

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF MISSOULA
AND
MONTANA PUBLIC EMPLOYEES ASSOCIATION
REPRESENTING MAINTENANCE TECHNICIANS IN THE PARKS AND RECREATION
DEPARTMENT**

THIS MEMORANDUM OF UNDERSTANDING is made and entered into between the City of Missoula, County of Missoula, State of Montana (hereinafter referred to as the Employer) and the Montana Public Employees Association (hereinafter referred to as the Association).

In the spirit of teamwork and cooperation the Association has agreed to no wage increase for FY2011. The Union understands the economic constraints that the Employer is experiencing and has agreed to forego the negotiated increase as listed in the current collective bargaining agreement.

In recognition of the Association's cooperation the Employer agrees to the following:

Article 20 – Wages Scales

The classifications and wage rate for employees covered by this Agreement are:

	<u>July 1, 2010</u>	<u>July 1, 2011</u>	<u>July 1, 2012</u>	<u>July 1, 2013</u>
Maintenance Tech I	\$18.70/hr	\$19.26/hr	\$19.84/hr	\$20.44
Maintenance Tech II	\$19.75/hr	\$20.34/hr	\$20.95/hr	\$21.58

Article 24 – Term of the Agreement

This Agreement shall be effective for two (2) years after the date of the original Agreement to June 30, 2014. This Agreement shall be automatically renewed from year to year thereafter unless either party shall notify the other in writing sixty (60) days prior to the expiration date that it desires to modify or terminate this Agreement. In the event that such notice is given by any party, either or both parties may make proposals concerning this Agreement and negotiations shall begin no later than thirty (30) days prior to the expiration date of this Agreement.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF MISSOULA
AND
MONTANA PUBLIC EMPLOYEES ASSOCIATION
REPRESENTING MAINTENANCE TECHNICIANS IN THE PARKS AND RECREATION
DEPARTMENT**

This Memorandum of Understanding is made and entered into between the City of Missoula, County of Missoula, State of Montana (hereinafter referred to as the CITY) and the Montana Public Employees Association representing the Maintenance Technicians in the Parks and Recreation Department (hereinafter referred to as the Association).

In the spirit of cooperation and per Memorandum of Understanding (Attachment A) the CITY and the MPEA entered into interest based problem solving to develop alternative language to replace certain sections of the Collective Bargaining Agreement (CBA), specifically Article 15, Section 6 and 7 regarding CDL requirements and Appendix A the Voluntary Policy and Procedure for all Overtime Call back, and Call out provisions.

The parties have mutually agreed to amend the current Agreement through this MOU with the following:

Replace Section 6 of the current CBA with the following.

6. CDL (Commercial Driver's Licenses) requirements: Individuals filling one of the positions of Park Maintenance District Maintenance Technician; Conservation Lands Maintenance Technician and Arborist Technician are required to obtain and maintain a valid Montana issued, Class B Commercial Drivers' License (CDL). A newly hired Maintenance Technician filling one of the aforementioned positions shall have a maximum of 60 days to obtain the required CDL. Employees required to maintain a Montana issued, Class B Commercial Drivers' License must at all times be in compliance with all related local, state and federal regulations. The Employer will reimburse employees in the noted positions up to \$70 for a CDL physical once every two years plus the difference between their MT Class D and the required Commercial Driver's License upon renewal and submittal of a receipt.

Replace Appendix A - Task/Callout Preferences and Voluntary Policy and Procedure for all Overtime, Callout and Callback, plus references to Appendix A in Article 5, Section 5(b) and amend Article 5, Section 5(b) as follows:

5(b) Overtime work for which employees are called back to work shall be distributed as equally as possible among employees in each classification, who are qualified to do the work, with the callback overtime work first being offered to those employees qualified to perform the work who are scheduled to work their regularly scheduled shift on the day of the call back. As it becomes necessary to call back employees, the Employer shall use the Voluntary sign up list and policy as noted here:

Employees shall voluntarily sign up to fill overtime, call out and call back needs. Employees, who voluntarily sign up for call out and call back, will be required to answer their phones, should a task, mandate or emergency require an employee (per contract) address an issue. Employees volunteering for callout, call back, overtime and shift extension, shall be called or held over on the basis of the following:

- Skill, knowledge, ability for the task

- Seniority within classification
- Most appropriate classification for task
- Seniority (or reverse seniority) within class (among available and eligible employees)
- Per rotating list of employees (beginning with most (or least) senior)

Appendix A

Policy and Procedure for Voluntary Overtime, Call back and Call out

The City of Missoula Parks and Recreation Department management and employees, specifically members of the Teamsters Local #2, and employees of the Montana Public Employees' Association hereinafter referred to as MPEA have worked cooperatively toward a shared process and procedure for call out. The following policy and procedure was agreed to by the MPEA, Teamsters, and City Parks and Recreation Management in November 2013.

