

Memorandum of Exception

I. Parties

The parties to this Memorandum of Exception (hereinafter "MOE") are Multnomah County, Oregon (hereinafter "County") and Multnomah County Employees Union, AFSCME, Local 88, AFL-CIO (hereinafter "Union").

II. Background

WHEREAS, the Library and Local 88 want to provide opportunities for lateral movement among staff by creating a position swap process that is:

1. Open to all regular staff.
2. Consistent and transparent.
3. Easy to explain and understand.
4. Easy for Human Resources to administer.

WHEREAS, the Library and Local 88 want the process to:

1. Respect the seniority based lateral transfer process while allowing some position movement where it might otherwise be lacking.
2. Reasonably parallel the lateral transfer process.
3. Not create a system for regular employees "to gift" their positions to other regular employees.
4. Allow management to address employee performance issues by only allowing transfers through the swap process with management agreement.

WHEREAS, Article 22 of the 2014-2017 Collective Bargaining Agreement provides for lateral transfers, the job swap is another option for employees and this MOE provides for this exception.

NOW, therefore, the parties mutually agree as follows:

III. Terms of Agreement

1. This agreement applies only to the Department of Libraries and may be cancelled by either party with 15 days notice.

2. Definitions

- A. Initiator: Any regular employee who initiates the swap process and posts their own position for other employees to see.
- B. Applicant(s): Any regular employee(s) who see the swap posting and responds with interest.

3. The position swap posting process shall be as follows:

- A. An Initiator submits the Position Swap form to Human Resources.
- B. Human Resources lists the position with weekly lateral transfer postings and will include:
 - i. Classification and FTE.
 - ii. Location and schedule.
 - iii. Position specific requirements (e.g. storytime, book club, or KSAs.).
 - iv. Any stipulations that the initiator requires. The initiator can opt to require five limiting factors, such as:
 - (a) Five locations they do not want to work, or
 - (b) Five scheduling limitations that they do not want to work, or
 - (c) A combination of locations and schedules for five total.

Examples:

Sally can't accept any schedule that (1) is at Troutdale or (2) Capitol Hill or (3) Hillsdale or (4) would make her work Tuesday or (5) Thursday mornings.

Johnny can't accept any schedule that would require him to work (1) Saturdays or (2) on Wednesdays or (3) at Troutdale or (4) at St Johns or (5) at Fairview.

4. Regular employees interested in the posted position may apply, provided that they:

- A. Currently have a job within the same classification and with the same FTE.

- B. Do not currently have a position at the Initiator's home work group.
 - C. Have a position that meets the Initiator's stipulations as listed in the swap posting.
 - D. Are qualified to meet any position specific requirements as listed in the swap posting or are willing to receive extra training to meet them.
 - E. Have not received discipline at a level of a written reprimand (or higher) dated within the last 12 months or are still in the new hire / promotional probationary period. These employees may still be eligible but their request could be denied by management. Denial of a job swap cannot be appealed or grieved, but upon request by the employee or union the supervisor will provide the rationale for the denial of the job swap.
5. Human Resources will create a list of interested Applicants that meet the Initiator's stipulations based strictly on class seniority. The applicant with the most class seniority will be offered the swap. If the applicant with the most class seniority declines the swap offer, HR will contact the next person on the applicant list.
 6. The Initiator will be informed of their single option (location and schedule) and they can choose to accept or decline the offer.
 7. If there are no interested Applicants or the Initiator declines an offer, the Initiator must wait three months before they can initiate another swap.
 8. After the swap, both participants will have the standard one hundred twenty (120) day trial service period. They must also pass the trial service period before initiating or applying for another swap. If either of the participants does not pass the one hundred twenty (120) day trial service period, both participants will be returned to their previous position and location.
 9. Taking part in a swap, as either an Initiator or Applicant, does not disqualify or delay an employee from participating in the lateral transfer process. Employees may accept a lateral transfer after accepting a swap.
 10. Employees do not need supervisor approval to initiate or apply for a swap unless they have received discipline at a level of a written reprimand (or higher) dated within the last 12 months or are still in the new hire or promotional probationary period.
 - A. Managers may deny the swap request in order to help ensure that the employee is successful in the position that they are transferring from/to and correct ongoing performance issues.

B. Denial of a job swap cannot be appealed or grieved, but upon request by the employee or union the supervisor will provide the rationale for the denial of the job swap.

11. The terms of this MOE shall not be construed as setting a precedent.

12. Any dispute over the administration (meaning, interpretation or application) of this MOE shall be resolved through the grievance procedure set forth in Article 18 of the 2014-17 agreement.

IV. Termination

This MOE will be ongoing until superseded or either party gives at least fifteen (15) days written notice to the other party that they are terminating the MOE.

Done this day, _____ November, 2016.

For the County:

For the Union:

James J. Opoka
Labor Relations Manager

Micaela Shapiro-Shellaby
Council Representative