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191317

Emergency Ordinance

***Authorize settlement of Unfair Labor Practice Complaint, a Letter of Agreement between American Federation of State, County, Municipal Employees and the City, and a retention bonus**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The City and American Federation of State, County, and Municipal Employees (AFSCME) representing employees in the Office of Independent Police Review (IPR) are parties to a collective bargaining agreement for the period beginning July 1, 2022 to June 30, 2025, and which was fully ratified on January 18, 2023.
2. On December 19, 2022, AFSCME filed an unfair labor practice (ULP) complaint, Employment Relations Board (ERB) case number UP-044-22.
3. The City filed an Informal Response to the ULP, and the assigned Administrative Law Judge suggested the parties attempt to settle the dispute.
4. The City and AFSCME met thereafter to discuss terms to resolve the dispute and agreed to such terms, subject to Council approval.
5. The main terms of the settlement agreement, attached as Exhibit 1 and incorporated herein by this reference, for the ULP are as follows: (a) the City will pay AFSCME \$300 to reimburse them for the cost to file the case with ERB; (b) the City will pay to AFSCME any IPR-represented employees' union dues that were not previously deducted as required by law; and (c) on a nonprecedent setting basis, the City will pay an employee who left IPR employment on January 20, 2023 the pay for the retroactive raise that went into effect for IPR-represented employees on July 1, 2022.

Introduced by

[Mayor Ted Wheeler](#)

Bureau

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

Contact

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Monday - Friday, 8:00am - 7:00pm

Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

June 14, 2023

Portland Policy Document


6. The City and AFSCME entered into a letter of agreement, subject to Council approval and attached as Exhibit 2 attached hereto and incorporated herein by this reference, that will correct Articles 2 and 3 of the CBA to apply a change in the law.
7. Authorization for a one-time retention bonus in the amount of \$3,000 for an IPR employee who was in the bargaining unit and promoted out after ratification of the CBA but before the CBA's first \$3,000 retention bonus was authorized and who remains committed to IPR's work through the transition to the Charter's Community Police Oversight Board, and where the IPR Director and Bureau of Human Resources (BHR) Director seek to incentivize this employee to remain at IPR by the one-time retention bonus. No additional incentive payments will be made unless otherwise authorized by Council.


NOW, THEREFORE, the Council directs:

- A. The Director of Human Resources, with approval as to form by the assigned attorney in the City Attorney's Office, is authorized to execute the settlement agreement, attached as Exhibit 1, between the City and AFSCME to resolve the unfair labor practice complaint filed by AFSCME and to make any necessary payments.
- B. The Director of Human Resources, with approval as to form by the assigned attorney in the City Attorney's Office, is further authorized to execute the letter of agreement, attached as Exhibit 2, between the City and AFSCME to amend articles 2 and 3 of the collective bargaining agreement between the City and AFSCME for IPR-represented employees.
- C. The Director of Human Resources and the Director of the Office of IPR are authorized to provide a one-time retention bonus in the amount of \$3,000 in the 2022-2023 fiscal year for the IPR employee promoted out of the bargaining unit after ratification and before the end of the 2022-2023 fiscal year to incentivize the employee to remain as an IPR employee.
- D. This ordinance is binding City policy.

Section 2. The Council declares that an emergency exists so as to expeditious resolve the ULP and to clarify the process for dues deduction and related matters in the collective bargaining agreement; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit 1 \(https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-1-ipr-settlement-agreement-signed.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-1-ipr-settlement-agreement-signed.pdf) 279.35 KB

 [Exhibit 2 \(https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-2-ipr-letter-of-agreement-signed.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-2-ipr-letter-of-agreement-signed.pdf) 276.7 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
June 14, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

This ordinance resolves an unfair labor practice (ULP) complaint, authorizes a letter of agreement between AFSCME-represented employees in the Office of Independent Police Review (IPR), and authorizes a one-time retention bonus for a recently promoted employee.

- The settlement agreement resolves the ULP in a reasonable manner and under the terms of the law.
- The letter of agreement applies a change in the law to the existing collective bargaining agreement.
- The retention bonus acknowledges the work of an IPR employee who promoted out of the bargaining unit and would otherwise be entitled to the bonus, and thereby incentivizing the employee to promote and to remain with IPR.

Financial and Budgetary Impacts

The financial impacts are one-time and as follows:

- The \$300 filing fee payment helps resolve the ULP, along with payment of dues to AFSCME that should have been deducted under a change in the law.
- The letter of agreement has no financial impact.
- Payment of the \$3,000 retention bonus to the promoted IPR employee will come out of IPR's existing budget.

Community Impacts and Community Involvement

There was not community involvement or impact in resolution of the ULP and the changes to the CBA under the letter of agreement, or in the payment of the retention bonus.

100% Renewable Goal

Not applicable.

Budget Office Financial Impact Analysis

Total costs to the City are comprised of a \$300 filing fee payment, payment of dues to AFSCME that should have been deducted, a \$3,000 retention bonus, and pay for the retroactive raise that went into effect for an IPR-represented employee on July 1, 2022. All costs will come out of the Independent Police Review's existing budget.

Agenda Items

488 Consent Agenda in [June 14, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/6/14)
(<https://www.portland.gov/council/agenda/2023/6/14>)

Passed

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea