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191223

Emergency Ordinance

*Authorize Letter of Agreement with Portland Fire Fighters' Association, Local 43 to implement a mandatory callback policy

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. The City and the Portland Fire Fighters Association, Local 43 IAFF (PFFA) are parties to a collective bargaining agreement (CBA) from July 1, 2019 through June 30, 2023.
2. PFFA is the exclusive representative for classifications listed in Schedule A of the CBA.
3. Over the past 18 months, Portland Fire & Rescue has had difficulty filling daily staffing vacancies through the use of volunteer callback shifts and has implemented the use of mandatory callbacks. In addition to mandatory callbacks, the Bureau has also occasionally shut down front line apparatus to manage daily staffing deficits.
4. In November 2022, the parties exercised their rights under ORS 243.698 and entered into expedited bargaining to seek resolution towards a mandatory callback policy.
5. The Parties agree to implement an amended Mandatory Callback Agreement, as described in Exhibit 1, as soon as practicable and agree that they will integrate the terms of the Mandatory Callback Agreement in their successor bargaining agreement.
6. As part of the Letter of Agreement, the City will provide an incentive payment of \$100.00 per voluntary callback shift worked under the following terms:

Introduced by

[Mayor Ted Wheeler](#)

Bureau

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

Contact

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

April 5, 2023

Time Requested

10 minutes

- A. The eligible period for the incentive will be the period between February 16, 2023 through June 30, 2023.
- B. The incentive will be applied to all voluntary callback shifts, including partial and full shifts.
- C. The incentive will apply only when ALL vacancies have been filled for the day through voluntary callbacks.

7. Further, the Agreement provides that members are permitted to use City-paid water to wash their personal vehicles as a part of their permitted leisure time. When this LOA is signed and passed by City Council, the Chief will effectuate this official compensation by rescinding Chief's Memo 22-01. The PFFA agrees to dismiss with prejudice its current grievance over car washing practices.

8. Effective upon authorization of the Agreement, the Bureau will provide a "clean slate" and remove all previous and pending counseling and disciplinary action for Mandatory Callback refusals and PFFA will dismiss with prejudice its related grievances.

NOW, THEREFORE, the Council directs:

- A. The Chief Human Resources Officer is authorized to enter into a Letter of Agreement, Exhibit 1, between the City and the Portland Fire Fighters Association to address and implement the interest and terms of this ordinance, retroactive to February 16, 2023.

Section 2. The Council declares an emergency exists to allow ordinance to be immediately put into effect to address firefighter staffing needs; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit 1](#) 324.89 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
April 5, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

There are four primary goals the parties are seeking to resolve as part of this Agreement:

1. Create and implement a Mandatory Callback Policy that will be integrated into the successor collective bargaining agreement. The policy, when implemented, will ensure adequate daily staffing of all resources and Portland Fire and Rescue may mandate members to work.
2. Provide a temporary financial incentive through the end of the current 2022-2023 Fiscal Year to allow for members to earn \$100.00 for every voluntary callback shift they work when all vacancies are fulfilled for the day and no mandatory callbacks are required.
3. Rescinding the Chief's memo and reinstituting car washes will provide a much needed boost to morale. In addition to formally acknowledging the benefit as 'other compensation' and the creation of a policy which will resolve concerns about the use of City resources and therefore eliminate any potential ethics violation, the rescinding of the memo will also resolve an outstanding grievance which is pending arbitration.
4. To resolve outstanding grievances, the Bureau will provide a "clean slate" and remove all previous and pending counseling and disciplinary action for Mandatory Callback refusals and PFFA will dismiss with prejudice its related grievances.

Financial and Budgetary Impacts

Costing estimates for this proposal are presumptive.

The eligible period for the financial incentive on voluntary callbacks is limited to 134 days (the period between February 16, 2023 and June 30, 2023). Assuming up to 36 shift vacancies per day and a \$100.00 incentive to fulfill each of those vacancies, the cost associated with this proposal is \$483,000. Costs are limited to the current fiscal year and are not ongoing into the successor agreement.

Incentives will apply only when daily staffing is met through voluntary callbacks and no mandatory callback shifts are required.

The Bureau is requesting any existing FY 22-23 labor set-aside funds from Council to cover the increased costs as a result of this proposal.

The costs associated with reinstituting car washing as part of other compensation are de minimis and are valued between \$9000-\$10,000

annually and are absorbed by the Bureau. Costing assumptions are based on 2 car washes per member per month, estimated at 50 gallons per car wash. Current published City of Portland water rates estimate a cost of 1.1 cents per one gallon of water.

Community Impacts and Community Involvement

Not applicable.

100% Renewable Goal

Not applicable.

Budget Office Financial Impact Analysis

There is limited policy reserves in the current fiscal year for bargained labor expenses. The Fire Bureau is unlikely to have adequate internal funding to support the estimate of \$483,000. As such, a request for General Fund contingency would likely follow, and this would reduce available balances for other City initiatives.

Agenda Items

266 Regular Agenda in [April 5, 2023 Council Agenda](#)

Passed As Amended

Motion to add an emergency clause to immediately address firefighter staffing needs: Moved by Gonzalez and seconded by Mapps. (Y-5)

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea