

ORDINANCE No. 185306

*Ratify a Letter of Agreement between the City and the District Council of Trade Unions with respect to represented employees who bump to a position that requires a Commercial Driver License (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City requires employees working in certain classifications to possess a valid Commercial Driver's License (CDL) if they perform or have any expectation of performing safety-sensitive duties as defined by the US Department of Transportation Federal Motor Carrier Safety Administration regulations.
2. On March 28, 2012, the City and the DCTU entered into a Letter of Agreement (LOA) in which the parties agreed that when DCTU represented employees who do not possess a valid CDL are laid off, they have up to 60 days to obtain a valid CDL when they exercise their bumping rights and move to a position that requires a valid CDL. The 60 day period begins on the date any such employee moves to the new position.
3. The parties further agreed that a DCTU represented employee without a valid CDL who bumps to a position that requires a valid CDL shall be accommodated for up to 60 days in a non-CDL assignment until he or she obtains a valid CDL.
4. The LOA provides that if an employee is unable to obtain a valid CDL within the 60 day period, he or she shall be laid off according to the provisions of Article 14.
5. The LOA shall sunset on June 30, 2013.

NOW, THEREFORE, the Council directs:

- a. The LOA between the City and the DCTU attached as Exhibit A is hereby ratified by the Council.
- b. This ordinance is binding City policy.

Section 2. The Council declares that an emergency exists because delay would create problems in determining overtime pay; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: MAY 09 2012

Mayor Sam Adams

Prepared by: Yvonne L. Deckard / Anna Kanwit:JMG/sds

Date Prepared: April 24, 2012

LaVonne Griffin-Valade
Auditor of the City of Portland

By:



Deputy

Agenda No. **185306**
ORDINANCE NO.

Title

*Ratify a Letter of Agreement between the City and the District Council of Trade Unions with respect to represented employees who bump to a position that requires a Commercial Driver License (Ordinance)

INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED <u>MAY 03 2012</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams <i>Sam Adams</i>	By: <i>[Signature]</i> Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: Bureau of Human Resources Bureau Head: Jack Graham / <i>JG</i> Yvonne L. Deckard / Anna Kanwit <i>[Signature]</i>	
Prepared by: Julia M. Getchell/sds Date Prepared: April 24, 2012	
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 checked="" type="checkbox"/> No <input type="checkbox"/>	
Council Meeting Date May 9, 2012	
<input checked="" type="checkbox"/> City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	

Directive "Yes"

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	✓	