

July 19, 2006 MEMORANDUM OF UNDERSTANDING  
BETWEEN CITY OF MILWAUKEE,  
MILWAUKEE DISTRICT COUNCIL 48, AFSCME, AFL-CIO AND  
THE JOINT BARGAINING UNIT LOCAL 139, IUOE, AFL-CIO AND  
MILWAUKEE DISTRICT COUNCIL 48, AFSCME, AFL-CIO

The City of Milwaukee (City), Milwaukee District Council 48, AFSCME, AFL-CIO (DC 48) and the Joint Bargaining Unit Local 139 and Milwaukee District Council 48, AFSCME, AFL-CIO (Local 139/DC48) agree to the following as the full and complete agreement for wages, hours and working conditions for employees operating a mini-excavator as indicated below in the Environmental Section, Underground Unit in the Infrastructure Division of the Department of Public Works in lieu of operating a backhoe over 40 hp effective July 3, 2006:

1. Except as noted in subsection 4 below, when operated in a street or alley, a mini-excavator under 40 horsepower shall be operated by a Tractor Operator (under 40 hp) or qualified Tractor Operator trainee, represented by Joint Bargaining Unit Local 139, IUOE, AFL-CIO and Milwaukee District Council 48, AFSCME, AFL-CIO and paid at the Tractor Operator (under 40 h.p.) pay rate. Such operating time shall include the time the Tractor Operator or qualified Tractor Operator trainee spent transporting the mini-excavator to and from the site. The Division may also require the assigned Tractor Operator or qualified Tractor Operator trainee to perform the duties of a Sewer Crew Leader I during the time they are assigned to operate the mini-excavator. Such employee shall continue to pay dues or fair deductions to the appropriate Union of the Joint Bargaining Unit of Local 139 and AFSCME.
2. When operated in a location other than a street or alley, a mini-excavator under 40 horsepower shall be operated by a Sewer Crew Leader I, represented by Milwaukee District Council 48, AFSCME, AFL-CIO and paid at the pay rate of the Tractor Operator (under 40 h.p.) during the time period the mini-excavator is operated at the site. Such operating time shall include the time the mini-excavator is unloaded from the trailer at the job site and reloaded back onto the trailer at the job site. It shall not include time the mini-excavator is transported to the job site. If the time period of the mini-excavator operation is less than 3 hours during a day, the employee operating the mini-excavator shall receive a minimum of 3 hours pay at the Tractor Operator (under 40 h.p.) pay rate. Such employee shall continue to pay dues or fair share deductions to Milwaukee District Council 48, AFSCME, AFL-CIO.
3. Tractor Operators will be trained on duties of Sewer Crew Leader I that they may be required to perform when operating a mini-excavator.
4. In the event the Department determines after the workday has begun that it needs to utilize a mini-excavator in a street or alley during that day, the Department may use a Sewer Crew Leader I for that day provided the following conditions have been met:
  - a. The Department has contacted the Dispatch Office and the Dispatch Office has informed the department that there are not any Tractor Operators or qualified Tractor Operator trainees available to operate the mini-excavator that day;

- b. The Department has spoken with the Business representative from Local 139 during that workday or faxed the Local 139 business representative during that workday if they could not be reach the business representative by telephone, to notify him/her that the department is assigning a Sewer Crew Leader I to operate a mini-excavator in the street or alley for a portion of that day because a named person from Dispatch office has indicated there are no Tractor Operators or qualified tractor operator trainees available that day to operate the mini-excavator.
  - c. This is limited to this day only and a Sewer Crew Leader I had not operated the mini-excavator in the street or alley on the workday prior to this day.
5. During the time period that a Sewer Crew Leader I or Sewer Laborer is being trained on the mini-excavator, including time spent on a non-production job operating the mini-excavator in training practice, they shall be paid at the pay rate of their appropriate classification of Sewer Crew Leader I or Sewer Laborer.
  6. During the time period a Tractor Operator is trained on a Sewer Crew Leader I duties, they shall be paid at their appropriate Operation Driver Worker pay rate.
  7. Dated: July 24, 2006

UNION REPRESENTATIVES	CITY REPRESENTATIVES
<i>Wilke D. [Signature]</i>	<i>Tom Howell</i>
<i>James K Fields</i>	<i>Elizabeth F Schmitt</i>
<i>[Signature]</i>	
<i>[Signature]</i>	