

SETTLEMENT AGREEMENT

The parties to this Settlement Agreement are the City of Portland on behalf of its Bureau of Fire & Rescue ("City") and the Portland Fire Fighters' Association ("PFFA").

Background

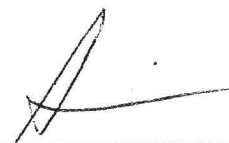
- A. The City and the PFFA are parties to a Collective Bargaining Agreement effective July 1, 2012 to June 30, 2016.
- B. On July 30, 2015, the PFFA filed PFFA Grievance No. 2015-048 ("Gymkowski Grievance"), alleging that the City violated Article 27 by failing to pay Gymkowski's accrued sick leave into his VEBA account upon retirement.
- C. The City denied the grievance and the Union advanced the grievance to arbitration.
- D. An arbitration hearing is currently scheduled for April 25, 2016 before Arbitrator Michael Cavanaugh.
- E. The parties agree to resolve the Gymkowski Grievance under the following terms.

Agreement


- 1. Within 10 business days after City Council approves this Settlement Agreement, pursuant to Article 27, the City will deposit into Gymkowski's VEBA account on a pre-tax basis the amount of \$38,626.96. This amount is equal to the value of the amount of accrued sick leave calculated under Article 11. For the purposes of the calculation, Gymkowski's sick leave balance was 1,784.06 hours at the time of his medical separation in 2005. Under the Article 11 formula, 867.24 hours of sick leave multiplied by \$44.77 (rate of pay for a Captain in the Marine Program as of the date of this Agreement, plus longevity, plus 3% Apparatus Operator Premium) equals \$38,626.96.
- 2. The PFFA withdraws the Gymkowski Grievance with prejudice.
- 3. This Agreement represents the complete and final resolution of the Gymkowski Grievance, and any and all grievances or unfair labor practice complaints, if any, that could have been asserted by the PFFA in connection with the matters that are the subject of the Gymkowski Grievance.
- 4. This Agreement is not to be construed as an admission of fault or liability by the City.
- 5. This Agreement sets no precedent for any reason.
- 6. This Agreement shall become effective upon ratification by City Council.

For the City:


For the PFFA:



Anna Kanwit, Director 4-21-16
Bureau of Human Resources Date

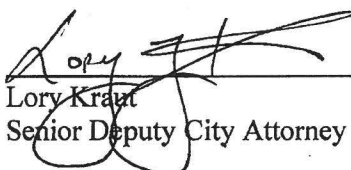


Alan Ferschweiler, President 4/21/2016
Portland Fire Fighters' Association Date



Ken Burns, Interim Chief 4/21/2016
Portland Fire & Rescue Date

Approved as to form:



Lory Kraut 4/21/16
Senior Deputy City Attorney Date