

ORDINANCE No.

*Authorize changes to established Safety Net Program allowing the Director of Human Resources and Bureau Directors additional authority to enter into flexible safety net temporary leave, safety net severance, and reduction of hours agreements during FY 20-21 and FY 21-22 (Ordinance)

The City of Portland Ordains:

Section 1. The Council finds:

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 of Portland which has resulted in an unprecedented impact on the City's financial standing.
3. During the beginning of the recession in 1997-98, Council adopted ordinance number 171215, which established the Safety Net and Targeted Severance Programs, and the Office of Management and Finance (then referred to as Office of Finance and Administration) developed these two programs, which Bureaus and the Bureau of Human Resources continues to utilize.
4. The existing Safety Net Program would benefit from additional flexibility to allow the Bureau of Human Resources to enter into part-time agreements with existing fulltime employees that retains healthcare benefits at the same level as fulltime employees.
5. The existing Safety Net Program would further benefit by including a Temporary Leave Program. The Bureau of Human Resources has determined that given the existing circumstances of the COVID-19 pandemic, the City would benefit from a Safety Net Temporary Leave Program that authorizes Bureaus in conjunction with the Bureau of Human Resources to enter into agreements with employees that would allow for extended unpaid leave and with continued healthcare coverage paid by the Bureau for up to twelve (12) months. This would allow Bureaus to recall employees to work at any time during the leave.
6. To help avoid mandatory layoffs, the existing Safety Net Program would see additional benefits by adding a Safety Net Layoff Program option for employees with Bureau approval to voluntarily layoff and receive healthcare benefits for three (3) months and recall rights after nine (9) months.

7. The existing Safety Net Program would also benefit from allowing additional flexibility in the program. The existing Safety Net Program provides a one-time severance payment and continuation of healthcare coverage for up to 6 months for certain categories of employees who are at risk of lay-off from City employment. Due to the financial impacts of the COVID-19 pandemic, Bureaus would benefit from additional flexibility within the Safety Net Severance Program to allow Bureaus and the Bureau of Human Resources to offer to any employee or groups of employees, whether at risk of layoff or not, either one or a combination of the following: (1) continued coverage of healthcare for up to six months; and/or (2) cash payout. Total costs of one or a combination of these options shall not exceed \$15,000. Employees in this program will not have recall rights.
8. Voluntary furlough days will provide the City with further savings and greater flexibility for City employees interested in taking additional furlough days.
9. Council recognizes that bureau work expectations and deliverables would be adjusted across the City and acknowledges that with fewer staff, bureau work plans and completion timelines, even for priority work, may need to be adjusted. Work of critical nature (e.g. public safety, water main break) will not be reprioritized.
10. Council further recognizes Bureau Directors may determine what options provided herein meet business operations or budget considerations.
11. The costs associated with the programs described herein will provide savings from the reductions of hours, temporary leave, or separation from employment.

NOW, THEREFORE, the Council directs:

- a. The Director of the Bureau of Human Resources is authorized to enter into agreements with existing fulltime employees to decrease to part-time hours and retain healthcare benefits at the same level as fulltime employees. Employees must have Bureau Director approval to be eligible for this program. These agreements shall be for a duration as determined appropriate by the Director of BHR in conjunction with the Bureau Director, however, in no event shall the part-time agreement extend beyond June 30, 2022. The Director of Bureau of Human Resources is authorized to adopt policies and guidance for implementation of this program.
- b. The Director of the Bureau of Human Resources is authorized to create and implement the Safety Net Layoff Program. This program provides an opportunity to help avoid mandatory layoff for employees to voluntarily layoff and receive healthcare benefits for three (3) months and recall rights after nine (9) months. Employees must have Bureau Director approval to be eligible for this program. The Director of Bureau of Human Resources is authorized to adopt policies and guidance for implementation of this program.
- c. The Director of the Bureau of Human Resources is hereby authorized to create and implement the Safety Net Temporary Leave Program. The Safety Net

Temporary Leave Program shall allow for extended unpaid leave with continued healthcare coverage paid by the Bureau for up to twelve (12) months. Employees must have Bureau Director approval to be eligible for this program. Bureaus may recall employees to work at any time during the leave and failure to return to work as directed shall be considered a voluntary separation from City service. The Director of Bureau of Human Resources is authorized to adopt policies and guidance for implementation of this program.

