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191267

Emergency Ordinance

*Authorize settlement agreement with Portland Police Association to grant 167 vacation hours and adjust vacation leave accruals for Officer Davonne Zentner

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The City and Portland Police Association (the Union) are parties to a collective bargaining agreement effective July 1, 2021 to June 30, 2025.
2. Article 24 of the collective bargaining agreement outlines the vacation accrual rate based upon years of service.
3. On February 9, 2023, the Union filed a grievance, alleging that the City violated the collective bargaining agreement (CBA) by failing to provide the correct vacation accruals for Officer Davonne Zentner.
4. The City and the Union came to a Settlement Agreement that would grant Zentner 167 hours of vacation leave, effective April 27, 2023 to compensate her for the vacation hours at issue in the grievance. Under the settlement terms, in addition to the two (2) year maximum allowable vacation carryover, Officer Zentner will be allowed to carry over additional vacation leave of 167 hours until the first pay period in 2025, after which, vacation over maximum will be capped under the terms of the CBA.
5. This agreement would also adjust Zentner's vacation accrual rate to 7.39 hours per bi-weekly pay period to bring her to the vacation accrual rate for a bargaining unit members with 20 years of service accrual rate, effective April 27, 2023.
6. The Parties agree that this Agreement reflects a unique resolution of a contested grievance matter and is thus non-precedent setting beyond the terms set forth in this Agreement.

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[Human Resources;](#)
[Management and Finance](#)

Contact

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Director of Bureau of Human Resources

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date


May 10, 2023

NOW, THEREFORE, the Council directs:

- A. The Settlement Agreement between the City and the Union attached as Exhibit A is hereby ratified by Council.

Section 2. The Council declares that an emergency exists because delay will inhibit the proper implementation of the provisions of this agreement; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A \(https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-a-settlement-agreement-between-the-city-and-portland-police-association-for-vacation-leave-and-accruals-for-officer-zentner.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-a-settlement-agreement-between-the-city-and-portland-police-association-for-vacation-leave-and-accruals-for-officer-zentner.pdf) 742.79 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
May 10, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

Article 22.1 of the Portland Police Association Collective Bargaining Agreement both parties pledge their cooperation to settle any grievances or complaints that might arise out of the application of this Contract by use of this procedure. One purpose of the grievance procedure shall be to attempt to settle grievances at the lowest level possible.

Portland Police Association filed a grievance alleging a violation Article 24, vacation leave, and this Ordinance is a Settlement Agreement between the City and Portland Police Association.

Financial and Budgetary Impacts

This Ordinance will have no significant impact to City revenue.

Community Impacts and Community Involvement

There was no community involvement. This action is largely internal to City government processes.

100% Renewable Goal

This action has no impact on the City's renewable energy goal.

Budget Office Financial Impact Analysis

This ordinance authorizes the accrual of previously-unaccrued vacation leave in violation of a CBA, resulting in the lump-sum allocation of 167 hours to this officer. This ordinance does not have an immediate fiscal impact. Risk exists to the extent that leave payouts at employee separation can result in one-time costs to a bureau but are typically absorbed with vacancy savings. Leave taken by sworn officers may result in overtime used to backfill. This ordinance does not change appropriations or allocate any revenue to the Police Bureau.

Agenda Items

364 Consent Agenda in [May 10, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/5/10)
(<https://www.portland.gov/council/agenda/2023/5/10>)

Passed

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea