

ORDINANCE No.

187661

*Pay arbitration award in the matter between Portland Firefighters Association and the City for Alternate Payee grievance arbitration dated October 26, 2015 (Ordinance)

The City of Portland ordains

Section 1. The Council Finds:

1. In 1994, the Fire and Police Disability and Retirement (FPDR) Board of Trustees adopted Resolution 271, which authorized Fund members to receive a reversionary interest if their ex-spouses (who were alternate payees under a Domestic Relations Order) predeceased them.
2. In 2009, the FPDR Board of Trustees revoked Resolution 271 because it was not a form of benefit provided under the Portland City Charter and because it was not cost-neutral to the Fund.
3. In August 2014, PFFA filed a grievance on behalf of PFFA members Joe Wallace, Dwain Ames and Ethan Reed whose ex-spouses had predeceased them. The grievance alleged that the revocation of Resolution 271 violated the Existing Conditions provision of the PFFA contract.
4. The grievance was heard by Arbitrator Tim Williams on July 21, 2015. Arbitrator Williams sustained the grievance.
5. The arbitration awards directs the City to: "make whole Wallace, Ames and Reed for any financial losses suffered as a result of the revocation of Resolution No. 271."
6. The arbitrator further directed the City to "ensure that no financial harm is inflicted on similarly situated members of the bargaining unit who could be negatively impacted by the revocation of Resolution No. 271."
7. The Council should act to comply with the directives of the arbitrator's award.

NOW, THEREFORE, the Council directs:

- a. The Mayor and the Auditor are hereby authorized to pay for this award from the City's General Fund in the amount of \$138,039.65 for retroactive payments through March 30, 2016 and on-going monthly payments of \$6,108.07 for April, May and June 2016. The calculations for the retroactive and prospective payments are attached in Exhibit A.
- b. The Portland Fire & Rescue will submit a budget adjustment request in the FY2015-16 spring Budget Monitoring Process (BMP) for the amount reflecting the total sum

required to satisfy the arbitration award through June 30, 2016 and the City Budget Office is directed to appropriate the funds from the General Fund Compensation Set-Aside in the spring BMP.

Section 2. The Council declares that an emergency exists to make the payments required by the arbitration award; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: APR 06 2016

Mary Hull Caballero
Auditor of the City of Portland

By 
Deputy

Commissioner: Dan Saltzman
Prepared by: Portland Fire & Rescue
Date Prepared: March 23, 2016

Agenda No. **ORDINANCE NO. 187661**

Title

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*Pay arbitration award In the Matter of Arbitration between PFFA and City of Portland (Alternate Payee grievance) arbitration dated October 26, 2015. *(Ordinance)*

INTRODUCED BY Commissioner/Auditor: <i>Saltzman</i>	CLERK USE: DATE FILED <u>MAR 29 2016</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman <i>[Signature]</i> Position 4/Safety - Novick	Mary Hull Caballero Auditor of the City of Portland By: <u><i>[Signature]</i></u> Deputy
BUREAU APPROVAL Bureau: PF&R Bureau Head: Chief Erin Janssens <i>[Signature]</i> Prepared by: Julie Prah Date Prepared: 3/23/16 Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> City Auditor Office Approval: required for Code Ordinances City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter Council Meeting Date 04/06/16	ACTION TAKEN:

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

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