- d. The Safety Net Program is hereby amended to allow for either one or a combination of the following: (1) continued coverage of healthcare coverage for up to six months; and/or (2) cash payout. Total costs of one or a combination of these options shall not exceed \$15,000. Employees shall not have recall rights. The Director of Bureau of Human Resources is authorized to adopt policies and guidance for implementation of these changes to the Safety Net Program.
- e. Bureaus Directors are authorized to approve requests for voluntary furlough days to provide additional savings for the bureau. Once approved by the Bureau Director, voluntary furlough days shall be scheduled based on the business operational needs of the bureau.
- f. The Director of the Bureau of Human Resources is authorized to enter into letters of agreement with any City union to provide for the programs and leaves stated in this ordinance without need for further Council approval.

Section 2. The Council declares that an emergency exists in order to make these agreements available and implemented without delay therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council:

Commissioner Maylor Wheeler
Prepared by: Cathy Bless
Date Prepared: 8-13-2020

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy

Agenda No.
ORDINANCE NO.
 Title

*Authorize changes to established Safety Net Program allowing the Director of Human Resources and Bureau Directors additional authority to enter into flexible safety net temporary leave, safety net severance, and reduction of hours agreements during FY 2020-21 and FY 2021-22 (Ordinance)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler</p>	<p>CLERK USE: DATE FILED <u>September 1, 2020</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler <small>Digitally signed by Mustafa Washington Date: 2020.09.02 09:51:15 -07'00'</small></p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p>
<p>Position 1/Utilities - Fritz</p>	<p>By: <u>Keelan McClymont</u> <small>Digitally signed by Keelan McClymont Date: 2020.09.02 10:27:25 -07'00'</small> Deputy</p>
<p>Position 2/Works - Vacant</p>	
<p>Position 3/Affairs - Hardesty</p>	
<p>Position 4/Safety - Eudaly</p>	
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: BHR/OMF Bureau Head: <u>Cathy L. Bless</u> <small>Digitally signed by Cathy L. Bless Date: 2020.08.28 18:40:53 -07'00'</small></p>	<p>ACTION TAKEN:</p> <p>September 10, 2020 Continued to September 17, 2020 at 2:00 p.m.</p>
<p>Prepared by: <u>Cathy L. Bless</u> Date Prepared: <u>8/28/2020</u></p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: <u>Heidi Brown</u> <small>Digitally signed by Heidi Brown Date: 2020.09.01 18:01:45 -07'00'</small> required for contract, code, easement, franchise, comp plan, charter</p>	
<p>Council Meeting Date September 10, 2020</p>	

AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>4:00 PM</u> Total amount of time needed: <u>20</u> (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz		
2. Vacant	2. Vacant		
3. Hardesty	3. Hardesty		
4. Eudaly	4. Eudaly		
Wheeler	Wheeler		

IMPACT STATEMENT

Legislation title: *Authorize changes to established Safety Net Program allowing the Director of Human Resources and Bureau Directors additional authority to enter into flexible safety net temporary leave, safety net severance, and reduction of hours agreements during FY 2020-21 and FY 2021-22 (Ordinance)

Contact name: Cathy Bless
Contact phone: 503-823-8026
Presenter name: Cathy Bless

Purpose of proposed legislation and background information:

During the beginning of the recession in 1997-98, Council adopted ordinance number 171215, which established the Safety Net and Targeted Severance Programs, and the Office of Management and Finance (then referred to as Office of Finance and Administration) developed two programs, which Bureaus and the Bureau of Human Resources continues to utilize. This Ordinance creates other flexibility under these programs to provide options to Bureaus and to City employees during the COVID-19 pandemic and continued economic decline.

Financial and budgetary impacts:

The primary cost is not financial but realized in terms of lost productivity based the work reductions provided within the Ordinance. The Ordinance allows for Bureau Directors to make decisions on which options will work best within their bureau and should not result in additional overtime costs. There may be short-term increased cost in Safety Net Severance and voluntary lay-off payouts upon separations, but vacancy savings are expected to off-set any increase in short-term expense.

Community impacts and community involvement:

N/A

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

Opt-In Furloughs for Caregivers with Financial Benefit—Concept Proposal and Correspondence

Included in this document are three items:

1. Concept Proposal for Opt-In Furloughs for Caregivers with Financial Benefit

→ [Go directly to Concept Summary](#)

2. Email sent to Commissioner Amanda Fritz, 8/7/2020

Astrid Dragoy, Tom Rinehart, Cathy Bless, Gabriel Solmer copied

Focused communication toward Commissioner Fritz, since she is in charge of the Water Bureau, my employer. Similarly included the Water Bureau Director.

3. Feedback to BHR (email excerpt) about the proposed changes to the Safety Net Program

Additional logic that underpins the concept proposal is outlined here.

CONCEPT PROPOSAL FOR OPT-IN FURLOUGHS FOR CAREGIVERS WITH FINANCIAL BENEFIT, ATTACHED TO 8/7/2020 EMAIL TO COMMISSIONER FRITZ

CONCEPT PROPOSAL: **Opt-In Furlough for Caregivers with Financial Benefit**

SUBMITTED BY: Kristin Anderson

DATE: August 7, 2020

INTRODUCTION

The state of caregivers in this pandemic and the sustainability of their situations have been heavily on my mind. I expect that you have considered the impacts to both working parents and other caregivers, recognizing that the impacts are inequitably distributed.

In the case of child caregiving, impacts are inequitably distributed on women, and even more so on Black, Indigenous, and all People of Color (BIPOC) women. And with COVID infections disproportionately affecting BIPOC communities, the inequity in caregiving duties on these communities is amplified.

I am worried about the loss of valuable employees as parents/guardians struggle to homeschool and caregivers of COVID patients give care to those infected. This already has and will continue to impact women and BIPOC communities in acute disproportion. I am particularly concerned about what will unfold in the next few months that will likely lead to very long-term impacts on both the families affected and our workforce.

While the challenges of our current unprecedented situation may seem insurmountable, I believe there are parallel opportunities of equal magnitude to be innovative and be a path-finding national leader in implementing creative and effective solutions to the incredible challenges of this time.

I would like to put forward an idea that may represent a possibility to both soften the short- and long-term impacts to caregivers while helping with the City's budgetary shortfalls.

Right up front, I would like to say that I do not assume that this idea necessarily represents every caregiver's needs or interests. I do not have exposure to all the different types of work done in the City that might inform the nuances of how this would play out for all employees. While I have shared this concept with a cross-section of colleagues in caregiving roles to get a sense of how valuable this might be, I do not assume the feedback I have received is representative of the broad diversity of City employees. In particular, I am white, and while I have acknowledged some of the inequities to BIPOC caregivers that are clear in this situation, I do not suggest that I speak for the BIPOC community.

I put this idea forward in the hopes that it is useful in some way—either as it is presented or improved in its consideration of equity issues or, at a minimum, in spurring movement toward a solution that meets the broad needs of parents and other caregivers across the City.

CONCEPT

Allow employees with children or other caregiving demands impacted by COVID to temporarily work part-time schedules while maintaining their full health benefits. Pay these employees for slightly more hours than they work on their reduced schedule (example calculations are given below). Implement City policy for this program that mirrors the job-security provisions in the federal Family and Medical Leave Act. I suggest this be considered a **pro-active opt-in furlough program for caregivers**.

Caregiving, including having and raising children is inextricably tied to the long-term health of the economy at all scales, local to global, but this is rarely the lens from which we think about what benefits caregivers should receive. In our country, parents and other caregivers largely subsidize the long-term economy at their own cost. This is particularly evident in the pandemic. The additional pay included in this proposal would be an acknowledgement of that contribution in this situation that will impact the economy severely.

This concept includes three key elements:

1. **Protected reduced work schedules:** those enrolled would be able to work a reduced schedule without sacrificing job security.
2. **Protection of benefits:** those enrolled would continue to receive full-time benefits for the period they are working a reduced schedule.
3. **A caregiving pay adjustment:** those enrolled would be provided with a caregiver stipend proportional to the amount of work time reduced in addition to their reduced regular salary. This is essential to ensure that the benefits of the program are not disproportionately given to those with higher incomes or multi-earner households.

When I think of the needs of families and caregivers in this situation, I see the basic categories of 1) the needs of the children or dependents, 2) financial viability, 3) health benefits, and 4) job security. These needs are what informed this ideation.

WHY THE INCREASED PAY AND FULL BENEFITS?

Below is a list of reasons why this program makes sense for the City. Together, the reasons boil down to **avoiding layoffs** and **partially addressing the current acute inequities in caregiving** in this pandemic.

Reason	How/Why?
Avoid layoffs; Avoid staff loss	Program would help with budgetary shortfalls and prevent employees from having to quit their jobs to sustain their caregiving duties. Taking measures to keep City staff employed will reduce impacts to our ability to meet our many responsibilities and maintain service levels. More broadly, keeping more people employed will help soften the economic blow of the pandemic in Portland.

