

# ORDINANCE No. 186550

\*Ratify a successor collective bargaining agreement between the City and the signatory Unions within the District Council of Trade Unions for the terms and conditions of employment for 2013-2017 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City and the District Council of Trade Unions (DCTU) are parties to a collective bargaining agreement (CBA) effective July 1, 2010 to June 30, 2013 (the 2010-2013 CBA). The signatory unions of the DCTU include AFSCME, Local 189, Laborers' International Union, Local 483, IBEW, Local 48, Machinists and Aerospace Workers, District Lodge 24, Auto Mechanics, District Lodge 24, Operating Engineers, Local 701, Plumbers, Local 290 and Painters and Allied Trades, District Council 5 (the Signatory Unions).
2. The Signatory Unions of the DCTU are the sole and exclusive bargaining agents for all classifications listed at Schedule "A" of the 2010-2013 CBA.
3. On February 19, 2013, pursuant to the City's obligations under ORS 243.650 *et seq.*, representatives of the City entered into negotiations for a successor CBA with representatives of the Signatory Unions of the DCTU.
4. On March 27, 2014, representatives of the City and representatives of the Signatory Unions of the DCTU signed a Tentative Agreement (Agreement), Exhibit A, that outlines the terms and conditions of employment for bargaining unit employees of the Signatory Unions of the DCTU for the period of July 1, 2013 to June 30, 2017 (the 2013-2017 successor CBA). A paper copy of the Agreement is attached to the original of this ordinance. Exhibit A is also temporarily viewable at the following link: <http://www.portlandoregon.gov/bhr/27840>
5. The Agreement meets the City's bargaining interests by securing a four-year successor labor agreement and agreeing to wage increases and other terms and conditions of employment.
6. As of the date this ordinance is submitted, the Signatory Unions of the DCTU are expected to have ratified the Agreement.
7. The Agreement continues to apply the principles of total compensation as the basis for bargaining all monetary subjects and ties general compensation to the Consumer Price Index (CPI). General wage increases will continue to be tied to the Portland CPI-W.
8. Upon ratification by City Council, bargaining unit members in the Signatory Unions of the DCTU will receive a salary increase of fifty percent (.9%) of the annual increase in the Portland CPI-W for the first year of the 2013-2017 successor CBA retroactive to August 29, 2013. Salary rates for FY Two through FY Four of the 2013-2017 successor CBA are to be increased by 100% of the annual increase in the Portland CPI-

W, adjusted on July 1 each year. However, in no event shall the salary increase FY Two through FY Four of the 2013-2017 successor CBA be less than one percent or greater than five percent.

9. The 2013-2017 successor CBA will continue the current health insurance premium share at 95 percent / 5 percent for the life of the 2013-2017 successor CBA.
10. The 2013-2017 successor CBA has new and modified provisions that benefit both the City and represented employees in the Signatory Unions of the DCTU, including, but not limited to:
  - a. New language for Article 6 Job Security and Outside Contracting is added affirming that the City does not intend to privatize its work force; Article 6 also continues the City's assurance that no employee shall lose his or her employment as a direct result of contracting out work that is performed by bargaining unit members. The new language also clarifies how bureaus calculate cost when contracting out is solely for cost savings, and provides exceptions for donated services or services provided under partnership operating agreements. Further, a simpler and more efficient notice process is added that allows the Unions to receive notice of all contracts that are solicited through the procurement process. The new notice provisions alleviate bureaus from having to determine whether the work to be performed is bargaining unit work.
  - b. Article 9 Overtime is modified by eliminating the exception to receiving overtime pay when an employee takes a full shift of non-protected sick leave and works noticed overtime until the employee has worked 40 hours in a workweek. Article 9 also eliminates the option of accruing 80 rolling hours of compensatory time for most employees effective January 1, 2015. Effective January 1, 2015, most employees will be restricted to accruing a maximum of 120 hours of compensatory time per calendar year; accrued compensatory time remaining at the end of a calendar year is applied to an employee's compensatory time accruals for the following calendar year. Employees who are assigned standby time under a Letter of Agreement will continue the option of accruing 80 rolling hours of compensatory time.
  - c. Article 11 Working out of Classification adds language that allows bureaus to require the least senior qualified employee or a qualified temporary employee to be upgraded if there are no willing, available and qualified employees available. Article 11 and a corresponding letter of agreement implements a new Career Development Program Committee that will create a Career Development Program for employees to participate in to be eligible for upgrades. This was part of the City's Equity package in negotiations.
  - d. Article 15 Holidays clarifies that after six months of service, regular full-time employees are entitled to personal holiday time based on three times their normal shift length per calendar year. An eligible employee's normal shift length is determined by taking a snapshot of the employee's workweek schedule on the first day of the first pay period in January.

