

IMPACT STATEMENT

Legislation title: Ratify a successor collective bargaining agreement between the City and the Portland Police Association relating to the terms and conditions of employment of represented employees in the Portland Police Association bargaining unit as detailed in Exhibit 1.
(Ordinance)

Contact name: Jerrell Gaddis, Labor/ Employee Relations Manager

Contact phone: 3-4170

Presenter name: Anna Kanwit, Human Resources Director

Purpose of proposed legislation and background information:

The purpose of this ordinance is to ratify a Tentative Agreement (Agreement), Exhibit 1 attached hereto, for a successor collective bargaining agreement between the City on behalf of the PPB and the PPA for the period beginning upon ratification to June 30, 2020 (the 2016-2020 successor CBA).

If ratified by City Council, the Agreement will establish the terms and conditions of the 2016-2020 successor CBA between the City and the PPA.

Financial and budgetary impacts:

The net fiscal impact for Year 1 (FY 2016-17) is estimated to be a \$1.2 million increase in annual expenditures, which will cover an increase in wages to eliminate pay steps at the bottom tier and increase pay steps at the top tier, which bargaining unit members will receive effective, January 1, 2017.

The fiscal impact for Year 2 (FY 2017-18) is an additional expenditure of \$2.1 million and includes a three percent top pay step wage increase above the COLA, which bargaining unit members will receive effective January 1, 2018.

The fiscal impact for Year 3 (FY 2018-19) is an additional \$2 million and includes the above-mentioned items, which bargaining unit members will receive effective January 1, 2019.

The total recurring fiscal impact for Year 4 (FY 2019-20) is estimated to be \$6.6 million and represents the ongoing cost thereafter.

Council will direct the City Budget Office to increase the ongoing Current Appropriation Level target of the Portland Police Bureau by \$3.3 million in FY 2017-18, \$2 million in FY 2018-19, and \$1.3 million in FY 2019-20.

Community impacts and community involvement:

There was no community involvement. This action is largely internal to City government processes.

There will be significant anticipated community impact because the Agreement will remove the so-called "48-hour" rule, will advance a draft body worn camera policy for further public review and input and will create a number of recruitment and retention incentives for sworn police

officers in the Police Bureau at a time when staffing in the Bureau is down and the Bureau is facing significant challenges retaining and recruiting police officers.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES:** Please complete the information below.
- NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

City of Portland & Portland Police Association Tentative Agreement

September 12, 2016

1. Successor collective bargaining agreement effective upon ratification through June 30, 2020, attached as Exhibit A.
 - a. Effective upon ratification, the new collective bargaining agreement supersedes the old July 1, 2013 through June 30, 2017 collective bargaining agreement.
2. Effective January 1, 2017, delete Article 61.2.1.3 of the CBA (the 48-hour rule).
3. Clarification of practices under revised Article 61.2.1
 - a. For investigations other than those involving use of deadly force incidents and in-custody deaths, prior to the IAD, IPR, or EEO interview, the officer will be afforded a reasonable opportunity to review the officer's police reports and body camera audio/video, and other audio/video that the officer reviewed at the time they wrote their report(s).
 - i. Note: Deadly force incidents and in-custody death audio/video review is to be set forth in DIR 1010.10.
 - b. A "reasonable period of time" as set forth in under Article 61.2.1.1 of the CBA means upon assignment to an IAD, IPR, or EEO investigator. PPA will be copied on all informational notices under Article 61.2.1.1
4. Following the receipt by the Police Bureau of substantial public and internal input regarding a Body Worn Camera Policy, including six public forums on body cameras over the past approximately 12 months, and having taken into account the input received from the public and internally, the PPA and PPB have agreed to a draft Body Worn Camera Policy Version 2.2 dated 5/6/16, attached as Exhibit B. The draft Body Worn Camera Policy Version 2.2 agreed to by the PPA and PPB will be presented for universal review and further public comment through the Bureau's established process for public review and comment on Bureau directives. Following this public review and comment process, the PPA and PPB will meet to discuss finalization of the BWC Policy.
5. While the PPB and PPA recognize that the public input process may lead to additional changes to the BWC Policy, should the PPB and PPA not be able to reach agreement on the final version of the BWC Policy, the PPA retains all collective bargaining rights over the BWC Policy, to include the right to file grievances and/or unfair labor practices. The PPA and City specifically agree that the subject of review of audio/video as set forth in Section 9 of the BWC Policy and DIR 1010.10 is mandatory for bargaining.

