

**MEMORANDUM OF UNDERSTANDING No. 1
AMENDING THE COLLECTIVE BARGAINING AGREEMENT
DATED OCTOBER 13, 2016, TO JUNE 30, 2020
BETWEEN THE CITY OF RIO RANCHO AND THE
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES
LOCAL 3277**

This Memorandum of Understanding (MOU) establishes an agreement between the American Federation of State, County and Municipal Employees, Local 3277 (“AFSCME”) and the City of Rio Rancho, New Mexico (“City”) (collectively, the “Parties”).

AFSCME and the City hereby enter into this MOU and mutually agree to the following:

1. The current leave bank program (referenced in Article 19.9) shall terminate on October 31, 2017. This change is necessary due to an imbalance and resulting deficit between actual employee contributions and actual program utilization and leave bank hours used during previous years wherein more leave was utilized than annual leave hours donated. Therefore, the City agrees to erase and reconcile the current, negative balance of leave hours in the current leave bank program; and, any and all current enrollment, eligibility, and utilization of the leave bank program shall terminate effective, October 31, 2017.

Beginning on November 1, 2017, all employees who wish to be eligible to use the new leave bank program (the “Leave Bank”) shall donate initially four (4) hours of annual leave from their respective annual leave accounts by or before June 30, 2018; and, to remain eligible each year thereafter, each employee must donate an additional two (2) hours of annual leave during the first pay period of each fiscal year. Any employee who has donated four (4) hours to the previous leave bank program during calendar years 2016 or 2017 shall only be required to donate two (2) hours annually, starting the first pay period of FY19, and two (2) hours annually each year thereafter during which they wish to continue their eligibility. All other current employees who wish to be eligible to utilize the Leave Bank shall each donate initially four (4) hours of annual leave from their respective annual leave accounts, and two (2) hours annually thereafter for each year during which they wish to continue their eligibility.

2. The Parties agree that Article 19.9 is hereby amended as follows:

19.1– Leave Bank Program

The Leave Bank Program is a leave-sharing program established to assist eligible employees who need to be absent from work for a prolonged period of time, but who have exhausted their respective leave (all paid time off) accounts. This program is intended to assist employees who experience serious medical hardships or catastrophic illnesses or injuries, or who need time off to care for an immediate family member who suffers from a serious medical hardship or a catastrophic illness or injury. Only employees who have donated an initial amount of four (4) hours from their respective

annual leave balances and, two (2) hours thereafter annually, during a fiscal year shall be eligible to utilize the Leave Bank during that same fiscal year.

Definitions

- Certification of Health Care Provider – Certification issued by an authorized health care provider using the current FMLA form
- HIPPA – The Health Insurance Portability and Accountability Act is a Privacy Rule which assures that an individual's health information is properly stored and protected. The City is obligated not to disclose individual health care information to another person except in limited circumstances as HIPPA and related laws have prescribed.
- Immediate Family – An employee's spouse, domestic partner (must have domestic partner affidavit on file) children (includes stepchildren, adopted and foster children) and parents, or if the employee is the primary custodian, caregiver, or medical power of attorney for grandchildren, grandparents, or siblings. To be eligible for Leave Bank hours, employees shall provide legal documentation which establishes or confirms primary custody, caregiver status, or medical power of attorney status.

Eligibility

- Within thirty (30) days of hire or rehire, employees who wish to be eligible to utilize the Leave Bank shall make an initial donation of four (4) hours of annual leave; and, to remain eligible each year thereafter, they shall donate annually two (2) hours of annual leave during the first pay period of each fiscal year.
- To be eligible to utilize the Leave Bank, current employees who did not donate four (4) hours of annual leave in either 2016 or 2017 shall donate initially four (4) hours of annual leave from their respective leave balances; and to remain eligible each year thereafter, they shall donate annually two (2) hours of annual leave during the first pay period of each fiscal year.
- If employees do not have the requisite hours to donate during the first pay period of each fiscal year, they become ineligible, and may rejoin at any time by donating four (4) hours of annual leave.
- Contribution requirements from employees may be suspended or modified if the Leave Bank balance reaches 5,000 hours and contributions shall be reinstated whenever the balance drops below 1,000 hours.
- Any employee who wishes to discontinue Leave Bank eligibility shall notify the Human Resources Department in writing.
- All annual leave donations made to the Leave Bank are nonrefundable.
- Any request to utilize the Leave Bank 1) shall be made in writing; 2) shall include any and all requisite medical documentation; and, 3) shall be delivered to the Human Resources Benefits Administrator.
- Eligible employees who meet or whose eligible dependent meets all requirements for a serious health condition, as defined by FMLA, and who submit a complete Certification of Health Care Provider form to Human Resources will receive assistance.

- Eligible employees whose illness does not meet FMLA standard may submit with a request for Leave Bank hours along with a health care provider's written description and confirmation of an injury, illness, or condition; and may receive up to but not more than forty (40) Leave Bank hours over twelve (12) months following the date the request is received.

Limits

- No employee is eligible to receive any Leave Bank hours unless or until all of that employee's sick, vacation, comp and other paid leave has been exhausted.
- No employee shall be eligible to receive more than one hundred sixty (160) Leave Bank hours (prorated i.e. 160/hrs-1.0 FTE, 80/hrs-.5 FTE) during the twelve (12) months following the date the employee had requested Leave Bank hours.
- No employee shall be eligible to receive more than the cumulative total of three hundred twenty (320) Leave Bank hours during the entire course of the employee's career with the City. If, due to extenuating circumstances, the employee requests more than 320 leave bank hours during their career with the City, such requests will be reviewed by the HR Director and considered for approval on a case-by-case basis.
- Whenever an employee's illness or injury is covered by workers' compensation insurance, that employee is not eligible to receive any Leave Bank hours in any combination of the employee's weekly worker's compensation benefit that exceeds the employee's regular wages.
- Under no circumstance shall any employee be eligible to receive Leave Bank hours for absences occurring after any date certified or confirmed by the medical provider.
- No employee shall accrue any paid leave or earn any holiday pay during any continual absence covered by Leave Bank hours.

3. This Addendum is effective, October 6, 2017, and unless the Parties determine mutually to modify or terminate the Addendum, it remains effective for the life of the existing collective bargaining agreement between the Parties.

Sheila Allen
Sheila Allen, President AFSCME Local 3277

10-23-17
Date

Roberta Larez
Roberta Larez, Vice President AFSCME Local 3277

10/23/17
Date

[Signature] for KR
Keith Riesberg, City Manager

10/24/17
Date

Approved as to form:

[Signature]
Greg Lauer, City Attorney

10.24.17
Date