

## **Letter of Agreement**

### **Bumping Protocols for unit employees recognized on December, 31, 2019**

This is a Letter of Agreement (LOA) between Metro (Employer) and American Federation of State County and Municipal Employees Local 3580 (Union) regarding bumping protocols.

#### **RECITALS**

- A. Employer and the Union are parties to a collective bargaining agreement effective July 1, 2017 through June 30, 2020 (CBA);
- B. On December 31, 2019, the Employer and the Union executed a Letter of Agreement (LOA) to resolve a grievance alleging that Article 2 (Recognition) had been violated;
- C. As a result of the December 31, 2019 LOA, the Union was recognized as the exclusive labor representative for a number of previously unrepresented classifications and regular status employees in those classifications were given a seniority date of January 13, 2020;
- D. The novel coronavirus (COVID-19) pandemic has resulted in a fiscal crisis for the Employer resulting in the need to lay off a number of bargaining unit employees including those recently incorporated into the Union by the December 31, 2019 LOA;
- E. Article 16.6 of the CBA provides that bargaining unit employees given notice of layoff may exercise bumping rights based on classification and a number of classifications span different departments and business units across Metro;
- F. The parties have a mutual interest in ensuring bargaining unit employees added to the Union by the December 31, 2019 LOA are not unfairly affected by the seniority date previously negotiated for them; and
- G. The parties hereby agree to amend the bumping protocols as provided below.

#### **AGREEMENT**

- 1. Non-probationary bargaining unit employees who work at the Portland's 5 Centers for the Arts, the Oregon Convention Center and/or the Portland Expo Center affected by layoff will only be allowed to exercise their bumping rights at the venue where they perform their duties.
- 2. Bargaining unit employees recognized prior to the December 31, 2019 LOA, who work at another Metro department, such as but not limited to, the Oregon Zoo, the Waste Prevention and Environmental Services Department or others affected by layoff will not be allowed to exercise their bumping rights at the Portland's 5 Centers for the Arts, the Oregon Convention Center or the Portland Expo Center.
- 3. This Letter of Agreement will apply to all bargaining unit employees affected by layoff and will not be limited to those employees added to the Union by the December 31, 2019 LOA.

4. The parties further agree that the employees added to the Union by the December 31, 2019 LOA shall have recall rights as provided for in Article 16 of the CBA. The intent of this letter of agreement is to address bumping rights and is not intended to effect or diminish any recall rights (or other rights provided for in Article 16) that are not otherwise addressed with this letter of agreement.
5. In the event Article 16, Section 16.5 Seniority in Layoff, is enacted during the administration of layoffs, the length of continuous service with Employer under item 16.5, item a, 1, shall serve as the seniority for all other rights under Article 16.
6. The parties further agree that the 10-day bumping window provided for in Section 16.6 of the CBA will run from the ratification date of this LOA. However, the parties agree that this LOA does not extend the layoff effective date previously specified in any layoff letter issued to an employee.
7. This Letter of Agreement is not precedent setting for any interpretation of the collective bargaining agreement, Metro's personnel policies or any past practice.
8. This LOA shall not be cited or used in any subsequent grievance, negotiation, or in any other forum except to enforce the terms of the LOA.
9. This LOA shall remain in full force and effect until a successor collective bargaining agreement is negotiated.



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Jenny Marston  
Metro Human Resources Deputy Director  
4/29/20

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Date



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Elizabeth Goetzing  
President, AFSCME Local 3580

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4/29/20  
Date



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Lori Baumann  
Oregon AFSCME Council 75

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4/29/20  
Date