

MEMORANDUM OF UNDERSTANDING

by and between

**State of Montana
Department of Public Health and Human Services**

And

Montana Federation of Public Employees

AFSCME

Montana Nurses Association

International Brotherhood of Teamsters

Intensive Behavior Center Craft Council

Montana State Hospital Craft Council

Effective Saturday, April 11, 2020, a \$4.00/hour temporary pay differential has been authorized for up to 40 hours per week for the following State of Montana DPHHS Facilities staff during the COVID-19 crisis:

1. State of Montana, Department of Public Health and Human Services staff who are required by the Department Director, their Branch Manager and Division Administrator to work at the following care facilities, without the option to telework, during the COVID-19 state of emergency:
 - a. **Intensive Behavior Center-Boulder**
 - b. **Montana Chemical Dependency Center-Butte**
 - c. **Montana Mental Health Nursing Care Center-Lewistown**
 - d. **Montana State Hospital-Warm Springs**
 - e. **Montana Veterans' Home-Columbia Falls**
2. DPHHS employees working in the above facilities are eligible for the \$4.00/hour pay differential if they are required by their agency administration to work within the above-identified facilities as their primary work location.
3. Employees who telework or have the ability to telework but choose not to are not eligible for the differential.
4. The temporary COVID-19 pay differential is only for time worked at the above-identified facilities. Differential pay will not be provided for leave time taken (including approved paid COVID-19 leave) or time worked outside the above-identified facilities.
5. The temporary COVID-19 pay differential will be considered part of the employee's base pay for the purposes of calculating overtime for non-exempt employees who have elected to receive overtime rather than compensatory time.

FOR EXAMPLE: An FLSA non-exempt employee being paid a base rate of \$10/hour and a differential of \$4/hour works 50 hours in a week. The employee will receive 40

hours of pay at \$14/hour and 10 hours at an overtime rate of \$14/hour X 1 ½ times at \$21/hour. Total pay for the week will be (40 hours X \$14/hour) + (10 overtime hours X \$21/hour). Total pay for the week is \$560 + \$210 = \$770.

- 6. Employees who misuse leave during the COVID-19 state of emergency lose any eligibility for differential pay.
- 7. Payroll will process the differential based on actual hours worked at the above-identified facilities. For staff who work in multiple locations inside and outside of the above-identified facilities, supervisors must differentiate for payroll the time that the employee is mandated to work within the above-identified facilities by indicating such time in the description field of the time sheet.
- 8. Differential pay is a privilege, not a right or entitlement. Management intends to continue this differential pay as long as the COVID-19 related emergency staffing status is in place. However, management reserves the right to discontinue with differential pay for any reason at any time upon 24 hours' notice.

4/10/2020

Dated this _____.

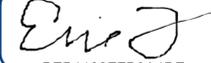
For: THE STATE OF MONTANA
Department of Public Health and
Human Services

FOR: UNION

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