



191053

Emergency Ordinance

***Authorize Settlement Agreement between the City and American Federation of State, County and Municipal Employees, Local 189 to resolve a grievance**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The City and AFSCME, Local 189 are parties to a Collective Bargaining Agreement (CBA) for the period of January 1, 2021 to December 31, 2024.
2. On January 25, 2021, AFSCME, Local 189 filed a grievance on behalf of its member, Edward Marihart, contesting his termination of employment. AFSCME, Local 189 advanced the grievance to arbitration, and the parties selected an arbitrator and scheduled a two-day arbitration hearing.
3. To avoid the costs and inherent risks associated with a binding arbitration decision, the City and AFSCME reached an agreement to compromise and resolve the grievance and any and all claims raised or raisable against the City, for the total sum of \$37,307.60, subject to AFSCME, Local 189 providing the City with an executed release in a form approved by the City Attorney. Such agreement shall additionally withdraw the grievance with prejudice and terminate any employment rights including eligibility for future employment for Mr. Marihart at the City of Portland.
4. 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 between the City and AFSCME, Local 189 in a form substantially similar to Exhibit A.

Introduced by

[Mayor Ted Wheeler](#);

[Commissioner Dan Ryan](#)

Bureau

[City Attorney](#); [Development Services \(BDS\)](#); [Human Resources](#); [Management and Finance](#)

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date
November 2, 2022

Section 2. The Council declares that an emergency exists in order to avoid undue and costly delay in resolving this labor grievance; therefore, this Ordinance shall be in full force and effect from and after its passage by Council.

Documents and Exhibits

 [Exhibit A](#) (86.1 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 by Council
November 2, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

Purpose of Proposed Legislation and Background Information

This Ordinance resolves a termination grievance from AFSCME, Local 189 and Edward Marihart.

Financial and Budgetary Impacts

The total cost to the Bureau of Development Services (BDS) is \$37,307.60 in the fiscal year 2022-2023 and will be paid for out of BDS' existing budget.

Community Impacts and Community Involvement

No Public impact or public involvement is necessary or appropriate for this Union grievance settlement and no future involvement of the Public is anticipated or necessary.

100% Renewable Goal

Not applicable.

Budget Office Financial Impact Analysis

The total cost to the City is \$37,307.60 in FY 2022-2023 and will be paid for out of the Bureau of Development Services' existing budget.

Agenda Items

913 Consent Agenda in November 2-3, 2022 Council Agenda

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Absent