

ORDINANCE No. 187138

*Ratify a Letter of Agreement between the City on behalf of the Bureau of Emergency Communications and the American Federation of State, County and Municipal Employees Local 189 that allows employees in the Emergency Communication Support Specialist Classification to trade full or partial shifts of less than a FLSA workweek (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City and the District Council of Trade Unions (DCTU), of which the American Federation of State, County and Municipal Employees, Local 189 (AFSCME Local, 189) is a signatory Union, are parties to a collective bargaining agreement effective July 1, 2013 to June 30, 2017 (the 2013-2017 CBA).
2. AFSCME Local, 189 is the sole and exclusive bargaining agent on behalf of employees working at the Bureau of Emergency Communications (BOEC) in the Emergency Communication Support Specialist (ECSS) classification (Job ID 30000835). The ECSS classification is listed in Schedule "A" of the 2013-2017 CBA.
3. Article 12.1.2 of the 2013-2017 CBA allows for shift trades or shift changes between employees upon mutual agreement with the City. Shift trades of less than a FLSA workweek have not been allowed under the CBA.
4. Notwithstanding the provisions of the 2013-2017 CBA, because BOEC is a 24/7 operation, it is in the best interest of both BOEC and employees in the ECSS classification to allow ECSS's to trade work shifts of less than a FLSA workweek or pay period and/or to trade partial work shifts, with approval of their supervisors.
5. On May 3, 2015, the City and AFSCME Local, 189 entered into a Letter of Agreement (LOA), Exhibit A attached, that allows employees in the ECSS classification to trade full or partial shifts that are less than a FLSA workweek.
6. The LOA provides that the hours worked as a trade shall be excluded in the calculation of the hours for which the substituting employee would otherwise be entitled to overtime compensation.
7. The LOA further provides that where one employee substitutes for another, each employee will be credited as if he or she had worked his or her normal work schedule for that shift. Notwithstanding the provisions of ORS 653.268, the parties to the LOA agree that at no time shall any hours worked under a trade agreement be paid at the overtime rate.

8. Under the LOA, failure to work a trade twice in six months shall result in termination of all trade privileges for the subsequent six months. Failure to fulfill a trade may also result in the termination of trade privileges and/or disciplinary action.
9. Either party may terminate the LOA with 30 days' advanced written notice.
10. The LOA will become effective upon ratification by City Council.

NOW, THEREFORE, the Council directs:

- a. The LOA between the City on behalf of BOEC and AFSCME Local, 189 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.

Passed by the Council: **MAY 27 2015**

Mayor Charlie Hales
Prepared by: Anna Kanwit:ss
Date Prepared: May 12, 2015

Mary Hull Cabellero
Auditor of the City of Portland

By


Deputy

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p> <p style="text-align: center;">COMMISSIONER APPROVAL</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: center;">BUREAU APPROVAL</p> <p>Bureau: Bureau of Human Resources <i>Fred Miller</i></p> <p>OMF CAO: Fred Miller</p> <p>Bureau Head: Anna Kanwit</p> <p>Prepared by: AK:SS</p> <p>Date Prepared: May 12, 2015</p> <p>Financial Impact & 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>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: Heidi Brown, Deputy City Attorney required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i></p> <p>Council Meeting Date: May 27, 2015</p>	<p>CLERK USE: DATE FILED <u>MAY 22 2015</u></p> <p style="text-align: center;">Mary Hull Cabellero Auditor of the City of Portland</p> <p>By: <i>Susan Parsons</i> Deputy</p> <p>ACTION TAKEN:</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (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	✓	