

**MEMORANDUM OF AGREEMENT**  
**AFSCME COUNCIL 93 LOCAL 2913**  
**TRAFFIC SUPERVISORS / PARKING CONTROL**

**THREE YEAR CBA FROM JULY 1, 2014 – JUNE 30, 2017**

**A. TRAFFIC SUPERVISORS**

**1. FY2015 (July 1, 2014 to June 30, 2015)**

**7/1/2014 WAGES**

- \$150.00 Lump Sum Payment due upon thirty (30) days of ratification of this agreement.

**2. FY2016 (July 1, 2015 to June 30, 2016)**

**7/1/2015 WAGES**

- Move to Grid effective 7/1/2015

a. Longevity:

10-14 Years	\$325.00
15-19 Years	\$350.00
20-24 Years	\$375.00
25-29 Years	\$400.00
30 or more	\$425.00

- b. Recognition increased to: \$250

**3. FY2017 (July 1, 2016 to June 30, 2017)**

**7/1/2016 WAGES**

- Move to Grid effective 7/1/2016
- Sick Leave Bonus: 3 Days or less \$250.00 (to be calculated September – June).

**B. PARKING CONTROL OFFICERS**

**1. FY2015 (July 1, 2014 to June 30, 2015)**

- \$500.00 Lump Sum Payment due upon thirty (30) days of ratification of this agreement.

**2. FY2015 (July 1, 2015 to June 30, 2016)**

**7/1/2015 WAGE/STEP SCALE**

Step 1	\$40,000.00
Step 2	\$41,200.00
Step 3	\$42,436.00
Step 4	\$43,729.00
Step 5	\$45,041.00
Step 6	\$46,392.00
Step 7	\$47,784.00

- Step 6 and Step 7 added to the grid effective July 1, 2015
- All Parking Control Officers will advance to the next step on their anniversary date.

**a. Longevity:**

10-14 Years	\$850.00
15-19 Years	\$950.00
20-24 Years	\$1150.00
25-29 Years	\$1250.00
30 or more	\$1500.00

**b. Recognition increased to: \$250**

**c. Compensatory Time Off:**

- (i) When a parking Control Officer works any overtime provided for under the collective bargaining agreement, he or she will have the option to select whether the overtime shall be paid at the usual overtime rate of pay, or whether the overtime shall be recorded as compensatory time off to be taken at a later date, up to a maximum of twenty (20) hours total to be accumulated and used in each fiscal year, subject to the following:
- (ii) No more than two (2) Parking Control Officers can be off any single day, provided that use of comp time does not unduly disrupt the operation of the City. Comp time will have the lowest priority when granting time off. Comp time must be used in the fiscal year during which it is earned, and only upon the approval of the Chief of Police or his designee. Employees shall not earn comp time for any extra work which has not been authorized by the Chief of Police or his designee. Accumulated comp time shall be cashed out upon retirement. The

Chief of Police may establish reasonable rules and regulations regarding the use of comp time, and will impact bargain any changes with the union. Ten (10) hours of comp time can be carried over year to year.

- (iii) The foregoing provisions relating to comp time for Parking Control Officers shall be for a trial period, running from thirty (30) days following ratification of this agreement and ending on June 30, 2017. The Union and the City shall meet no later than December 31, 2016 to discuss the status of the implementation of comp time. The Union and the City may agree to extend the provisions relating to comp time following June 30, 2017, on terms and conditions agreeable to both parties, but nothing in this Agreement shall obligate the City to do so. In the event comp time is not extended beyond the trial period, all accumulated comp time earned by the Parking Control Officers under this Agreement as of June 30, 2017 shall be cashed out at the overtime rate during the next regular payroll period following June 30, 2017.
- d. Early Release Days: Add Presidents Day, Patriots Day, Memorial Day and Columbus Day will be released at 1:00 p.m.
- e. Carryover vacation time changed from March 31 to: August 31.
- f. New Parking Control Officers will receive a minimum of two (2) weeks/eighty hours on the job training upon commencement of service.
- g. Posting of Jobs:
  - (i) The City will notify the Union President one (1) week prior to any job posting for Local 2913, provided that such notification is not disruptive to the City's need to fill the position.
  - (ii) All Traffic Supervisors will be notified via US mail and/or email and applicant posting boards that a position is available.
  - (iii) Interested Traffic Supervisors must fill out a transfer application, and may also attach a resume.
  - (iv) All applications shall be kept on file for future reference according to the state's public records retention regulations.
- h. Traffic Supervisors promotions will be administered through the Department of Human Resources based on the guidelines set forth in Paragraph i (above).
- i. Printed names on tickets issued by Parking Control Officers will be changed to initials, as system programming allows.

