Memorandum of Agreement
American Rescue Plan Limited Duration Employees

I. Parties to the Agreement

The parties to this Memorandum of Agreement (hereinafter “MOA”) are Multnomah County, Oregon (hereinafter “County”) and Oregon Nurses Association, AFL-CIO (hereinafter “ONA”).

II. Background

A. ONA and the County are parties to a Collective Bargaining Agreement (hereinafter “CBA”) with a term of July 1, 2018 through June 30, 2021, which was extended by a MOA for one-year until June 30, 2022.

B. Article 2, Section 9 of the ONA CBA identifies the terms and conditions of employment for Limited Duration Employees and states that a Limited Duration Appointment shall not last more than two (2) years.

C. The County received American Rescue Plan (hereinafter “ARP”) funds starting July 1, 2021, that will last two (2) years, and has hired a number of Limited Duration employees with the funding. The positions support the community in response to the COVID-19 pandemic.

D. The parties have a desire to provide some layoff and bumping protections for Limited Duration employees hired with ARP funds.

NOW, therefore, the parties have reached the following Agreement.

III. Agreement

1. Limited Duration employees that have not attained regular status in ARP funded positions shall have the right to bump into a vacancy in the same department and same job profile (previously called job classification) if they are laid off during the term of or at the end of their Limited Duration appointment. An employee in this circumstance may only exercise this right if they are "qualified" as defined by Article 14, Section 3.E.1, have worked in the position for at least one (1) year, and
do not disrupt seniority rights or Project Save applicants of regular status employees. When considering bumping rights to vacancies, employees on a recall list have priority over Limited Duration employees, and Limited Duration employees have priority over trial service employees if they have longer service with the County.

2. If a Limited Duration position is converted into a regular budgeted position, the position will be considered a vacancy for the purposes of bumping. Subject to the provisions in Section III.1. above, the incumbent in the position will have first right of refusal for the vacancy to continue their employment in the position.

3. When there are multiple vacancies that Limited Duration employees are qualified for, the County maintains discretion in which vacancies that Limited Duration employees are placed in.

4. If there are not enough vacancies to place all of the Limited Duration employees at the time of layoff, the County will place employees in order of date of hire into their current Limited Duration position subject to the provisions in Section III.1. above.

5. If a Limited Duration employee covered under this MOA serves at least one (1) year in their Limited Duration position before being assigned to a regular status position in the same job profile, they will be credited with three (3) months towards their initial six (6) month trial service period.

6. Nothing in this agreement shall be construed to imply that New Hire Limited Duration employees have "Just Cause" rights. New Hire Limited Duration employees may be terminated for reasons other than layoff, and in such cases, do not have a right to bump into vacancies nor do they have a right to grieve their termination.

7. All other terms of the CBA shall apply.

8. Any dispute related to enforcement of terms of this agreement will be subject to the grievance procedure described in Article 21 of parties current CBA. This MOA shall only apply to LDAs funded by ARP funds, and shall not be deemed to set a precedent for any other LDAs. This MOA expires at the end of Limited Duration positions being funded by the ARP.
ARP Limited Duration Employees
Memorandum of Agreement

Agreed to this 5th day of May, 2022.

For ONA:  For the County:

Jocelyn Pitman  James J. Opoka
ONA Labor Relations Representative  Labor Relations Manager