

MEMORANDUM OF UNDERSTANDING

BETWEEN

BEND FIREFIGHTERS ASSOCIATION, IAFF 0939

AND

CITY OF BEND

BEND FIRE DEPARTMENT 48/96 SHIFT SCHEDULE

The Bend Firefighters Association L939 and The City of Bend bring this MOU forward to make a change to the 56 hour shift schedule. This MOU comes following a successful 3 year trial period and successful vote of the association to change to the 48/96.

Section I: Policy

1. The 48/96 hour shift schedule will include the following positions: 56-hour Firefighter/Paramedic, Engineer, Captain, and 56-hour Battalion Chief's.

Section II: Procedures

1. The 48/96 hour shift schedule is a three-platoon system in which employees work two consecutive twenty-four hour shifts for a total of forty-eight hours, and have ninety-six consecutive hours off. A typical work period is as follows:

X= work day, and O=day off: XXOOOOXXOOOOXXOOOO and so on.

2. Overtime will be in accordance with existing procedures and in accordance with the collective bargaining agreement between the parties.
3. 56-hour employees shall not work more than 72 consecutive hours without Management approval, or due to emergency needs of the organization in regards to staffing, or a significant event that impacts the Fire District or ASA.

Section III: Fair Labor Standards Act (FLSA)

1. The FLSA cycle changed from a twenty-seven to a twenty-four day cycle starting on May 3rd 2007 at 0800 for B shift, on May 5th 2007 at 0800 for C shift, and on May 7th 2007 at 0800 for A shift. The regular work schedule for all shift employees is a 56-hour workweek based upon a 6-day work cycle as illustrated below. This equates to a 2922-hour year; (365.25 days per year/7days per week = 52.18 weeks per year; 52.18 weeks x 56 hours per week = 2922 hours worked per year).
2. The FLSA work schedule is 182 hours based on a 24-day cycle. Both parties accept the City's declaration of a 7-K.

Signed this 1st day of November 2010.

FOR THE CITY OF BEND

[Signature] Position Fire Chief

FOR THE FIREFIGHTERS ASSOCIATION, IAFF 0939

[Signature] Position President

**FAIR LABOR STANDARDS ACT (FLSA)
WORK PERIOD WAGE OPTION**

The bargaining unit and the City agree to use the work period wage option with a 24-day work period to comply with FLSA regulations. Under FLSA, in a 24-day work period, overtime pay is required when work hours exceed 182 hours. A regular 48-on / 96-off schedule results in 192 hours worked in each 24-day work period. The method of calculating FLSA hourly rates from monthly pay for the 48-on / 96-off schedule, 24-day work period is shown below:

- 192 scheduled work hours in 24-day work period
- 182 FLSA work hours in 24 -day work period
- Difference of 10 hours at overtime rate of 1.5 = 15 hours
- 182 FLSA work hours plus 15 overtime hours = 197 regular pay hours per work period
- 365.25 days divided by 24-day work period = 15.22 work periods per year
- 15.22 work periods divided by 12 months = 1.2683 work periods per month
- Monthly rate of pay divided by 1.2683 = work period rate of pay
- Work period rate of pay divided by regular pay hours per work period = FLSA hourly rate

*Example: Monthly Rate of pay is \$5000
\$5000 / 1.2683 work periods = \$3942.60 (work period rate of pay)
\$3942.29 / 197 regular pay hours per work period = \$20.01 (FLSA hourly rate)*

Using the work period wage option the monthly rate paid prior to FLSA is deemed to be full payment for regular and overtime pay required under FLSA rules. The assumption that the monthly pay includes "overtime pay" under FLSA means that subsequent overtime calculations based on the monthly rate will be compounded on the FLSA overtime. The compounding for a 48-on / 96-off, 24-day work period is $\pm 2.60\%$, as referenced in Article 15.3 of this agreement.

*Example: Monthly rate of pay is \$5000
Hours worked per month = 243.50 (56 x 52.18 / 12)
Non-FLSA hourly rate of pay = \$20.53 (\$5000 / 243.5)
Difference between hourly rates of pay = \$0.52 (\$20.53 - \$20.01)
Percentage difference between hourly rates of pay = 2.60% (\$0.52 / \$20.01)*

For the City of Bend

 _____ Date 11-01-10

For the Bend Firefighters Association, IAFF 939

 _____ Date 11/01/10