MEMORANDUM OF AGREEMENT
BETWEEN
CITY OF BEVERLY
AND
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, STATE COUNCIL 93, LOCAL#2894, SCHOOL CUSTODIANS

This Memorandum of Agreement ("Agreement") between the City of Beverly ("City") and the American Federation of State, County, and Municipal Employees, AFL-CIO, State Council 93, Local #2894 ("Union") for School Custodians is effective as of the date upon which both parties have executed this Agreement.

WHEREAS, the City and the Union have concluded negotiations over terms for a Collective Bargaining Agreement to succeed the Collective Bargaining Agreement between the parties covering the period July 1, 2015, through June 30, 2018, ("7/1/2015-6/30/2018 CBA");

WHEREAS, the City and the Union have agreed to a three-year Collective Bargaining Agreement effective July 1, 2018, through June 30, 2021, (the "7/1/2018-6/30/2021 CBA") with the following changes only.

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the parties mutually agree that the provisions as outlined below shall be incorporated into a new Collective Bargaining Agreement and shall replace any language in the previous Agreement where language for such Article or Section is included herein.

All changes shall become effective as of the date specified; if no effective date is specified, changes shall become effective as of the date this agreement is signed, ratified and funded. Neither the increases in wages or in any other benefit apply to any position nor person not in the bargaining unit as of the date the 7/1/2018-6/30/2021 CBA is signed and ratified.

Specific language changes to the previous Agreement are as follows:

1. <u>Title Page</u>

   Update dates to reflect dates of the new collective bargaining agreement (July 1, 2018 – June 30, 2021)

2. <u>Provisions of the New Contract</u>

   Except as modified by this Memorandum of Agreement, and except for such technical matters as date changes, all other provisions of the 7/1/2015-6/30/2018 CBA shall be carried over intact into the successor Contract.

3. Article 27 - Duration of Agreement, p.12

Delete and replace with the following:

> "This Agreement shall become effective on July 1, 2018 and shall remain in full force and effect until June 30, 2021. Both parties to this Agreement will confer during the month of January 2021 to discuss any proposed changes or amendments and will make every effort to consummate a total agreement prior to June 30, 2021."

4. Appendix A – Weekly Wage Schedule, p.14

Delete and replace with updated wage schedule:

Wage increase:

July 1, 2018 – June 30, 2019 - 1.0%

July 1, 2019 – June 30, 2020 - 2.5%

July 1, 2020 – June 30, 2021 - 2.5%

5. Computer Use and Social Media Policies

The Union agrees that its members will comply with the Computer Use and Social Media Policies (Attached as Exhibits A and B) to this MOA as may be amended from time to time.

6. Paperless Pay System

The City is planning to go to a paperless pay system in which employees will have access to pay information electronically. Employees will have access to electronic "pay stubs" and will be ensured the capability to print electronic statements. The Union waives any additional impact bargaining on the implementation of the paperless pay system.

7. Grievances and Litigation Withdrawn/Dismissed

The Union has reviewed any pending (including any which may have been held in abeyance) arbitration cases, grievances, charges of prohibited practice and litigation with the employer and has made an independent determination that the likelihood of success on the merits in each of the cases when considered in terms of the overall contract settlement and the likely costs of pursuing such cases, if any, does not warrant maintaining such cases and that such cases, if any shall

accordingly be withdrawn. In return for the bargained for consideration contained in this MOA, the Union hereby agrees to withdraw and dismiss any and all grievances, arbitrations, charges of prohibited practice, other proceedings or litigation in whatever forum, with prejudice. Said withdrawals shall be made within 30 days of ratification of this Agreement.

8. This Agreement is subject to the following:

A. Ratification by both the City and the Union; and,

B. An appropriation by the City Council each year of sufficient monies to fund the cost increases for such year of this Agreement.

City of Beverly

By: _____
Michael Collins

Date: 7-19-2018

American Federation of State, County, And Municipal Employees, AFL-CIO, State Council 93, Local #2894 (School Custodians)

By: _____
Jerrie Cahill, President
Date: 7/19/18

By: _____
Kevin Shea, Chapter Chair
Date:

EXHIBIT A

City Of Beverly
Computer Use Policy
March 2018

This Computer Use Policy is to provide notice to employees of the City's policy with respect to the use of City-owned computer and information technology related equipment, computer systems, software and electronic devices used by City employees in the performance of their duties. This includes but is not limited to computers (PCs), laptops, copiers, scanners, fax machines, cell or smart phones of any type, flash or thumb drives, and any network, information system, internet access capabilities, text technology and email. This is not an exhaustive list of devices, networks or systems covered by this policy. The policy is intended to include all information technology capabilities and devices that allow for electronic communications, internet use, network use, use of the City's website, use of any City-sponsored social media, and any electronic storage including but not limited to flash/thumb drives and use of cloud based technology or other similar technology. Throughout this policy all such computers, devices, equipment and/or any medium and technology will be referred to as "computer," "computer systems" or "information technology" and in any case includes everything referenced above.