- j. Add the following revised Article XXVIII Performance Evaluations:  
 "28.01 A committee comprised of two Union members and two City designees shall be formed to propose implementation of performance evaluations for all Local 2913 members and its work is to be completed on or before December 31, 2016."
- k. Members of the Union shall abide by the City's Drug and Alcohol Policy, attached as Addendum B.
- l. Grievance Procedure:  
 Step 1: Delete "7" working days and replace with "15" working days  
 Step 2: Delete "6" working days and replace with "15" working days
- m. Members of the Union who are injured while on duty shall immediately notify the superior officer of the Traffic Bureau of the injury, or as soon as practicable following the injury. In the absence of a superior officer, members of the Union shall notify the Officer in Charge of the shift. Members of the Union who are injured shall also immediately file an accident report with the Department of Human Resources, or as soon as practicable following the injury.
- n. Add the following new Article XXIX Duration:  
 "29.01 This AGREEMENT shall be effective as of July 1, 2014 for the period ending June 30, 2017 and shall remain in effect from year to year thereafter unless either party hereto, desiring to terminate or amend any provisions of this contract, send written notice of the same to the other no later than one hundred twenty (120) days prior to the termination date hereof or any succeeding anniversary date."

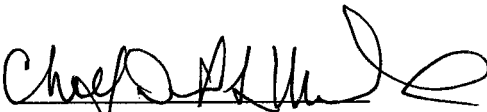
3. **FY2017 (July 1, 2016 to June 30, 2017)**


**7/1/2016 WAGES**

- All Parking Control Officers will advance to the next step on their anniversary date.
- a. Sick Leave Bonus: 3 Days or less: **\$300.00** (to be calculated by Calendar Year January – December).
- b. Technology Stipend: **\$700.00**, to cover use of more than one handheld device and for use of permit parking, parking lot kiosks, cell phone usage, gas and other technological innovations.

AGREED TO this 2<sup>nd</sup> day of March, 2016, on behalf of:

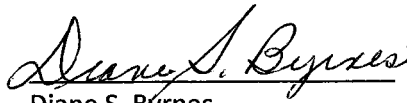
**CITY of NEWTON**

By:   
Maureen Lemieux, CFO

By:   
Jeffrey A. Honig  
Interim Human Resources Director

**AFSCME LOCAL 2913**

By:  3-2-16  
Angela Foley,  
President AFSCME Local 2913

By:  3-2-16  
Diane S. Byrnes  
AFSCME Counsel 93

ADDENDUM A

**AFSCME 2913 - Parking Control**

**FY15 - FY17 3 Year Contract**

**3/2/2016**

**EFFECTIVE July 1, 2015**

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	<b><u>Step 1</u></b>	<b><u>Step 2</u></b>	<b><u>Step 3</u></b>	<b><u>Step 4</u></b>	<b><u>Step 5</u></b>	<b><u>FY16</u></b>	<b><u>FY17</u></b>
\$	40,000	\$ 41,200	\$ 42,436	\$ 43,729	\$ 45,041	\$ 46,392	\$ 47,784
		3.00%	3.00%	3.05%	3.00%	3.00%	3.00%

**AFSCME 2913 - Traffic Supervisors**

**EFFECTIVE July 1, 2014**

# Emp's	<b><u>0 - 5 Yrs</u></b>	<b><u>5 - 10 Yrs</u></b>	<b><u>10+ Yrs</u></b>	<b><u>Grandfathered</u></b>
	21	13	15	3
\$	8,653	\$ 8,653	\$ 8,653	\$ 9,437

**EFFECTIVE July 1, 2015**

	<b><u>0 - 5 Yrs</u></b>	<b><u>5 - 10 Yrs</u></b>	<b><u>10+ Yrs</u></b>	<b><u>Grandfathered</u></b>
	19	9	14	3
\$	8,869	\$ 9,047	\$ 9,274	\$ 10,024
	2.50%	4.55%	7.18%	

45

**EFFECTIVE July 1, 2016**

	<b><u>0 - 5 Yrs</u></b>	<b><u>5 - 10 Yrs</u></b>	<b><u>10+ Yrs</u></b>	<b><u>Grandfathered</u></b>
\$	9,091	\$ 9,273	\$ 9,506	\$ 10,258
	2.50%	2.50%	2.50%	

ADDENDUM B

DRUG AND ALCOHOL POLICY

**1. Purpose**

The purpose of this policy is to provide all members of the bargaining unit with notice of the provisions of the Newton Police Department's drug and alcohol testing program for Traffic Supervisors and Parking Control Officers. It is the policy of the Newton Police Department that a drug and alcohol-free Traffic Supervisor and Parking Control Officer force must be maintained at all times and that this requirement justifies the use of a reasonable employee drug and alcohol testing program. The use of non-prescribed controlled substances as defined in Chapter 94C of the Massachusetts General Laws and other forms of drug and alcohol abuse seriously impair a Traffic Supervisor and Parking Control Officer's physical and mental health, and thus, his/her job performance. Therefore, in order to ensure the integrity of the Newton Traffic Supervisors and Parking Control Officers force and to preserve public trust and confidence in a fit and drug and alcohol-free Traffic Supervisors and Parking Control Officers force, there shall be a testing program to detect inappropriate drug and alcohol use and, under appropriate circumstances, to provide for the rehabilitation of any such Traffic Supervisor and Parking Control Officer.

