

Letter of Agreement

The parties to this Letter of Agreement are the City of Portland (City) and Laborers' Local 483 (the Union).

Background

1. The City and the Union are parties to a collective bargaining agreement in effect for the period of July 1, 2014 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 City Code to require Protected Sick Time for employees of Portland businesses and employees of the City (the Protected Sick Time Ordinance).
4. City Code 9.01 requires employer to provide employees Protected Sick Time at a minimum accrual rate of one hour for every thirty (30) hours worked, to a maximum use of forty (40) hours of Protected Sick Time in a year. Employees may carryover over forty (40) hours of sick time in a new calendar year.
5. The CBA provides that SMW bargaining unit members may accrue and use paid Protected Sick Time in accordance with the Protected Sick Time Ordinance.
6. Regular City of Portland employees (permanent, temporary, limited duration) accrue sick leave at a higher accrual rate than SMW bargaining unit members 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.

In order to avoid this result, the parties agree as follows:

Agreement

1. SMW bargaining unit members shall accrue City Sick Time at the rate of one hour for every twenty (20) hours of work performed.
2. SMW bargaining unit members may carry over into the next calendar year up to forty (40) hours of unused City Sick Time.
3. 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 (40) hours in a calendar year.
4. Upon ratification by City Council by ordinance, this Agreement will be effective retroactive to January 1, 2014.

For the Union:

Erica B. Askin

12/3/14

Erica B. Askin Laborers' Local 483 Business Representative

Date

For the City:

Anna Kanwit

12-3-14

Anna Kanwit, Human Resources Director

Date

Approved as to Form:

Catherine Riffe

12/3/14

Catherine Riffe, Chief Deputy City Attorney

Date