

## ORDINANCE No. 186937

\*Ratify a Letter of Agreement between the City and Laborers' Local 483 that adjusts the application of Protected Sick Time for Seasonal Maintenance Workers (Ordinance

The City of Portland ordains:

Section 1. The Council finds:

1. The City and the Union are parties to a collective bargaining agreement in effect for the period of July 1, 2013 through June 30, 2018 (the CBA). The CBA was ratified by City Council on October 1, 2014.
2. The Union is the sole and exclusive bargaining agent for the purpose of establishing wages, hours and conditions of employment for employees in the Seasonal Maintenance Worker (SMW) classification (Job Code 30000074) at the City.
3. Ordinance No.185926, approved by City Council on March 13, 2013, authorized changes to the Portland City Code (PCC) to require Protected Sick Time for employees of Portland businesses and employees of the City (the Protected Sick Time Ordinance).
4. PCC 9.01 requires employers to provide employees working within the geographical boundaries of the City with a minimum of one hour of Sick Time for every 30 hours of work performed, and up to a maximum use of 40 hours of Sick Time in a year, unless otherwise allowed by the employer.
5. The CBA provides that SMWs may accrue and use paid City Sick Time in accordance with the Protected Sick Time Ordinance.
6. Regular City employees (permanent, temporary, limited duration) accrue sick leave at a higher accrual rate and may carryover all sick leave.
7. Under the Oregon Public Employee Retirement System (PERS), the City reports to PERS the accumulated unused sick leave accruals for employees annually. For PERS purposes, the maximum sick leave accrual rate is lowest rate of accrual for any employee who is entitled to sick leave.
8. Because the City has different accrual rates for different employees, the allowed rate for PERS purposes will be based on the lower accrual rate earned by SMW bargaining unit members, which will reduce the accrued and unused sick leave accruals reported to PERS for all regular employees.
9. To avoid this result, the amount of City Sick Time a SMW may accrue and use during a calendar year will need to be increased.
10. On December 3, 2014, the City entered into a Letter of Agreement with the Union, Exhibit A attached hereto (the City Sick Time LOA).

11. The City Sick Time LOA provides that SMW bargaining unit members shall accrue City Sick Time at the rate of one hour for every 20 hours of work performed.
12. The City Sick Time LOA further provides that SMW bargaining unit members may carry over into the next calendar year up to 40 hours of unused City Sick Time.
13. The City Sick Time LOA further provides that SMW bargaining unit members may use any accrued and unused City Sick Time subject to the provisions of the City's Human Resources Administrative Rules or applicable collective bargaining agreement; usage is no longer limited to forty hours in a calendar year.
14. Upon ratification by City Council by ordinance, this Agreement will be effective retroactive to January 1, 2014.

NOW, THEREFORE, the Council directs:

- a. The City Sick Time LOA between the City and LL483 attached hereto as Exhibit A is ratified by this Council.
- b. This ordinance is binding City policy.

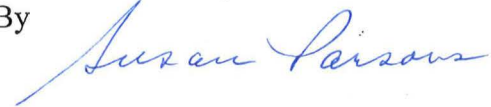
Section 2. The Council declares that an emergency exists in order to avoid an unnecessary delay in the orderly implementation of the provisions of the City Sick Time LOA; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: DEC 17 2014

Mayor Charlie Hales  
Prepared by: Anna Kanwit:DR:ss  
Date Prepared: December 8, 2014

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

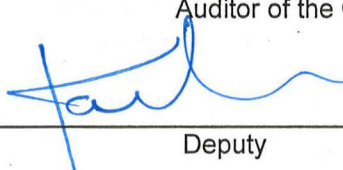
By

  
Deputy

✓ 140

**1320**  
 Agenda No.  
**ORDINANCE NO. 186937**  
 Title

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<p><b>INTRODUCED BY</b>          Commissioner/Auditor:  <b>Mayor Charlie Hales</b></p>	<p>CLERK USE: DATE FILED <u>DEC 12 2014</u></p>
<p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Hales</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 style="text-align: right;">LaVonne Griffin-Valade          Auditor of the City of Portland</p> <p>By:  _____          Deputy</p>
<p><b>BUREAU APPROVAL</b></p> <p>Bureau: Bureau of Human Resources</p> <p>OMF CAO: Fred Miller <i>Fred Miller</i></p> <p>Bureau Head: Anna Kanwit</p> <p>Prepared by: AK:DR:ss <i>A</i></p> <p>Date Prepared: December 8, 2014</p> <p>Financial Impact &amp; Public Involvement Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document</p> <p>If "Yes" requires City Policy paragraph stated in document.</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p><b>City Auditor Office Approval:</b>          required for Code Ordinances</p> <p><b>City Attorney Approval:</b> Catherine Rife, Chief Deputy City Attorney          required for contract, code, easement, franchise, comp plan, charter <i>CR</i></p> <p>Council Meeting Date: December 17, 2014</p>	<p><b>ACTION TAKEN:</b></p>

<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____          (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input type="checkbox"/></p>
<p><b>REGULAR</b> <input checked="" type="checkbox"/></p> <p>Total amount of time needed: <b>5 minutes</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	✓	