

MEMORANDUM OF UNDERSTANDING
CITY OF DES MOINES
EXEMPT EMPLOYEES ADVISORY COMMITTEE

THIS MEMORANDUM OF UNDERSTANDING (MOU) is by and between the CITY OF DES MOINES, WASHINGTON, hereinafter referred to as the City, and the CITY OF DES MOINES EXEMPT EMPLOYEES ADVISORY COMMITTEE, hereinafter referred to as the Exempt Employees;

WHEREAS, the City's non-represented employees exclude all those who are represented by labor organizations, specifically, the International Association of Machinists District 160, Teamsters Local 763, Des Moines Police Guild, and Des Moines Police Management Association, and

WHEREAS, the City's non-represented regular employees fall into two groups that are exempt from overtime compensation under the Fair Labor Standards Act (FLSA); the first is referred to as the Exempt Employees group, and the second group is called the Directors, which for purposes of this MOU consists of all department heads, the Chief Operations Officer, and the City Manager, and

WHEREAS, the Exempt Employees wish to formally acknowledge that they are not a collective bargaining labor organization under RCW 41.56; and

WHEREAS, the City agrees to treat non-represented employees equitably in relation to those represented by labor unions in accordance with DMMC 2.12.010, with the exception of the constraints of bargaining units with binding arbitration which necessitates a different outcome for certain uniformed groups of employees;

NOW THEREFORE, the parties agree as follows:

Section 1. Purpose

The Exempt Employees Advisory Committee is hereby formally acknowledged by the parties for the purpose of facilitating meaningful communications between employees and city management on significant matters in the workplace; improve the morale of all city employees; maintain sound and sustainable financial policies; and promote efficiency in the provision of services to the citizens of Des Moines. Creation of this committee does not modify or replace any management authority as established in City ordinances and the City's Personnel Manual. The Committee seeks mutual understanding for employees and city management in an informal, collaborative process to discuss issues of concern in the workforce without being bound by the constraints of RCW 41.56.

Section 2. Committee Make-up

Employees represented by and eligible to vote for and be members of the Committee shall be non-confidential employees not represented by a labor organization. Employees defined as eligible for overtime under the Fair Labor Standards Act, Directors, the Human Resources Manager, the City Clerk, the Executive Assistant assigned to the City Manager's Office, and employees who are members of the Teamsters Local 763, the International Association of Machinists 160, the Des Moines Police Guild and the Des Moines Police Management Association are not represented by and are not eligible to vote for or be members of the Committee. The Committee shall consist of two members as determined by the Exempt Employees group. Each member shall also have one alternate who will fill in for a committee member(s) who is unable to attend a meeting, work with an employee, etc.

Section 3. Committee Responsibilities and Activities

The Committee represents all covered employees and works with management on a wide variety of issues related to the workplace. The Committee or individual committee members may represent and advise individual employees or groups of employees on issues to their particular work group or department. Committee members should serve as an information source to employees in their respective departments.

The Committee may use release time from duty for a maximum of one (1) hour per month for meetings, except during periods when they are dealing with any compensation agreement, when the Committee shall be allowed to meet for reasonable amounts of time as needed. Committee members will also be granted release time for all mutually agreed upon meetings with management during regularly scheduled hours. Mutually agreed upon meetings scheduled during off-duty hours are not considered compensated time. City Manager and department heads may restrict a committee member's attendance at a meeting if it is determined that the committee member's absence from duty disrupts the City's ability to provide service or jeopardizes the timely completion of a project or activity.

The Committee may use City copy machines, faxes, telephones and other equipment, provided reimbursement is made to the City in accordance with Finance Department guidelines.

The Committee may represent an employee or group of employees for resolution of grievances as outlined in 8.B. of City of Moines Personnel Manual. When an employee(s) is attempting to resolve a problem or complaint or have a question answered

through the informal communication process, Section 8.B.1. of the Personnel Manual, he or she may request assistance from a committee member. The supervisor or department head with whom the employee(s) is working to resolve the problem is not obliged to allow the member to present at meetings held with the employee(s) during this informal stage. Once the formal grievance process begins, employee(s) may have a member present at meetings held.

The Committee and Management will meet at quarterly to discuss issues of mutual interest concern.

Section 4 General Provisions

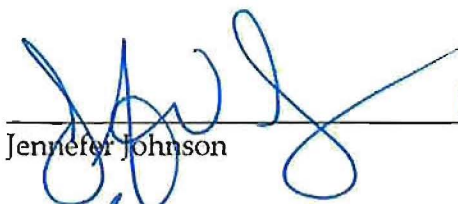
a. Where a conflict exists between the terms of this agreement and the Des Moines Personnel Manual, this agreement shall control.

b. Ratification and Confirmation. Any acts consistent with the authority and prior to the effective date of this Agreement are hereby ratified and confirmed.


ENTERED INTO AND AGREED this 19th day of December, 2016.

EXEMPT EMPLOYEES
ADVISORY COMMITTEE


CITY OF DES MOINES



Jennifer Johnson Date 12/15/16



Michael Matthias Date 12-19-16



Andrew Merges Date 12/15/16