Create an incentive to opt-in	Temporary staff time reductions, if implemented widely, could significantly help the budget and may reduce overall staff impacts. The more widely this is implemented, the decreased amount of fear that employees will likely feel about how they may be perceived in the future for career opportunities. This is important to consider, given that it is often women who are more likely to need the temporary work-time reductions, and women are historically punished by institutions for family duties infringing on work, largely in the form of decreased career opportunities and pay.
Recognize benefits to other City employees that are produced	The reduced at-work hours of working parents and other caregivers in an opt-in program will decrease the impacts of reduced hours or layoffs on other City employees. These caregivers will be carrying a substantially greater burden of offsetting budgetary shortfalls.
Recognize economic value of caregiving	Economic stability and viability is substantially enhanced by caregivers. In the situation of the pandemic, parents/guardians are maintaining the education of this generation of children and other caregivers are reducing stress on the healthcare system at a time when it could rapidly become overwhelmed. This unpaid caregiving work produces short- and long-term benefits to the economy, benefitting everyone.
Partially rectify inequities in caregiving in pandemic	The inequities to women and BIPOC communities associated with caregiving are very acute in this pandemic. Reducing the overall financial impact of a decrease in work hours that is being taken in order to be a caregiver acknowledges this inequitable impact.

If it seems radical to reduce a small portion of the burden that caregivers carry in this situation—the carrying of which is keeping significant parts of society going at this time—then this is an opportunity to reflect on and change how we value caregiving work.

PART TIME AND PAY CALCULATIONS:

- This allows caregivers who otherwise have too high of demands on their time to temporarily reduce hours without losing their job at a loss to themselves and the City.
- A range of part-time schedule reductions could be available. For example, employees could choose weekly schedules ranging between 20-35 hours.
- Budgetarily, it would help to distribute a decrease in hours to those who benefit in other ways from the ability to reduce hours yet maintain job security. This would be a self-selecting option for implementing furloughs in which each employee can discern the relative value of time versus money

in the current situation. Depending on the participation, it may cover all furlough needs and avoid layoffs.

- The additional pay would be related to the reduction in hours such that employees who reduce their hours more due to their caregiving duties receive a larger stipend. The example calculations below are done in this way.

EXAMPLE PAY CALCULATIONS

I can provide the spreadsheet associated with these calculations if desired.

Example of How Benefits Could Be Implemented, Shown on a Weekly Basis:

Wage /hour Maximum Weekly Stipend Program Length (Weeks)

Hours Worked per Week	Hours Reduced from 40-hr Week	Weekly Stipend*	Hourly Rate of Pay as Part of Program*	Weekly Gross Income	Weekly Gross Income w/o Program	City \$ Savings	City \$ Savings for Length of Program	Ratio of City to Employee Benefit
40	0	\$0	\$30.00	\$1,200	\$1,200	\$0	\$0	NA
36	4	\$0	\$30.00	\$1,080	\$1,080	\$120	\$960	NA
34	6	\$25	\$30.74	\$1,045	\$1,020	\$155	\$1,240	6.2
32	8	\$50	\$31.56	\$1,010	\$960	\$190	\$1,520	3.8
30	10	\$75	\$32.50	\$975	\$900	\$225	\$1,800	3.0
28	12	\$100	\$33.57	\$940	\$840	\$260	\$2,080	2.6
26	14	\$125	\$34.81	\$905	\$780	\$295	\$2,360	2.4
24	16	\$150	\$36.25	\$870	\$720	\$330	\$2,640	2.2
22	18	\$175	\$37.95	\$835	\$660	\$365	\$2,920	2.1
20	20	\$200	\$40.00	\$800	\$600	\$400	\$3,200	2.0

*There is not a stipend AND greater hourly rates of pay. These are just two different ways of understanding the same benefit.

The above is the heart of the idea and its justification. Below are additional thoughts and considerations.

DOESN'T FMLA ADDRESS THIS?

- FMLA addresses this situation to a point. Because there is a 12-week limit, some employees may run out of FMLA as a benefit due to other covered reasons. For example, a woman who gave birth earlier in 2020 may have already used all of this leave to cover maternity leave and be unable to then use any leave for the rest of the year though daycares are closed and she has to try to work from home with a baby and perhaps other children. This program could at first handle these types of issues in which FMLA is not providing the full needs of certain caregivers.

- The combined implementation of FFCRA FMLA and the Workshare program had an inequity in that the Workshare program was not available as a benefit to employees who also had to take leave to take care of children or other dependents. This represented a choice to caregivers to either receive a significantly reduced unemployment benefit or in other ways sacrifice the well-being of themselves or their dependents. This opt-in furlough program should be designed to avoid similar inequities.
- In addition, we do not know how long the pandemic will last, nor what federal relief will be offered. FMLA may not be enough to cover the duration of the pandemic, nor, I believe, does the city see an actual savings.
- Job security will be a critical consideration for employees. The City can develop policies with this program that mirror the job security components of FMLA.

