

LETTER OF AGREEMENT

The parties to this Letter of Agreement are the City of Portland (City) on behalf of the Water Bureau (Bureau) and Operating Engineers Local 701 (Union) on behalf of the employees in the Operating Engineer classification working at the Water Control Center (WCC) or Groundwater Pump Station during groundwater operations.

BACKGROUND

1. The City and the District Council of Trade Unions (DCTU) are parties to a collective bargaining agreement (DCTU contract) for the period July 1, 2010 through June 30, 2013. The Union is an affiliated union of the DCTU.
2. The City and Union wish to create an alternative work schedule for Operating Engineers working at the WCC or Groundwater Pump Station during groundwater operations that provides 24/7 coverage, offers flexibility, is cost efficient, and increases employee satisfaction.
3. The parties agree as follows:

AGREEMENT

1. The Operating Engineers working at the WCC will work schedules in positions delineated as follows:
 - Day 1 Shift
 - Day 2 Shift
 - Night 1 Shift
 - Night 2 Shift
 - Relief 1 Shift
 - Relief 2 Shift
2. The Operating Engineers working at the WCC will work the following shifts:
 - a. The Operating Engineers on Day 1 Shift and Night 1 Shift will work a bi-weekly schedule consisting of three (3) days off, three (3) twelve (12) hour work days, four (4) days off, three (3) twelve (12) hour work days, and one (1) eight (8) hour work day.
 - b. The Operating Engineers on Day 2 Shift and Night 2 Shift will work a bi-weekly schedule consisting of three (3) twelve (12) hour work days, three (3) days off, one (1) eight (8) hour work day, three (3) twelve (12) hour work days, and four (4) days off.
 - c. The Operating Engineers working Relief 1 Shift will work a bi-weekly schedule consisting of one (1) nine (9) hour work day, one (1) eight (8)

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- hour work day, two (2) days off, four (4) nine (9) hour work days, three (3) days off, and three (3) nine (9) hour work days.
- d. The Operating Engineers working Relief 2 Shift will work a bi-weekly schedule consisting of one (1) nine (9) hour work day, three (3) days off, four (4) nine (9) hour work days, one (1) eight (8) hour work day, two (2) days off, and three (3) nine (9) hour work days.
3. Days and hours worked for each 80-hour pay period are set out in the attached shift schedule. The standard day shift hours set out in Article 7.1 and the shift starting times set out in Article 8.1 of the DCTU contract do not apply and are expressly waived. Technology solutions such as electronic log entries will be employed to provide for transfer of information across shift changes.
 4. Operating Engineers working Day 1 Shift and Day 2 Shift will receive Second/Swing differential pay as set forth in Article 8.2 of the DCTU contract for all hours worked from 2:00 p.m. to 6:00 p.m. during their regularly scheduled shift.
 5. Operating Engineers working Night 1 Shift and Night 2 Shift will receive Third/Graveyard differential pay as set forth in Article 8.2 of the DCTU contract for all hours worked during their regularly scheduled shift.
 6. Operating Engineers working Relief 1 Shift and Relief 2 Shift will receive Relief differential pay as set forth in Article 8.2 of the DCTU contract for the workweek that includes the nine (9) hour work day with a start time of 13:30.
 7. There will be no Relief 1 Shift or Relief 2 Shift assigned to provide coverage when holidays are observed on Wednesdays. The pair of Operating Engineers assigned to work those Wednesdays (Day 1 Shift and Night 1 Shift, or Day 2 Shift and Night 2 Shift) will be assigned to cover the entire holiday including the relief shift time slot. These Operating Engineers will receive eight (8) hours of holiday pay, which reflects their regularly assigned hours on Wednesdays. In addition to holiday pay, the Operating Engineers working those Wednesday holidays shall be paid at the premium rate of time and one-half for any hours worked on those days.
 8. There will be no Relief 1 Shift or Relief 2 Shift assigned when the Operating Engineers on Day 1 Shift and Night 1 Shift, or Day 2 Shift and Night 2 Shift are assigned to report to the Groundwater Pump Station during groundwater operations. The pair of Operating Engineers assigned to work (Day 1 Shift and Night 1 Shift, or Day 2 Shift and Night 2 Shift) will be assigned to cover the entire relief shift time slot on Wednesdays. These Operating Engineers will receive eight (8) hours of regular pay, which reflects their regularly assigned hours on Wednesdays and shall be paid at the overtime rate for any hours worked outside of or in excess of those regularly assigned hours in accordance with Article 9.1.

