

## **ORDINANCE No.**

\*Authorize a Letter of Agreement between the City of Portland and the Portland Police Association to extend the collective bargaining agreement between the parties for one year to allow public participation in the bargaining process which has been impacted by COVID-19 (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City and Portland Police Association (PPA), are parties to a collective bargaining agreement (CBA), which expires on June 30, 2020.
2. The parties started bargaining a successor on February 7, 2020. The Public Employees Collective Bargaining Act requires that parties bargain for at least 150 days, and the 150-day timeline would have expired on July 6, 2020. After the parties bargain for 150 days, then either side can demand to go to mediation, which is a confidential process.
3. The parties included in their ground rules for bargaining that they would alternate hosting bargaining sessions and that all City-hosted sessions would be open to anyone of the public who attended under the Observer Rules.
4. On March 8, 2020, Oregon Governor Kate Brown declared a State of Emergency in response to the increasing concern with COVID-19 (Coronavirus) within the state. The State of Emergency remained in effect for sixty (60) days and was thereafter extended through July 6, 2020.
5. Due to COVID-19, the parties have been unable to meet for bargaining.
6. The financial impacts of COVID-19 have caused a significant budget deficit to the City's general fund, necessitating cuts.
7. The City of Portland is committed to providing essential services to its citizens during this State of Emergency.
8. The City of Portland and the PPA worked together to develop terms for a limited one-year extension agreement that requires and allows the following:
  - a. Restarts bargaining on January 13, 2021 for a successor agreement under the existing ground rules, which recognizes the interest in open bargaining that allows for public participation;
  - b. Allows the City to proceed with the Portland Street Response pilot program;

- c. Defers the cost of living adjustment to June 30, 2021; and
- d. Acknowledges the PPA's commitment to work with the City on an arbitration bill in the Oregon Legislature related to discipline in law enforcement.

NOW, THEREFORE, the Council directs:

- a. The Director of the Bureau of Human Resources is authorized to enter into a Letter of Agreement between the City and the PPA in a form substantially similar to Exhibit A, as attached.

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

Passed by the Council:

Mayor Ted Wheeler  
Prepared by: Jamaal Anthony  
Date Prepared: June 11, 2020

**Mary Hull Caballero**  
Auditor of the City of Portland  
By

Deputy

**Agenda No. 514**  
**Item Type: Ordinance                      No.**  
**Council Meeting Date: July 1, 2020**

Title: \* Authorize a Letter of Agreement between the City of Portland and Portland Police Association, to extend the collective bargaining agreement between the parties for one year to allow public participation in the bargaining process which has been impacted by COVID-19 (Ordinance).

**AGENDA TYPE**

**Consent**

**Regular**

**Time Certain** Start Time 9:45am

Item 1 of 2

Total amount of time needed for presentation, testimony and discussion (Regular and Time Certain Only): 1 hour

**INTRODUCED BY: Mayor Ted Wheeler**

**COMMISSIONER / AUDITOR APPROVAL**

Mayor - Finance & Admin. - Wheeler Digitally signed by Mustafa Washington  
Date: 2020.06.23 16:26:18 -0700'  
 Position 1/ Utilities - Fritz  
 Position 2/ Works - Vacant  
 Position 3/ Affairs - Hardesty  
 Position 4/ Safety - Eudaly  
 City Auditor - Hull Caballero

**BUREAU APPROVALS**

Bureau: OMF/CAO  
 OMF/CAO: Carmen Merlo Digitally signed by Carmen Merlo  
Date: 2020.06.15 15:23:30 -0700'  
 Bureau Approval: Cathy L. Bless Digitally signed by Cathy L. Bless  
Date: 2020.06.10 18:26:41 -0700'

Prepared By: Jamaal Anthony

Date Prepared: June 8, 2020

1) Is a completed Impact Statement attached?  Yes

2) Does the item amend the budget?  Yes  No  
 If yes, **Budget Office** Approval

3) Is the item a Code ordinance?  Yes  No

4) Is this item a contract (current or future), code, easement, franchise, comp plan or Charter?  Yes  No  
 If yes, **Attorney Office** Approval