6. Grievances:

- a. PPA withdraws with prejudice the following grievances. Withdrawal is not a general waiver of PPA rights; withdrawal is limited to circumstances raised in grievances:
 - i. 2012-10 (MAV Policy) – addressed with body worn camera policy
 - ii. 2013-08 (Pay Practice Disavowal) – based on City’s representation that no drive time practices were changed
 - iii. 2014-03 (Sgt. McMurray Voluntary Transfer)
 - iv. 2014-04 (Discipline Guide) – based on City representation that Chief may reduce proposed discipline based on truthfulness issue given fact-specific circumstances after mitigation meeting
 - v. 2014-11 (IPR Multiple Investigators)
 - vi. 2014-13 (Central Precinct Parking)
 - vii. 2015-04 (Mere Conversation)
 - viii. 2015-07 (Searle Vacation Forfeiture)
 - ix. 2015-10 (Staffing)
 - x. 2015-14 (Outside Rotational Support)
 - xi. 2015-17 (Five Shift Configuration)
- b. Settled:
 - i. 2015-15 (OT Court Appearance Day After Leave) – If an employee takes all of a regularly scheduled shift off on paid leave and is called to court the next day, the City will pay a minimum 4 hours of overtime for the court appearance consistent with Article 43 (rather than a continuation).

7. Health insurance clarification items.

- a. See Article 48 for health insurance details

8. Article 21.2.3 – Effective upon ratification, add a 12-month probationary period for lateral police officers who are currently employed as a fulltime law enforcement officer with at least three years of law enforcement experience. The Chief of police may extend the probation for an additional 6 months. See attached CBA.

9. Article 65.1.5 Hiring and Recruitment Incentive Program. Effective upon ratification, PPA Members will receive monetary incentives to recruit both new police officers and lateral police officers. New police officers and lateral police officers will receive monetary incentives to join and remain with the PPB. Incentive pay is treated as wages and subject to applicable taxes. The Personnel Manager will develop an SOP, with the PPA’s

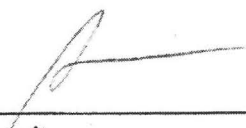
input, to determine eligibility for the recruitment incentives. The Chief of Police will have the final say on the SOP. The program will sunset on June 30, 2020. See attached CBA.

10. Article 65.4 Retire Rehire Program. Effective upon ratification, members who retire on or after April 1, 2016 will be eligible to be rehired into a limited term position as a sworn law enforcement officer. All rehires are at the sole discretion of the Chief of Police. See attached CBA for specific program provision.
11. Community Service Officers. Given the mandatory bargaining obligations surrounding the creation of a community service officer ("CSO") program, the PPB and PPA will meet to discuss the feasibility of implementing a CSO program in PPB, with the CSOs to be included in the PPA bargaining unit.
12. Student Loan Reimbursement – New Hires. Given the mandatory bargaining obligations surrounding the creation of a student loan reimbursement program for new hires, the PPB and PPA will meet to discuss the feasibility of implementing a student loan reimbursement program for new hires in PPB.
13. Pay
 - a. Effective upon ratification, eliminate the current entry level pay step and start new police officers at the current 6 month pay step. Any member not at the 6 month pay step will be moved to the 6 month pay step. The current 6 month pay step will become the new entry level wage.
 - b. On January 1, 2017 add a new top pay step for all classifications (Officer, Sergeant, Criminalist and Detective). The new step will be an additional 3%.
 - c. On July 1, 2017, members will receive 100% of the CPI. However, they will not receive less than 1% or more than 5%.
 - d. On January 1, 2018 add a new top pay step for all classifications (Officer, Sergeant, Criminalist and Detective). The new step will be an additional 3%.
 - e. On July 1, 2018, members will receive 100% of the CPI. However, they will not receive less than 1% or more than 5%.
 - f. On January 1, 2019, add a new top pay step for all classifications (Officer, Sergeant, Criminalist and Detective). The new step will be an additional 3%.
 - g. On July 1, 2019, members will receive 100% of the CPI. However, they will not receive less than 1% or more than 5%.

