

MASSACHUSETTS ORGANIZATION OF STATE ENGINEERS AND SCIENTISTS

JOSEPH DORANT, PRESIDENT
PATRICK RUSSELL, VICE PRESIDENT

ALLEN BONDESON, SECRETARY MICHAEL GALVIN, TREASURER

March 13, 2019

Dear MOSES Represented MassDOT Employee:

On March 7, 2019, your MOSES MassDOT Bargaining Committee reached a tentative Agreement with MassDOT, which covers the period from July 1, 2017 to June 30, 2020. This proposed agreement is subject to ratification by the MassDOT Unit E employees and then subject to approval of the MassDOT Board of Directors.

The ratification vote will take place on Friday, March 29, 2019. The complete Memorandum of Understanding will be posted on the secure membership side of the MOSES website. The "Notice of Ratification", voting locations and informational sessions at MassDOT locations are enclosed in this packet.

A summary of the proposed changes, including salary charts are listed below.

1. Article 12 - Proposed salary increases

- a. 2.0% across the board increase, retroactive to the first full payroll period of July 2017. (This is reflected as, 1.00% with a second 1.00% contingent upon tax revenue exceeding \$27 Billion for FY 18, which was met.)
- b. Effective the first full pay period in July 2018 a 1.70% increase for steps 1 through 13 and a 2.22% increase for Step 14, retroactive to the first full payroll period of July 2018;
- c. Effective the first full pay period in July 2019 a 1.70% increase for steps I through 13 and a 2.22% increase for Step 14.

2. Article 1.1 Recognition

MOSES & USW both have to sign off on matters that affect the entire unit.

3. Article 5.9 Orientation

New employees are entitled to a 30-minute orientation (plus time for reasonable travel to and from the meeting location)

4. Article 7.1D Workweek and Work Schedules

A workweek other than Monday through Friday may be established.

5. Article 7.1E Workweek and Work Schedules

Alternative work schedules, including three-day or four-day workweeks and a workday of up to 13.34 hours may be established. Volunteers would be sought out first and if no volunteers are available then a person would be assigned based on an inverse order of seniority. Substantial hardships are to be considered.

6. Article 7.1.F - Alternative work schedule pilot program is made permanent.

7. Article 7.2A Overtime

Overtime may be assigned in non-emergency situations. Volunteers would be sought out first and if no volunteers are available then a person would be assigned on a reverse order of seniority rotation.

8. Article 7.2E Overtime

In addition to the existing language which permits the use of three days (vacation, personal, or compensatory time) to replace a sick day in the same week as OT, an employee who uses sick leave during the same work week in which he/she works mandatory or emergency overtime shall have up to three (3) sick days per calendar year counted towards the calculation of overtime, provided the sick day(s) was used prior to the notification to report for the overtime.

9. Article 8.7A1 Family Leave

After the date of ratification, a new employee must have been employed for at least nine months before being eligible for Family Leave.

10. Article 8.7B1 Medical Leave

After the date of ratification, a new employee must have been employed for at least nine months before reaching eligibility eligible for Medical Leave. Exemptions may exist for new members with six months of service who experience a catastrophic illness or problematic pregnancy.

11. Article 8.7B2 Medical Leave

New language regarding the certification of a third medical provider for FMLA process.

12. Article 8.7C Family and Medical Leave

New language that allows the employee on FMLA to reserve up to 2 weeks of accrued paid leave for use after FMLA has ended. (for doctor's appointments, etc.)

13. Article 8.9 Family and Medical Leave

New language defining catastrophic illness or injury.

14. Article 8.11 Educational Leave

Educational language enhanced to allow employees enrolled in a degree program may be granted an unpaid leave of absence up to 12 months to complete course work required by the program. Approval based on operational needs of the department.

15. Article 9.2C Vacations

Enhanced vacation accrual: Newly hired employees of MassDOT may be eligible to accrue vacation at the three-week level if they have at least 4.5 years of relevant work experience prior to employment with MassDOT. No change is made in the 9.5 years employment needed to advance to the 4th week of vacation.

