

ORDINANCE No. 187732

*Pay award per Employment Relations Board Order in UP-059-13 dated December 2, 2015 (Ordinance)

The City of Portland ordains

Section 1. The Council Finds:

1. Portland Fire Fighters Association filed an unfair labor practice complaint (ULP) on December 26, 2013. The majority of the allegations involved the FY 2013-14 cuts to Portland Fire & Rescue's budget. The complaint also included two charges alleging that the City violated ORS 243.672(l)(e) by using an unranked eligible list for the 2013 Battalion Chief recruitment and by skipping over Louisa Jones on a ranked eligible list for Senior Inspector. On December 2, 2015, the Employment Relations Board sustained those two charges, but otherwise dismissed the ULP.
2. The Board ordered the City to "promote Louisa Jones to the position [of senior inspector] and make her whole for not being promoted in October 2013, including back pay and benefits, plus interest at the rate of 9 percent per annum."
3. Regarding Battalion Chief recruitment, the ERB ordered the parties to:

confer to determine if any employee was affected by the unilateral change. If so, the parties are directed to bargain in good faith for a period of 60 days to determine an appropriate remedy regarding any affected employee.
4. The parties have engaged in good-faith bargaining and reached agreement on the appropriate remedy for the affected members.

NOW, THEREFORE, the Council directs:

Portland Fire & Rescue to pay the following amounts:

- a. Louisa Jones - \$2,844.04 plus nine percent interest to the date of payment;
- b. Sid Palmer - \$24,578.04;
- c. Vince Wilson - \$3,221.50; and
- d. Scott Heesacker - \$9,621.64, which reflects the amount owed as of April 6, 2016. PF&R will pay the additional amount due Mr. Heesacker as of the date of payment. That amount will be based on the calculation attached as Exhibit A.

Section 2: The Council declares that an emergency exists to make the payments required by the Employment Relations Board; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: MAY 11 2016

Mary Hull Caballero
Auditor of the City of Portland

By 
Deputy

Commissioner: Dan Saltzman
Prepared by: Portland Fire & Rescue
Date Prepared: April 22, 2016

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Commissioner Dan Saltzman</p>	<p>CLERK USE: DATE FILED <u>MAY 03 2016</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman <i>[Signature]</i></p> <p>Position 4/Safety - Novick</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p> <p>ACTION TAKEN:</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Portland Fire & Rescue Bureau Head: Ken Burns, Interim Fire Chief <i>[Signature]</i></p> <p>Prepared by: Julie Prah Date Prepared: April 22, 2016</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: <i>[Signature]</i> required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date 5/11/16</p>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	