

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.

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:

1. 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.
2. 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.
3. 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.

4. 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.
5. 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.
6. 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