



**CITY OF NEWARK
DELAWARE**

**Memorandum of Understanding Between
The City of Newark
And
AFSCME Local 1670**

Due to the unique situation caused by the pandemic involving COVID-19 and associated Governor Declared State of Emergency, Article V, Pay Plan, Section 5.0 G is hereby modified with the following terms, effective April 27, 2020 and in effect during future health related emergency state of emergencies associated with COVID-19.

1. Field Managers in each division of AFSCME 1670 will create designated teams who will be assigned to work alternating weeks of each pay period as generally outlined below:
 - A. Week 1: On-site. Designated team will work forty (40) hours and accrue forty (40) hours of Pay Code 120 compensatory time.
 - B. Week 2: Off-site. Employee will utilize thirty-two (32) hours of Pay Code 120 compensatory time from Week 1 and will be "on vacation".
 - C. Employees will be "on call" for one (1) workday during their off-site week, as designated by manager, to be available. Employees will earn hour for hour compensatory time for hours worked if called in during their regular workday hours of their on-call day.
 - D. Employees who are called in during a day when they are using accrued Pay Code 120 compensatory time or any time outside of regular workday hours will be compensated in accordance with the contract's emergency call out pay procedure and will not accrue Pay Code 120 compensatory time.

2. Facilities Superintendent will create designated teams who will be assigned to work in each pay period as generally outlined below:
 - A. Week 1: On-site. Designated team will work twenty (20) or twenty-five (25) hours, depending on position and role, and will accrue Pay Code 120 compensatory time on an hour for hour basis.
 - B. Week 2: Off-site. Employee will utilize eighty percent (80%) of the Pay Code 120 compensatory time accrued during their on-site week and will be "on vacation".
 - C. Employee will be "on call" for one (1) workday during Week 2, equal to twenty percent (20%) of their regularly scheduled weekly hours, as designated by superintendent, to be available. Employee shall accrue four (4) or five (5) hours of Pay Code 120 compensatory time per pay period (twenty percent (20%) of regular weekly hours).
 - D. If custodians or carpenters volunteer to work a two (2) hour shift on Saturday and/or Sunday of Week 1, the volunteering employee will earn two (2) additional hours of Pay Code 120 compensatory time per two (2) hour shift worked in addition to regular wages, as outlined in Article V, Pay Plan, Section 5.0 G.
 - i. The subsequent Pay Code 120 compensatory time is available to the volunteer on a per shift basis on Saturday and Sunday of Week 1 and is limited to one (1) staff member per pay.

3. Pay Code 120 is defined as straight time compensatory accrual issued during a Governor declared State of Emergency.

- A. The City of Newark has the option to pay out accrued Pay Code 120 compensatory time at any time if mutually agreed upon by the City of Newark and the employee.
 - B. Pay code 120 comp time will be allowed to accrue, uncapped.
 - C. This time will be tracked separately and will be visible to the employee.
 - D. Employees will retain all hours of Pay Code 120 compensatory time earned through the effective date of this of this memorandum.
4. This memorandum may be amended in the future upon mutual agreement between the City of Newark and AFSCME 1670.
 5. The City of Newark agrees to allow AFSCME 1670 employees to carryover five (5) additional days of vacation into 2021 as of the effective date of this memorandum. The City of Newark also agrees to allow for an additional carryover of two (2) more vacation days for every additional month the COVID-19 related state of emergency is in place after May 15, 2020. There are seven and one half (7.5) months left in 2020 after May 15th, therefore the maximum carryover (should the state of emergency continue through December 31, 2020) would be twenty (20) days of vacation.
 6. Employees will still be "on call" for one (1) workday during their off-site week, as designated by manager, to be available. Employees will earn hour for hour compensatory time for hours worked if called in during their regular workday hours of their on-call day. The department heads will schedule vacations as nearly as possible as employees desire giving preference to seniority, but the City of Newark may find it necessary to schedule vacations to meet the needs of service requirements. Should an employee have scheduled day(s) off (vacation, safety day, essential personnel day or personal day) during their designated "on-site" week, the employee will not earn Pay Code 120 compensatory time for those days and the employee agrees to be on call during their "off-site" week by an offsetting amount necessary to result in eight (8) hours of accrued Pay Code 120 compensatory time. If an employee is on vacation for more than thirty-two (32) hours during the employees' "on-site week," the employee will not be able to accrue a full eight (8) hours of Pay Code 120 compensatory time.
 7. This agreement will be specific to the COVID-19 pandemic only. If there is a weather-related state of emergency during this state of emergency, the City of Newark will compensate under the plain language of the current AFSCME 1670 contract (1:1 for regular hours during the weather-related emergency).

AGREED:

For the Union



Bob Hoch
President

For the City



Thomas Coleman
City Manager

4/29/2020
Date



Devan Hardin
Chief Human Resources Officer