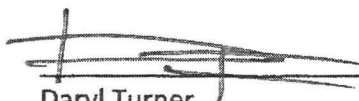
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DATED: September 12, 2016



Anna Karwit
BHR Director
City of Portland



Daryl Turner
President
Portland Police Association

10-6-16 HALES Amendment
"e" as modified by Fritz

- e. Council directs the Police Bureau to convene a stakeholder committee to review the draft Body Worn Camera Policy Version 2.2 and national best practices as they continue to evolve. Additionally, the public will be given the opportunity for universal review and to provide public comments through Bureau's established directives process. A report will be presented to Council by the stakeholder committee and will be subject to further public input and Council approval at that time. ~~Following this public review and comment process, the PPA and PPB will meet to discuss finalization of the Body Worn Camera Policy.~~

→ potential amendments,

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HALES PROPOSED AMENDMENT
9-28-2016

of law enforcement experience. The Chief of Police may extend the probation for an additional six months.

- h) Upon ratification, PPA members will be eligible to receive monetary incentives to recruit both new officers and lateral police officers. New police officers and lateral police officers who are members of PPA will be eligible to receive monetary incentives to join and remain with the PPB. Eligibility criteria will be developed by the Personnel Manager with input from the PPA, and final approval with the Chief of Police. Unless extended by agreement of the parties, this hiring incentive program will expire on June 30, 2020.
- i) The PPB and PPA will meet to discuss the feasibility of implementing a Community Service Officer program within PPB, with the CSO's to be included in the PPA bargaining unit.
- j) The PPB and PPA will also meet to discuss the feasibility of implementing a student loan reimbursement program for new hires in PPB.
10. Beginning in plan year 2017, the City medical and dental plans will become self-insured. The PPA Health Operating Fund will be established to pay claims and other costs associated with administration of all active, retiree, COBRA, and other continuation participant programs. This fund will be maintained separately from the City's Health Operating Fund, and benefit levels will not be affected by this change.
- ~~11.~~ Following substantial public and internal input, the Portland Police Association and the Portland Police Bureau have agreed to a draft Body-Worn Camera Policy Version 2.2, dated 5/6/16 (attached as Exhibit B to Exhibit 1). Substantial additional public input will be required prior to finalization of the policy. ~~The draft Body Worn Camera Policy Version 2.2 agreed to by the PPA and PPB will be presented for universal review and further public comment through the Bureau's established process for public review and comment on Bureau directives. Following this public review and comment process, the PPA and PPB will meet to discuss finalization of the Body Worn Camera Policy.~~
- 11.
12. The terms and conditions of the Agreement shall be reduced to a successor collective bargaining agreement and shall conform substantially to a form similar to Exhibit A to Exhibit 1 (the 2016-2020 CBA).
13. The Mayor, the Human Resources Director, the Chief of Police and the City Auditor shall be authorized to execute the 2016-2020 CBA with approval as to form by the assigned Senior Deputy City Attorney.

NOW, THEREFORE, the Council directs:

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- a. The Agreement between the City on behalf of the PPB and the PPA attached hereto as Exhibit 1 is ratified by this Council.
- b. The 2016-2020 successor CBA shall be in a form similar to the Agreement attached as Exhibit A to Exhibit 1.
- c. The Mayor, the Human Resources Director, the Chief of Police and the City Auditor are authorized to execute the 2016-2020 successor CBA between the City and the PPA relating to the terms and conditions of employment for represented employees in the PPA bargaining unit for the period of ratification to June 30, 2020, with approval as to form by the assigned City Attorney.
- d. Council directs the City Budget Office to increase the Current Appropriation Level target of the Portland Police Bureau by 3.3 million in Fiscal Year 2017-18, 2 million in Fiscal Year 2018-19 and 1.3 million in Fiscal Year 2019-20.
- e. Council directs the Police Bureau to convene a stakeholder committee to review the draft Body Worn Camera Policy Version 2.2 and national best practices as they continue to evolve. Additionally, the public will be given the opportunity for universal review and to provide public comments through Bureau's established directives process. A report will be presented to Council by the stakeholder committee and will be subject to further public input at that time. Following this public review and comment process, the PPA and PPB will meet to discuss finalization of the Body Worn Camera Policy.
- e.f. This ordinance is binding City policy.

Passed by the Council:

Mayor Charlie Hales
Prepared by: Anna Kanwit
Date Prepared: September 20, 2016

MARY HULL CABALLERO
Auditor of the City of Portland
By

Deputy