

BOARD OF EDUCATION  
SCHOOL DISTRICT NO. 1J, MULTNOMAH COUNTY, OREGON

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November 14, 2017

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Purchases, Bids, Contracts

The Superintendent RECOMMENDS adoption of the following item:

Numbers 5531

**RESOLUTION No. 5531**

Expenditure Contracts that Exceed \$150,000 for Delegation of Authority

**RECITAL**

Portland Public Schools (“District”) Public Contracting Rules PPS-45-0200 (“Authority to Approve District Contracts; Delegation of Authority to Superintendent”) requires the Board of Education (“Board”) enter into contracts and approve payment for products, materials, supplies, capital outlay, equipment, and services whenever the total amount exceeds \$150,000 per contract, excepting settlement or real property agreements. Contracts meeting this criterion are listed below.

**RESOLUTION**

The Superintendent recommends that the Board approve these contracts. The Board accepts this recommendation and by this resolution authorizes the Deputy Clerk to enter into the following agreements.

**NEW CONTRACTS**

<b>Contractor</b>	<b>Contract Term</b>	<b>Contract Type</b>	<b>Description of Services</b>	<b>Contract Amount</b>	<b>Responsible Administrator, Funding Source</b>
Miller Nash Graham Dunn LLP	11/15/17 through 12/31/19	Legal Services LS 65439	Outside legal counsel Direct Negotiation PPS-46-0525	\$2,000,000	J. Harris Fund 101 Dept. 5460
Oh Planning & Design	11/15/17 through 12/31/18	Architectural Services ARCH 65454	Architectural and Engineering Services for fire alarm and sprinkler design for Improvement Projects of 2017 RFP 2016-2082	\$698,940	J. Vincent Fund 455 Dept. Varies Project Varies

**NEW INTERGOVERNMENTAL AGREEMENTS (“IGAs”)**

<b>Contractor</b>	<b>Contract Term</b>	<b>Contract Type</b>	<b>Description of Services</b>	<b>Contract Amount</b>	<b>Responsible Administrator, Funding Source</b>
Oregon City School District	7/1/17 through 6/30/18	Intergovernmental Agreement IGA 65427	Columbia Regional Program will provide autism support services for regionally eligible students	\$154,800	V. Truong Fund 205 Dept. 5433 Grant G1700

**AMENDMENTS TO EXISTING CONTRACTS**

<b>Contractor</b>	<b>Contract Amendment Term</b>	<b>Contract Type</b>	<b>Description of Services</b>	<b>Amendment Amount, Contract Total</b>	<b>Responsible Administrator, Funding Source</b>
Andersen Colas Construction	11/15/17 through 7/5/19	Contract Manager General Contractor CM/GC 62956 Amendment 12	Guaranteed Maximum Price (GMP) agreement for the Grant Modernization Project RFP 2015-2044	\$64,824,907 \$116,894,915	J. Vincent Fund Varies Dept. Varies Project Varies

Y. Awwad

Other Matters Requiring Board Approval

The Superintendent RECOMMENDS adoption of the following items:

Numbers 5532 through 5539

**RESOLUTION No. 5532**

Extension for District Council Unions 2015-17 Contract

**RECITALS**

Pursuant to the ORS 332.075(3) and the Public Employee Collective Bargaining Act, (ORS 243.650-243.782), a tentative agreement to extend the current District Council of Unions (DCU) 2015-2017 contract for one year has been reached between Multnomah County School District #1J (District) and DCU, and is recommended to the District's Board of Education for its consideration and approval.

- A. The DCU has a contract which is set to expire December 31, 2017.
- B. The District and DCU have met and negotiated a one year contract extension through December 31, 2018.
- C. The extension provides for:
  - a. A three percent (3%) wage increase for employees covered by the DCU contract
  - b. The 2018 benefits year, the District shall only pay the benefit premiums necessary to maintain current benefits for employees.

**RESOLUTION**

The Board approves the recommended agreement reflected in Attachment A.

