

Settlement Agreement

The Parties to this Settlement Agreement (Agreement) are the City of Portland (City), on behalf of the Portland Fire & Rescue (PF&R) and the Portland Fire Fighters' Association, IAFF Local 43 (PFFA or Union), (collectively, "Parties").

Background


1. The City and the Union are parties to a collective bargaining agreement effective July 1, 2019 to June 30, 2023 (the CBA) and have been parties to many CBAs prior thereto.
2. The Union is the sole collective bargaining representative on behalf of employees working in classifications listed in Schedule A of the CBA.
3. In or about 1984, PF&R created a Dive Team comprised of Firefighters with diving training and experience to provide emergency water rescue and recovery in response to water incidents. The parties later negotiated additional pay of six percent (6%) of the top step Firefighter base hourly rate for Dive Team members. Dive Team members also had overtime opportunities due to the required training.
4. The City dissolved the 25-member Dive Team in 2013, and the Union filed an Unfair Labor Practice complaint, Case No. UP-059-13, on December 26, 2013 protesting that elimination, among other reductions.
5. The City re-constituted the Dive Team for the 2015-2016 and 2016-2017 fiscal years with 13 members, but then decided again to eliminate the Dive Team effective July 1, 2017.
6. The Union filed another ULP complaint on December 11, 2017, Case No. UP-36-17, protesting this second Dive Team elimination. The parties agreed to hold that case in abeyance pending the outcome of the appeal in UP-059-13, but in November 2020 the ERB directed the case be taken out of abeyance. A hearing was held before Employment Relations Board (ERB) ALJ Carlton Grew on April 15, 2021.
7. ALJ Grew issued a Recommended Order on August 25, 2021 and an Amended Recommended Order on September 27, 2021. The Amended Recommended Order directed the Parties to bargain over the impacts of the City's decision to eliminate the Dive Team, without damages during the period when the parties held the case in abeyance, unless the parties agreed otherwise.
8. In early October 2021, the parties agreed to bargain over 12 months of economic damages, including the 6% premium, overtime, and retirement benefits for those affected. Both parties further agreed not to file objections to the Amended Recommended Order.
9. On October 27, 2021, the ERB issued its Final Order adopting the ALJ's Amended Recommended Order.

10. The Parties began Interim bargaining on November 1, 2021, in accordance with their agreement on how to implement the Amended Recommended Order.
11. On January 5, 2022, the ERB issued a Representation Cost Order ordering the City to remit \$3,000 to the Union within 30 days.


Agreement

1. Exhibit A reflects the employees who were on the Dive Team as of June 30, 2017, when the Dive Team was eliminated.
2. The City agrees to compensate each employee listed in Exhibit A one thousand (\$1,000) dollars for overtime pay.
3. In addition to the overtime pay listed above, the City agrees to compensate each employee listed in Exhibit A an amount equivalent to six percent (6%) above their regular wage for the time period July 1, 2017 – June 30, 2018.
4. The Parties agree the 6% premium pay will be calculated using the employee's regular wage rate on July 1, 2017.
5. The total amount owed for each employee is reflected in Exhibit A.
6. The Parties agree that such payment will be made no later than May 1st, 2023.
7. For employees who are separated from the City when payment is made, the Union will provide the City with information to send the additional pay and assist in coordination as needed, such as filling out appropriate tax forms.
8. This Agreement shall fully resolve *Portland Fire Fighters' Association v. City of Portland*, UP-36-17, including the City's bargaining obligations as ordered by ALJ Grew in the Final Order.
9. This agreement shall be effective on the date of the last signature on this document.

For the City:

DocuSigned by:
 3/20/2023
Sara Boone,
Fire Chief

For Portland Fire Fighters Association:

DocuSigned by:
 3/20/2023
Isaac McLennan,
Union President

DocuSigned by:

Cathy Bless

3/20/2023

Cathy Bless

Date

BHR Director

Approved as to Form:

DocuSigned by:

Fallon Medrist de Guzman

Fallon Niedrist de Guzman,

Deputy City Attorney

Date 3/20/2023

PFR DIVE TEAM SETTLEMENT COSTING

5/24/2022

| Last Name | First Name | Dive Team Settlement (6% of one year salary+ 1,000 OT) |
|-----------------|-------------|--|
| WALSH | THOMAS | 7,309.32 |
| JOHNSON | RYAN | 7,493.63 |
| BORTON | MICHAEL | 7,523.55 |
| GRAVES | RICHARD | 6,016.71 |
| BERNARD | CHRISTOPHER | 5,604.72 |
| GRAY | GARY | 6,018.06 |
| PITTMAN | ROBERT | 5,826.55 |
| TYLER | RICHARD | 5,853.95 |
| SCRUGGS | JEFF | 6,650.65 |
| WIGHT | MICHAEL | 6,436.49 |
| SCRUGGS | ROBERT | 6,608.10 |
| BALDWIN | JOHN | 6,769.20 |
| PROFIT | BRYAN | 6,700.65 |
| RIPLEY | JEFFREY | 6,619.50 |
| | | 91,431.08 |
| retired members | | |