

**MEMORADUM OF AGREEMENT
BETWEEN
THE CITY OF SAINT PAUL
AND
TRI-COUNCIL**

This MOA is entered into by the City of Saint Paul (hereinafter "City") and Tri-Council (hereinafter "Union") for the purpose of replacing Appendix D, Section C regarding overtime procedures for employees represented by the Laborers Local 363, Operating Engineers Local 49, and Teamsters Local 120 at Saint Paul Regional Water Services. Therefore, the parties agree to the following:

- 1) The classifications of Heavy Equipment Operator, Driver-Operator*, Water System Worker II, Water Utility Worker II and Water Utility Worker I are represented by the Union.
- 2) Appendix D, Section C shall to state:

OVERTIME LIST SELECTION PROCEDURES -- DAY CREWS

OVERTIME LIST ELIGIBILITY:

1. A person holding more than one title shall use his/her normal working title for the overtime list.
2. If a person is off a day for vacation, floating holiday or compensatory time, he/she will, be eligible to be called for overtime work that starts after the conclusion of their regular work day. If an employee is off a day for sick leave for themselves, he/she will not be called for overtime work until the following day. If an employee is off a day for sick leave for a family member, they must indicate if they are available for overtime after the work day when they report their sick leave in the morning. If an employee is off sick on the last day of the regular work week, he/she may be called for overtime work on his/her two regular days off if he/she has called in to return to work. If that employee, is then off sick on the first day of his/her work week, he/she will need a doctor's certificate to be paid for that day. Any employee that does not work when forced because they are sick must provide a medical certification before returning to work.
3. Anyone working 16 consecutive hours or more will not be assigned to work a new overtime job or be eligible for on call pay until an 8 hour rest period is completed.

ON CALL CREW:

A minimum of one crew will be on call each week starting on Thanksgiving through the first Wednesday in April. There will be no guaranteed on call crew from other periods during the year.

Each crew will consist of a minimum 1 HEO, 1 Driver-Operator/WUWI represented by 120, 2 WSWII's and a WUWI with ditch experience or a 3rd WSWII, dependent on availability, represented by Local 363.

On or around November 1st, a sign up list will be posted for the entire winter season. Sign up will be done on a rotating seniority basis. Sign-ups will be for a period of one week. All weeks must be filled. Employees may only sign up in their primary title until their primary title list is full. Employees may sign up in an alternate title after their primary title list is full.

Fulfillment of HEO's and Driver/Operators - If the list in each title is not full, qualified employees as listed below may sign up for the remaining weeks. If weeks remain unfilled, those weeks will be forced on a reverse seniority basis.

Fulfillment of WUWI and WSWII's – If the list in each title is not full, qualified employees as listed below may sign up for the remaining weeks. If weeks remain unfilled, those who did not volunteer will be forced on a reverse seniority basis.

Alternate titles may be filled as described below:

Primary Title	1st Option	2nd Option
Water Utility Worker I	Water System Worker II	
Water Service Worker II	Qualified Water Utility Worker I's	
Driver/Operator & WSWI rep by Teamsters	HEO	WUWI's or WSWII's who hold a CDL
Heavy Equipment Operator	Any other employee who holds the HEO title	

If an employee needs to be replaced due to working over 16 hours or because of calling in sick, or if management determines additional on call crew is necessary in a given week, the Notification Process will be followed.

On Call Pay:

- Monday-Friday (3:30pm-7am) - \$40/day
- Saturday, Sunday, Holidays (7am-7am) - \$80/day

On Call Pay After Sick Leave:

- Sick self – not eligible for on call pay until return to work.
- Sick family – eligible if they indicate they would be available at 3:30 when they call in in the morning.
- Employees must call in a return to work by 2:30 if they call in sick on the last day of the work week to be eligible for on call pay over the weekend.
- Any employee signed up for on call that calls in sick must provide a medical certification before returning to work.

Vacation/Sharing On Call Weeks:

- If an employee signs up for the on call crew and later requests vacation time, or can't work part of their on call week, the employee is responsible to find a replacement in advance. The replacement is subject to management approval.