**2. Authorized Use of Prescribed Medications**

Any Traffic Supervisor or Parking Control Officer who is undergoing medical treatment with any prescribed drug(s) may, at his/her option, report the information to his/her supervisor, and a determination will be made as to that Traffic Supervisor or Parking Control Officer's ability to perform his/her regular duties while taking such medications.

**3. Prohibited Conduct**

The following conduct by any Traffic Supervisor or Parking Control Officer is prohibited:

- A. Unauthorized use, possession, manufacture, distribution, dispensation or sale of a non-prescribed controlled substance, illegally used drug, drug paraphernalia, or alcohol on Department property, on Department business, in Department supplied vehicles, in vehicles being used for Department purposes, or during working hours; neither this section nor Section 5 is intended to be applicable to unopened containers of alcohol in a Traffic Supervisor or Parking Control Officer's private vehicle which has been purchased for the Traffic Supervisor or Parking Control Officer's off-duty consumption;
- B. Unauthorized storage in a desk, locker, automobile or other repository on Department property of any illegally used drug, non-prescribed controlled substance, drug paraphernalia, or alcohol subject to aforesaid exception in Section A;
- C. Being under the influence of a non-prescribed controlled substance, of an illegally used drug, or alcohol on Department property, on Department business, in Department supplied vehicles or vehicles being used for Department Business or during working hours;



- D. Possession, use, manufacture, distribution or sale of illegally used drugs or non-prescribed controlled substances while off duty;
- E. Switching or adulterating any breath, blood, urine, hair or other test sample;
- F. Refusing consent to testing or refusing to submit a breath, urine, blood, hair or other test sample for testing where and when expressly required under this policy;
- G. Failing to adhere to the terms of any rehabilitation agreement which the Traffic Supervisor or Parking Control Officer has signed provided that he/she has been given an opportunity to consult with legal counsel and/or an ASSOCIATION representative before signing same; and/or
- H. Refusing to sign a rehabilitation agreement provided he/she has been given an opportunity to consult with legal counsel and/or ASSOCIATION representative.

**4. Testing Procedure**

- A. The Chief of Police, or his designee in the Chief's absence, may require that a Traffic Supervisor or Parking Control Officer submit to a drug and/or alcohol screening test forthwith to detect the presence of non-prescribed drugs, illegally used drugs, alcohol or non-prescribed controlled substances for the reasons listed below. The Traffic Supervisor or Parking Control Officer being tested may, at his/her option, be accompanied by an ASSOCIATION representative while the screening test is being administered, provided that the taking of the test is not delayed thereby.
- B. The Traffic Supervisor or Parking Control Officer may initiate a review of the Chief's directive in the case of a drug screening test. Failure of the Traffic Supervisor or Parking Control Officer to initiate the review immediately shall be deemed a waiver of this right. When the review procedure has been initiated, the Chief's directive shall be reviewed by a committee of three, comprised of either the Chief's Administrative Assistant or the Internal Affairs Officer, one Traffic Supervisor or Parking Control Officer appointed by the ASSOCIATION; and the CITY's Director of Human Resources, or his designee. The review shall be conducted and concluded within twenty-four (24) hours of the time the Chief required the test sample.
- C. If the Review Committee concludes that the drug screening is warranted, such testing shall be conducted immediately. If the review Committee finds that the test is not warranted, the sample shall not be tested and shall be destroyed. The decision of the Review Committee shall be final and binding upon the parties and not subject to the grievance and arbitration provisions of this AGREEMENT.
- D. Positive Test Results – The presence of greater than .04 alcohol content in the blood, or a verified positive drug test for illegally-used drugs, non-prescribed drugs or non-prescribed controlled substances shall be considered a violation of this policy. An "illegally used drug" is defined as the ingestion of prescribed or over the counter medication in amounts beyond the prescribed or recommended dosage, or taken after the prescribed period of time.

- E. The screening test of the Traffic Supervisor or Parking Control Officer shall be administered by the City Physician, the Nurse Practitioner, or the City Physician's designee in accordance with this policy for drug and alcohol testing and provided that the person administering the test has been properly certified, trained or is otherwise qualified to administer that particular test.
- F. An original non-tested sample will be given to the Traffic Supervisor or Parking Control Officer upon request made at the time the sample is provided.
- G. The results of the drug screening test shall be given to the Chief of Police and the Captain of the Traffic Bureau.