CERTAIN START AND END DATE

- An idea for how to implement this could be to have the period of time that the program is available to be specified, with given start and end date. The City would determine new windows of availability for this program depending on the length of the pandemic. For example, this could start as a program that is available September 1-November 5 (or December 31). It could be linked to PPS school closure announcements, as this will be a direct connection to parental duties and an overall indicator of the state of the pandemic. If school closures persist, another window of opportunity to sign up could be offered. The City could open up an opportunity to enroll at the halfway mark of a window or have shorter windows of enrollment if that is helpful to either employees or the City. And like annual benefits enrollment, it would be important to allow enrollment upon a life change related to caregiving.
- I think it is likely employees may fear that if they choose to opt in to a program like this, that budget problems may somehow lock them into this in the long term. A certain end date could help alleviate this concern. City policy that specifies that employees will return to full time at the end of the program would also be helpful.
- Generally speaking, certainty around what this looks like may be helpful to people in determining what works best for them.
- This certainty could also be very helpful to the City in planning the budget and knowing what budgetary benefits will be realized.
- If a successful program, the City could continue to offer windows of program enrollment as long as budgetary shortfalls continue.

OTHER THOUGHTS

- Expanding this option to employees who are not caregivers could be an option later if this proves to be a net benefit in terms of maintaining the workforce as budgets drop.

- Work planning considerations will be substantial with such a program. Work that cannot be accomplished by employees opting in to the program may have to be redistributed to other employees or delayed. While this is a real impact, this impact will occur in any type reduction of staff time associated with budgetary shortfalls. Handling it by allowing part time work in a program with a defined start and end date may allow for an enhanced ability to plan for changes, and certainly will allow greater continuity in work than layoffs.
- If employees opt in to this type of program, they can be given credit for all or a portion of furloughs taken, such that if/when additional furloughs occur, they will be required to take them at a reduced rate commensurate with their furloughs through the opt-in program.
- Gathering and analyzing data about who is using the program, to the extent appropriate, would be valuable both in understanding how COVID-related caregiving impacts are distributed among City employees. These data could also be used in the event of layoffs to ensure that caregivers who have participated in this opt-in program are not being disproportionately impacted by layoffs.

I also feel I should say that it is not out of my own current needs that this idea arises. I am in the fortunate situation at this moment in being able to work from home and split childcare duties with my partner who is also working from home and have my needs met by the FFCRA FMLA already in place. But I know the days of having younger children that would harshly tip the balance toward an unsustainable amount of demand, and I can imagine the extreme demand and stress that caregivers of the elderly, other dependents, and COVID patients are enduring as well as the significant difficulty that would arise from having a job that cannot be done from home. I am deeply concerned about these coworkers.

Finally, thank you for reading and considering this. I trust that you and all City elected officials and managers are doing their best for City employees in this very difficult situation.

EMAIL SENT TO COMMISSIONER AMANDA FRITZ, 8/7/2020

Astrid Dragoy, Tom Rinehart, Cathy Bless, Gabriel Solmer copied

Focused communication toward Commissioner Fritz, since she is in charge of the Water Bureau, my employer. Similarly included the Water Bureau Director.

August 7, 2020

Commissioner Fritz,

This is Kristin Anderson, an employee in the Water Bureau. I am writing to you today, however, not in my professional capacity nor as a representative of the Water Bureau, but rather as a mother and as a City employee to share an idea that is relevant to the City and its employees during this pandemic.

I, perhaps like you, am keenly aware of the intense and inequitable demand on caregivers during the pandemic. The announcement of online-only school this fall amplified my sense of urgency that actions need to be taken to support City employees who are also acting as caregivers to children and other dependents or family members suffering from COVID.

Caregivers are extremely valuable, particularly in their role during this pandemic of sustaining care to children, the elderly, the sick, and others when systems designed to give this care are closed or their use presents health risks. The current crisis would be substantially worse without their unpaid service.

Innovative ideas are called for that strive to solve multiple parts of our current complex crisis; in this case, easing the burden on caregiving employees while addressing budgetary shortfalls.

In asking myself what could help ease this situation and at the same time find ways to address City budget shortfalls, an idea came to mind.

Concept:

Opt-in part-time furlough program for caregivers that provides reduced work schedules, stability with health insurance, and a small but meaningful financial benefit.

Benefits:

Avoid layoffs and loss of staff—allowing caregiving employees to go part-time would help struggling City budgets; temporary part-time schedules could allow employees who are also caregivers to get through the pandemic without having to resign from their positions.

Assist caregiving employees—provide part-time options to temporarily ease the burden on caregiving employees; provide a small financial benefit to partially offset the large benefits they are providing to society with their caregiving and to the City and to fellow employees by opting in to a furlough program.

This is in alignment with the City's core values, including equity and fiscal responsibility. Two statements from Resolution 37492 (<https://www.portlandoregon.gov/BHR/article/763427>) are particularly relevant:

"WHEREAS, sense of belonging, support, and safety are vital for a diverse, equitable, and inclusive city and workforce,"

and

"WHEREAS, the City of Portland is dedicated to being fiscally accountable to the public."

