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190720

Emergency Ordinance

***Authorize a Settlement Agreement between the City and Oregon AFSCME Council 75 Local 189 relating to the terms and conditions of specific represented employees' merit increase and cost of living adjustments**

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. The City and AFSCME are parties to the District Council of Trade Unions' Collective Bargaining Agreement (CBA) for the period of July 1, 2017 to June 30, 2020.
2. Between December 21, 2020 and May 24, 2021, AFSCME filed seven petitions to represent various classifications across the City, four of which related to the representation of classifications in the City Auditor's Office and the Portland Police Bureau's (PPB) internal affairs (IA) investigators.
3. In August 2021, AFSCME filed an unfair labor practice complaint (ULP), ERB Case No. UP-033-21, which alleged various claims for relief concerning the City not providing cost of living adjustments (COLA) and merit increases for the petitioned-for and newly-represented employees in the Auditor's Office and PPB IA Investigators.
4. While the City continues to deny the merits of these allegations and AFSCME continues to contend the merits of them, the parties are interested in promoting labor peace and resolving the ULP by the terms stated in the settlement agreement, Exhibit A.
5. The agreement would provide 1.6% COLA, retroactive to July 1, 2021, and a 2% merit increase, retroactive to July 15, 2021, to the following groups: the PPB IA Investigators; the petitioned-for and/or newly represent employees in the Auditor's Office; and former eligible employees listed in Exhibit A. The City will also pay AFSCME \$300 as reimbursement for its filing fee, in a check made payable to AFSCME as soon as reasonably practicable after the full execution of Exhibit A.

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[Human Resources;](#)
[Management and Finance](#)

Prepared by

Natasha Eberth

Date Prepared

January 24, 2022

Requested Agenda Type

Consent

Date and Time Information

Requested Council Date
February 23, 2022

6. AFSCME will withdraw ERB Case No. UP-033-21 with prejudice no later than 10 days after the execution of Exhibit A. The parties agree this is a complete resolution of their dispute as it related to the 1.6% COLA and 2% merit increase for the PPB IA Investigators and Auditor's Office employees, and AFSCME waives any and all claims it has or many have, regardless of forum, on the subject.
7. This agreement is a compromise of disputed claims and shall not operate or be interpreted as an admission of liability or set any precedent.

NOW, THEREFORE, the Council directs:

- A. The Director of the Bureau of Human Resources is authorized to enter into a Settlement Agreement, Exhibit A, between the City and AFSCME for merit pay and COLA.

Section 2. The Council declares that an emergency exists because a delay would unnecessarily delay the orderly implementation of the provisions of this agreement; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A](#) (646.47 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed as amended by Council
February 23, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

 [Impact Statement](#) (170.68 Kb)

Budget Office Financial Impact Analysis

This Settlement Agreement does not amend the Auditor's office or PPB budgets. BHR estimates the cost of this agreement will be \$63,000 for COLA and merit increases retroactive to July 2021. The Settlement Agreement impacts the Auditor's Office and the Police Bureau. Both bureaus are allocating existing resources to fund their portion of the cost.

Agenda Items

99 Consent Agenda in [February 16-17, 2022 Council Agenda](#)

Passed to second reading

Passed to second reading February 23, 2022 at 9:30 a.m.

124 Consent Agenda in [February 23-24, 2022 Council Agenda](#)

Passed As Amended

Motion to add an emergency clause to avoid unnecessary delay in implementing the provisions of the agreement: Moved by Mapps and seconded by Wheeler. (Y-5)

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea