

PROSPER PORTLAND

Portland, Oregon

RESOLUTION NO. 7447

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

WHEREAS, Prosper Portland and the American Federation of State, County, and Municipal Employees ("AFSCME") are parties to a collective bargaining agreement ("CBA") that was approved by AFSCME and by the Prosper Portland Board of Commissioners ("Board") through Resolution No. 7325 on July 10, 2019, and subsequently amended through Resolution No. 7371 on May 13, 2020, and through Resolution No. 7434 on October 27, 2021, which is in effect until June 30, 2022;

WHEREAS, as a result of the COVID-19 pandemic and the transition from work-from-home to a hybrid work environment, Prosper Portland and AFSCME opened negotiations through expedited bargaining pursuant to the Public Employment Collective Bargaining Act ("PECBA") and Article 26 of the CBA, to extend the CBA for one year, rather than negotiate a new CBA during this time of transition;

WHEREAS, designated representatives of AFSCME and Prosper Portland management engaged in collective bargaining and reached agreement on the extension and certain measures that include amendments to portions of the CBA in the form of a Letter of Agreement, attached to this resolution as Exhibit A;

WHEREAS, represented staff have approved ratifying the Letter of Agreement amending the CBA by a vote of their union membership; and

WHEREAS, the Prosper Portland Board believes that it is in the best interest of Prosper Portland and the public to approve the Letter of Agreement which extends the CBA for one year until June 30, 2023, and amends the CBA to add additional terms regarding Prosper Portland's remote and hybrid work environment, including a hybrid work allowance, additional compensation, and other matters; all other terms of the CBA will remain in effect during this extension period.

NOW, THEREFORE, BE IT RESOLVED, that the amendments to the CBA between AFSCME and Prosper Portland set forth in the Letter of Agreement attached to this resolution as Exhibit A are hereby approved;

BE IT FURTHER RESOLVED, that the Executive Director is hereby authorized to execute the Letter of Agreement for and on behalf of Prosper Portland;

BE IT FURTHER RESOLVED, that the Executive Director may approve changes to the Letter of Agreement, prior or subsequent to execution, if such changes, in the opinion of the Executive Director and in consultation with General Counsel, do not materially increase Prosper Portland’s obligation or risks;

BE IT FURTHER RESOLVED, that the Executive Director is hereby authorized to provide similar or necessary provisions to non-represented employees and make any necessary changes in Prosper Portland’s Personnel Policy to do so; and

BE IT FURTHER RESOLVED, that this resolution shall become effective immediately upon its adoption.

Adopted by the Prosper Portland Commission on April 20, 2022



Pam Feigenbutz, Recording Secretary

LETTER OF AGREEMENT

Prosper Portland (employer) and American Federation of State, County and Municipal Employees (AFSCME) Council 75, Local 3769 (union) are entering into this Letter of Agreement to set forth the parties' mutual understandings regarding extending the current Collective Bargaining Agreement (CBA) for one-year until end of FY 2022-23 with the following modifications:

1. Article 30, Section 6: Tele-, Hybrid, and Remote Work is supplemented with the following:

- Remote Work: A mutually agreed upon work option between the Employer and employee in which the employee works from a remote site outside of the boundaries of the Portland, OR MSA.
- Hybrid Work: A mutually agreed upon work option between the Employer and the employee in which the employee routinely works at an alternate worksite(s) and the primary work location.
- Employees who have completed their Trial Service Period and whose duties can be completed remotely from the primary work location/city of Portland may request to work remotely on an ad hoc basis for up to 4 weeks total.
- Criteria for telework applies for determining process and approval of working remotely, and expectations for telework apply to remote and hybrid work, as well.
- Employees whose duties can be completed from an alternative work site other than the primary work location may have a hybrid work schedule where the employee works from an alternative work site for a maximum of 60% of the typical work week.
- Employees will work with their manager to ensure business and operational needs are covered during telework, hybrid or remote working.

2. Article 35 – Wages/ Salaries, Section 2 is revised to add:

- Effective July 1, 2022, the pay ranges set forth in Schedule A shall be increased by four percent (4%) to adjust the pay ranges in Schedule A for cost-of-living increases.
- On or prior to June 1, 2022, employees will receive a one-time, \$5,000 payment to reflect the extraordinary quality of work performed during a time that Prosper Portland has had a number of vacant staff positions.

3. Article 36 – Sick Leave; Section 12. Receipt of Donated Leave is revised as follows:

- “An employee who qualifies under the Family and Medical Leave Act (FMLA) or Oregon Family Leave Act (OFLA) and who has exhausted or anticipates exhausting all available accrued leave benefits during a qualified condition may request Human Resources to receive donated leave from other represented and non-represented employees on their behalf, per the following condition and procedures:
 - “e. When a request to receive donated leave is approved, Human Resources will promptly issue an all-staff email indicating an employee is seeking donated leave.
 - iii. Human Resources shall promptly notify the Union if, after responses to the all-staff email are received, an employee who has requested to receive donated leave has not reached their donated leave maximum

and would require additional donated leave to be paid fully while on leave.”

- Add: **new Section 14 to Article 36. Racial Trauma Leave (RTL)**

4. Article 37 – Holidays to be revised as follows:

- Add: Juneteenth Day - June 17th
- Change Thanksgiving Day/Day After Thanksgiving to Fall Break
- Change Christmas Day to Winter Break

5. Agency-wide Class/comp study (to be conducted in 2022 by outside consultant)

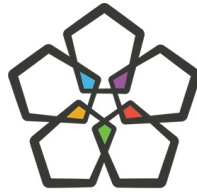
- The agency commits to including the Union, as a partner, in all phases of the agency-wide class/comp study and shall include Union representatives in scoping of the study and selection of the consulting team, as well as oversight of progress.
- The agency will commence working with the Union and make a good faith effort to develop an RFP that begins the study by June 1, 2022.

6. \$20 per pay period allowance

- For the remainder of this extension, Prosper Portland will continue to provide the existing \$20/pay period allowance after employees start returning to in-person work, for employees to have to spend on parking, transit, and other hybrid work costs.

All other provisions within the CBA would continue to apply during this extension.

AFSCME, Local 3769	Prosper Portland
_____	_____
Roger Gonzalez President	Kimberly Branam Executive Director
_____	_____
Date	Date



**PROSPER
PORTLAND**
Building an Equitable Economy

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RESOLUTION TITLE:

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PRESENT FOR VOTE	COMMISSIONERS	VOTE		
		Yea	Nay	Abstain
<input checked="" type="checkbox"/>	Chair Gustavo J. Cruz, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Peter Platt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Serena Stoudamire Wesley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner William Myers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Vacant	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Consent Agenda		<input checked="" type="checkbox"/> Regular Agenda		

CERTIFICATION

The undersigned hereby certifies that:

The attached resolution is a true and correct copy of the resolution as finally adopted at a Board Meeting of the Prosper Portland Commission and as duly recorded in the official minutes of the meeting.

	Date: April 22, 2022
	Pam Feigenbutz, Recording Secretary