A more detailed outline and discussion of the concept, supporting reasons, and the idea for the associated financial benefit is attached.

Thank you for considering this idea.

Sincerely,

Kristin Anderson

FEEDBACK TO BUREAU OF HUMAN RESOURCES FROM KRISTIN ANDERSON (EMAIL EXCERPT) ABOUT THE PROPOSED CHANGES TO THE SAFETY NET PROGRAM, 8/24/2020

Additional logic that underpins the concept proposal is outlined here.

The proposed part time and temporary leave options while maintaining full-time benefits could be very helpful to caregivers in providing more time for caregiving without losing benefits.

I think there are opportunities to bring even more creative solutions to more completely address the full scope of the issues at hand.

To achieve the best possible outcome of maintaining the workforce as a whole, the diversity of the workforce, and the long-term vitality of Portland, it may be necessary to loosen some of the stricter boundaries of our thinking and to take the long view on what we are trying to achieve.

In this crisis, I know that we all have seen the criticality of the work that caregivers and essential workers (I'm speaking broadly here, not specifically about essential COP employees) have in keeping our whole global economy going and in meeting the basic needs of humanity. I, like so many others, have been troubled thinking about how these are such critical contributions to the well-being of all of us, yet how do we find ways to actually value this?

The question of how City policies can support caregivers right now in the midst of this crisis is exactly where we, the City of Portland, can do something different. In doing so, we can go beyond addressing the most urgent needs of employees for the very short term, and we can change the way that we value contributions to our society and long-term vitality. I don't mean this in an abstract way. I mean that the amount of support that local caregivers receive in the midst of this crisis will have a real effect on the economic health and livability of Portland in the long term, and this will in turn impact City government.

More support now =

- local children's educational and emotional needs are better met and they have more opportunities and likelihood of becoming valuable contributors to local society;
- fewer caregivers drop out of the workforce, and because caregivers who would have dropped out would have been disproportionately female and/or BIPOC community members, diversity of the workforce is maintained;
- healthcare that can be given at home is given at home, helping to keep the spread of COVID down and the burden on the local healthcare system lower, resulting in a lesser economic impact that would be felt in the short and long term.

I have concerns that the draft ordinance as written, though intended to assist caregivers, could potentially result in a severely inequitable distribution both of layoffs (with voluntary layoff or a targeted severance component) and of the shouldering of the burden of budgetary shortfalls (all parts

of the policies). Given the current situation with online-only school and the significantly inequitable distribution of childcare duties, female City employees will likely be impacted far greater, and of those, BIPOC women even more so. And with COVID infections impacting BIPOC communities much more than white communities, more members of those communities are impacted by caregiving duties. (Again, here I feel I must say that my lived caregiving experience is as a white mother, and I would ask leadership to ensure BIPOC employees have a voice in this. I bring forward issues regarding BIPOC communities because they are relevant, but I do not bring a complete perspective nor suggest I represent BIPOC communities.)

I put forward the concept I did in the hope that leadership could take the lens of the economic value of caregiving and use that to both identify and justify a new path forward--one that addresses the crisis for caregivers, the inherent inequities therein, and the City budget shortfalls. I think there are creative ways to bring those together in ways that benefit all--and I'm sure there are more possibilities than the concept I shared. But it requires stepping into uncharted territory.

These are some questions I would want leadership to ask:

1. Can you envision ways to place value on the long-term economic or other value that caregiving during the pandemic will have for Portland and then integrate that into policy to support caregivers now?
2. Are there additions to the policy that you could include to decrease the vulnerability of caregivers who use this policy of being laid off or permanently kept in a part time status?
3. Can you think of adjustments to the policy that could be made to drive toward a more equitable result?
4. Do you see value in developing an innovative policy to try to more broadly address the current issues with caregiving during COVID? Further, do you see value in sharing this policy widely in an effort to lessen the impacts across the State? The country?

A final issue I would like to address is the concern that a caregiving stipend (or presumably any specific benefit for caregivers) would be inequitable to non-caregivers. I hear this, and I think there are employees who would feel that way. And yet, this is one of the places of greatest opportunity for changing how we see and value caregiving. This view is most typical in relation to having children--that having children is a choice and that if you choose to have children, it shouldn't necessarily mean you should then get benefits that others are not entitled to. I believe what underlies these sentiments is our society's lack of fluency and shared knowledge of the benefits that having and raising children provides to society. Firstly and most simply, having children is essential to long-term economic health by maintaining the population. Lack of subsidies for day care and college typically mean that parents themselves are heavily subsidizing the health and productivity of the next generation. And of course, these children will be the ones paying for Social Security and Medicare. I don't say all this just to drone on, but rather to give points for consideration in balancing out the stated concern that benefits to caregivers would be inequitable to non-caregivers. The benefits that caregivers are providing to all of society, non-caregivers included, in this crisis vastly outweigh the benefits that the City can provide to caregivers even if those benefits were far greater than what I provided as an example in my concept proposal.

