

**Memorandum of Understanding  
Between  
Montana Department of Transportation  
And  
American Federation of State, County, and Municipal Employees  
Highway Maintenance**

This memorandum of understanding (MOU) is entered into by the Montana Department of Transportation; herein referred to as the "Department", and the American Federation of State, County, and Municipal Employees Highway Maintenance, herein referred to as the "Union".

It has been mutually agreed to that:

Effective August 4, 2018, the position of Working Shop Foreman will no longer be part of the Blue Collar Pay Plan. Working Shop Foremen shall be classified under Pay Plan 20 as a Band 4 with an occupational code of a heavy equipment mechanic. In accordance with Department pay plan rules, the rate of pay for a Working Shop Foreman shall be \$24.85 per hour.

The following represents the agreement of the parties as to the eligibility of Working Shop Foremen in the absence of the Shop Superintendent:

1. Working Shop Foremen are not eligible for differential unless the Shop Superintendent is absent, or the position is vacant for one month or more.
2. If the Shop Superintendent is absent, or the position is vacant one month or more, the Working Shop Foreman will be temporarily promoted to Shop Superintendent retroactive to the beginning of the absence or vacancy.
3. Absences or vacancies of less than one month cannot be accumulated to invoke the provisions of this agreement.
4. (a) If the Working Shop Foreman is promoted immediately, the assignment of Working Shop Foreman differential to a mechanic will be determined by the Area Maintenance Chief according to normal practices in that Maintenance Area.  
  
(b) If the Working Shop Foreman is promoted retroactively, there will be no Working Shop Foreman differential paid to a Mechanic for the retroactive period. The retroactive period is defined as that one-month period from the beginning of the absence or vacancy until the Working Shop Foreman is

temporarily promoted to Shop Foreman. The Union agrees it will not pursue grievances based on any claim for differential during the retroactive period. The assignment of Working Shop Foreman differential to a Mechanic after the retroactive period will be determined by the Area Maintenance Chief according to normal practices in that Maintenance Area.

(c) The payment of Working Shop Foreman differential to a Mechanic will only occur if there are two or more Mechanics remaining in the shop after the temporary promotion and differential assignments have been made.

DATED this 13th day of September, 2018

FOR: STATE OF MONTANA

FOR: AMERICAN FEDERATION OF  
STATE, COUNTY, AND  
MUNICIPAL EMPLOYEES  
COUNCIL NO. 9

Mike Manion

Mike Manion (Sep 13, 2018)

Michael P. Manion, Chief Negotiator  
State Office of Labor Relations

Timm Twardoski

Timm Twardoski (Sep 13, 2018)

Timm Twardoski,  
AFSCME Council No. 9

Michael Tooley

Michael Tooley (Sep 13, 2018)

Mike Tooley, Director  
Department of Transportation