

MEMORANDUM OF AGREEMENT

BETWEEN

THE CITY OF GRESHAM

AND

TEAMSTERS LOCAL 223

Background: The parties negotiated the need to add language to the current collective bargaining agreement regarding shift trades or "trade time." To comply with federal and state law, the parties agree to the following addition to the current collective bargaining agreement.

Agreement. The parties agree to the following:

The Police Records Manager in Police Records shall have the right to refuse trade time for any reason. The Police Records Manager in Police Records may approve a request from two Police Records Specialist employees to trade shifts if in the judgment of the manager trading shifts will not in any way reduce the efficiency of the department or City operations, or will not increase operation costs because of the trade based on the following criteria:

1. All trades shall be made voluntarily between the absent (substituted) employee and the substituting employee; specifically, an employee requesting a shift trade shall do so for the employee's own convenience and the employee being asked to make the trade must accept or decline the request based on the employee's own free will;
2. Trade time will be:
 - a. between two Police Records Specialists of the same classification level; e.g., a PRS I may only trade with a PRS I;
 - b. documented on the "Trade Time Authorization" form;
 - c. limited to one (1) trade per month, not to exceed three (3) consecutive days and not less than one-half of a shift;
 - d. paid back (worked) within 30 days and the specific dates must be shown on the form for the time to be approved;
 - e. denied if any member would ultimately work more than seven (7) consecutive days or two (2) full consecutive shifts;
 - f. denied if the request is made simply to cover shifts; and
 - g. denied when vacation or holiday time in excess of the annual accrual is available and there are sufficient personnel on the shift (i.e., minimum field strength).

A shift trade may not be made with oneself.

Employees are responsible for obtaining proper authorization to trade time and for documenting its use accurately.

Employees trading shifts are exempt from and expressly waive requirements for overtime pay provided in State and federal law, including but not limited to ORS Chapter 653 and FLSA, and provided in any provision in this collective bargaining agreement in conjunction with a shift trade. Time worked in trade for another employee will not constitute "time worked" for the purposes of the FLSA or Oregon law so long as the trade originates with an employee and not the employer. Only the absent (substituted) employee will be paid/credited as if the substituted employee worked the traded shift.

Duration. By signing below, the parties agree to incorporate the terms of this MOA into the current collective bargaining agreement.

For the City:


Karen Pearson, HR Director

Date: 6-3-2019

For the Union:


Leslie Sloy, Teamsters Local 223

Date: 6-3-2019

Approved as to form:


Sherisa Davis-Larry, Assistant City Attorney

Date: 6.11.19