

**Letter of Agreement
Between
City of Modesto (City)
And
Modesto City Employees' Association (MCEA)**

The City of Modesto and Modesto City Employees' Association negotiated a contract for the term June 22, 2010 to June 18, 2012. As part of the negotiated agreement the City and MCEA formed a joint committee to review the crane operation in the Water and Waste Water Departments to identify City need, the number of crane certifications required and the appropriate level of compensation.

The parties agree to the following provisions regarding crane certifications:

- Water Services Equipment Operator I/II: The job specification language for the classification of Water Services Equipment Operator I/II shall be amended to require possession of a valid crane operator certificate within "six (6) months." Operation of equipment including crane operation is a requirement of this classification and no additional compensation shall be paid.
- Water Distribution Operator I/II/III: The job specification language for the classification of Water Distribution Operator I/II/III shall be amended to include, "when assigned, possession of a valid crane operator certificate shall be required within six (6) months..." Those employees assigned to operate the crane shall receive an additional 1.5% pay differential.
- Water Division Crewleader: The job specification language for the classification of Water Division Crewleader shall be amended to remove the crane operation requirement. Those employees currently in possession of a crane certificate will not be required to maintain their certification. Should the employee opt to continue their crane certification, rather than let it expire, the employee shall be responsible for all costs.
- Water Production Operator I/II: The job specification language for Water Production Operator I/II shall be amended to remove the crane operation requirement. Those employees currently in possession of a crane certificate will not be required to maintain their certification. Should the employee opt to continue their crane certification, rather than let it expire, the employee shall be responsible for all costs.
- Waste Water Collections System Crewleader: Operation of the crane is not a requirement of this classification and there are no employees in this classification who are crane certified. There will be no amendment to this job specification.
- Waste Water Collections System Operator I/II: The classification of Waste Water Collections Systems Operator I/II requires crane operation for employees who are assigned this responsibility. Those employees who are assigned to operate a crane shall receive an additional 1.5% pay differential.
- Senior Equipment Operator: The classification of Senior Equipment Operator requires crane operation for employees who are assigned this responsibility. Those employees who are assigned to operate a crane shall receive an additional 1.5% pay differential.

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- Equipment Operator: The classification of Equipment Operator requires crane operation for employees who are assigned this responsibility. Those employees who are assigned to operate a crane shall receive an additional 1.5% pay differential.
- Electrician – Traffic & Buildings: The classification of Electrician – Traffic & Buildings requires crane operation for employees who are assigned this responsibility. Because there is no current operational need for crane operators at this time, the job specification shall not be amended. Should the City determine there is a need to assign crane operation and require certification in this classification, for those employees who are assigned to operate a crane they shall receive an additional 1.5% pay differential.
- Water Quality Control Technician I/II: The classification of Water Quality Control Technician I/II requires crane operation for employees who are assigned this responsibility. Those employees who are assigned to operate a crane shall receive an additional 1.5% pay differential.

There shall be no additional compensation paid for crane operation other than the 1.5% pay differential as indicated in the above classifications.

Job Specification Amendments: The language in the job specifications regarding the requirement for crane operations shall be amended as follows:

“Failure to obtain or maintain the required certification may result in release from probation or termination.”

Crane Certification Assignment: The City will determine the number of qualified crane operators necessary to meet operating needs. Employees may volunteer to be considered for this assignment and the City may consider the volunteers when assigning this work. To make the selection, the City shall develop a screening process to assess the likelihood that an employee would successfully complete the crane certification training program. The final determination of the number of qualified operators required, the screening process used and the actual assignment of operators remains management discretion. The City may also consider an employee’s work performance records, disciplinary actions and status on initial or promotional probation when making the assignment. If an employee is designated to operate a crane, the assignment is considered mandatory and action may be taken should the employee fail to obtain or maintain the required certification.

Employees who hold a crane certification as of the effective date of this agreement shall be held harmless until the expiration of their current certification. At that time, should the employee decide to no longer voluntarily keep their certification, their assignment slot will be filled with another employee using the process and conditions described in this agreement. The employee who has relinquished their certification shall then be subject to assignment to any future crane certification needs and will thereafter be subject to the same requirements as others so designated.

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Employees who hold a crane certification as of the effective date of this agreement and voluntarily renew his/her crane certification may be thereafter so designated for the assignment and will be subject to the same requirements as others so designated.

Employees in the classifications that are either required or assigned will be required to successfully complete the crane certification training program within six (6) months of appointment and every five (5) years thereafter, and/or in accordance with mandated re-certification requirements, subject to the City scheduling them timely. If the City fails to schedule an employee for training, the employee shall be relieved of the obligation to pass the crane certification training program until the City schedules the training.

The City shall pay all costs associated with one training and certification class and shall determine how preparatory training will be conducted. Travel to, from, and attendance at, training class will be considered as hours worked. Training shall be scheduled so as to not incur overtime as described in MCEA MOU Article 12 (A). Temporary schedule changes under MCEA MOU Article 9 may be used to minimize overtime during training. However, should the employee fail the one crane training class provided by the City, it will be the employee's responsibility and obligation to continue to attempt to pass the testing within the required six (6) months of appointment, and at their own expense. The employee shall be permitted to attend testing using the appropriate leave. Upon the employee's receipt and the City's notification of the employee successfully passing the required testing, the City shall commence the 1.5% pay differential effective with the beginning of the next pay period.

Commencement of this Agreement:

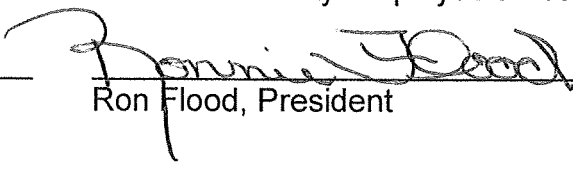
This side letter agreement modifies MCEA MOU Articles 20 (D), (E) and (H) 1 and is effective March 1, 2011.

For the City:

For Modesto City Employee's Association:




Greg Nyhoff, City Manager



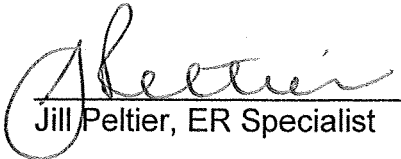
Ron Flood, President




Dee Williams-Ridley, Deputy City Manager/
Director of Human Resources



Phil Mendoza, MCEA



Jill Peltier, ER Specialist



Tamiya Davis, MCEA Counsel

Dated: 6/13/11

Dated: _____