Policy and Procedure for Voluntary Overtime, Call back, and Call out

It is in the interest of the employee, the employer and the citizens of Missoula that qualified, trained and certified employees are responsive in times of emergencies and/or to provide acceptable, safe, clean facilities for residents and guests.

PROCEDURE (Collective Bargaining Agreements between the City and the MPEA and Teamsters, Local #2)

- Employees shall voluntarily sign up to fill overtime, call out and call back needs. Those employees, who voluntarily sign up for call out and call back, will be required to answer their phones, should a task, mandate or emergency require an employee (per contract) address an issue. Employees who volunteered for call out, call back, overtime and holdover, shall be called or held over based on the following:
 - Skill, knowledge, ability for the task
 - Seniority within classification
 - Most appropriate classification for task
 - Seniority (or reverse seniority) within class (among available and eligible employees)
 - Per rotating list of employees (beginning with most (or least) senior)

Note – a copy of the Departments procedure for implementing the above language in the CBA is attached as Exhibit A. The procedure will be implemented on a trial basis for the next year (November 1, 2013 through June 30, 2014). Minor changes may occur if it is determined the procedure could be improved.

Exhibit A

Standard Operating Procedure for implementation of call out, call back and overtime per the CBA language in Article 5 of CBA.

Year round – Call out, Call Back, Overtime

Scheduled Overtime

- 1) Scheduled overtime will be voluntary and posted. Eligibility is determined per contract and as noted above.

Non-scheduled Overtime

- 2) On a voluntary basis and by 3:30pm each Wednesday, interested employees shall voluntarily sign up on the volunteer call out list for each day of the approaching week, weekend and any holidays.

- 3) Management shall establish the minimum number of volunteers required for each day. (Generally, 1 to 2 per weekday, depending on season, weather predictions and events.)

November 15- March 14 – Call out, Call back, Overtime for Snow/Ice events

Winter snow and ice requires employees be prepared to meet Missoula Municipal Code mandates for snow/ice removal by 9:00 a.m. following a snow/ice event. Therefore the following process procedure will be used for snow/ice events.

- 1) Employees will sign up, in seniority order, for each day, Nov 15 through March 14. A minimum of three employees will sign up for each Saturday, Sunday and holiday during this time period. Sign up will occur in early November for the entire season. Weekends and holidays shall be distributed as equally as possible among all members available and eligible to work. Management will provide a calendar to employees allowing for the most senior employee in each CBA to schedule his/her dates and so on until all employees have had an opportunity to complete the schedule. Dates not filled voluntarily, will be filled by managers with every effort to make the schedule balanced. Reverse seniority order will be used if necessary to fill any remaining open dates and/or to balance the schedule among employees.
- 2) Management may require additional volunteers on any given day, including weekends and holidays if weather predictions, current conditions, available staff, and/or events dictate need. *[NOTE – Teamsters in layoff status, who are eligible to work per City of Missoula Personnel Manual (Blue Book) and who have voluntarily signed the “available for callout” form before or during their seasonal layoff, are eligible to work on days when additional staff is needed to meet snow/ice or related mandates and standards. If an employee is called out from layoff status they will be guaranteed a minimum of eight (8) hours work. An employee in layoff status will be contacted by the Department by 1pm at least one working day before a possible callout to confirm availability and to advise of pending callout the following day or weekend. The employee and manager may mutually agree to less than eight (8) hours of work. Holidays will be paid at 1.5 hours for each hour worked. All other procedures and expectations noted in this document, apply to employees in layoff status who have been called and have voluntarily placed their name on the call out list.]*
- 3) On weekends (Sat & Sun) and holidays, the employee, who signed up for a given day/date for snow/ice call out, must be able to respond from 5:00 a.m. to 9:00 a.m. (See year round call out for other events)
- 4) No employee may begin his/her route before 5:00 a.m., unless prior permission has been granted by the Manager on call.
- 5) Any employee may be required to operate any route or piece of equipment (must currently hold user card) and/or shovel on any day.
- 6) Employees called out for snow/ice events are responsible for all priority one routes, and any additional routes or work assigned, and must check in with the Manager on call before leaving for the day.

IN WITNESS WHEREOF the parties to this Agreement have hereunto set their hands and seals this _____ day of _____, 2013.

FOR THE MONTANA PUBLIC
EMPLOYEES ASSOCIATION:

Quinton Nyman
Executive Director

FOR THE CITY OF MISSOULA:

John Engen
Mayor

Bruce Bender
Chief Administrative Officer

ATTEST:

Martha Rehbein
City Clerk