

ORDINANCE NO.

Provide an exception to Human Resources Administrative Rule 8.03, Hours of Work, Overtime Compensation & Management Leave for Fair Labor Standards Act Exempt Employees allowing for carryover of unused management leave to calendar year 2021 as a result of required furloughs for FLSA exempt employees (Ordinance)

The City of Portland ordains:

Section 1. The Council Finds:

1. This Ordinance supports employees who have made a shared sacrifice of cuts to their total compensation in response to cost saving measures due to COVID-19.
2. The City implemented cost saving measures effective April 10, 2020. These measures include freezes on merit increases, cost of living adjustments (COLA), pay actions, as well as furloughs.
3. Currently, HRAR 8.03 does not allow carryover of any management leave hours nor for pay out in cash if unused. As a result of furlough requirements and increased work required by many employees, employees may not have the ability to use Management Leave hours within the remainder of the calendar year 2020.

NOW, THEREFORE, the Council directs:

- a. Approve the one-time exception to Human Resources Administrative Rule 8.03 allowing unused management leave in calendar year 2020 may be carried over to calendar year 2021.
- b. Bureaus shall manage staffing coverage requirements in order to minimize additional costs that may result from Management Leave carryover and manage those costs within existing current service level appropriation.

Passed by the Council:

Mayor Ted Wheeler
Prepared by: Michelle Cole
Date Prepared: June 5, 2020

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy

Agenda No. ~~623~~ 641
Item Type: Ordinance **No.** _____
Council Meeting Date: July 29, 2020

Title: Provide an exception to Human Resources Administrative Rule 8.03, Hours of Work, Overtime Compensation & Management Leave for Fair Labor Standards Act Exempt Employees allowing for carryover of unused management leave to calendar year 2021 as a result of required furloughs for FLSA exempt employees (Ordinance)

AGENDA TYPE

Consent

Regular

Time Certain Start Time

Item 2 of 2

Total amount of time needed for presentation, testimony and discussion (Regular and Time Certain Only): N/A (Consent)

INTRODUCED BY: Mayor Wheeler

COMMISSIONER / AUDITOR APPROVAL

Mayor - Finance & Admin. - Wheeler Mustafa Washington Digitally signed by Mustafa Washington Date: 2020.07.19 08:38:56 -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/BHR
 OMF/CAO: Tom Rinehart Digitally signed by Tom Rinehart Date: 2020.07.16 08:35:17 -0700
 Bureau Approval: Cathy L. Bless Digitally signed by Cathy L. Bless Date: 2020.07.13 12:02:04 -0700

Prepared By: Michelle Cole
 Date Prepared: May 14, 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
 If yes, **Auditor Office** Approval

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

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:

July 29, 2020 Passed to Second Reading August 5, 2020 at 9:30 a.m.

CLERK USE: DATE FILED 7/21/20

Mary Hull Caballero
 Auditor of the City of Portland

By: Keelan McClymont Digitally signed by Keelan McClymont Date: 2020.07.21 13:16:51 -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 | | |

IMPACT STATEMENT

Legislation title: Provide an exception to Human Resources Administrative Rule 8.03, Hours of Work, Overtime Compensation & Management Leave for Fair Labor Standards Act Exempt Employees allowing for carryover of unused management leave to calendar year 2021 as a result of required furloughs for FLSA exempt employees (Ordinance)

Contact name: Michelle Cole
Contact phone: 503-823-6172
Presenter name: Cathy Bless

Purpose of proposed legislation and background information:

The City has implemented cost saving measures effective April 10, 2020, as a result of fiscal impacts due to COVID-19. This included freezes on merit increases, COLA, pay actions, as well as furloughs. As a result of furlough requirements and increased work required by many employees, employees may not have the ability to use management leave hours within the remainder of the calendar year 2020. This will allow the carryover of Management Leave from calendar year 2020 to be used in calendar year 2021.

Financial and budgetary impacts:

It is assumed that there is minimal impact as the result of management leave carryover. Management Leave does not get paid out at employee separation. In addition, those receiving management leave are FLSA exempt employees not entitled to overtime (OT). It is assumed that in most instances, a bureau who will need to backfill can do so with other FLSA exempt employees. Therefore, it is assumed OT required to backfill will be minimal.

Council is directing bureaus to manage staffing coverage requirements in order to minimize additional costs that may result from Management Leave carryover and manage those costs within existing current service level appropriation.

Community impacts and community involvement:

There was no community involvement. This action is largely internal to City government processes.

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

| Fund | Fund Center | Commitment Item | Functional Area | Funded Program | Grant | Sponsored Program | Amount |
|------|-------------|-----------------|-----------------|----------------|-------|-------------------|--------|
| | | | | | | | |