

ORDINANCE No. 185969

* Authorize general unpaid leave of absence agreement and release with City employee (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City and the Laborers' International Union, Local 483 (Union) are parties to the District Council of Trade Unions' Collective Bargaining Agreement (CBA) effective July 1, 2010 through June 30, 2013.
2. One of the union members has been indicted and is awaiting trial on a federal criminal charge of conspiracy to provide material support to terrorists. Employee is not currently in custody, on condition of compliance with restrictions imposed by federal court order.
3. Although criminally indicted, the employee is entitled to the constitutional presumption of innocence until proven guilty. It is not known how long it may take for the criminal case to go to trial or otherwise be resolved. Employee currently is on paid leave.
4. The City has the exclusive discretion whether to accommodate the federal court conditions of release in the workplace while employee is awaiting trial. The Union and the employee have potential claims related to his general employment, as well as under the Union contract.
5. The parties have agreed to jointly address their respective interests by allowing employee to take a general unpaid leave of absence and receive up to 18 months of paid COBRA health insurance for him and his family on a non-precedent setting basis. The agreement attached as Exhibit A allows the employee a limited time for the pending criminal charge or amended or related charge(s) to be resolved, before final action is taken with respect to his employment with the City.

NOW, THEREFORE, the Council directs:

- a. The Directors of the Bureau of Human Resources and the Bureau of Environmental Services are hereby authorized to enter into an agreement on behalf of the City, as attached to this ordinance as Exhibit A.
- b. The Director of the Bureau of Human Resources is authorized to waive the time limit for General Leaves of Absence under the City's Administrative Rule 6.01 as specified in Exhibit A.

- c. The Director of the Bureau of Human Resources is delegated the sole and exclusive authority to extend the employee's unpaid leave for up to one (1) additional year, as specified in the agreement.
- d. The Director of the Bureau of Environmental Services is authorized to pay the cost of employee's COBRA health insurance for him and his family for up to 18 months as specified in Exhibit A.

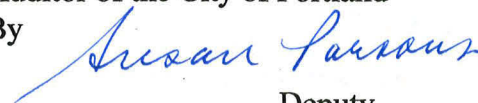
Section 2. The Council declares that an emergency exists. Until action is taken regarding his employment status, employee remains on paid administrative leave. Delay in resolving this matter would be contrary to the public welfare; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: APR 10 2013

Commissioner Mayor Charlie Hales
Prepared by: A. Kanwit/M. Farley
Date Prepared: April 2, 2013

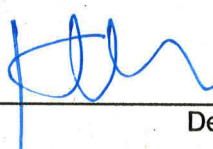
LaVonne Griffin-Valade
Auditor of the City of Portland

By


Deputy

Agenda No. **185969**
ORDINANCE NO.
 Title

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INTRODUCED BY Commissioner/Auditor: <u>Mayor Hales</u>	CLERK USE: DATE FILED <u>APR 05 2013</u>
COMMISSIONER APPROVAL <u>for</u> Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland By: <u></u> Deputy
BUREAU APPROVAL Bureau: OMF/BHR Bureau Head: Anna Kanwit Prepared by: A. Kanwit/M. Farley Date Prepared: April 2, 2013	ACTION TAKEN:
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 April 10, 2013	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" 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. Novick	4. Novick	✓	
Hales	Hales	✓	