There are certain conditions listed below that City employees must always be conscious of when they use City-owned and provided computer systems and information technology.

Be advised that each and every time an employee logs in to their computer and/or accesses the City's Wi-Fi, website, network, email, and/or accesses the internet from City computers or devices they are acknowledging the following:

- City employees have no expectation of privacy in anything they do on a City-owned computer or network or in any electronic communication made using City-provided networks or Internet access.
- The City has the right to inspect city-owned computer systems and devices at any time.
- All email, documents, downloaded materials, electronic communication and data accessible via City computer systems technology should be considered public record subject to public disclosure according to the Massachusetts Public Records Law. Employees should always be conscious of the public nature of these documents and communications and draft each one, no matter how trivial, as if such documents, downloaded materials and emails will be published in the newspaper. It is the employee's responsibility to retain copies of emails and other electronic documents. Documents should not be deleted, discarded or destroyed, unless such action is in accordance with the record retention policy established by the Supervisor of Records of the Commonwealth of Massachusetts.
- Any employee that violates this policy may face progressive discipline.

1. ACCEPTABLE USES

Employees shall use City-owned and operated computer systems for work related matters and to conduct official City business only. Employees may use computer systems and information technology resources to the fullest extent possible in order to further department and City goals and to participate in work-related continuing

education and educational tools in the interest of improving their proficiency in performing their duties. Incidental or trivial personal use of City-owned and operated computer systems to access the internet, private email accounts, or websites unrelated to the performance of an employee's duties may be permitted subject to the approval of Department Head or supervisor. All use may be monitored by Information Services at any time.

2. UNACCEPTABLE USES

The following comprises a non-exhaustive list of unauthorized uses of City computer systems and information technology:

- Any use or activity that violates federal, state, or local laws;
- Any use or communication that is commercial, religious, or political in nature;
- Any use or activity that violates this or any other City policy;
- Participating in online forums, anonymous or otherwise;
- Knowingly downloading malicious software or attachments;
- Any use or activity involving sexual, obscene, or otherwise inappropriate material;
- Any use or activity involving the unauthorized access to any computer system;
- Gambling, on-line or otherwise;
- Defamation or libel of any person;
- Any unauthorized disclosure of any confidential or personal information of third parties, either intentional or unintentional that would constitute a violation of Health Insurance Portability and Accountability Act (HIPAA) or any other personal information such as social security numbers;
- Depleting system resources by overwhelming system download, upload, or storage capacities;
- Gaining access to City computer systems, employee email, or other stored data without express authorization;
- Any harassment, taunting, or other types of bullying through the use of any social media. This includes but is not limited to any posting or communication encouraging or comprising sexual harassment, ethnic slurs, defamation, personal attacks, profanity, offensive jokes, or other materials that would be offensive and disruptive to the workplace environment;
- Any posting or activity that is deemed excessive or an abuse of this privilege within the discretion of a department head or supervisor is prohibited; and

3. PROPERLY LICENSED SOFTWARE

Employees are prohibited from downloading or using any software that is not authorized by the Information Services Department. Any software that is utilized by City employees must be properly licensed. Employees must avoid any and all copyright and licensing infringement.

4. SECURITY

All employees should exercise secure practices when organizing and managing work-related information, documents, or other materials in order to protect sensitive or confidential data. Passwords, records and data, especially confidential or personal information, must be guarded by all employees. It is the employee's responsibility to ensure that all passwords are protected from public view and that no one else has access to their secure password information, their computer, or their login information.

In order to meet their obligations under this policy, employees should password screen-save their computer when away from their desk at all times ensure the security of their computer and the information

stored on it or accessible through it. If away from their desk for extended periods of time or to leave at the end of the day, all employees should log off.

Use of any City sponsored and/or personal social networking site is subject to the City's Use Policy on City Social Networking Sites.

EXHIBIT B

CITY OF BEVERLY

WEBSITE AND SOCIAL MEDIA USE POLICY

JANUARY 2015

Revised MARCH 2018

The purpose of this policy is to provide notice to employees of the City's policy with respect to the use of social media.