*L.. Cusack*

**Attachment "A" to Resolution 5532**

Contract Extension Agreement  
Between  
PORTLAND PUBLIC SCHOOLS  
And  
DISTRICT COUNCIL OF UNIONS

Portland Public Schools ("PPS") and the District Council of Unions ("DCU") hereby agree to the following:

- I. The 2015-2017 Agreement between PPS and DCU shall be extended for one year. The new expiration date of the Agreement shall be December 31, 2018. (This Contract Extension shall be attached as Appendix E)
- II. Except as expressly modified by this Contract Extension Agreement, the terms of the 2015-2017 Agreement will continue in full force and effect until December 31, 2018 unless the parties mutually agree otherwise.
- III. On July 1, 2018, a three percent (3.0%) increase shall be applied to the salaries in the 2015-2017 Agreement. (Please see the attached schedule for each craftclassification's wage rate)
- IV. Effective January 1, 2018, the District will contribute to the School District No. 1 Health and Welfare Trust the amount necessary to maintain the 2017 plan design and corresponding employee premium share(if any), notincluding any employee rate holiday. The District's contribution shall not exceed \$1,355 per participating full-time eligible employee per month.

For employees covered by the Teamsters 206 Employers Trust pursuant to Appendix A and Appendix C of the 2015-2017 Agreement, the District will continue to contribute the actual monthly composite amount set by the Teamsters Trust. The District's contribution shall not exceed \$1,355 per active eligible employee per month.

- V. This Agreement constitutes the complete agreement between the parties regarding the terms for extending the 2015-2017 Agreement. This Agreement may only be modified through a signed writing by both parties.
- VI. This Agreement will take effect immediately upon ratification by the DCU membership and approval by the Board of Education.

David S. Smith

On behalf of PPS

11-6-17

Date

Pat Christian

On behalf of DCU

10-5-17

Date

Stephanie Harper  
STEPHANIE HARPER  
SENIOR LEGAL COUNSEL  
OSB # 952901

Wage Schedule

APPENDIX A

	<u>Current</u>	<u>July 1, 2018</u>
Warehouse Worker/Truck Driver	\$23.69	\$24.40

APPENDIX B

	<u>Current</u>	<u>July 1, 2018</u>
Lead Mechanic	\$30.18	\$31.09
Mechanic	\$29.30	\$30.18
Serviceman	\$24.01	\$24.73
Bus Fueler	\$24.01	\$24.73
Shop Assistant	\$18.25	\$18.80

APPENDIX C

	<u>Current</u>	<u>July 1, 2018</u>
Chief Engineer	\$31.33	\$32.27
Assistant Engineer		
Production Manager	\$28.38	\$29.23
Producer		
Master Control		
Operator		
TV Technician		
Step 5	\$24.98	\$25.73
Step 4	\$22.48	\$23.15
Step 3	\$20.00	\$20.60
Step 2	\$17.47	\$17.99
Step 1	\$14.98	\$15.43
Production Assistant		
Step 5	\$22.48	\$23.15
Step 4	\$20.23	\$20.84
Step 3	\$17.97	\$18.51
Step 2	\$15.72	\$16.19
Step 1	\$13.46	\$13.86



APPENDIX D

	<u>Current</u>	<u>July 1, 2018</u>
Brick Mason	\$29.29	\$30.17
Carpenter	\$28.70	\$29.56
Carpet and Linoleum Layer	\$23.38	\$24.08
Cement Mason	\$26.31	\$27.10
Electrician	\$34.91	\$35.96
Glazier	\$28.52	\$29.38
Laborer	\$23.38	\$24.08
Landscape Laborer	\$23.38	\$24.08
Locksmith	\$28.70	\$29.56
Machinist	\$29.31	\$30.19
Painter	\$23.38	\$24.08
Plasterer	\$26.40	\$27.19
Plumber	\$35.75	\$36.82
Roofer	\$23.38	\$24.08
Sheet Metal Worker	\$32.69	\$33.67
Steamfitter	\$35.75	\$36.82
Tile Setter	\$24.82	\$25.56
<u>OTHERS</u>		
Mason Tender	\$23.38	\$24.08
Plumber Helper	\$23.38	\$24.08
Motor Winder	\$27.93	\$28.77
Electronic Technician	\$31.42	\$32.36
Machinist Helper	\$25.35	\$26.11
Building Automation Specialist	\$35.75	\$36.82

Employees assigned as Corrosion Technician, Fire Sprinkler Technician, and Backflow Technician shall receive an additional three percent (3%).

