

**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 amending 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 be modified to state:

The following procedures will be used to determine the selection of personnel for overtime work assignments. This policy shall apply to all bargaining unit titles.

**DEFINITIONS:**

**Initial Call Out List:** Determines who is called first when overtime is available. The employee at the top of the list rotates on a weekly basis. Unavailability to work the week an employee is at the top of the list does not impact the rotation. It is generally expected that employees will report to work when they are at the top of the Initial Call Out List.

**Stand-by List:** Determines who may be called to work out of title when volunteers are not found from the Initial Call Out.

**Forced List:** Determines who is forced to work when there are not enough volunteers from the Initial Call Out List and Stand-by List. All forced employees must work in their certified title. The list is based on rotating inverse seniority. Employees remain on the top of the list until they are forced to work.

**OVERTIME LIST ELIGIBILITY:**

1. There shall be three overtime lists; an Initial Call Out List, a Stand-by List and a Forced List.
2. A person holding more than one title shall use his/her normal working title for the Initial Call Out List and the Forced List. When called from the Stand-by List, employees shall be paid out of title. One certified Water System Worker II must be on each excavation crew. The most senior Water Utility Worker I to accept the call may receive out of title pay if there aren't two Water System Worker II's on the crew. Water System Worker II's and Heavy Equipment Operators accepting a call from the Stand-by List to work as a Driver-Operator\* shall be paid at their regular title.
3. Summer Distribution employees assigned to different divisions during winter months will remain on the Distribution overtime list year round.

4. This Initial Call Out List applies for emergency responses and when an employee informs their supervisor at the beginning of the shift that they are unable to work past the end of their shift. Employee must remain on crew if no volunteer replacement is found. The Forced List shall not be used when an employee needs to leave at the end of their shift, if that reason is protected by State or Federal Law.
5. Eligibility for Initial Call Out List: 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, he/she will not be called for overtime work until the following day. 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.

Eligibility for the Stand-by List:

- Water Utility Worker I
  - a. Temporary Water Utility Worker I's
- Water Utility Worker II
  - a. Water System Worker II
  - b. Certified Water Utility Worker I's
- Water System Worker II
  - a. Certified Water Utility Worker I's
  - b. Temporary Water Utility Worker I's
- 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

Eligibility for Forced List: If an employee is off a day for sick leave for a family member he/she will 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 because they are sick, he/she will not be called for overtime work until the following day. 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.

Employees that do not want to be forced to work overtime while on vacation must get approval from the Distribution Division Manager prior to the vacation. Any employee that does not work when forced because they are sick must provide a medical certification before returning to work.

An employee that does not work when they are next up on the Forced List remains on the list until they are forced to work. An employee who meets the eligibility requirements described above and does not report to work shall be subject to disciplinary action and will remain at the top of the Forced List.

6. An overtime assignment call-out sheet shall be used for each list to verify proper use of the procedures. Anyone intentionally misusing the overtime policy shall be subject to discipline.

OVERTIME LIST SELECTION PROCEDURES

1. Employees will be called from the Initial Call Out List when overtime is required. If the person at the top of the list is not available to work, the next person will be called until a volunteer is found.
2. If there are not enough volunteers from the Initial Call Out, the Stand-by List will be used for volunteers.
3. If volunteers are not found from the Initial Call Out List or Stand-by List, the Forced List will be used to call employees in for overtime.

VADNAIS STATION OVERTIME POLICY:

Water Utility Worker I

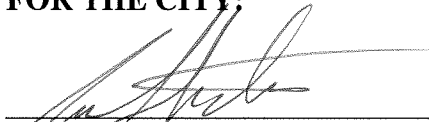
The following procedures shall be used to determine the selection of personnel for overtime work assignments.


1. All overtime will be approved by the Supply System Supervisor II.
2. The Supply System Supervisor II will call personnel for overtime.
3. Personnel will be called in for overtime based on seniority defined as continuous experience as a Water Utility Worker I at Vadnais.
4. If an employee takes time off on a Friday or the day before a holiday and they make it known to the Supply System Supervisor II that they are available for overtime, they will be eligible for overtime.
5. 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 from the above Water Utility policies when it is deemed necessary. 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, 2017 and will be incorporated into the next collective bargaining agreement.

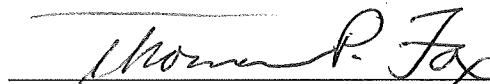
**FOR THE CITY:**

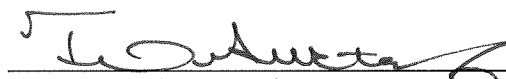
  
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 Jason Schmidt  
 Labor Relations Manager

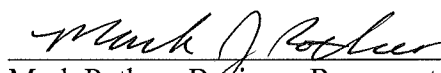
  
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 Chara Blanch  
 Labor Relations Specialist

DATE: 3/17/16

**FOR THE UNION:**

  
 \_\_\_\_\_  
 Tom Fox, Business Representative  
 Laborers, Local 363

  
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 Troy Gustafson, Business Representative  
 General Drivers, Teamsters Local 120

  
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 Mark Pothen, Business Representative  
 Operating Engineers, Local 49