

## **APPENDIX R (Article 15, Section T)**

### **MEMORANDUM OF UNDERSTANDING**

#### **PERMANENT SHIFT IMPLEMENTATION**

Only Patrol, first responders (traffic and SAT excluded) will be eligible to participate in the Permanent Shift Plan. In order to implement the Permanent Shift Plan, a three tiered system shall be used.

1. To the extent possible, the assignment of permanent shift hours will be accomplished based upon employees stated preferences. Employee preferences for shift assignments shall be made on the basis of seniority, as defined by Article 12 *Seniority*, of the Collective Bargaining Agreement, and position availability. Non-probationary P01's, P02's P03's, MPO's and Sergeants will be eligible for voluntary shift assignment. MPO's shall bid with other MPO's as a class. Sergeants shall bid with other Sergeants as a class.

Probationary P01's are not subject to the shift bidding procedures and will be assigned to a shift based upon operational, training and developmental needs. When there is a waiting list of volunteers for shift hours and a probationary P01 is pending placement on a shift, the probationary P01 may be assigned the shift hours before a volunteer.

2. All non-probationary P01's, P02's P03's, MPO's and Sergeants will indicate their first and second choices of a shift assignment within their district. Subject to item #5 below, the assignment of personnel to the day, evening and midnight shifts will be based upon seniority order and position availability within the district.
3. Once all the first and second choices of assignments have been made according to seniority order and position availability, a list of openings department wide, to include each district, will be posted for review by all personnel who were unable to get their first or second choice of assignment. Those personnel who did not get their first or second choice will be asked to indicate in rank order their next five choices of assignment based upon the remaining openings throughout the department. Preferences will be given to assigning officers within their own district first. Assignments will then be made department wide in seniority order.
4. At the completion of item #3 above, a final list of openings department wide, to include each district, will be posted for review by all personnel who were unable to get their choices of assignment. The list will be filled in seniority order from the remaining available positions and then the next senior person selects his/her assignment, etc. until the last non-probationary P01 indicates his/her selection of assignment.
5. *Special Skills.*
  - a. The department will seek intoximeter operator volunteers for assignment onto each of the shifts with priority given to the evening and midnight shifts. If there are no intoximeter operator volunteers from within the district, the

department will search countywide for an intoximeter operator volunteer for the available shift hours. If a volunteer from another district is found and based upon bona fide operational need as reasonably determined by the employer, a shortage is not created within the officer's originating district, that officer will permanently be assigned to the district that is in need of an intoximeter operator. In the event that no volunteers that meet the above criteria from other districts come forward, the operator(s) will be selected by inverse seniority from the station personnel list. The department will use its best efforts to assign an officer from the shift on which an intoximeter operator was involuntarily transferred onto, to the next intoximeter training school for which a vacancy exists. Once this officer is trained and certified, the officer who was involuntarily transferred will be transferred back to his/her original shift.

- b. For other specialized skill requirements, i.e., FTO, Shift ID, Laser/Radar the Department will train officers currently on the shift to fill those skill requirements.
  - c. Except for tracking purposes, no record will be maintained nor will any adverse action result from an employee exercising his/her rights under this section.
6. In order to effect the transition to permanent shifts, it is the understanding of the parties that a minimum of three weeks notice of schedule change shall be provided
  7. In order to implement the permanent shift schedule, the current list of transfer requests from district to district will be abolished and re-established pursuant to Article 15, Section T2 of the Collective Bargaining Agreement.
  8. If, in order to implement this program, the Department must rescind previously approved leave, the department will pay non-reimbursed reservation costs incurred by an employee as a result of the leave rescission.

Finally, in order to ensure that disputes are minimized and handled expeditiously regarding the application of seniority and the choice of shift assignments, the parties will utilize the following process in reviewing the selections during the implementation of the Permanent Shift Program. The Department and the Union shall jointly review the shift assignments based upon the expressed preferences of bargaining unit employees. This review shall occur concurrent with the assignments being made. Any dispute concerning a current placement from employee choices shall be subject to review by a panel of 3 members jointly appointed by the Union and Department (2 members to be selected by the Union and 1 member to be selected by the Employer). The decision of the panel shall be final. Notice of any dispute must be provided to both parties within 96 hours of employee's receipt of notice of assignment.

August 27, 2002

Walter E. Bader, President  
Fraternal Order of Police Lodge #35, Inc.  
18512 Office Park Drive  
Gaithersburg, Maryland 20879

Re: Transfer Requests to a District

Dear President Bader:

I am writing to confirm the transfer policy that was discussed during negotiations over the Permanent day/evening shift schedule. The parties have also agreed to the following:

- Officers who submit a request to be transferred to a district will complete a District Transfer Request Form, MCP 329 and forward it directly to the Field Services Bureau Administration.
- The transfer request is for location only, the officer will be assigned to shift hours based upon bona fide operational need, as reasonably determined by the employer.
- Once the transfer request has been submitted, the officer is subject to being transferred to the requested district with three weeks notice.
- It is the responsibility of the officer who is requesting the transfer to rescind the transfer prior to the date when she/he receives written notice of the effective date of the transfer.
- The individual transfer request will be given priority according to the date the transfer request was received in the Field Services Bureau. The transfer request will be filed with all other transfer requests by the location of the requested district(s). A copy of the District Transfer Request Form will be forwarded to the requesting officer and his/her district commander.
- See Permanent Shift Implementation Agreement, Item 7, regarding the abolishment of the list immediately prior to implementation of the Permanent Shift Program.

If you disagree with anything that I have written, please let me know. Otherwise, I will consider the above as the understanding of both parties.

Sincerely,

Lieutenant Christina B. Faass  
Legal and Labor Relations Division

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