Enhanced vacation accrual for current employees: (See MOU on page 37 of the Successor Agreement) Current employees with less than 4.5 years of creditable service, with the approval of the Employer, may be eligible to accrue vacation at the three-week level. To be eligible, employees must have at least 4.5 years of relevant work experience prior to employment with MassDOT. No change is made in the 9.5 years employment needed to advance to the 4th week of vacation.

16. Article 9.8 Vacations

New language requires 48-hour notice before use of vacation time except in the case of emergency or exigent circumstances.

17. Article 11.1A Employee Expenses

This memorializes the pre-existing Comptroller's established rate for reimbursement. The current rate remains at forty-five cents per mile as explained in a separate MOU titled "Mileage Reimbursement" enclosed in this package.

18. Article 11.1B Employee Expenses

Effective the first full pay period in July 2019, an employee who travels from his/her home to an assigned temporary work location shall be reimbursed for mileage only for the distance that is in excess of the distance between the employee's home and his/her regular work location using the most direct route to each location.

19. Article 12.1 Salary Rates

See enclosed salary charts for biweekly rates

20. Article 12.4C Salary Rates

Improved language on promotions, to ensure employees who receive promotions receive adequate compensation when applying the promotional factor. These enhancements ensure employees who receive multiple grade promotions do not receive a smaller increase than if they received only a single grade promotion. Alternatively, employees who have served at least nine months 9 months in their current step prior to a promotion will be advanced one step after the promotion factor is applied.

21. Article 12.11 Overpayments

In the case where it has been determined that an employee has been overpaid, the employee will be required to execute a wage withholding payment agreement for money owed to MassDOT.

22. Article 14.3 Promotional Bypass

The Employer may establish a screening procedure to determine who among those who meet the minimum entrance qualifications will be interviewed for the position provided it shall be based on objective and job-related factors.

23. Article 14.5A Shift Assignments

Employees in the same or equivalent classification may submit a written request to their department head to transfer to an open position at the same work location. Selection will be made based on seniority from those capable of performing the work.

24. Article 14.5B Shift Assignments

If there are no volunteers, the Employer may transfer an employee based on reverse order of seniority, in the same or equivalent classification capable of performing the work.

25. Article 19B GPS

Memorializes MassDOT's use of GPS with new language protections including a no live surveillance provision unless the employer receives a creditable complaint. Requires MassDOT to share the GPS information with the union for use in an employee's defense.

26. Article 23.1 Arbitration of Disciplinary Action

The Employer may extend the probationary period for an additional three (3) months by providing a ten (10) day notice to the employee and prompt notification the employee's collective bargaining representative, in advance of the expiration of the original probationary period.

27. Article 23A2 Grievance Procedure

Step I Grievance - New language added in bold.... "The person so designated by the agency head shall reply in writing by the end of seven (7) calendar days following the date

of submission or if a Step I meeting is held, within fourteen (14) calendar days following the conclusion of the meeting."

Step II Grievance – New language added in bold.... "The Employer or his/her designee shall meet with the employee and/or the Union to review the grievance and shall issue a written decision by the end of the fourteen (14) calendar days following the day on which the appeal was filed. If the Union does not request a Step II meeting within 10 days of filing an appeal the Employer may issue a decision.

28. Article 24A EPRS

Substantially revised – Please read the details in the MOU.

29. Article 29 Wage Reopener

A wage re-opener clause has been introduced to the contract providing that MOSES and MassDOT will re-open negotiations if a Collective Bargaining Agreement is submitted by either the Governor, or the Secretary for Administration & Finance to the legislature that contains provisions for across-the-board salary increases or other economic terms that in the aggregate are in excess of those contained in this Agreement.

30. <u>Supplemental Agreement III – Modifications to the Master Labor Relations Agreement</u>

Relocation – The following sentence was added to the MLIA relocation section; "For purposes of this provision District 4 and District 5 shall be considered adjacent, except that no employee transferred between these districts shall be relocated more than 45 miles from their current work location."

31. Modifications to the Classification Study

During the discussions for a successor Collective Bargaining Agreement for the term July 1, 2017 to June 30, 2020 it was determined that it was in our mutual interest to amend the CSIA dated May 8, 2017, to address certain other classification issues affecting bargaining unit employees. Refer to the MOU titled "Classification Study Implementation" attached to the Successor Agreement MOU.