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9. All Operator Engineers working 12 hour shifts (Day 1 Shift, Night 1 Shift, Day 2 Shift, and Night 2 Shift) will have two (2) paid twenty (20) minute lunch periods during their assigned shift and three paid fifteen (15) minute rest periods, one (1) rest period for each segment of four (4) hours or major part thereof worked.
10. All Operating Engineers working the 9 hour Relief 1 Shift or Relief 2 Shift on Wednesdays will have one (1) paid twenty (20) minute lunch period during their assigned shift and two paid fifteen (15) minute rest periods, one (1) rest period for each segment of four (4) hours or major part thereof worked.
11. All Operating Engineers working shifts at the WCC, or shifts at the Groundwater Pump Station during groundwater operations are expected to respond to plant and control system alarms, phone calls, and any other operational needs that may arise during their lunch or rest periods.
12. All Operating Engineers working shifts at the WCC, or shifts at the Groundwater Pump Station during groundwater operations are ineligible for unpaid absences during the regular work day for personal reasons. Article 8.3 of the DCTU contract does not apply and is expressly waived.
13. In the event the starting or quitting time of any existing schedule is changed, the Union will be advised. Notice of change in shift starting times or days off will be given prior to the end of the employee's workweek before the workweek in which the change becomes effective and such change will be effective for not less than one week, in accordance with the requirements of the DCTU contract. In the event any employee's workdays are changed so that the employee does not have two consecutive days off between schedules, the first day of the changed weekly schedule shall be paid for at time and one-half, in accordance with the DCTU contract.
14. The City and the Union agree that either party may terminate a schedule created under this Agreement at any time for any reason upon thirty (30) days written notice to the other party. The employee(s) will then revert to a shift schedule established by the Bureau under Article 7.1.
15. This Agreement will be effective upon approval by Ordinance by the Portland City Council.

For the Bureau:


David Shaff, Administrator


1. 16. 2013
Date

For the City:


Anna Kanwit, Director
Bureau of Human Resources

1-18-13
Date

For the Union:


Nelda Wilson, Business Manager & Fin. Sec.
Operating Engineers, Local 701

Jan. 11, 2013
Date

Reviewed as to Form:


Catherine Riffe, Chief Deputy City Attorney

1-16-13
Date

	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
					Pay Period Start		
Day 1 & 2	12:00 06:00-18:00	12:00 06:00-18:00	12:00 06:00-18:00	8:00 06:00-14:00	12:00 06:00-18:00	12:00 06:00-18:00	12:00 06:00-18:00
Night 1 & 2	12:00 18:00-06:00	12:00 18:00-06:00	12:00 18:00-06:00	8:00 22:00-06:00	12:00 18:00-06:00	12:00 18:00-06:00	12:00 18:00-06:00
Relief 1	OFF	9:00 06:45-16:15	9:00 06:45-16:15	9:00 06:45-16:15	9:00 06:45-16:15	8:00 06:45-15:15	OFF
Relief 2	OFF	9:00 06:45-16:15	9:00 06:45-16:15	9:00 13:30-22:30	9:00 06:45-16:15	OFF	OFF
	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
					Pay Day		
Day 1 & 2	12:00 06:00-18:00	12:00 06:00-18:00	12:00 06:00-18:00	8:00 06:00-14:00	12:00 06:00-18:00	12:00 06:00-18:00	12:00 06:00-18:00
Night 1 & 2	12:00 18:00-06:00	12:00 18:00-06:00	12:00 18:00-06:00	8:00 22:00-06:00	12:00 18:00-06:00	12:00 18:00-06:00	12:00 18:00-06:00
Relief 1	OFF	9:00 06:45-16:15	9:00 06:45-16:15	9:00 13:30-22:30	9:00 06:45-16:15	OFF	OFF
Relief 2	OFF	9:00 06:45-16:15	9:00 06:45-16:15	9:00 06:45-16:15	9:00 06:45-16:15	8:00 06:45-15:15	OFF
	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
					Pay Period End		
Day 1 & 2	12:00 06:00-18:00	12:00 06:00-18:00	12:00 06:00-18:00	8:00 06:00-14:00	12:00 06:00-18:00	12:00 06:00-18:00	12:00 06:00-18:00
Night 1 & 2	12:00 18:00-06:00	12:00 18:00-06:00	12:00 18:00-06:00	8:00 22:00-06:00	12:00 18:00-06:00	12:00 18:00-06:00	12:00 18:00-06:00
Relief 1	OFF	9:00 06:45-16:15	9:00 06:45-16:15	9:00 06:45-16:15	9:00 06:45-16:15	8:00 06:45-15:15	OFF
Relief 2	OFF	9:00 06:45-16:15	9:00 06:45-16:15	9:00 13:30-22:30	9:00 06:45-16:15	OFF	OFF

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