**DCTU/AFSCME 189 GRIEVANCE FORM**

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| Date Filed:  04/17/20 | Bureau/Department:  All Bureaus |
| Employee Name:  All affected employees covered by the DCTU CBA | Employee Title:  Various |
| Employee Work Phone:  Various | Employee Home Phone:  Various |
| Supervisor:  Various  Grievance Level: One | Supervisor Title:  Various |
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**Statement of the Grievance**

A.) Contract provision violated: Article 9.12, 9.12.1 and all others that apply.

B.) Manner in which the contract provision is claimed to have been violated:

Under article 9.12 and 9.12.1, essential employees required to report to work when the Mayor announces a citywide closure and directs non-essential employees to stay home will be compensated with one deferred holiday for every full shift they work. Any employee whose deferred holiday bank is full will receive the equivalent time in pay.

On March 17th, 2020, Chief Administrative Officer Tom Rinehart, citing Mayor Ted Wheelers’ recent Emergency Declaration, sent an email stating “Effective tomorrow, only employees designated as critical for day-to-day operations will be able to access City of Portland buildings managed by the Facilities Team. Badge access for all other employees will be turned off for the duration of Mayor Wheeler’s emergency declaration, which is scheduled through March 26, 2020 – but may well be extended.” This order amounted to an effective citywide closure and direction for non-essential employees to stay home. Despite the clear language in the contract, the City is refusing to provide essential employees with the deferred holidays or the equivalent pay when said employees report to work during this closure. This contract violation began on March 17th, 2020 and is ongoing, co-extensive with the current Citywide closure and future closures related to the COVID-19 pandemic.

C.) Pertinent information:

Who was involved?

All essential employees covered by the DCTU/AFSCME CBA.

Where did it occur?

City of Portland worksites covered by the DCTU/AFSCME CBA.

When did it occur?

This contract violation began on March 17th, 2020 and is ongoing, co-extensive with the current Citywide closure.

D.) Remedy sought?

Make all affected employees whole by providing deferred holidays and pay in accordance with

the DCTU/AFSCME CBA.

E.). Additional information:

Bao Nguyen

AFSCME Council Representative