

MEMORANDUM OF AGREEMENT
By and between the City of Albany
and
Albany Police Association (APA)

RE: Deferral Agreement

This Deferral Agreement ("Agreement") is entered into by and between the City of Albany ("City") and the Albany Police Association ("Association").

Recitals:

- The Association has demanded that the City bargain over the impact of passage of SB 1049.
- The City does not agree that it has an obligation to impact bargain over the passage of SB 1049.
- January 1, 2020 is the effective date for Section 35 of SB 1049 which relates to the rehire of PERS retirees. July 1, 2020 is the effective date for Section 1 of SB 1049 which relates to employee pension stability contributions.
- The parties anticipate that court litigation challenging the legality of SB 1049 will be filed.
- The parties also understand that the Employment Relations Board may be requested to issue a Declaratory Ruling addressing whether the passage of SB 1049 triggers impact bargaining obligations.
- Given the delayed effective date of the key provisions of SB 1049, uncertainty regarding the potential legal challenges to SB 1049 and disagreement over whether the City is obligated to bargain over the impact of passage of SB 1049, which may be resolved through a Declaratory Ruling, the parties agree that it would be mutually beneficial to defer any impact bargaining that may be required under Public Employees Collective Bargaining Act (PECBA).

Agreement:

Therefore, the parties agree as follows:

1. The parties agree to defer any impact bargaining, if there is an impact bargaining obligation, for 150-days following the signing of this Agreement.

2. The City will not assert that the Association waived its right to impact bargain, if any, or failed to timely demand bargaining by entering into this Agreement.
3. The Association reserves its right to renew its impact bargaining demand by issuing written notice to the City's Human Resources Director within thirty (30) calendar days following expiration of the agreed upon deferral period.
4. The parties may by written agreement agree to extend the period for deferral of any bargaining obligation which may be owed under PECBA.
5. Nothing in this Agreement will be construed to be an admission that the City owes a bargaining obligation. The City reserves its right to claim that it has no obligation to bargain the impact of passage of SB 1049 in whole or part following expiration of the agreed upon deferral period(s).
6. Likewise, nothing in this Agreement is intended to waive any right the Association has under PECBA to demand bargaining or file an unfair labor practice charge challenging any such refusal in accordance with the PECBA. If the Association demands impact bargaining and the City refuses to bargain, the Association shall have 180 days from the City's refusal to bargain to challenge the refusal through the filing of an unfair labor practice complaint under ORS 243.672(3).

FOR THE CITY:



Danette Jamison, HR Director

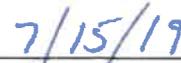


Date

FOR THE POLICE ASSOCIATION:



Robert Hayes, APA President



Date