

ORDINANCE No. 18 6723

*Ratify a Letter of Agreement between the City on behalf of the Bureau of Environmental Services and the City of Portland Professional Employees Association that allows employees in the Environmental Technician II classification who work as Fats, Oils and Grease Program Inspectors to flex their schedules within a workday when required to perform early inspections (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City and the City of Portland Professional Employees Association (COPPEA) are parties to a collective bargaining agreement effective July 1, 2013 to June 30, 2017 (the 2013-2017 CBA).
2. COPPEA is the sole and exclusive bargaining agent for employees who are employed at the Bureau of Environmental Services (BES) in the classification of Environmental Technician II.
3. Environment Technician II's are covered by the Fair Labor Standards Act (FLSA). The 2013-2017 CBA does not allow for employees who are covered by the FLSA to flex their work schedule within a work day.
4. Employees in the classification of Environmental Technician II at BES who work as Fats, Oils and Grease (FOG) Program Inspectors typically work from 7:00 a.m. to 3:30 p.m. However, when FOG Inspectors need to perform restaurant inspections, their start times can be as early as 12:00 a.m.
5. FOG Inspectors are normally required to work until the end of their regularly scheduled shift, which may lead to a work day of 11 hours or more when they are required to report to work early to perform inspections. If FOG Inspectors want to leave after working eight hours, they are required to take accrued leave to cover the hours they do not work.
6. When FOG Inspectors come in early they are paid at the overtime rate per Article 19, Section 7(a) of the 2013-2017 CBA. At times FOG Inspectors would rather be allowed to flex their schedule within a work day when they are required to come in early to perform restaurant inspections.
7. On June 26, 2014, the City on behalf of BES and COPPEA entered into a Letter of Agreement (LOA), Exhibit A attached hereto, that authorizes FOG Inspectors to request to flex their schedule within a work day when they are required to come in early to perform restaurant inspections.

8. The LOA provides that FOG Inspectors must make a request to flex their schedule within a work day a minimum of one day in advance to allow the Supervisor reasonable time to consider the request and manage the workflow. The decision whether to allow daily flexing is not subject to the grievance process.
9. The LOA further provides that FOG Inspectors will continue to be paid at the overtime rate for all hours worked outside their regular schedule.

NOW, THEREFORE, the Council directs:

- a. The LOA between the City on behalf of BES and COPPEA attached hereto as Exhibit A is ratified by this Council.
- b. This ordinance is binding City policy.

Section 2. The Council declares that an emergency exists in order that this action occur without delay; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: JUL 23 2014

Mayor Charlie Hales
Prepared by: Anna Kanwit:JKU:ss
Date Prepared: July 10, 2014

LaVonne Griffin-Valade
Auditor of the City of Portland

By *Gayla Jennings*

Deputy

Title

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<p>INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p>	<p>CLERK USE: DATE FILED <u>JUL 17 2014</u></p>
<p>COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u>[Signature]</u> Deputy</p>
<p>BUREAU APPROVAL Bureau: Bureau of Human Resources OMF CAO: Fred Miller <u>[Signature]</u> Bureau Head: Anna Kanwit <u>[Signature]</u></p>	<p>ACTION TAKEN:</p>
<p>Prepared by: AK:JKU:ss Date Prepared: July 10, 2014</p>	
<p>Financial Impact & 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>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: Matthew V. Farley, Deputy City Attorney required for contract, code, easement, franchise, comp plan, charter <u>[Signature]</u></p>	
<p>Council Meeting Date July 23, 2014</p>	

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

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Novick	✓	
Hales	✓	