

PROSPER PORTLAND

Portland, Oregon

RESOLUTION NO. 7434

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 AMENDING THE PARTIES' COLLECTIVE BARGAINING AGREEMENT TO ADDRESS COVID-19 VACCINE REQUIREMENTS

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, which is in effect until June 30, 2022;

WHEREAS, as a result of the COVID-19 worldwide pandemic, the State of Oregon and the City of Portland have implemented COVID-19 vaccination requirements applicable to all or a portion of their workforce;

WHEREAS, 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 address the need to protect Prosper Portland's workforce through vaccination against COVID-19;

WHEREAS, designated representatives of AFSCME and Prosper Portland management engaged in collective bargaining and reached agreement on 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 amends the CBA to add additional terms regarding Prosper Portland's COVID-19 vaccination requirement; all other terms of the CBA will remain in effect.

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

October 27, 2021



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 COVID-19 vaccination requirements at Prosper Portland. The parties hereby agree as follows:

1. All employees, including represented employees, are required to be fully vaccinated by November 1, 2021.
2. Fully vaccinated means having received both doses of an approved two-dose COVID-19 vaccine or one dose of a single-dose COVID-19 vaccine and at least 14 days have passed since the individual's final dose of COVID-19 vaccine. Approved COVID-19 vaccines are those authorized for use in the United States or those listed for emergency use by the World Health Organization.
3. Should the World Health Organization and Centers for Disease Control and Prevention approve subsequent vaccinations (boosters), all employees, including represented employees, are required to receive vaccination boosters based on schedule of eligibility and provide documentation to Human Resources. At that time, the union and employer will meet and confer on the process.
4. Employees who voluntarily return to the office prior to November 1, 2021, are required to be fully vaccinated.
5. All employees are required to provide documentation of their vaccination status to Human Resources by October 12, 2021, which will include the following information:
 - a. The type of vaccine administered.
 - b. The date(s) of administration.
 - c. Copy of Vaccination Card
6. All employees hired on or after October 1, 2021, are required to be fully vaccinated by their first day of work.
7. Employees may request an exception or exemption from being vaccinated based on medical reasons or religious beliefs.
8. All employees granted a medical or religious exemption and working in the office or attending in-person meetings due to work assignments are required to be tested for COVID-19 (i.e., rapid/ antigen) two (2) times a week, at the employer's expense.
9. Employees who do not possess a valid medical reason or religious belief and refuse to be vaccinated by November 1, 2021, will be separated from employment.
10. All employees fully vaccinated by November 1, 2021, will receive an incentive of fifty dollars (\$50.00), which is subject to taxes.

11. All employees fully vaccinated by November 1, 2021, will receive forty (40) hours of sick leave to be used specifically for COVID-19 related issues affecting themselves or immediate family members.
12. If, as a result of separation from employment, there are temporary workload impacts on represented staff, employer will explore options consistent with the collective bargaining agreement as part of workload management (e.g., interim assignment).
13. Prosper Portland will not contest any unemployment claims due to separation under this agreement.
14. The provisions of this letter of agreement shall expire on June 30, 2022, unless otherwise specifically stated within this agreement and may be renewed upon mutual agreement.

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