If yes, **Auditor Office** Approval

Fallon Niedrist Digitally signed by Fallon Niedrist  
Date: 2020.06.11 15:26:50 -0700'

5a) Is item a Portland Policy Document or Administrative Rule?  Yes  No

5b) If yes, is the City Policy/Admin Rule directive in the ordinance or resolution?  Yes  No

**ACTION TAKEN:**

CLERK USE: DATE FILED 6/23/20

Mary Hull Caballero  
Auditor of the City of Portland

By: Keelan McClymont Digitally signed by Keelan McClymont  
Date: 2020.06.23 16:57:44 -0700'  
 Deputy

**FOUR-FIFTHS AGENDA**

1. Fritz
2. Vacant
3. Hardesty
4. Eudaly
Wheeler

**COMMISSIONERS VOTED AS FOLLOWS:**

	YEAS	NAYS
1. Fritz		
2. Vacant		
3. Hardesty		
4. Eudaly		
Wheeler		

## **LETTER OF AGREEMENT FOR COVID-19 IMPACTS**

### **PPA AND CITY OF PORTLAND**

## **LETTER OF AGREEMENT FOR COVID-19 IMPACTS**

The parties to this Letter of Agreement (Agreement) are the City of Portland (City) and the Portland Police Association (PPA).

### **BACKGROUND**

1. On March 8, 2020, Oregon Governor Kate Brown declared a State of Emergency in response to the increasing concern with Coronavirus (COVID-19) within the state.
2. On March 23, 2020, Oregon Governor Kate Brown issued an Executive Order to “Stay Home, Save Lives”. This order limited non-essential gatherings and closed non-essential business across the City, which has resulted in an unprecedented impact on the City’s financial standing.
3. On May 28, 2020, protests occurred nationwide, and in Portland, Oregon, after the killing of George Floyd by a police officer in Minneapolis, Minnesota. The protests have continued.
4. The parties have a shared interest in police accountability to build public trust with the police.
5. The parties to this Agreement believe it to be in the best interest of the PPA and the City to come together to address the City’s financial hardship.
6. The PPA and the City are parties to a Collective Bargaining Agreement that is in effect until June 30, 2020 (CBA).
7. The measures taken in this Agreement are intended to allow the City to the greatest extent possible to meet its financial obligations while retaining employees and maintain the delivery of City services.
8. The measures taken in this Agreement are intended to be short-term; however, the full financial impact resulting from the State of Emergency is yet to be determined.

# LETTER OF AGREEMENT FOR COVID-19 IMPACTS

## PPA AND CITY OF PORTLAND

### AGREEMENT

The parties hereby agree as follows:

1. The existing terms of the CBA shall be extended through June 30, 2021, except as modified by the terms of this Agreement. All remaining terms in the existing CBA that are not modified by this Agreement shall remain in full force and effect.
2. A 2.9% Cost of Living Adjustment (COLA) for fiscal year 2020-2021 shall be deferred until June 30, 2021. Effective June 30, 2021, Schedule "B" wage rates in effect as of June 29, 2021 for the Police Officer, Police Sergeant, Criminalist, Detective, and Public Safety Support Specialist classifications shall be increased across-the-board by 2.9% to reflect the deferred COLA.
3. The PPA will have the right to reopen this Agreement for the limited purpose of bargaining the COLA deferred in paragraph (2) of this Agreement if Congress passes new legislation subsequent to this Agreement that provides the City of Portland with new funding that can directly fill revenue shortfalls for local government police bureaus. If such funds are allocated by the federal legislation and provided to the City, the PPA has the limited right to bargain for the deferred COLA date to move to an earlier date that is equivalent to the new federal funds from Congress that can directly fill revenue shortfalls. If the PPA reopens this Agreement pursuant to this paragraph (3) prior to the start of the successor negotiations that begin in January 2021, such reopener shall be addressed per the terms of ORS 243.698. If the PPA reopens this Agreement pursuant to this paragraph 3 after the start of the successor negotiations that begin in January 2021, the reopener will be addressed as part of successor negotiations. Any reopener must occur during the term of this Agreement.
4. The existing successor contract negotiations ground rules signed on March 13, 2020 shall apply to bargaining of a successor agreement. Such bargaining shall begin no later than January 13, 2021. The parties commit to a rigorous bargaining process and agree to meet on the following dates: January 13, 2021, January 27, 2021, February 10, 2021, February 24, 2021, March 10, 2021, and March 24, 2021. Other dates shall be scheduled expeditiously by the parties so that there are no unreasonable delays in bargaining. The first meeting shall be hosted by the City.
5. The PPA agrees that the City may proceed with the Portland Street Response pilot program as follows:
  - a. The Portland Street Response pilot program policies and procedures shall be consistent with the criteria provided for in the 1083-2019

