 - b. Lackey's discipline and discipline letter will be modified to a 120-hour suspension without pay and he will return to employment with the Bureau under a Last Chance Agreement, a copy of which is attached to this Ordinance as Exhibit B;
 - c. PPB will reimburse Lackey for back pay for the regular hours he would have worked between the date of his termination, December 23, 2015, and the date of his return to employment with the Bureau at his base rate of pay in effect at the time of his termination, minus 120 hours without pay at his base rate of pay in effect at the time of his termination.
4. PPA agrees to withdraw the grievance with prejudice.
5. PPB and the City Attorney's Office recommend acceptance of the proposed settlement.
6. Per PCC 3.15.050, the Director of the Bureau of Human Resources has reviewed and approved the proposed settlement.

NOW, THEREFORE, the Council directs:

- a. The Mayor, the Police Chief and the Director of the Bureau of Human Resources are authorized to enter into and execute the Settlement Agreement in the form attached to this Ordinance as Exhibit A, and the

Agreement in the form attached to this Ordinance as Exhibit A, and the related Last Chance Agreement attached to this ordinance as Exhibit B, subject to approval as to form by the Office of the City Attorney.


- b. The Police Bureau shall execute a payment authorization in the amount set forth in paragraph 3.c. above.

Section 2. The Council declares that an emergency exists in order to avoid undue and costly delay in settling this claim; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: DEC 07 2016

Commissioner: Mayor Charlie Hales
Prepared by: Mark Amberg
Date Prepared: November 29, 2016

Mary Hull Caballero
Auditor of the City of Portland

By 
Deputy

1347
Agenda No.
ORDINANCE NO. 188128
Title

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<p>INTRODUCED BY Commissioner/Auditor: Mayor Hales</p>	<p>CLERK USE: DATE FILED <u>NOV 29 2016</u></p>
<p>COMMISSIONER APPROVAL <i>[Signature]</i> Mayor—Finance and Administration - Hales</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>	<p style="text-align: right;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL Bureau: Police Bureau Bureau Head: Michael Marshman</p>	<p>ACTION TAKEN:</p>
<p>Prepared by: Mark Amberg Date Prepared: November 29, 2016</p>	
<p>Financial Impact Statement & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i></p>	
<p>Council Meeting Date: December 7, 2016</p>	

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