



Department of County Management
MULTNOMAH COUNTY OREGON

Budget Office

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TO: Board of County Commissioners

FROM: Christian Elkin, Principal Budget Analyst

DATE: March 10, 2010

SUBJECT: General Fund Contingency Request of \$144,000 for a Memorandum of Agreement to re-establish the Corrections Emergency Response Team (CERT) and the Crisis Negotiations Team (CNT) with the Multnomah County Corrections Deputy Association (MCCDA) in the Sheriff's Office (Budget Modification MCSO-08).

During the development of the FY 2010 budget, reductions were made to the CERT/CNT team. On September 18, 2009, after the budget was adopted, the County and the Multnomah County Corrections Deputy Association (MCCDA) established a Memorandum of Agreement that reinstated the CERT/CNT team and associated costs.

In order to re-establish the CERT/CNT team a total of \$144,000 is being requested from the General Fund to pay for training, premium pay, overtime and other associated costs.

General Fund Contingency Policy Compliance

The Budget Office is required to inform the Board if contingency requests submitted for approval satisfy the general guidelines and policies for using the General Fund Contingency.

In particular,

- Criteria 1 states contingency requests should be for one-time-only purposes. If this is not judged to be one-time-only transition funding, the request essentially funds ongoing programs with one-time-only emergency contingency funds. **The CERT/CNT pay is an ongoing obligation.**
- Criteria 2 Addresses emergencies and unanticipated situations. **This request does not address this.**
- Criteria 3 addresses items identified in Board Budget Notes. **This item was not identified in the budget notes but is part of a Memorandum of Agreement that was signed by the County and the Union (see attached).**

MEMORANDUM OF AGREEMENT

I.

Parties

The parties to this Memorandum of Agreement (MOA) are Multnomah County, Oregon, (hereinafter "County"), the Multnomah County Sheriff, (hereinafter "Sheriff") and the Multnomah County Corrections Deputy Association, (hereinafter "Association"), on behalf of its represented members.

II.

Background

The County and the Association are parties to a Collective Bargaining Agreement (CBA). On February 13, 2009, the Sheriff notified the Association of his economic decision to deactivate the Corrections Emergency Response Team (CERT) and the Crisis Negotiation Team (CNT). On February 18, 2009, the Association issued a demand to bargain both the implementation and the impact of the Sheriff's decision. On February 23, 2009, the County notified the Association that the Sheriff's decision was rescinded and that, pursuant to ORS 243.698, the County anticipated deactivating CERT/CNT and the Association should contact the County within 14 days if it wished to proceed with expedited bargaining.

The parties held five negotiation sessions between March and July, 2009, on CERT/CNT. They now wish to enter into a resolution of the issues related to CERT/CNT, and they therefore agree to the following terms:

III.

Terms

A. Effective upon the signing of this MOA, CERT staffing will be reduced to 14 and CNT staffing will stay at 6. On July 1, 2010, CERT/CNT staffing will be reduced to 12 persons/4 persons respectively, unless those numbers are reached by attrition before then. No new team members will be brought onto CERT/CNT unless the numbers go below 12 CERT/4 CNT at any time.

B. Beginning in fiscal year 2010, there will be at least 10 training days per fiscal year for CERT and at least 10 training days per fiscal year for CNT. The Association acknowledges that the

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content, date, location and scope of participation of any training will be determined by the Sheriff or the Sheriff's designee. All facility training with shifts, as well as any CNT training with the East County HNT, shall be counted towards the 10-training day minimum contained herein.

C. In fiscal year 2010, the County shall conduct a minimum of six (6) of the ten (10) CERT and CNT training days on the six (6) different shifts. The County shall also make every effort to arrange for CNT to train with the East County HNT for a minimum of 16 hours in fiscal year 2010.

D. No later than January 1, 2010, the County will implement a "Call-Out" policy governing when CERT/CNT will be called. For clarification purposes, the County and MCCDA recognize that the CERT/CNT Commander determines how many people respond initially to each call. In addition, for clarification purposes, the County and MCCDA recognize that the CERT/CNT Commander has discretion to assign CERT/CNT members to calls for assistance from outside agencies.

E. The County intends to enter into an agreement with the East County HNT so that, in the event of a hostage situation in one of the jails, the County could utilize the combined resource of CNT/HNT, working as a unit, to resolve the situation.

F. CERT/CNT members will continue to receive the 2% premium specified by the Collective Bargaining Agreement.

G. Should any dispute arise over the meaning or application of any provision of this MOA, the parties will apply the dispute resolution procedures of Article 20 of the CBA.

H. Other than a good-faith dispute over the meaning or application of any provision of this MOA, the Association will not file any grievance under the CBA, any complaint with the Oregon Employment Relations Board, or any other form of litigation concerning the CERT/CNT plan addressed herein.

I. Nothing in this MOA is intended to or shall have the effect of circumscribing the statutory powers of the Sheriff, including but not limited to those in ORS Chapter 169, ORS Chapter 206, Multnomah County Charter 6.50, and the Multnomah County Code.

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Executed this 18th day of September, 2009.

For the Association:



Phil Anderchuk, MCCDA President

For the Sheriff:

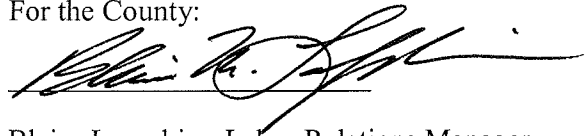


Bob Skipper, Sheriff

For the County:



Doug Hewitt, Executive Vice-President



Blaise Lamphier, Labor Relations Manager

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