**RESOLUTION No. 5333**

2017-19 Service Employees International Union Contract

**RECITALS**

Pursuant to the ORS 332.075(3) and the Public Employee Collective Bargaining Act, (ORS 243.650-243.782), a tentative agreement for the July 1, 2017 through June 30, 2019 contract has been reached between Multnomah County School District #1J (District) and Service Employees International Union (SEIU) Local 503 and is recommended to the District's Board of Education for its consideration and approval.

- A. The District and SEIU have met and negotiated a contract for the July 1, 2017 through June 30, 2019 contract period.
- B. The proposed contract provides for wage adjustments of 3% retroactive to July 1, 2017 and 2% on July 1, 2018
- C. The cap for District costs for medical benefits remains unchanged.
- D. There are no significant contract language changes.

**RESOLUTION**

The Board approves the recommended agreement reflected in the document: "Agreement between School District No. 1 Multnomah County, Oregon, and Service Employees International Union Local 503, School Employees Union Local 140 2017-2019"

*L.. Cusack*

**RESOLUTION No. 5534**

RESERVED FOR ROSEWAY HEIGHTS BOUNDARY RECOMMENDATIONS

**RESOLUTION No. 5535**

WITHDRAWN

**RESOLUTION No. 5536**

Authorization of Bond Program Contingency Obligation of \$4m to the Grant High School  
Modernization as part of the 2012 Capital Bond Program

**RECITALS**

- A. Sixty Six percent (66%) of Portland Public School District (“PPS”) voters approved a ballot measure in November 2012 for a Portland Public Schools bond to improve schools.
- B. The approved 2012 Capital Bond Program includes four major projects which are the full modernization of three comprehensive high schools: Franklin, Grant, and Roosevelt with the replacement of the Faubion PK-8 School.
- C. Following voter approval of the capital bond program a community-wide visioning process resulted in Resolution No. 4800 adopting the Education Facility Vision as part of the District-wide Education Specifications.
- D. Consistent with the Facility Vision, phase 2 of the Education Specification process ensued resulting in a comprehensive high school area program which includes required core and advanced educational program; fine and performing arts; athletics; administration; counseling/career; SPED; ESL; student center/commons (also serves as cafeteria); media center; miscellaneous educational, student, custodial, mechanical and electrical support spaces; enhanced electives; partner/community use; and wrap-around service providers.
- E. The 2012 capital bond program was developed with individual project contingencies, a \$45 million program-level escalation contingency, and a \$20 million program-level bond reserve for use at the Board’s discretion consistent with the projects identified in the voter- approved ballot measure.
- F. Resolution 4840 was adopted and authorized increasing capacity for Franklin, Roosevelt and Grant High Schools with the use of \$10 million program-level bond reserve funding for implementation.
- G. Resolution 5324 was adopted which authorized the use of \$6 million program-level bond reserve funding for the Franklin High School Modernization Project to replenish project contingency.

**RESOLUTION**

With the successful opening of three of the four major projects in the 2012 Capital Bond Program, staff is recommending that the remaining \$4 million be moved from the program-level bond reserve funding to the Office of School Modernization Program Reserve to offset the market realities that are challenging the construction budget of the Grant High School Modernization Project.

The Board of Education directs staff to allocate the remaining \$4 million of funds from the program level bond reserve to the Grant High School Modernization project.

*D. Jung*

**RESOLUTION No. 5537**

Memorandum of Agreement with Portland Association of Teachers

**RECITALS**

Pursuant to the ORS 332.075(3) and the Public Employee Collective Bargaining Act, (ORS 243.650-243.782), a tentative agreement has been reached between Multnomah County School District #1J (District) and Portland Association of Teachers (PAT) and is recommended to the District's Board of Education for its consideration and approval.

- A. There have been prior disputes between the parties regarding the application of contract language related to the transfer of staff when schools or programs merge or close.
- B. During the Interest Based Bargaining process the parties agreed to clarifications in the contract language.
- C. The District will be creating two new middle schools and making other school/program changes for the 2018-19 year.
- D. The processes for staffing the schools and programs involved must start in the next few weeks.
- E. To avoid further disputes, the parties want to apply the new language to these processes.
- F. The parties have engaged in bargaining and reached the attached Memorandum of Agreement, subject to the approval of the Board.