**LETTER OF AGREEMENT FOR COVID-19 IMPACTS**

**PPA AND CITY OF PORTLAND**

Portland Street Response pilot implementation plan report and supporting documentation recorded with the City of Portland Auditor's office on November 20, 2019, except that the City is not limited to one team in the Lents neighborhood, but may instead have up to six teams within and around the City;

- b. The PPA retains its collective bargaining rights over any implementation of the Portland Street Response program beyond the pilot program;
  - c. The Portland Street Response pilot program is intended to supplement existing public safety response in the City.
6. The Parties have entered into this Agreement to address the economic impacts of the State of Emergency related to the Coronavirus pandemic and, as such, this Agreement does not set a precedent except for the terms set forth herein.
7. This Agreement shall take effect only upon ratification by the membership of the PPA and by the City Council.

So AGREED.

For the Portland Police Association:



\_\_\_\_\_  
Daryl Turner  
PPA President

6/8/2020  
Date

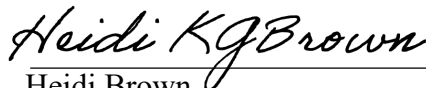
For the City:



\_\_\_\_\_  
Cathy Bless  
Director of the Bureau of Human Resources

06-08-2020  
Date

Approved as to Form:

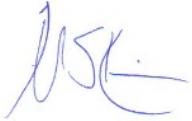


\_\_\_\_\_  
Heidi Brown  
Chief Deputy City Attorney

6 - 8 - 2 0 2 0  
Date

**LETTER OF AGREEMENT FOR COVID-19 IMPACTS  
PPA AND CITY OF PORTLAND**

Approved as to Form:



\_\_\_\_\_  
Anil Karia  
Attorney for Portland Police Association

\_\_\_\_\_  
6/8/2020  
Date

## IMPACT STATEMENT

**Legislation title:** \*Authorize a Letter of Agreement between the City of Portland and the Portland Police Association to extend the collective bargaining agreement between the parties for one year to allow public participation in the bargaining process which has been impacted by COVID-19 (Ordinance)

**Contact name:** Cathy Bless-Human Resources Director

**Contact phone:** 503-823-5207

**Presenter name:** Cathy Bless

### **Purpose of proposed legislation and background information:**

The purpose of this ordinance is to ratify a Letter of Agreement between the City of Portland (City) and the Portland Police Association (PPA), that extends the collective bargaining agreement for one year, resulting in a delay to bargaining until January 13, 2021 to addresses the impact of COVID-19 on public observation of, and input to, the bargaining process.

### **Financial and budgetary impacts:**

### **Community impacts and community involvement:**

There was community involvement in the collective bargaining process which resulted in ground rules to include public observance of bargaining that was impacted by COVID-19.

### **100% Renewable Goal:**

This action has no impact on the City's renewable energy goal.

## **Budgetary Impact Worksheet**

### **Does this action change appropriations?**

**YES:** Please complete the information below.

**NO:** Skip this section

<b>Fund</b>	<b>Fund Center</b>	<b>Commitment Item</b>	<b>Functional Area</b>	<b>Funded Program</b>	<b>Grant</b>	<b>Sponsored Program</b>	<b>Amount</b>