

MEMORANDUM OF UNDERSTANDING

AFSCME, Local 871 and the City of Miami

RE: Grievance 2008-01

Article 37 – Substance/Alcohol – Personnel Screening
& Article 28 Holidays

This Memorandum of Understanding is entered into this 4th day of JUNE, 2008 between the City of Miami (“City”) and AFSCME, AFL-CIO, Local 871, (“AFSCME, Local 871”) jointly “the Parties”) to settle Grievance 2008-1 pertaining to Article 37 (*Substance/Alcohol – Personnel Screening*) and to clarify language in Article 28 (*Holidays*) of the 2007-2010 Collective Bargaining Agreement (“CBA”) between the Parties as follows:

ARTICLE 37 – Substance/Alcohol – Personnel Screening

WHEREAS, on May 8, 2008, AFSCME, Local 871 filed Grievance 2008-1 pertaining to an April 29, 2008 random drug testing of certain employees;

WHEREAS, Article 37.4 of the CBA states – “Management will notify the Union either by telephone, facsimile, or email prior to an employee is to be tested.”

WHEREAS, Article 37.9 of the CBA states – “Once the Department has determined that an employee is to be tested, the employee will be placed on administrative leave with pay until such time the employee is returned to work as a result of a negative test, enters rehabilitation as provide herein or is disciplined or discharged.”

WHEREAS, the Parties wish to resolve this grievance amicably;

THEREFORE, the Parties agree as follows:

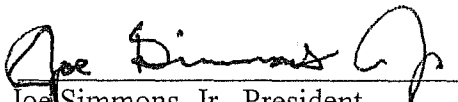
1. Section 37.4 of the CBA is applicable to bargaining unit members involved in an at fault accident [*as per Article 37.1(B) and (C)*], tested under reasonable belief [*as per Article 37.1(D) and (E)*], or tested as part of the CDL program [*as per Article 37.1(G)*]. It is agreed that Article 37.4 is NOT applicable to random drug testing [*as per Article 37.1(F)*].
2. Section 37.9 CBA is applicable to bargaining unit members involved in an at fault accident [*as per Article 37.1(B) and (C)*], tested under reasonable belief [*as per Article 37.1(D) and (E)*], or tested as part of the CDL program [*as per Article 37.1(G)*]. It is agreed that Article 37.9 is NOT applicable to random drug testing [*as per Article 37.1(F)*].
3. This grievance is settled.

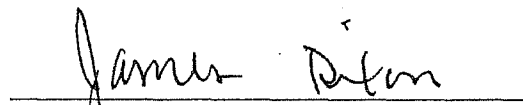
FURTHERMORE, the Parties agree to clarify Article 28 (Holidays) of the CBA as follows:

Section 28.5 – The incentive personnel working on the Garbage Collection and the Recycling routes during the holiday period will be provided overtime compensation where eligible. Those eligible employees will receive the equivalent of one day's pay straight time plus ten (10) hours straight time of holiday pay or at their discretion may elect 10 hours straight time of compensatory time in lieu of holiday pay for a total of twenty (20) hours compensation where eligible. The incentive personnel working on the Trash and Street Cleaning routes during the holiday period will be provided overtime compensation where eligible. Those eligible employees will receive the equivalent of one day's pay straight time plus eight (8) hours straight time of holiday pay or at their discretion may elect 8 hours straight time of compensatory time in lieu of holiday pay for a total of sixteen (16) hours compensation.


It is recognized that by working the holidays, the City will increase the cost of operating the Garbage Collection System within the Department and that the Administration will be balancing the collection routes, reviewing the utilization of staffing and the organizational delivery of the sanitation services to the citizens of Miami. The employees of the Department recognize that this is a necessity if we are to deliver sanitation services to the citizens of the City of Miami consistent with funds available to the Department.

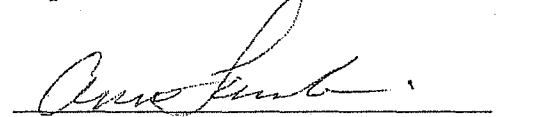
FOR AFSCME, Local 871



Joe Simmons, Jr., President
AFSCME, Local 871


James Dixon, Recording Secretary
AFSCME, Local 871

FOR THE CITY OF MIAMI, FLORIDA


Mario Soldevilla, Director
Department of Solid Waste


Ann Lamb, Payroll Administrator
Department of Employee Relations


Elsa I. Jaramillo Velez, Esq.
Deputy Director
Department of Employee Relations