

Memorandum of Understanding

The following procedure for determining job qualifications with respect to promotions and lateral moves in Shops and Garages has been agreed upon by the Company and the Union (as revised 8/1/83 - Superceding all previous procedures)

Posting of Open Jobs - Acceptance of Applications:

All open jobs will be posted and applications therefor will be accepted in accordance with the provisions of the Agreement between the Company and the Union and existing practices not changed herein.

Qualifying for Rate:

- A) Promotion to Helper with Tools will not involve a trial period and will require only that:
1. The applicant have the necessary tools in his possession, and
 2. The applicant must have passed, or be able to pass, the general information test administered at the time of hire.
- B) Promotion to classification higher than Helper with Tools and Lateral Moves:
1. If, in the judgement of his or her supervisor, an applicant is capable of producing the quality and quantity of work normally required by that job category, he or she may upon his or her written request be given a written examination without a trial period. If he or she passes this examination with a grade of 68% or above, he or she will receive the rate of the new job classification commencing the first day of the payroll week immediately following the day of the examination. If he or she fails to pass the examination, the provision of the paragraph of this procedure headed "RE-APPLICATION" will apply.
 2. If the applicant is not fully qualified, he or she will be given a trial at his or her then existing rate of pay on the job category applied for. When, in the judgment of his or her supervisor, he or she is capable of producing the quality and quantity of work required by the job category, he or she will receive the rate of the job classification after meeting the test requirements outlined below.

Not withstanding anything contained in this Agreement to the contrary, any employee must be able to demonstrate that he or she is fully qualified to perform all of the functions of the job category and if not he or she will be subject to the trial period and provisions of this Agreement regardless of whether he or she holds or did hold a lower or equally rated job category.

Test Requirements:

Any employee on trial for a job category for which he or she has applied who is producing the quality and quantity of work required by the job category will qualify to receive the rate of that job classification as follows:

- A) At the end of the trial period (or at any time therein mutually agreeable to the Supervisor and the employee on trial), the employee will be given a written test. If he or she passes the test with a grade of 68% or above, he or she will receive the rate and classification of the job for which he or she was tested, commencing the first day of the payroll week immediately following the day of the examination. If he or she fails to attain a grade of 68% or higher, he or she will be returned to the job category he or she held before going on trial, and all other employees promoted to fill vacancies resulting from the promotion of such employee will be returned to the job categories they held before the promotion of the employee involved.
- B) Trial periods shall be counted in days actually worked and shall be of the durations listed below.

<u>From</u>	<u>On Trial For</u>	<u>Days</u>
Helper with Tools	Mechanic C	60
Mechanic C	Mechanic B	120
Mechanic B	Mechanic A	240
Mechanic A	Mechanic Special	120
Mechanic Special	Leader	60

- C) Notwithstanding the provisions of (A) above, an employee on trial for Leader will not be required to take a written examination if the Leader's job category for which he or she is on trial is in the same job category and subdivision (see paragraph 10-2.2 of the Labor Agreement) as the job category he or she vacated. If the Leader's job category for which he or she is on trial is in a different category from the job category he or she vacated, he or she will be given the applicable Mechanic Special test and must attain a grade of 68% or above to qualify for the Leader rate and classification.
- D) In the event of a lateral move from one job category to another, the trial period for the employee shall be the same number of days as if he or she was moving from the next lower job classification than the one applied for.

Progress Report:

At the end of each 30 days of the trial period, a written report by the supervisor will be shown to the employee's Union Representative and the employee. Such representative will read and initial the report and return it to the supervisor for placement in the employee's file.

Right to Curtail Trial Period:

If it becomes evident to the Supervisor that an employee on trial will be unable to qualify in the maximum allowable time (provided the Company has complied with the above-described requirement for progress reports) or hazardous conditions may result from continuing the employee on trial, the trial period may be terminated. The employee shall have the right during his or her trial period to elect in writing to terminate such trial period.

Description of Test Information:

All tests will be on the applicant's general knowledge of the detailed information furnished him or her in writing by the Company at the beginning of his or her trial period to properly perform the work called for in his or her job category.

1. In the Garages, the tests will not be broken down by job categories, but will deal with general automotive knowledge required for the various job classifications.
2. In the Shops, the tests will be broken down by job categories in the various Shop Departments generally as follows:

Electrical Shop - bench work, component repairs, wiring and electrical maintenance work.

Machine Shop - machine, engine, transmission work, air component repairs and bench work.

Body Shop - bench and bus body work.

Paint Shop - spray painting and hand painting.

Reclamation Shop - welding work and blacksmith work.

3. In the case of permanent assignments to building maintenance work, the test will be broken down by job categories such as Carpenter, Mason, Plumber, Electrician.
4. The Union Representative concerned will be informed of changes or revisions of tests.

Time Allowed for Testing:

- A) Employees taking job category tests for classifications up to and including Mechanic B will be allowed a maximum of one and one-half (1 1/2) hours to complete the test.
- B) Employees taking tests for Mechanic A or higher will be allowed two and one-half (2 1/2) hours to complete the test.
- C) To the extent possible, tests will be given during the employee's regular working hours and he or she will be excused from his or her regular duties and paid at his or her straight-time hourly rate while being tested. When it becomes necessary for the employee to be tested outside of his or her regular working hours, he or she shall be paid at his or her straight-time hourly rate up to the allowed hours specified in (A) or (B) above, whichever applies to the test being administered.

Re-Application:

In no event shall an employee be permitted to apply for the same job category more than once in any consecutive six-month period unless he or she is recommended for the job by his or her supervisor or submits acceptable proof of having taken positive off-the-job action to further his or her job knowledge.

Subject to Grievance Procedure:

The foregoing procedure is subject to the grievance procedure as provided in the Labor Agreement between the parties.

Previously Qualified Employees:

Any employee who previously held a rate higher than his or her present rate and is making application for a posted job but in a different category of work than which he or she had qualified, shall express in writing one of the following options:

- 1) Work in the new job category at no lower than "B" rate and take the allotted time to qualify. At the end of his or her trial period, the employee shall be required to take the test for his or her job category or classification of work.
- 2) Have thirty (30) days to produce the quantity and quality of work and then take the test to qualify.

The exception of this rule shall be an employee who is making application of an "A" category job, if said employee has previously passed an "A" class test for that job category and he or she can satisfy supervision that he or she is qualified in that job category, he or she may get the "A" class rate immediately.

Should the posting be for above the "A" rate, and the employee has met the requirements for the "A" rate in that job category, he or she then must pick one of the above options to qualify for the higher rate. This option shall be submitted in writing before the start of his or her trial period.

Date signed 8-22, 1983

Niagara Frontier Transit Metro System, Inc.

By J. M. Heinen

Local Union 1342 of the Amalgamated Transit Union

By Kmac AR