

Memorandum of Understanding

between

the City of Milwaukee,

Joint Bargaining Unit Local 139, IUOE, AFL-CIO/ Milwaukee District Council 48, AFSCME,
Milwaukee District Council 48, AFSCME, AFL-CIO and
Local 494, IBEW, AFL-CIO, Electrical Group

This Memorandum concerns the Directional Boring Machine, 40 horsepower (hp) and over, in the Department of Public Works, Infrastructure Division.. The City of Milwaukee (City), Joint Bargaining Unit Local 139, IUOE, AFL-CIO/Milwaukee District Council 48, AFSCME, AFL-CIO, (Joint Bargaining Unit Local 139/DC 48), Local #494, IBEW, AFL-CIO, Electrical Group (Local 494), and Milwaukee District Council 48, AFSCME-AFL-CIO (DC 48) agree to the following concerning the Directional Boring Machine, 40 hp and over, used in the Department of Public Works, Infrastructure Division subject to approval by the Common Council and Mayor:

1. Representation.

- a. Except as noted in 1.b., below, Joint Bargaining Unit Local 139/DC 48, shall represent an employee in the new title of Directional Boring Machine Operator, 40 hp and over, /Worker who shall be assigned as the primary operator of the Directional Boring Machine, 40 hp and over, during any time period this machine is in operation.
- b. Two employees in the title of Electrical Worker, Roland Ode and Juan Rodriquez, who have been trained and have been the primary operator of the Directional Boring Machine in the past, may continue to be assigned to be the primary operator of the Directional Boring Machine, 40 hp and over. During the time period they are so assigned, they shall remain in the title of Electrical Worker and shall continue to be represented by Local 494, IBEW, AFL-CIO.
- c. Either an employee in the Electrical Worker title represented by Local 494 or an employee in the Directional Boring Machine Operator, 40 hp and over/Worker title represented by Joint Bargaining Unit Local 139/DC48 shall be assigned to be the primary locator with the Directional Boring Machine, 40 hp and over. In most cases, if the primary operator is the Directional Boring Machine Operator, 40 hp and over/Worker, then the primary boring machine locator will be the Electrical Worker and if the primary operator is the Electrical Worker, the primary boring machine locator will be the Directional Boring Machine Operator, 40 hp and over/Worker.
- d. It is understood that the Directional Boring Machine Operator, 40 hp and over/Worker and Electrical Worker may switch between operator and locator assignments during the workday, but they shall continue to be represented by their appropriate bargaining unit. (Directional Boring Machine Operator, 40 hp and over/Worker by Joint Bargaining Unit 139/DC48 and Electrical Worker by Local 494.)

2. **Training.** The City will train an employee in the Special Laborer (ES), Laborer (ES), City Laborer (Regular) or Electrical Worker classification to be operators and locators of the Directional Boring Machine, 40 hp and over. During his or her training hours, such employees shall retain their current classification title and continue to be paid at their current classification's pay rate. Except for an employee in the Electrical Worker classification, the hours spent in training shall count toward time worked on a directional boring machine for dues or fair share deduction purposes. (For informational purposes only, the City anticipates a minimum of 480 hours is needed for an employee to be fully trained on the Directional Boring Machine, 40 hp and over. If in the future, the City changes those hours, the City will notify the Unions of the change.)