- e. Article 30 Clothing increases the clothing reimbursement amount from \$135 to \$150 per year, beginning July 1, 2014. Article 30 also adds hearing protection to the list of items eligible for reimbursement and clarifies that reimbursement is for items "intended to protect employees from potential hazards and/or inclement weather encountered in the performance of their assigned duties."
  - f. New letters of agreement are added to establish procedures to follow when the City must require employees to undergo a criminal history check and/or background check for business necessity. The letters of agreement require the City to inform employees of the reason the criminal history check and/or background check is required.
11. The terms and conditions of the 2013-2017 successor CBA shall conform substantially to a form similar to Exhibit A.

NOW, THEREFORE, the Council directs:

- a. The Bureau of Human Resources shall prepare a final form of the 2013-2017 successor CBA in a form substantially similar to the Agreement attached as Exhibit A.
- b. The Mayor, the Human Resources Director and the City Auditor are authorized to execute the 2013-2017 successor CBA between the City and the DCTU relating to the terms and conditions of employment for represented employees in the Signatory Unions of the DCTU, with approval as to form by the City Attorney's office.
- c. The City is authorized to pay for all funds associated with the 2013-2017 successor CBA from the General Fund and the appropriate bureaus who have bargaining unit employees in classifications represented by the Signatory Unions of the DCTU.
- d. This ordinance is binding City policy.

Section 2. The Council declares that an emergency exists in order to avoid an unnecessary delay in the orderly implementation of the provisions of the 2013-2017 successor CBA; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: APR 30 2014

Mayor Charlie Hales  
Prepared by: Anna Kanwit:JMG:ss  
Date Prepared: April 22, 2014

**LaVonne Griffin-Valade**  
Auditor of the City of Portland  
By

  
Deputy

Agenda No. **186550**  
**ORDINANCE NO.**  
 Title

\*Ratify a successor collective bargaining agreement between the City and the signatory Unions within the District Council of Trade Unions for the terms and conditions of employment for 2013-2017 (Ordinance)

<p><b>INTRODUCED BY</b>          Commissioner/Auditor:  <b>Mayor Charlie Hales</b></p>	<p>CLERK USE: DATE FILED <u>APR 25 2014</u></p>
<p><b>COMMISSIONER APPROVAL</b>            Mayor—Finance and Administration - Hales</p>	<p style="text-align: center;">LaVonne Griffin-Valade          Auditor of the City of Portland</p> <p>By:           Deputy</p> <p>ACTION TAKEN:</p>
<p>Position 1/Utilities - Fritz</p>	
<p>Position 2/Works - Fish</p>	
<p>Position 3/Affairs - Saltzman</p>	
<p>Position 4/Safety - Novick</p>	
<p><b>BUREAU APPROVAL</b>          Bureau: OMF/Human Resources          Interim CAO: Fred Miller           Bureau Head: Anna Kanwit</p>	
<p>Prepared by: Julia M. Getchell:ss          Date Prepared: April 22, 2014</p>	
<p>Financial Impact &amp; Public Involvement          Statement          Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document          If "Yes" requires City Policy paragraph stated in          document.          Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	
<p>Council Meeting Date: April 30, 2014</p>	
<p><b>City Attorney Approval:</b> <input checked="" type="checkbox"/>           Matthew Farley, Deputy City Attorney          required for contract, code, easement, franchise,          comp plan, charter</p>	

<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input checked="" type="checkbox"/>          Start time: <b>2:00 p.m.</b></p> <p><b>Total amount of time needed: 1 hour</b>          (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/>  <b>Total amount of time needed:</b> _____          (for presentation, testimony and discussion)</p>

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	✓	