

Letter of Agreement
(WTO Thursday Holiday Agreement)

The parties to this Agreement are the City of Portland (City) on behalf of the Portland Water Bureau (Bureau) and AFSCME, Local 189 (Union) on behalf of Water Treatment Operators (WTOs) working shifts at Headworks.

Background

1. The City and Union are parties to a collective bargaining agreement (CBA) for the period July 1, 2010 to June 30, 2013.
2. Article 15.1.1 of the CBA lists the state and federal holidays recognized and observed as guaranteed paid holidays, which are referred to herein as holidays.
3. Under Article 15.2 of the CBA, eligible employees receive holiday pay for each employee's regularly scheduled work shift for the holidays on which they perform no work (e.g., an employee regularly scheduled to work an 8 hour shift will be paid 8 hours holiday pay; an employee regularly scheduled to work a 10 hour shift will be paid 10 hours holiday pay.)
4. Under Article 15.1.3 of the CBA, when a holiday falls on an employee's first regularly scheduled day off, the day before the holiday shall be considered the holiday and paid as such.
5. The Headworks Water Treatment Operators on Day 1 Shift, Day 2 Shift, Night 1 Shift and Night 2 Shift (collectively referred to as "Shift WTOs" for the purpose of this Letter) work an alternative work schedule under a Letter of Agreement entered into by the parties on May 15, 2013.
6. The Shift WTOs work a bi-weekly rotation of three (3) twelve and one quarter (12.25) hour work days, two (2) days off, one (1) twelve and one quarter (12.25) hour work day, one (1) six and one half (6.50) hour work day, three (3) days off, and two (2) twelve and one quarter (12.25) hour work days.
7. The six and one half (6.50) hour work day always falls on a Thursday.
8. When a holiday falls on a Thursday or Friday, and that holiday is observed on Thursday for one set of the Day Shift and Night Shift Water Treatment Operators referenced in item 5 above, those Shift WTOs only receive 6.50 hours of holiday pay and compensation for hours worked on Thursday as stated in Article 15.2, which is less than the other set of Day Shift and Night Shift Water Treatment Operators who do not work the Thursday on which the holiday is observed.

9. The parties wish to address this disparity and agree as follows:

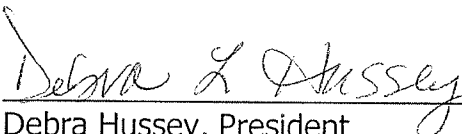
Agreement

1. Shift WTOs who are scheduled to work on a holiday that falls on a Thursday, or a holiday that would be observed on a Thursday because the subsequent Friday is their first regularly scheduled day off, other than Thanksgiving, shall observe the holiday on the following Monday, which is the next regularly scheduled workday. The Shift WTOs shall receive 12.25 hours of holiday pay which is equal to their regularly scheduled work shift on Mondays, and shall be compensated for hours worked on Monday as stated in Article 15.2.
2. Shift WTOs who are scheduled to work on Thanksgiving and have the Friday following Thanksgiving as their first regularly scheduled day off shall observe these holidays on the following Monday and Tuesday respectively, which are their next two regularly scheduled workdays. The Shift WTOs shall receive 12.25 hours of holiday pay each day which is equal to their regularly scheduled work shift on Mondays and Tuesdays and shall be compensated for hours worked on Monday and Tuesday as stated in Article 15.2.
3. Shift WTOs scheduled to work on a Thursday and who arrange to take the Thursday off to observe a holiday will only receive 6.50 hours of holiday pay.
4. This Agreement is effective retroactive to November 3, 2010 and will remain in effect until June 30, 2013.
5. This Agreement is entered into based on the specific schedule for Shift WTOs at Headworks and does not establish a precedent for holiday observances by any other group of employees within the Bureau or in any other bureau represented by a DCTU-member union.
6. This Agreement will be effective upon approval by Ordinance by the Portland City Council.

For the Union:


Rob Wheaton, Council Representative
AFSCME Local 189

12/24/2012
Date



Debra Hussey, President
AFSCME Local 189

12/12/12
Date

For the Bureau:

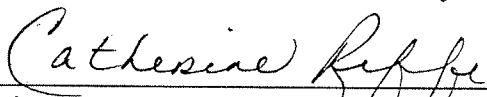
David G. Shaff, Administrator
Portland Water Bureau

12.24.2012
Date

For the City:

Anna Kanwit, Director
Bureau of Human Resources

1-2-2013
Date

Approved as to form:

Catherine Riffe, Chief Deputy City Attorney

6-10-13
Date