THE CITY WEBSITE:

Certain authorized City employees shall have access to the City's website for the limited purpose of posting notices of upcoming meetings or noteworthy events relating to City government or related community organizations and activities. Employees must have the express written permission of the Mayor or his or her designee and the Information Services Department Director in order to have actual authorization.

Authorized employees have access to four modules or widgets on the City's Home page including a Community Events calendar, a News module, a Notices module, and a City Meeting module where they will be able to post information. Content intended for this part of the website may include local events hosted, sponsored or supported by the City and its agencies or events submitted by the public. Content submitted by or on behalf of a local organization or proposed by anyone other than an authorized employee must be submitted to the most relevant department or to the Mayor's Office and must be specifically and expressly approved by the Mayor's designee for posting. The standard for approval of third party posting includes but is not limited to the following considerations:

- The organization must have a nexus with a City department or activity;
- The posting is in the nature of and limited to a notice of an event or activity;
- The posting must serve an interest, a policy, or other public relations effort of the City.

Each department having its own page on the City website is responsible for maintaining the content posted to that page and for keeping it current and up to date. Each department head shall designate one individual employee in the department to manage its page on the City website and communicate the name of that employee to the Mayor's Office or the Mayor's designee to be maintained on a master list of authorized website users. Each Department's webpage manager shall be solely responsible for updating the content of the page and ensuring its compliance with this policy.

The Mayor has full discretion over any and all content posted to the City website and the website is in no way intended to be a free speech forum open to the public. All information that is posted to the website may subject to change without notice. Any link to a third party website found on the City website is permissively posted as a courtesy to local community groups and reserves the right to remove it at any time.

CITY-SPONSORED SOCIAL MEDIA ACCOUNTS:

Authorized departments of the City and authorized employees may establish City-sponsored social media accounts to communicate information relating to their departments to the public according to the guidelines below. Some social media platforms may include Facebook, Twitter, Tumbler, LinkedIn, Instagram and other similar services or blogs. It is important that employees understand that they have a duty to use City-sponsored Social Media responsibly and to be mindful of what content they are communicating to the public in relation to

the image of the City and its effectiveness. All employees authorized to use social media to communicate to the public on behalf of the City should always be conscious that any content posted to such platforms might be considered communication made by the City.

Any City-Sponsored Social Media account initiated on behalf of the City must adhere to the following guidelines:

a) Express written permission from the Mayor or the Mayor's designee is required prior to establishing or deleting any social media account on behalf of the City or a City Department.

b) All content posted to social media accounts must not be unrelated to the business of the department and shall be reviewed prior to posting by a process established by the Department of Information Technology;

c) Departments establishing City-Sponsored Social Media accounts shall designate authorized employees in the department allowed to post content and maintain passwords and usernames;

d) Every City-Sponsored Social Media account must clearly identify the department responsible for the page and the content and that it is a City-affiliated site;

e) All departments sponsoring a social media site shall devise an approval process for content and comments that may be posted to the social media platform and that process must be approved by the Information Technology Department;

f) Any interactive communication functions or forums allowed by the department's social media page shall be permanently turned off;

g) Authorized Social media sites or accounts created by employees in the name of the City must adhere to these rules regardless of whether it was created using their own computer or City owned computer systems;

h) All content and use is subject to Section 1 "Acceptable Uses" and Section 2 "Unacceptable Uses" of the City's Computer Use Policy.

PERSONAL SOCIAL MEDIA

"Social media sites" and "social networking sites" refer to websites that facilitate user participation, networking, and collaboration through the submission of user generated content. Social media in general includes tools such as: blogs, wikis, microblogging sites, such as Twitter; social networking sites, such as Facebook and LinkedIn; video sharing sites, such as YouTube; and bookmarking sites such as Del.icio.us.

Employees are prohibited from using personal accounts to post or comment in a way that suggests that they are speaking on behalf of the City, unless they are expressly authorized to do so by their Department Head. Employees are prohibited from communicating any information through social media that they would be prohibited from communicating while at work by letter, phone, email, in person or otherwise. For example, an employee who has access to a personnel file, social security number or other confidential information is prohibited from posting such confidential information on social media or from engaging in harassment, taunting, or bullying of another employee.

Additionally, social media use that amounts to or includes conduct unbecoming of a City employee may subject an employee to progressive discipline. Such unbecoming conduct includes any illegal activity, bullying, harassment, taunting, threats, defamation, profanity, racial or ethnic slurs or that social media use that includes sexual, obscene, violent or otherwise inappropriate material.