



MULTNOMAH COUNTY OREGON

Human Resources Division

**501 SE Hawthorne, 4th Floor
Portland, Oregon 97214-3587
(503) 988-5015 phone
(503) 988-5670 fax**

August 7, 2009 (Rev. Aug. 11, 2009)

Bryan Lally
AFSCME Local 88
6025 E. Burnside Street
Portland OR 97215

RE: Contracting Notice and Impact

Bryan,

On August 6, 2009, the Department of Community Justice notified you of its intent to eliminate one (1) full-time Basic Skills Educator (BSE) position in the Juvenile GOALS Program and its plan for the work to be contracted with Multnomah Education Service District (MESD) for a year, during which DCJ will pursue agreements with local school districts to fund this position thereafter. In accordance with AFSCME Local 88 Collective Bargaining Agreement (CBA) provisions, the current BSE may exercise layoff and bumping rights.

Whereas certain work currently performed by AFSCME Local 88 members is proposed to be reassigned to employees outside of the bargaining unit, and such a change constitutes "contracting out" as defined by the Local 88 CBA, I am providing notice as required by Article 19, I, Contracting, sections A-C which states as follows:

I. Contracting

A. Limitations on Contracting

The County may contract or subcontract out work performed by employees in this bargaining unit regardless of impact on employees, including but not limited to layoff. In any instance in which such contracting or subcontracting would result in layoff, however and the County is unable to find suitable or comparable alternative employment for the employees, this contract or subcontracting will occur only if it was anticipated and considered as part of the budgeting process and the Union Business Representative and/or President has been notified of the specific plan and its probable impact at least thirty (30) days prior to adoption of the annual budget, referred to as the "Adopted Budget", or formal Board consideration of budget modifications.

B. Meeting with the Union

1. Layoffs

The County agrees to meet with the Union to discuss the effect of proposed contracting out or subcontracting which would result in layoff prior to the presentation of the proposal to the Board for adoption. The County further agrees to meet with the Union, at its request, to explore the alternative of work force reduction by attrition.

2. Contract Reviews

Parties agree to meet during the term of this agreement for the purpose of reviewing work that is contracted out, such as custodial work and the feasibility of such work being performed by bargaining unit employees.

3. Contracting In

The County and the Union also agree to allow the opportunity to bid on work which is being considered for contracting out in accordance with a procedure that is mutually agreed upon by the County and the Union.

C. No Interference with Contract

Any contracting out of bargaining unit work under the terms of this article shall be bound exclusively by the exercise of the discretion of the Board of County Commissioners, and any appropriate elected executive, subject only to the limitations of this article and laws in effect at the time of execution of this Agreement. This exercise of discretion shall specifically not be bound by the requirements of any Initiative Petition, or law promulgated thereto, which becomes effective subsequent to the execution of this Agreement.

The specific plan entails:

1. Eliminating one (1) Basic Skills Educator position from the Juvenile Accountability/GOALS Program.
2. Contracting with Multnomah Education Service District to fund a .5 FTE to provide educational services to at-risk youth under the purview of Multnomah County Juvenile Services Division.
3. Effective upon approval of the Board of County Commissioners, Multnomah Education Service District will assume responsibility for providing these educational services to the youth under our jurisdiction.

The impacts will be:

- One (1) full-time Basic Skills Educator will be eliminated from the Juvenile Accountability/GOALS Program and will have enough countywide seniority to bump the least senior full-time Basic Skills Educator. That employee is assigned currently to the Londer Learning Center in the Adult Services Division.
- The displaced full-time Basic Skills Educator will have rights to a regular part-time Basic Skills Educator, which is currently filled with a probationary employee.
- The part-time probationary employee will be terminated in accordance with Local 88 CBA.

This budget modification is to be considered by the Multnomah County Board of County Commissioners on **September 10, 2009**. This notice is being provided to AFSCME Local 88 in accordance with the above cited provisions in the collective bargaining agreement.

Members of the Department of Community Justice and I are available to meet with you and members of your executive team should you want to discuss the effects of the proposed changes prior to the presentation of the budget modification to the Board of County Commissioners for formal action.

Sincerely,



Blaise M. Lamphier
Labor Relations Manager

cc: Becky Steward, AFSME Local 88 President
Travis Graves, HR Director
Carol Brown, Deputy HR Director
Scott Taylor, DCJ Director
David Koch, Assistant Director
James Opoka, DCJ HR Manager