The MOSES Collective Bargaining Committee determined that this is the best offer that could be obtained from MassDOT and voted to recommend that you approve the tentative agreement.

As many of you know, this has been a long and very difficult negotiation. We are proud of the work that the MOSES Collective Bargaining Committee has accomplished. Please take time to thank your Collective Bargaining Team for all their hard work in completing this negotiation.

In Solidarity,

Joe Dorant

MOSES President

Patrick Russell

MOSES Vice President

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MEMORANDUM of UNDERSTANDING between MASSDOT and the MASSACHUSETTS ORGANIZATION OF STATE ENGINEERS AND SCIENTISTS and The United Steel Workers (USW) — Local 5696 (The Coalition of MASSDOT Unions Bargaining Unit E) UNIT E

Mileage Reimbursement

The parties agree that the private mileage reimbursement rate set forth in the Collective Bargaining Agreement between MASSDOT and The Coalition of MASSDOT Unions Bargaining Unit E shall be set at forty-five (\$0.45) cents per mile. The provisions of this Memorandum of Understanding shall be effective February 28th, 2019 and shall be coterminous with Article 11.1 A of the Collective Bargaining Agreement.

The parties further agree that the Secretary of Administration and Finance has the authority to increase or decrease the mileage rate upon providing 30 days advance notice to the parties. Said notice shall include the reason(s) for the change. It is understood, however, that the rate will not be set by the Secretary of Administration and Finance below forty (\$0.40) cents per mile in accordance with the Collective Bargaining Agreement.

Form ASSDOT 2-28-19
Maria C. Rota, Acting Director

Office of Labor Relations and Employment Law

For the MOSES

For ba

3/4/19

2-28-19



MASSACHUSETTS ORGANIZATION OF STATE ENGINEERS AND SCIENTISTS

JOSEPH DORANT, PRESIDENT PATRICK RUSSELL, VICE PRESIDENT

ALLEN BONDESON, SECRETARY MICHAEL GALVIN, TREASURER

NOTICE OF THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION COALITION OF MASSDOT UNIONS, BARGAINING UNIT E

RATIFICATION VOTE

DATE:

Friday, March 29, 2019

TIME

10 A.M. to 4 P.M.

LOCATIONS:

BOSTON

<u>Transportation Building – 10 Park Plaza, Boston, MA 2nd Conf Room 4</u>

MassDOT District 6 Office - 185 Kneeland Street, Boston, MA

OTHER LOCATIONS

MassDOT District 1 Office - 270 Main Street, Lenox, MA

MassDOT District 2 Office - 811 North King Street, Northampton, MA

MassDOT District 3 Office - 403 Belmont Street, Worcester, MA

MassDOT District 4 Office - 519 Appleton Street, Arlington, MA

MassDOT District 5 Office - 1000 County Road, Taunton, MA

MassDOT Research & Materials 5 Macadam Road, Westborough, MA

As noted above, a ratification vote on the proposed agreement between MassDOT and The Coalition of MassDOT Unions (Unit E) is scheduled for Friday, March 29, 2019. You may vote at any of the 8 voting locations listed above, between the hours of 10:00 A.M. and 4:00 P.M.

Please note that our voting procedures have changed this year (you will no longer have a ballot mailed to you.) Upon arrival at one of the polling locations, employees will be asked to provide a valid photo ID to verify their identity. A ballot will then be given to the employee. Your name will be recorded to prevent voting twice. Those employees, who do not provide an ID for review may still vote if they can verify certain personal information. NOTE: some of the voting locations are housed in facilities that require presentation of a valid ID as a condition of entry. You may vote a "challenge ballot" if you do not bring positive identification, cannot verify the personal information MOSES has on file, or if your name is not found on the most recent list of employees represented by MOSES Unit E (provided by the Commonwealth/MassDOT).

Note: If there are newly hired employees or others at your work location represented by Unit E, who did not receive this information in the mail, please share it with them.

INFORMATION

The proposed contract presented for ratification on Friday, March 29, 2019 will be effective from July 1, 2017 through June 30, 2020.