I feel fortunate to have my voice be shared at the table. I am deeply appreciative of this. I also know that I am one voice. I am hopeful that City leadership is gathering input from many employees that represent a full array of experiences.

From: [Anderson, Kristin](#)
To: [Council Clerk – Testimony](#)
Subject: Testimony on Council Item 706, September 10, 4 pm
Date: Tuesday, September 8, 2020 2:29:47 PM
Attachments: [Opt-in Furloughs for Caregivers - Concept Proposal andl Communications - 9-10-2020 Agenda Item 706.docx](#)

Hello,

I have registered to give spoken testimony this Thursday, September 10, for item 706 (Changes to Safety Net Program). I would like to also submit the attached document as written testimony. If a person may only do written OR spoken testimony and not both, I would prefer to speak.

Thank you,
Kristin Anderson

Kristin Anderson
Environmental Water Resource Program Manager
Portland Water Bureau
1120 SW 5th Avenue
Portland, OR 97204
She/her

City Council Testimony

Item #706

*Authorize changes to established Safety Net Program allowing the Director of Human Resources and Bureau Directors additional authority to enter into flexible safety net temporary leave, safety net severance, and reduction of hours agreements during FY 20-21 and FY 21-22 (Ordinance)

September 10, 2020

4:00 Time Certain

Courtney Duke

Representing: PDXCityMamas/Parents + DEEP Leadership

Employed by: PBOT and ECC

Good afternoon mayor and commissioners. Thank you for the opportunity to testify on behalf of employees today. I am Courtney Duke, speaking as a leader of the city sponsored DEEP affinity group PDXCityMamas/Parents – representing over 200 parents and caregiver employees at the City.

As someone who has written several ordinances in my career, I understand that an ordinance may not have all the details of implementation included. But for this work, details are needed related to implementation due to the impact it will have on employees across the city.

Over the last 20 years the implementation of FMLA has been sporadic, uneven, and inconsistent across the city and within bureaus. We have seen this same dynamic with the implementation of expanded FMLA and FFCRA since March. Not only is there lack of consistency across the city, but also within bureaus. Employees and managers have vastly disparate experiences and outcomes within their same bureau and even group.

This track record does not instill confidence. The city has a no questions asked policy related to bereavement leave, but hurdles to take paid, federal leave for caregivers and families.

It is unclear how bureaus and managers will decide which employees **are eligible and allowed to take advantage of this ordinance.** Will it be primarily instituted at bureaus with the biggest shortfalls? How does that fit in with the fall budget process? What are the criteria to say yes or no? What is the recourse for employees who are denied? Or the opposite, a manager sees this as an opportunity to save money, but this option is not a good fit for the employee?

What problem are we solving?

Is this a **family and caregiver support** ordinance as outlined in the city wide email last week? Or a **cost saving measure** as indicated by BHR communication and conversations with bureau directors? **From an employee perspective – they are intertwined.** Staff and managers across the city are working to create options for employees during this extraordinary time – reduced schedules, condensed work weeks, changes to deliverables. **This initiative should be a component of a suite of options.**

The citywide **caregiver survey** should inform any ordinances that claim to assist families and caregivers. The survey is due today. BES, PBOT and other bureaus have already done caregiver surveys – how is the information from individual bureaus informing BHR actions and recommendations?

Concerns that implementation of the ordinance will create **gender and race inequities in our workforce**.

There a lack of action from senior leadership – there is a lot of talk of “work life balance” and “do what you can” – but few tools or actions to assist staff or managers – this could be one tool to assist. But as mentioned before, it should be a part of several supports rolled out at the same time.

These times call for new ideas - Modifying old language to address new issues is not enough – it is time for bold thinking and new language

We Recommend: The Council **carry over** the vote to next week after today’s hearing and testimony.

This allows additional time and ability for review and modifications to the ordinance and/or to attach additional direction related to implementation.

Thank you for your time.

From: [Duke, Courtney](#)
To: [Council Clerk – Testimony](#)
Cc: [Anderson, Kristin](#)
Subject: City Council Testimony 9.10.20 #706
Date: Thursday, September 10, 2020 1:59:09 PM
Attachments: [council testimony 91020 courtneyduke.docx](#)

Attached is written testimony for Council Item #706.

