

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 2021-081

Supporting the Adoption of a Labor Harmony Policy for Multnomah County.

The Board of Multnomah County Commissioners Finds:

- A. Social service providers across our country have, and continue to, face significant challenges, including a decommitment of federal funding and a lack of urgency by state governments to adequately fund the system. This has often left financially strapped local governments to fill the service gap.
- B. Staff often face low pay, long hours, and stressful working conditions. Providers are left with limited options for obtaining revenue. And people in need of critical services confront a system that makes obtaining them extremely challenging.
- C. As the region's largest provider of social services, Multnomah County is dedicated to confronting these challenges and helping create a more equitable, fair, and accessible system of service delivery.
- D. The services the County purchases have inherent social, human health, environmental, and economic impacts. The County can leverage its purchasing to reduce adverse impacts throughout service life cycles and influence positive change within markets and communities.
- E. Multnomah County has been working with advocates since 2017 to develop a "labor harmony" policy at the County. This followed a report by AFSCME Council 75 titled "United We Heal", which provided details about the local workforce environment and offered a series of recommendations. A "labor harmony" policy focuses on ensuring that labor activities of any type do not disrupt the availability of provided services. The intent of any actions contained in a labor harmony policy, such as arbitration, is to be consistent with the goals of the National Labor Relations Board and National Labor Relations Act.
- F. Work began on the development of a labor harmony pilot with representatives from Behavioral Health contracting and finance teams, Central Procurement, and the County Attorney's Office. Those discussions produced three primary goals to guide the development of a labor harmony policy:
 - a. Ensure continuity of services for Multnomah County clients, minimizing disruption of services to the greatest extent possible.
 - b. A well-supported and stable workforce is critical to the delivery of consistent, reliable and quality County services.

- c. Adhere to federal, state, and local requirements regarding labor negotiations, including the National Labor Relations Act and state law, and continue to evaluate the changing legal landscape.
- G. Labor harmony provides a tool for governments to address such concerns by establishing agreements between a union and an employer where both sides agree to certain conditions when it comes to organizing and related activity.
- H. Voters passed the Preschool for All measure in the fall of 2020. Advocates of that measure incorporated the County's labor harmony initiative into the Preschool for All implementation plan.
- I. Educators - including teachers, assistants, and in-home providers - are the heart of high-quality preschool programs. Implementation of Preschool for All by the County's new Preschool and Early Learning Division can help stabilize the child care and preschool marketplace.
- J. The tri-county region passed a historic measure to provide services and housing to individuals in need of behavioral health treatment. And the Oregon Legislature passed a large behavioral health package just a few months ago. The County has an interest in implementing these measures and furthering provision of services in a continuous, uninterrupted, and reliable manner.
- K. The Covid-19 pandemic has had a dramatic impact on both the behavioral health and early childhood workforces. The County believes that piloting a labor harmony policy in our Behavioral Health and Preschool and Early Learning Divisions will help respond to that impact, while ensuring services are continually provided to our clients.
- L. Multnomah County has a compelling governmental, proprietary and economic interest in preventing interruptions or disruptions to critical services provided by the County through its contractors. The County has an interest as a market participant in contracting for services with a stable workforce. That interest includes, but is not limited to a work environment where workers are safe, well compensated, and have adequate benefits.
- M. The County has an interest in contracts that are executed efficiently and with positive impacts on community members. As a result, the County has an interest in ensuring these issues are addressed by entities contracting for County business.
- N. The County finds that labor-management conflict would jeopardize its proprietary interests as a purchaser of services by substantially interfering with the quality and consistency of services provided to the County and its residents. Service disruption would result in additional costs and otherwise avoidable expenditures of limited taxpayer funds. The likelihood of labor-management conflicts interfering with the

provision of services is increased if contractors do not participate in a Project Labor Agreement to avoid disruption.

The Multnomah County Board of County Commissioners Resolves:

- A. To affirm the following principles:
 - a. Having a stable and well supported workforce in the behavioral health and early learning fields is critical for the delivery of services to our clients.
 - b. Avoiding labor management conflicts and disruption of services in these areas is vital to ensuring consistent and quality services.
- B. That implementing a Multnomah County labor harmony initiative is a critical step in upholding these principles.
- C. To support the Chair's direction to conduct a review of this pilot initiative within 24 months including:
 - a. A briefing on the implementation and impacts of the policy, and
 - b. An analysis of the legal landscape surrounding labor harmony, labor neutrality, and any other tools that may further support and protect the County's interest in maintaining a stable workforce to ensure quality and consistency of services.

ADOPTED this 21st day of October, 2021.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, County Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Jenny M. Madkour, County Attorney

SUBMITTED BY: *Kimberly Melton, Chief of Staff to Chair Kafoury*