## SIDE LETTER OF AGREEMENT TO THE CURRENT MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES

The Fleet Services Department is experiencing a significant increase in a backlog of work and will temporarily increase the amount of overtime offered to employees as a result. Until adequate staffing becomes available in the Department, the City of Ontario (City) and the American Federation of State, County, and Municipal Employees (AFSCME) agree to modify Article 4, Compensation, Section 4.03, Overtime, of the current Memorandum of Understanding (MOU) effective July 1, 2013 through June 30, 2016 as follows:

## Section 4.03 Overtime

- A. This section is applicable to overtime scheduled in advance and to emergency overtime as required to supplement employees on "standby" duty. It is understood that overtime assignments are made by classification within the department requiring the overtime.
- B. The City reserves the right to schedule overtime work as required in a manner most advantageous to the City and consistent with the public interest and the requirement of municipal employment. The City further reserves the right to determine appropriate classification for overtime assignment, those qualified for assignment, and the ability to utilize employees within appropriate classifications from departments other than that requiring the overtime.
- C. In the circumstances described in 4.03 (A), overtime shall be divided as equally as possible between all qualified employees within the affected classification and among those desiring to do the work.
- D. In order to assure equal distribution of overtime, an overtime list shall be established by classification within a department according to seniority. Annually the senior employee shall be given the first opportunity for an overtime assignment. After completion of an overtime assignment the senior employee shall move to the bottom of the list and not be offered an overtime assignment until each employee in the affected classification has been offered an overtime assignment.
- E. In the interest of effective and efficient operation of the City it is understood that it may be necessary to make exceptions to the rotation policy, however, it shall be the intent that each employee shall have the opportunity to accept an amount of overtime work during the course of the fiscal year relatively equal in time to that accepted by other employees within the same classification and department.
- F. As an example of an exception to the rotation policy, each employee on standby duty shall be given a list of eligible employees available for emergency assistance. Each standby employee's list shall vary to some extent providing the opportunity for each qualified employee to be available for emergency overtime depending upon which standby person is on duty. Because of the emergency nature of the work the standby employee shall be allowed to select anyone including other standby employees when the requirement for assistance extends beyond the availability of appropriate employees on the list.
- G. In the event no employee is willing to accept an overtime assignment, it shall be assigned by reverse order of seniority within a classification. In subsequent cases of unaccepted overtime, the next lowest employee in seniority within the classification shall be given the

assignment with the intent being to divide equally all unaccepted overtime among affected employees.

- H. Overtime shall be paid for time worked in excess of the employee's regularly scheduled daily shift or in excess of 40 hours in any one week at the rate of one and one-half (1½) times the normal hourly rate
- I. Overtime may be compensated in the form of pay or compensatory time, except as specified in Section 4.03(J).
- J. Effective May 27, 2014 through November 1, 2014, the following provisions shall apply for employees in the Fleet Services Department only.
  - When overtime is offered, employees will forfeit their option to accumulate compensatory time off. Employees will be paid at time and a half for all overtime hours worked.
  - 2. The normal procedure of utilitizing the seniority list will remain intact.
  - In recognition of forfeiting the option to accumulate compensatory time off, employees
    will have the option to accept the overtime when the opportunity arises and, if an
    employee chooses not to work the overtime, it will be offered to the next person on
    the seniority list.
  - 4. The parties agree that at the end of the temporary period listed in Section 4.03(J), they may revisit whether to continue this provision. If the procedures are not extended, the parties will revert back to having the option of choosing whether to be compensated for overtime worked in the form of pay or by accruing compensatory time as described in Section 4.03(I).

Approved:  Approved:	6/3/14
Jacob <b>⊈</b> reen, Assistant City Manager	Date /
City of Ontario	ı
1/9/1	5-27-14
Steve Koffroth, Business Representative American Federation of State, County, and Municipal	Date
American Federation of State, County, and Municipal	
Employees	