

## MEMORANDUM OF AGREEMENT

### I. Parties

The parties to the MOU are Multnomah County, Oregon (hereinafter "County") and AFSCME, Local 88, AFL-CIO (hereinafter "Union").

### II. Background

The 2007 – 2011 Local 88 contract reflects the joint understanding of the parties regarding the process to be used for filling vacancies that occur in classifications that are part of the bargaining unit. Article 22, Shift and Work Assignment, Section III explains that the first step in filling a vacancy is to offer it to those employees in the work unit where the vacancy exists and who work in the same classification as the vacant position. The most senior qualified employee who is interested in the position has rights to the position, assuming the exceptions of subsection (C) do not apply.

Article 22, Section IV describes the transfer process, stating in part:

*Following the work assignment process within a Department, if the classification is utilized elsewhere in the County, the three (3) employees who are currently assigned to and have the most seniority in the job classification, who are qualified for and interested in the position, shall be interviewed for the vacancy, provided they have requested a transfer as required under Multnomah County Personnel Rule (MCPR) 5-20.*

In approximately 2005 the parties became aware that the term "Following the work assignment process within a Department" could be interpreted in two ways: 1) a department must allow transfers to be considered once the employees in the work unit have had an opportunity to fill the vacancy or 2) a department can create an additional step in between the work unit step and the transfer step. This additional step would allow departments to open the vacancy to all members of the classification in that department. Only after that step would departments be required to open the position to those outside the department who wished to be considered for transfer under the terms of Section IV.

At that time it was agreed that the latter interpretation would be applied, giving departments the ability to include the additional step in their "work assignment process" if they wished.

In the intervening years there have been numerous Union-represented positions cut; the present-day circumstances are such that opportunities to transfer across departments are increasingly rare. To provide increased opportunities for inter-departmental transfer, a change in interpretation is agreed upon.

### III. Agreement

1. Departments may continue to consider department employees from outside the work unit for lateral transfer prior to announcing the job, provided that they also interview the

three most senior employees on the countywide transfer list who are qualified for and interested in the position at the same time. Departments are not required to send out a countywide announcement of the vacancy – it is up to each employee who is interested in transferring to get on the transfer list in the event a vacancy arises elsewhere in the County.

2. Departments may use either method to fill vacancies – either by following the process described above, or by following the current contract language, which would mean proceeding to an open competitive announcement once the work unit process is completed. The open competitive process could be a countywide internal announcement open to current county employees only, or an external announcement open to applicants from all sources. The three most senior employees on the transfer list who are qualified and interested will be interviewed as a part of their recruitment process, along with consideration of other qualified applicants on the certificate of eligibles, including consideration of other qualified employees on either the County or department transfer list. Departments are not obligated to interview the three most senior employees on the transfer list prior to considering other applicants – they may be interviewed as a part of the normal recruitment process, at the same time as other applicants.

3. Departments may use either of the above methods from one recruitment to the next, since there are some job classes where the applicant pool from both internal and countywide transfer lists is large enough to use the first method, and others where the second method makes the most sense, as there are very few, if any, employees who are interested in transfer opportunities.

This represents the entire agreement and understanding of the parties.

Dated this 20<sup>th</sup> day of April, ~~2011~~ 2010 *By*  
*cb*

For the County:

For the Union:

*Carol L. Brown*  
Carol L. Brown  
Labor Relations Director

*Bryan Lally*  
Bryan Lally  
Staff Representative