**RESOLUTION**

The Board approves the recommended agreement reflected in Attachment A.

*L.. Cusack*

**Attachment "A" to Resolution No. 5537**



PORTLAND PUBLIC SCHOOLS  
**Human Resources**  
501 N Dixon Street • Portland, OR 97227  
503-916-3544 • Fax: 503-916-3107  
Portland Public Schools is an equal opportunity and affirmative action employer.

**MEMORANDUM OF AGREEMENT**  
between  
**Portland Public Schools**  
And  
**Portland Association of Teachers**  
Interim - School Merger language

**Background:**

1. PAT and PPS are currently negotiating a successor agreement for the 2013-16 Collective Bargaining Agreement
2. PPS is in the process of creating two new middle schools for the 2018-19 school year and changing boundaries for feeder schools. This process requires initial steps in staffing the schools prior to an anticipated contract settlement.
3. It is in both parties interest to have clear contract language regarding school mergers and closures so the process of planning and communication to affected staff may begin

**Agreement:**

Therefore, until a final agreement is executed by the parties regarding language changes to Article 15.F.8 and 9, the parties agree that the language below will be in effect:

8. In the event of a merger of classes or programs from two (2) or more schools, the follow-the-student concept shall prevail. Professional educators from merged schools or programs will be compared equally using the criteria described in F.2 above in filling all the positions in the school. The faculty lists are merged and then staff is given the choice to be placed into the new merged school or stay in the current school based on seniority and licensure order. If there are not enough positions at the original school, then the regular unassignment process shall take place.
  - a. A merger causes a school to be comprised of at least forty percent (40%) of its students from the original school if two (2) schools are involved, or at least the following percentage if more than two schools are involved: 3 schools: 27%; 4 schools: 20%, 5 schools: 16% (1 divided by number of schools involved times 80%).
  - b. When a middle school is being formed, all the professional educators from the K-8 schools involved who have experience in grades 6-8 in the past five (5) years shall be included in the process for staffing the new school.

9. When classes, or programs from two (2) or more schools are combined in one school, professional educators who have their program, or school closed shall be placed in the school where their program, or class is transferred provided there are sufficient positions available. If there are insufficient positions, the criteria of F.2 shall apply. In a closure, the faculty members of the open programs keep their positions and the faculty of the closed program will be offered the remaining open positions based on licensure and seniority. Usually there are not enough positions and the remaining professional educators are unassigned.

This Memorandum of Agreement requires the approval of the District's Board of Education

FOR THE DISTRICT

By: Laird Cusack 10/18-17  
Laird Cusack Date  
Sr. Director Employee and Labor Relations

FOR PAT

By: Marty Paylik 10/20/17  
Marty Paylik Date  
PAT UniServ

By: Stephanie Harper 10-19-17  
Stephanie Harper OSB #952901 Date  
Senior Legal Counsel



**RESOLUTION No. 5538**

A Resolution authorizing the Multnomah County School District #1J (the "School District") to enter into a Settlement Agreement with Jeanne Windham ("Windham").

**RECITALS**

- A. Windham asserted a claim for wage and hour violations for back wages, and final paycheck under Oregon law and overtime under FLSA.
- B. The School District disputes Windham’s claims and denies all liability, and Windham maintains that the School District is liable on the claims..
- C. Whereas, the School District desires to resolve the dispute and make an Offer of Judgment to pay Windham \$21,344.61 in a lump sum plus Windham’s reasonable attorney fees to date in order to avoid the uncertainties, expense, inconvenience, and burdens of further litigation in the Action and Grievances.

**RESOLUTION**

The School District desires to resolve the dispute and make an Offer of Judgment:

- to pay Windham \$21,344.61 in a lump sum;
- to pay Windham’s reasonable attorney fees to date.

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

BOARD OF DIRECTORS OF THE  
PORTLAND PUBLIC SCHOOLS  
MULTNOMAH DISTRICT 1J

By:

\_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Board Secretary

**RESOLUTION No. 5539**

Minutes

The following minutes are offered for adoption:

October 14, 2017