Thank you,

Courtney Duke

PDXXCityMamas/Parents Founder and Board Member
DEEP Leadership.

City Council Testimony

Kristin Anderson Employed by Water Bureau, representing self

Item #706 Authorize changes to established Safety Net Program allowing the Director of Human Resources and Bureau Directors additional authority to enter into flexible safety net temporary leave, safety net severance, and reduction of hours agreements during FY 20-21 and FY 21-22 (Ordinance)

September 10, 2020

4:00 Time Certain

Spoken testimony:

Hello, I am Kristin Anderson, and I work in the Water Bureau. I speak today, however, not in my professional capacity, but as a City employee and a mother.

First, I would like to acknowledge the incredible challenges that you face at this time and thank you for all your efforts to rise to these challenges.

I am here in support of authorizing changes to the Safety Net Program. I think some employees with the most pressing caregiving needs will be able to use these measures.

But this policy alone does not go far enough in supporting caregivers.

I strongly believe that there are creative ways to meet this challenge, and I ask the City to develop a separate program that more comprehensively offers support to caregivers while also achieving fiscal goals and optimizing work continuity during the pandemic.

I ask that the City include three stated goals in a new program:

1. Maintain diversity of the workforce. Caregiving duties are very inequitably distributed. Policies that usher caregivers out the door would be losing the benefits of decades of work done to build diversity in the workforce.
2. Save money without losing valuable employees—widely offer schedule flexibility that maintains job security while saving the City money.
3. Maintain stability of the Portland economy in the short- and long-term. By that, I mean take the economic long view of what is best for the entire community and how that comes back around to benefit the City government. This requires applying value to the caregiving work that is providing substantial social and economic benefits to the community.

I submitted as written testimony a concept proposal for idea that weaves these goals together, and it can be a starting place for thinking more broadly.

I urge the City to engage thoughtfully and expediently with employees, with a particular focus on underrepresented groups.

I would like to impress upon Council that the thoughtfulness and bigger picture lens through which we approach this issue will strongly influence how well the City recovers from all the impacts of the pandemic. There is a lot of opportunity here, and there is vulnerability as well.

Additional considerations:

Please see separate written testimony for **opt-in part-time furloughs with caregiving stipend**.

Being a large employer and a City that is looked to as an innovator, you have a unique opportunity to make a significant positive difference in our ability to recover from this situation, both directly in the City workforce and by providing an example to other employers.

We know that women are doing the lion's share of caregiving in this crisis. Women are highly unlikely to bring forward issues of the conflict of family and work and ask for the full support they need. The consequences of doing this for a woman are at best uncertain, and can be very large and long-lasting. I believe we have more than a thousand employees who are likely suffering in silence at the impossibility of the daily, even hourly, decisions to either neglect their children (or other dependents) or neglect their work. Please don't confuse any quiet on this issue as a sign that things are fine.

Regarding continuity of and work planning in the current context:

Please note that the current context is very different from what we are used to, and our assumptions that we carry in thinking about how best to maintain work continuity may not be relevant or appropriate to this situation.

For those who are trying to do caregiving at home while also working, their ability to work is going to be limited to the degree that their caregiving duties require regardless if they are given the opportunity to reduce their schedule or not. There is likely very little elasticity in this. In many cases, it may be more efficient and productive to reduce schedules, have a shared, explicit understanding of what that schedule is, and then be able to plan around that reduced schedule.

For those working at a job site or in the field, the difficulty in getting care for dependents or the lack of ability to care for dependents—leaving children at home to do online school alone, for instance, may drive these employees to the breaking point of needing to quit. Though it may

seem that reducing schedules for field staff could be particularly difficult to accomplish, it will be even more difficult to manage work when staff quit.

I believe that having an inviting and supportive program that gives a clear path to part-time options without sacrificing job security may, for many employees, enhance the ability to optimize work planning. At the same time, however, I strongly suggest that there should in no case be pressure to move to part time or assumptions that employees with caregiving duties cannot work full time. Every person's situation is unique.

From: [Anderson, Kristin](#)
To: [Council Clerk – Testimony](#)
Subject: Written testimony for Council meeting item 706
Date: Thursday, September 10, 2020 2:48:16 PM
Attachments: [Item 706 Kristin Anderson spoken testimony.docx](#)

Hello,

I respectfully submit my planned spoken testimony with some additional points. This is a second written testimony submission from me on this item.

Regards,
Kristin Anderson

Kristin Anderson
Environmental Water Resource Program Manager
Portland Water Bureau
1120 SW 5th Avenue
Portland, OR 97204
She/her

September 10 PM Council Meeting - Public Testimony

Item	First	Last	Zip
706	Courtney	Duke	97219
706	Kristin	Anderson	97204