

ORDINANCE No. 187624

*Ratify a Letter of Agreement between the City on behalf of the Bureau of Development Services and the Bureau of Fire and Police Disability & Retirement Fund and the American Federation of State, County and Municipal Employees Local, 189 on behalf of Deanna Hattan (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City and the District Council of Trade Unions (DCTU), of which AFSCME is a signatory member union, are parties to a Collective Bargaining Agreement (CBA) effective July 1, 2013 to June 30, 2017.
2. AFSCME is the sole collective bargaining representative on behalf of employees working in the Office Support Specialist II classification (Job Classification No. 30000012) (OSS II) listed in Schedule "A" of the CBA.
3. Under Article 12.3.2 of the CBA, employees may request a lateral transfer to a vacant, budgeted position, within or between bureaus, one (1) time per calendar year, except in circumstances where the employee did not pass the 90-day evaluation period as provided for in Article 12.3.1 of the CBA.
4. On January 5, 2015, Deanna Hattan (the Employee) transferred from BDS to FPD&R in a vacant, budgeted position in the OSS II classification pursuant to Article 12.3.2 of the CBA. The Employee passed the 90-day evaluation period that applies to lateral transfers on April 5, 2015.
5. On November 9, 2015, the Employee requested a lateral transfer back from FPD&R to BDS in the classification of OSS II.
6. BDS had a current, vacant, budgeted position available in the OSS II classification. In order to attract and retain the most qualified, trained candidate for the position of OSS II, BDS had an interest in allowing the Employee a lateral transfer from FPD&R to BDS to fill its vacant, budgeted position.
7. FPD&R was agreeable to the lateral transfer of the Employee to BDS. However, if the lateral transfer were to occur within one (1) calendar year as provided for in Article 12.3.2, the lateral transfer would have had to occur on or after January 5, 2016. Waiting until January 2016 for the lateral transfer to occur would have caused a financial hardship to FPD&R. FPD&R requested that the lateral transfer occur retroactive to November 19, 2015 so that it could fill its vacant, budgeted position in the OSS II classification as soon as reasonably possible.

8. On January 20, 2016, the City on behalf of BDS and FPD&R entered into a Letter of Agreement (LOA) with AFSCME, Exhibit A attached hereto and incorporated herein by this reference that allows the Employee to transfer from FPD&R to BDS in the OSS II classification, retroactive to November 19, 2015. Going forward, all other provisions of the CBA will be complied with.
9. The LOA was entered into because of the unique circumstances associated with the lateral transfer decision and does not establish precedent for any other purpose.

NOW, THEREFORE, the Council directs:


- a. The LOA between the City on behalf of BDS and FPD&R and AFSCME 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: **MAR 16 2016**

Mayor Charlie Hales
Prepared by: Anna Kanwit:SS
Date Prepared: February 23, 2016

Mary Hull Caballero
Auditor of the City of Portland
By


Deputy

247

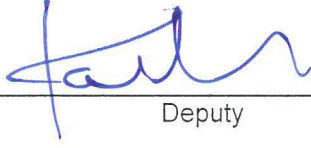
Agenda No. **187624**

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Title

✓ 140

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p>	<p>CLERK USE: DATE FILED <u>MAR 08 2016</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor <u>Charlie Hales</u> - 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;">Mary Hull Cabellero Auditor of the City of Portland</p> <p>By: <u></u> Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Bureau of Human Resources OMF CAO: Fred Miller Bureau Head: Anna Kanwit <i>AKK</i></p> <p>Prepared by: AK:SS Date Prepared: February 23, 2016</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: Lory J. Kraut, Sr. Deputy City Attorney <i>LJK</i> required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date: March <u>16</u> 2016</p>	<p>ACTION TAKEN:</p>

AGENDA

TIME CERTAIN

Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR

Total amount of time needed: _____
(for presentation, testimony and discussion)

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 ✓	