On call pay is paid when an employee is signed up for on call whether they work or not, except when otherwise ineligible to work (eg. sick self, consecutive working hours, light duty, etc).

WHEN NO ON CALL CREW IS AVAILABLE AND/OR WHEN ADDITIONAL CREWS ARE NEEDED:

NOTIFICATION PROCESS

- 1) A mass notification by text, phone message, and/or email will be sent to all qualified employees for the title(s) required for overtime work.
- 2) Employees interested in working the overtime must respond that they are available for overtime within 15 minutes of notification.
- 3) Employees volunteering for overtime work will be selected in the following order:
 - a. WUWI, WSWII and Driver/Operators - Weekly rotating seniority list of employees currently holding the title. The Water Utility Worker I title will have two (2) lists. One list for Water Utility Worker I

employees regularly working in the ditch (including Distribution employees working in Production for the winter season) and another list for Water Utility Worker I employees that regularly perform general labor.

b. HEO's

- During on-call season the first call is to the employee who is on call and the second call is based on seniority.
- During the summer season, the first call will be made based on a weekly rotating list and any other calls will be based on seniority.

Employees that are eligible to be paid out of title pay for the title required.

- Water System Worker II
 - a. Certified Water Utility Worker I's that are eligible
 - b. Any Tri-Council employee who previously held the title
 - Driver/Operator*
 - a. Certified Heavy Equipment Operators
 - b. SPRWS Water System Worker II's and Water Utility Worker I's who hold a CDL and are in the drug pool
 - Heavy Equipment Operator
 - a. All other SPRWS employees who hold the HEO title
- 4) For HEO's and Driver/Operators – If there are not enough volunteers for overtime, the least senior employee will be required to work.
For WUWI's and WSWII's - If there are not enough volunteers for overtime, the employee with the fewest overtime hours worked as of the previous pay period in the season in their title will be forced to work.
- 5) Mass notification will be sent out naming the employees selected for overtime. Employees selected must confirm that they will be reporting at the designated start time.
- 6) The City must do a new notification for overtime to all eligible employees when more than an hour has passed since the previous notification.

Job Continues Past Normal Working Hours:

In cases where a job cannot be completed during normal working hours and the decision is made to continue the job into overtime, all crew members are expected to work the overtime. Temporary workers may stay on a job if the job is not expected to last more than an hour beyond the scheduled end time.

If rare prior commitments or an emergency prohibit crew members from working the overtime they must inform the supervisor at the start of their shift. Management will find a replacement following the processes described below:

- During times when an on call crew is scheduled and unassigned, management shall replace the employee(s) not available to work overtime and all temporary employees with the employee(s) on the on call crew. In situations where more than one employee holding the same title is on call, the senior employee shall first be offered the overtime opportunity. The least senior employee on the on call crew shall be required to work if the more senior employee(s) pass. Management will make a good faith effort to assign employees on call to the job expected to go the longest.
- During times when an on call crew is not available, the City shall find a replacement in accordance with the above Notification Process.
 - For WUWI's and WSWII's - If no voluntary replacement is found, a temporary employee assigned to the crew will be permitted to continue working. If there is no volunteer or no temporary employee, the employee with the least amount of overtime hours as described in the Notification Process will be required to work.
 - For HEO's and Driver/Operators - If the job is expected to go beyond 2 hours of overtime, any probationary HEO's on the seniority list shall be replaced at 3:30 p.m. If the job, including the street

repair crew, will go beyond 3:30 p.m., the Truck Driver overtime shall be offered based on seniority. If more than one truck is needed for overtime, seniority order shall be followed as per the above procedures. Other replacement workers will be permitted only in emergencies.

If there are multiple overtime jobs on a normal working day, the most senior truck driver shall be switched to the job anticipated to last the longest. This shall be done when the job he/she is presently working has been completed, or at some practical point.

All Other Overtime Situations:

For all other overtime situations, employees will be selected for overtime in accordance with the Notification Process section.