3. **Pay.**

- a. Effective Pay Period 8, 2000, a Laborer (Electrical Services), Special Laborer (Electrical Services) or City Laborer (Regular), who is assigned as the primary operator of the Directional Boring Machine, 40 hp and over, or as the primary locator for the Directional Boring Machine, 40 hp and over, and who has successfully completed the training period on the Directional Boring Machine, 40 hp and over, shall be appointed to the title of Directional Boring Machine Operator, 40 hp and over/Worker, in Pay Range 960 while he or she is assigned to operate the Directional Boring Machine, 40 hp and over, as the primary operator or assigned to be the primary boring machine locator with the directional boring machine. During all other times, such employee shall be paid at the pay rate of a Laborer (ES), Special Laborer (ES) or City Laborer (Regular), whichever is applicable for their current assignment.
- b. Effective Pay Period 8, 2000, during the time one of the two Electrical Workers listed in paragraph 1, above, is assigned as the primary operator or primary locator of the Directional Boring Machine, 40 hp and over, and has successfully completed the training period on the Directional Boring Machine, 40 hp and over, such Electrical Worker shall be paid at a rate consistent with pay range 960. An Electrical Worker, in place of one of the two Electrical Workers listed in paragraph 1.b., above, who is trained as an operator and locator of the Directional Boring Machine and who is assigned as the primary locator of the Directional Boring Machine, 40 hp and over, shall be paid at a rate consistent with Pay Range 960. During all other times, such employee shall be paid at the pay rate of the Electrical Worker.
- c. On a directional boring machine, 40 hp and over, crew, only one employee who is assigned as the primary operator and one employee who is assigned as the primary locator shall be paid at a rate consistent with Pay Range 960. A third person on the crew, who is the laborer, shall be paid as a Special Laborer, Electrical Services. If the City assigns a fourth employee for training purposes to the crew, he or she shall be paid at his or her current classification's pay rate.

4. **Dues or Fair Share Deductions.**

- a. A Special Laborer (ES), Laborer (ES) or City Laborer (Regular), who is assigned as the Directional Boring Machine Operator, 40 hp and over/Worker, shall pay dues or fair share deductions to Milwaukee District Council 48, AFSCME, AFL-CIO until the start of the directional boring machine season following the fiscal year he or she has worked as a trainee, primary operator and/or primary locator for 49% or more of his or her straight time hours during the directional boring machine season. In the fiscal year following the fiscal year that an employee worked as a trainee, primary operator and/or primary locator of the directional boring machine, 40 hp and over, for at least 49% of his or her straight time hours during the directional boring machine season, such employee shall pay dues or fair share deductions to Local 139, IUOE, AFL-CIO during the entire directional boring machine season. During the time outside the directional boring machine season, when he or she is working in a title represented by Milwaukee District Council 48, such employee shall pay dues to Milwaukee District Council 48, AFSCME, AFL-CIO. For purposes of this section, the directional boring machine season is the time period in a fiscal year beginning when the directional boring machine, 40 hp and over is placed in operation until it is taken out of operation, which is usually from approximately Pay Period 8 through Pay Period 24 or 1320 hours in a fiscal year. The time period may vary from year to year as determined by the City.
 - b. An Electrical Worker who is assigned to be an operator or locator on the Directional Boring Machine shall continue to pay dues or fair share deductions to Local 494, IBEW, AFL-CIO, Electrical Group.
5. **Assignments.** The City retains its right to make assignments to the Directional Boring Machine crew. While one individual will be assigned as the primary operator of the directional boring machine and one individual will be assigned as the primary boring machine locator, the duties of operator and locator may be rotated between the two individuals during the work day. In most cases, the crew of

the Directional Boring Machine, 40 hp and over, will consist of one Special Laborer, Electrical Services, one operator and one directional boring machine locator.

6. **Probationary Period.** An employee appointed to the title of Directional Boring Machine, 40 hp and over/Worker shall serve a probation period of three months of actual service.
7. **Seniority for Layoff Purposes.** For seniority for layoff purposes, the Directional Boring Machine Operator, 40 hp and over/Worker shall not have a break in their Milwaukee District Council 48 seniority during the time period they are appointed to the Directional Boring Machine Operator title. When the directional boring machine season ends, if necessary, the employee in the Directional Boring Machine Operator, 40 hp and over/Worker title, who is laid off from that title, may bump a less senior employee as provided under the labor agreement between the City and Milwaukee District Council 48, AFSCME, AFL-CIO.

Dated 6/21/01

| UNION REPRESENTATIVES | CITY REPRESENTATIVES |
|------------------------------|-----------------------------|
| <i>John Adams</i> | <i>Frank W. Forbes</i> |
| <i>[Signature]</i> | <i>Elizabeth F. Schmidt</i> |
| <i>[Signature]</i> | <i>Ann H. Trotter</i> |
| <i>[Signature]</i> | |
| <i>Willie D. [Signature]</i> | |
| <i>Sam [Signature]</i> | |