

ORDINANCE No. 185108

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

The City of Portland ordains:

Section 1. The Council finds:

1. Laborers' Local 483 (Union) is a signatory union to the July 1, 2010 – June 30, 2013 Collective Bargaining Agreement between the City and the District Council of Trade Unions (DCTU).
2. The Bureau of Transportation Maintenance Operations Group has a Confined Space Entry Team, known as the Maintenance CSET. Maintenance CSET 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. Maintenance CSET members are also required to wear SCBA and appropriate personal protective equipment (PPE) when making entries into the City sewer system.
3. Under prior labor agreements between the City and the DCTU, Maintenance CSET entry members and rescue members both received \$1 per hour premium, as provided for at Schedule A, #6. In the current labor agreement between the City and the DCTU, the premium amount was amended at Schedule A, #4 to \$2 per hour. However, the current labor agreement also amended the premium criteria eligibility to require HAZWOPER certification. Nevertheless, HAZWOPER certification is not required to make the type of entries made by Maintenance CSET members.
4. The City and the Union did not intend to exclude Maintenance CSET members from receiving the premium. Therefore, under the Letter of Agreement attached as Exhibit A, the City and the Union agree that, retroactive to November 3, 2010, 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.
5. Pursuant to the Letter of Agreement, Maintenance CSET members are entitled to the \$2 per hour premium upon successful completion of Self-Contained Breather Apparatus/Positive Pressure Respirators (SCBA/PPR) and Low Angle Rope Rescue certifications, and when wearing SCBA/PPR and appropriate PPE.

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 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: JAN 18 2012

Mayor Sam Adams

Prepared by: Yvonne L. Deckard:PW:sds

Date Prepared: December 28, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By: *Gayla Jennings*

Deputy

Agenda No. **185108**
ORDINANCE NO. 185108
 Title

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INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED <u>JAN 12 2012</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <u>[Signature]</u> Deputy ACTION TAKEN:
BUREAU APPROVAL Bureau: Bureau of Human Resources Bureau Head: Jack D. Graham / Yvonne L. Deckard Prepared by: Patrick Ward/SDS Date Prepared: December 28, 2011 Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Council Meeting Date January 18, 2012	
City Attorney Approval	

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

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