OVERTIME LIST SELECTION PROCEDURES -- NIGHT CREWS

Night crews shall schedule vacation so only one employee is off at a time. If a person is missing on the evening shift and a large amount of work is carried forward from the day shift into the evening, a day shift WUW II may be kept to help clear up the backlog or a replacement called in at management's option (generally, this will depend on whether or not there are more than 2 hours of work).

If the decision is made to call in a replacement or supplemental crewmember, the overtime callout procedure shall be as follows:

In general, replacement personnel shall be called from the standard list covering the title that is absent, i.e. the title the absent crew member would normally work, or, in the case of supplemental help, the title that is needed.

1. If the CDW is absent and a replacement is needed, a CDW is called.
2. If the WUWII is absent and a replacement is needed, a WUWII is called.

During the period from November 15th to March 15th, it may be necessary to replace both employees (all three if all are off) depending on workload on the late and weekend shifts. It is management's intention to maintain a three person crew during this period. This three person crew includes the evening shift Monday through Friday UW I, and late shift UW I if so used.

If no one can be found to come in from the standard night overtime list, a replacement shall be sought from the day standard overtime list, before going to the standby list.
The crew overtime list shall rotate as used.

OVERTIME POLICY FOR THE THAWING RIGS

In the event it is necessary to work overtime to thaw frozen services, the following policy will apply:

1. Generally, the crew will include one Heavy Equipment Operator (HEO), and one Water Utility Worker II (WUWII), and may include one Water Utility Worker I (WUWI).

VADNAIS STATION/HIGHLAND OVERTIME POLICY:

Water Utility Worker I/Groundsworker

The following procedures shall be used to determine the selection of personnel for overtime work assignments.

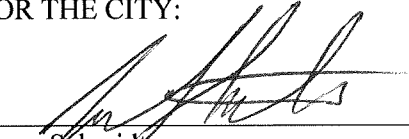
- (1) All overtime will be approved by the Supply System Supervisor II.
- (2) The Watershed Supervisor II will call personnel for overtime.
- (3) Personnel will be called in for overtime based on seniority defined as combined continuous experience as a Water Utility Worker I or Grounds worker at Vadnais/Highland. There are exceptions/clarifications to this rule as outlined below:

- a. Many of the duties of the Water Utility Worker I's and Groundsworkers are similar. The Grounds worker will not be called in when the overtime task involves duties exclusive to the Water Utility Worker I title such as reservoir cleaning, conduit work and sludge field pipe work.
- b. Monday through Thursday: If an employee takes time off on a Friday or the day before a holiday and they make it known to the Watershed Supervisor II that they are available for overtime, they will be eligible for overtime.
- c. Friday or the day before a holiday: If an employee takes time off on a Friday or the day before a holiday and they make it known to the Watershed Supervisor II that they are available for overtime, they will be eligible for overtime.
- d. When a crew is on a job that goes into overtime, that crew will continue the job until it is suspended for the day.

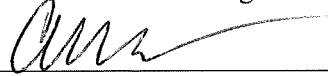
NOTE: Management reserves the right to operate differently in emergency situations from the above Water Utility policies. Every effort will be made to follow the above policies.

- 3) This MOA sets no precedent.
- 4) This MOA shall be effective until December 31, 2020 and will be incorporated into the next collective bargaining agreement by mutual agreement.

FOR THE CITY:



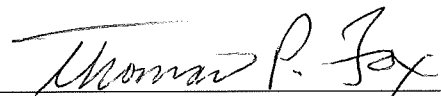
Jason Schmidt
Labor Relations Manager



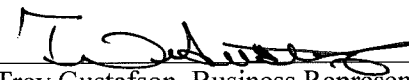
Chara Blanch
Labor Relations Specialist

DATE: 3/29/18

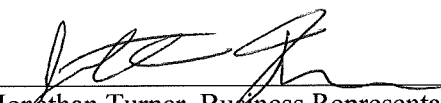
FOR THE UNION:



Tom Fox, Business Representative
Laborers, Local 363



Troy Gustafson, Business Representative
General Drivers, Teamsters Local 120



Jonathan Turner, Business Representative
Operating Engineers, Local 49