A summary of proposed changes is included in this package, the entire Memorandum of Understanding (MOU) between Unit E and MassDOT is posted on the secure membership side of the MOSES website. The MOU was also sent out as an attachment to an email that was sent on Friday March 8th, 2019. Copies of the entire existing Collective Bargaining Agreement including proposed changes will be available at each voting location and is also posted on the secure membership side of the MOSES website. Ballots will be counted at the locations where they are cast at 4:00 p.m. on Friday, March 29, 2019 after the polls close. Any MassDOT Unit E employee, who wish to do so, may witness the voting, verification and tabulation of ballots.

If you cannot appear at one of the ratification polling places (i.e. you are on vacation or a scheduled day-off, or working an off shift), you may vote an absentee ballot in accordance with the following procedures: Contact Patrick Russell at the MOSES office at 617-367-2727 press 0. Ask for an Absentee Ballot Package to be mailed to you. Your name will be recorded to prevent voting twice. The request for an Absentee ballot must be received no later than 12:00 pm. on March 22, 2019.

ABSENTEE VOTING PROCEDURES:

- 1. Mark your ballot "accept or reject"
- 2. Seal ballot in the small envelope marked Ballot.
- 3. Seal the small envelope containing your ballot in the large white envelope.
- 4. In the presence of a Notary Public, or the presence of a MassDOT steward, or MassDOT Board member, or MOSES Chair Officer, print and sign your name on the front of the large white envelope. (Union officials are listed on the MOSES website.)
- 5. Have the union official also sign the front of your envelope or have the Notary attest that he/she witnessed your signature and affix his/her stamp to the large envelope that now bears your signature.
- 6. Place the envelope in the large brown envelope and mail to:

Unit E Contract Ratification

c/o Patrick Russell

P.O. Box 8429

Boston, MA 02114

Absentee Ballots must be received in the PO Box no later than 2:00 P.M. on March 29, 2019.

This Agreement contains a provision for a voluntary Agency Service Fee, which can be equal to but not exceed MOSES dues. MOSES dues are presently \$10.75 per week. MOSES most recent Financial Report is available for inspection at the MOSES office, 90 North Washington Street Suite 3, Boston, MA, Monday through Friday between the hours of 9:00 A.M to 4:00 P.M.

Please make every effort to vote!

MassDOT Collective Bargaining Committee
Mickey Splaine, Co-Chairman
Tom Prendergast, Co-Chairman
Allen Bondeson
Robert Fitzgerald
Mark Spinale
Carmen Ramirez
Tom Emerick
Patrick Russell (non-voting)



MOSES Contract Ratification Informational Session, Locations, Dates and Times

The MassDOT Collective Bargaining Committee invites you to attend one of the informational sessions below to discuss the proposed contract which is set for a ratification vote on Friday, March 29, 2019. The MOSES Collective Bargaining Team and MOSES Leadership will be available to explain the contract and answer any questions of the members. MOSES members are expected to use their lunch and breaks to attend the meetings.

Wednesday, March 20th, 2019

MassDOT District 1 Office 270 Main Street, Lenox, MA 12:00PM to 1:00PM in the Conference Room

Thursday, March 21st, 2019

MassDOT District 2 Office 811 North King Street, Northampton, MA 12:00PM to 1:00PM in the Conference Room

Thursday, March 28th, 2019

MassDOT District 3 Office 403 Belmont Street, Worcester, MA 12:00PM to 1:00PM in the Conference Room

Friday, March 22nd, 2019

MassDOT District 4 Office 519 Appleton Street, Arlington, MA 12:00PM to 1:00PM in the Conference Room

Wednesday, March 27th, 2019

MassDOT District 5 Office 1000 County Road, Taunton, MA 12:00PM to 1:00PM in the Training Annex (Bruins Room)

Tuesday, March 26th, 2019

MassDOT District 6 Office 185 Kneeland Street, Boston, MA 2:30PM to 3:30PM in the 1st Floor Conference Room

Tuesday, March 26th, 2019

Boston Transportation Building 10 Park Plaza, Boston, MA 12:00PM to 1:00PM in the 2nd Floor, Conference Room 1

Monday, March 25th, 2019

MassDOT Research & Materials (next to I-90 Westboro Plaza) 5 Macadam Road, Westborough, MA 12:00PM to 1:00PM in the 1st Floor Conference Room

