



**DATE:** April 20, 2022  
**TO:** Board of Commissioners  
**FROM:** Kimberly Branam, Executive Director  
**SUBJECT:** Report Number 22-12

Authorizing the Executive Director to Execute a Letter of Agreement Between Prosper Portland and American Federation of State, County, and Municipal Employees, Council 75, Local 3769 to Extend the Parties' Collective Bargaining Agreement by One Year

#### **BOARD ACTION REQUESTED AND BRIEF DESCRIPTION**

Adopt Resolution No. 7447

This action by the Prosper Portland Board of Commissioners (Board) will authorize the Executive Director to execute a Letter of Agreement between Prosper Portland and American Federation of State, County, and Municipal Employees, Council 75, Local 3769 (AFSCME) which was negotiated by authorized representatives of Prosper Portland and AFSCME, amending the parties' Collective Bargaining Agreement (CBA). Staff are proposing that the Prosper Portland Board authorize the Executive Director to sign the Letter of Agreement, which extends the CBA by one year and makes other changes to the CBA.

#### **STRATEGIC PLAN ALIGNMENT AND OUTCOMES**

Executing the Letter of Agreement will deliver on Prosper Portland's Strategic Plan goal of operating an equitable, innovative, and financially sustainable agency, by providing for a period of time to experience hybrid work before negotiating a new CBA.

#### **BACKGROUND AND CONTEXT**

On May 1, 2007, in a vote conducted by the State of Oregon Employment Relations Board, eligible Prosper Portland employees elected to be represented by AFSCME. Successor CBAs were reached and approved by the Prosper Portland Board through Resolution No. 6899 on July 27, 2011; through Resolution No. 7021 on August 20, 2013; through Resolution No. 7186 on June 8, 2016; through Resolution No. 7325 on July 10, 2019; and through Resolution No. 7371 on May 13, 2020. The current CBA was amended through Resolution No. 7434 on October 27, 2021, to ensure that Prosper Portland employees are vaccinated against COVID-19.

As COVID-19 restrictions lift and Oregon's state of emergency ends, Prosper Portland is transitioning from a work-from-home to a hybrid work environment. Given the uncertainty this brings to employment relations, Prosper Portland management and AFSCME reopened negotiations through expedited bargaining pursuant to the Public Employment Collective Bargaining Act and Article 26 of the CBA to discuss an extension of the current CBA, rather than a new CBA at this time.

After negotiations, Prosper Portland management and AFSCME have reached the terms articulated in the Letter of Agreement. Represented employees voted and approved the Letter of Agreement that is now being submitted to the Prosper Portland Board for approval.

The primary terms of the Letter of Agreement are:

1. The current CBA will be extended until June 30, 2023.
2. Employees who have completed their Trial Service Period and whose duties can be completed from a location outside greater Portland may request to work remotely on an ad hoc basis up to four weeks total.
3. Employees may have a hybrid work schedule where they work from an alternative work site for up to 60 percent (three days) per week.
4. Institutes a \$20/pay period hybrid work allowance.
5. Pay ranges will increase 4% for cost-of-living increases, and employees will receive a one-time payment to reflect extraordinary quality of work during this time when Prosper Portland has had a number of vacant staff positions.
6. Prosper, with AFSCME as partner, will develop an RFP to begin an agency-wide class/compensation study by June 1, 2022.

#### **EQUITY IMPACT**

Executing the Letter of Agreement allows Prosper Portland to increase equity by offering remote and hybrid work on the terms described, as well as committing to a class/compensation study to increase pay equity at Prosper Portland.

#### **COMMUNITY PARTICIPATION AND FEEDBACK**

There was no formal public participation related to this action.

#### **BUDGET AND FINANCIAL INFORMATION**

The fiscal year (FY) 2021-22 Revised Budget and FY 2022-23 Requested Budget include sufficient appropriation and personnel services to implement the Letter of Agreement. However, on May 11, 2022, staff will seek Prosper Portland Board approval of FY 2021-22 Revised Budget #2 that will further adjust how total personnel services are allocated by funding source based the Letter of Agreement and forecasted programming through the end of FY 2022-23.

#### **RISK ASSESSMENT**

The Prosper Portland Board could choose to not approve the Letter of Agreement or request modifications, in which case Prosper Portland management and AFSCME would commence negotiations on a new CBA.

#### **ATTACHMENTS**

None.