**5. Reason for Testing**

Traffic Supervisor or Parking Control Officers will be required to take a drug/alcohol test as a condition of continued employment in order to ascertain prohibited drug/alcohol use, only as provided below:

- A. If there is a reasonable suspicion of a supervisor that a Traffic Supervisor or Parking Control Officer is or has been using drugs or alcohol in violation of this policy. *"Reasonable Suspicion"* is something more than a hunch but less than probable cause. It means a reasonable individualized suspicion, which is articulable, that the Traffic Supervisor or Parking Control Officer has violated this policy. It must be based upon specific, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead to a reasonable person to suspect that the Traffic Supervisor or Parking Control Officer is or has been using drugs and/or alcohol in violation of this policy.

Examples of "reasonable suspicion" may include, but are not limited to, the following:

- (i) observable phenomena, such as direct observation of on-duty alcohol use or possession and/or direct observation of on-duty use or possession of any non-prescribed drugs or illegally used drugs, and/or the on-duty display of behaviors which appear to be indicative of the use of any such drugs or alcohol and are not attributable to other factors;
- (ii) a pattern of abnormal conduct or erratic behavior while on duty (slurred speech, uncoordinated movement, gait stupor, excessive giddiness, unexplained periods of exhilaration and excitement, impaired judgment, etc.) or deteriorating work performance, including but not limited to, frequent absenteeism, excessive tardiness, or frequent accidents, not attributable to other factors;
- (iii) newly discovered evidence that the Traffic Supervisor or Parking Control Officer has tampered with a prior drug/alcohol test; and/or

- (iv) repeated or flagrant violations of the Department's rules and procedures which are determined by a supervisor to pose a substantial risk of injury or property damage and which are not attributable to other factors and appear to be related to drug and/or alcohol abuse.

The above examples are not all inclusive, but are intended to be illustrative.

- B. When a Traffic Supervisor or Parking Control Officer is offered any promotional position.
- C. Subsequent to any significant vehicular accident involving a vehicle which is being operated by a Traffic Supervisor or Parking Control Officer while on duty.
- D. Subsequent to any serious, unsafe practice or incident (such an incident includes the unplanned, unexpected and unintended discharge of a firearm) which occurs while the Traffic Supervisor or Parking Control Officer is on duty.

#### **6. Consequences of a Positive Test**

A positive test in violation of this policy or any other violation of this policy will result in disciplinary action in accordance with the Department's disciplinary procedures subject to the conditions set forth below.

Discipline for any violation of this policy means any permitted disciplinary action up to and including termination of employment.

Discipline for any Traffic Supervisor or Parking Control Officer who tests positive for alcohol shall, where there is no independent violation of Department rules other than being under the influence of alcohol, be in accordance with the following schedule:

- A. For the first such offense – a Rehabilitation Agreement shall be developed and signed and the Traffic Control Supervisor or Parking Control Officer shall be suspended for up to a maximum of (5) days.
- B. For the second such offense – a further Rehabilitation Agreement shall be developed and signed and the Traffic Supervisor or Parking Control Officer shall be suspended for up to a maximum of thirty (30) days.
- C. For the third such offense – the Traffic Supervisor or Parking Control Officer shall be disciplined up to and including termination of employment.
- D. If, following the first such offense of testing positive for the presence of greater than .04 alcohol content in his/her blood, there is no further such offense by the Traffic Supervisor or Parking Control Officer for a period of three (3) years from the date of the first such offense, the first offense shall be removed from his/her record and any subsequent such offense thereafter will be deemed to be a first such offense for the purpose of this progressive disciplinary procedure. However, if a second such offense should occur within three (3) years of the first such offense, then both such offenses shall remain on the Traffic Supervisor or Parking Control Officer's record permanently

E. After the Completion of any Rehabilitation Program that is a part of any Rehabilitation Agreement provided for hereunder, a Traffic Supervisor or Parking Control Officer shall be subject to unannounced follow up testing for three (3) years following his/her return to full duties. There shall be a maximum of six (6) such unannounced follow-up tests during any twelve (12) month period; however, this limitation shall not be applicable to any alcohol test that is administered for reasonable cause pursuant to this policy. If any such follow-up test yields a positive result, the Traffic Supervisor or Parking Control Officer shall be immediately subject to further disciplinary action in accordance with this policy.

7. Assistance Program

The Department shall, in addition to taking any disciplinary actions, refer any Traffic Supervisor or Parking Control Officer who is found in violation of this policy to the Employee Assistance Program for assessment, counseling, and referral for treatment or rehabilitation, as appropriate.

8. Voluntary Assistance

Disciplinary action will not be imposed for an employee who volunteers for drug or alcohol testing prior to being identified through other means or who obtains counseling or rehabilitation voluntarily through the Employee Assistance Program (EAP) and thereafter refrains from using illegal drugs or alcohol.