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190608

Emergency Ordinance

***Authorize Letter of Agreement between the City and the Laborers' International Union of North America Local 483 – Portland City Laborers representing Streetcar Division, relating to the Utility Worker I Streetcar classification**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The City and Laborers' International Union of North America (LiUNA) Local 483 – Portland City Laborers (Portland City Laborers) parties to a collective bargaining agreement (CBA) effective July 1, 2018 to June 30, 2021 and extended until June 30, 2022.
2. The Federal Transit Administration (FTA), the agency that oversees rail transit safety, requires all rail transit providers to participate in their State Safety Oversight (SSO) Program for oversight of rail transit operations. In Oregon, the Oregon Department of Transportation (ODOT) is the agency that is responsible for providing an effective state safety oversight program. ODOT developed a safety management system (SMS), the Project Safety Management System (PSMS).
3. As a result of the implementation of PSMS, the Utility Worker I Streetcar worker has been classified as a "safety sensitive" position. During 2021 Portland City Laborers' asserted its collective bargaining rights under the Public Employees Collective Bargaining Act over the "safety sensitive" change designation.
4. The parties agreed to hold negotiations in abeyance through August 2021 due to on-going COVID-19 pandemic, however, both have a mutual interest in coming to an agreement that meets both parties' interest.

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[Human Resources](#)

Prepared by

Natasha Eberth

Date Prepared

November 3, 2021

Requested Agenda Type

Consent

5. To satisfy this need the bureau will offer Commercial Driver's License (CDL) Class A training at PBOT Maintenance and Operations for employees; Sharon Allen, Nicole Graybill, and Zuleyma Carballo-Figueroa; in the Utility Worker I classification within PBOT Streetcar.
6. Employees must submit their interest in the CDL training program to their managers in writing by October 1, 2021. Training must be completed by December 31, 2022.
7. The City will pay for the expense of the trainings and for the DOT physical, however, time spend in training is voluntary and not paid by the City. Employees participating in the CDL training will be required to obtain a permit and complete ant necessary tests prior to the start of training at their own cost. The City will also conduct a classification and compensation market review and evaluation of the Utility Worker I Streetcar worker.
8. On October 07, 2021 representatives of the City and Portland City Laborers' signed a Letter of Agreement (LOA), Exhibit A, that outlines the terms and conditions of training for the listed represented employees the Utility Worker I classification for the period of November 3, 2021 to June 30, 2022.
9. The agreement is based on the unique circumstances described about and does not constitute or create a precedent for any party to this LOA.

NOW, THEREFORE, the Council directs:

- A. The Director of the Bureau of Human Resources is authorized to enter into a Letter of Agreement, Exhibit A, between the City and Portland City Laborers'.

Section 2. The Council declares that an emergency exists because delay would unnecessarily delay the orderly implementation of the provisions of this Letter of Agreement; therefore, this ordinance shall be in full force and effect after its passage by the Council.

Documents and Exhibits

 [Exhibit A](#) (727.93 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
December 1, 2021

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

 [Impact Statement](#) (22.78 Kb)

Budget Office Financial Impact Analysis

PBOT is reallocating existing resources to fund this training which costs approximately \$9,000. The training is for employees in the Utility Worker I classification within PBOT Streetcar.

Agenda Items

837 Consent Agenda in [December 1, 2021 Council Agenda](#)

Passed

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea