

MEMORANDUM
OF
UNDERSTANDING

Between

THE CITY OF LOS ANGELES,
DEPARTMENT OF WATER AND POWER

and

LOCAL 18 OF
THE INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS

Steam Plant and Water Supply Unit - BID SYSTEM

October 1, 2002

through

September 30, 2005

APPENDIX F

GENERATION BUSINESS UNIT STEAM GENERATION BID PLAN

I. BID PLAN - INTRODUCTION

- (1) In accordance with the conditions and procedures herein set forth, there is hereby established a plan by which the opportunity is extended to employees in the Steam Generation Group of the Steam Plant and Water Supply Unit to bid for vacancies at various facilities as hereinafter provided. Generally, vacancies included in the Bid Plan are for these positions which can reasonably be expected to be of a permanent nature; however, whenever the Director of Generation Business Unit finds it necessary because of extraordinary circumstances or in the interest of safe, reliable, and efficient operation of the Energy Services Organization to withdraw from, restore to, or create any position in the Bid Plan, written notice shall be posted in all locations, stating fully the reasons and necessity for such action.

II. OBJECTIVES

- (2) The objectives of this plan are to promote employees' welfare by:
 - (a) Providing wider selection of positions for employees through recognition of seniority.
 - (b) Providing greater diversity of training and experience.
 - (c) Providing upward mobility through Affirmative Action.
 - (d) Providing an opportunity to bid for location.

III. LOCATIONS INCLUDED IN PLAN

- (3) The locations for bidding purposes shall be as follows:
 - (a) Harbor Steam Plant
 - (b) Haynes Steam Plant
 - (c) Scattergood Steam Plant
 - (d) Valley Steam Plant
 - (e) Fuel Oil Operations

IV. CIVIL SERVICE CLASSES COVERED BY PLAN

- (4) The Civil Service classes covered by this Bid Plan are as follows:

Instrument Mechanic
Steam Plant Assistant
Steam Plant Maintenance Mechanic
Steam Plant Operator
Tank Farm Operator

V. BASIC PROVISIONS

- (5) Vacancy Open for Bid - Awarding Of

Each vacancy open for bid shall be awarded to the eligible bidder having the greatest seniority with due consideration being given to the bidder's qualifications to the extent that they are consistent with safe, reliable, and efficient operation.

- (6) Vacancy Considered Open for Bidding

Unless the interest of safe, reliable, and efficient system operation makes it necessary for the Director of Generation Business Unit to assign an employee to a specific vacancy, a vacancy will be considered open to bid when created by any of the following:

- (a) Termination of an employee.
- (b) Reassignment of an employee to another position in the same class.
- (c) Acceptance of a permanent appointment to a position in another Civil Service class. (The vacancy shall be deemed to exist on the first day that the employee reports to their new location.)
- (d) A personal leave of absence in excess of ninety consecutive days.
- (e) A leave of absence to enter military service.

However, because each person on military leave of absence has the established right to return to their position, such assignments shall be declared to be temporary for the duration of the military leave of absence.

(7) Vacancies Not Considered Open for Bidding

- (a) A vacancy will not be considered open for bidding in those cases where the regularly assigned employee vacates a position in order to accept a limited or temporary promotion to a position in another Civil Service class if such temporary promotion is to a position within one of the groups listed in Paragraph (3) above.

(8) Vacancy Created By Permanent Disability

When a vacancy is created by reason of an employee's being absent on disability for a period of time long enough for the Medical Division and Retirement Board to place the employee on Permanent and Total Disability, that individual shall automatically relinquish their position, and the resultant vacancy shall then be put up for bid.

(9) Facility Removed from Service

Whenever a facility is to be removed from service and is not to be replaced, notification will be given to the Union and affected employees as early as practical and the Union and the Department shall hold a joint conference to discuss placement of the affected individuals in accordance with seniority rights.

(10) Facility Replaced by another Facility

If a facility or part of a facility is to be removed from service but is replaced by another facility requiring similar employee services and is in the same general location, then the individuals in the old facility will be assigned like positions in the new facility. If the facility should be returned to service, individuals would retain rights to original positions.

(11) Break-In Time

A bidder awarded a position will be given reasonable break-in time in the new position before being required to assume the duties and full responsibilities of that position and for the bidder to determine whether to permanently accept the position. The length of this break-in time will depend upon the bidder's previous experience at the facility into which the employee is bidding. However, the break-in time shall be limited to a maximum of four calendar months, except that Control Operators shall be given a maximum 6-calendar month break-in period. In the event the superintendent determines during this period that the employee demonstrates an unacceptable level of performance of these duties and responsibilities or should the employee choose not to continue in the position during this period, the employee will be removed from the position and returned to the position the employee vacated in the facility from which the employee came and the employee will be ineligible for any other control operator vacancy for a period of one (1) year at that plant where the employee failed to complete their break-in period.

VI. ELIGIBILITY

(12) Eligible Bidders

Employees covered by this Bidding Plan are eligible to bid in accordance with the following:

- (a) The employee may bid on any vacancy for which the employee is qualified at any location after having completed one year of experience at their present level and location if the employee has a satisfactory performance and training record.
- (b) Those individuals who do not meet the experience and training requirements may submit tentative bids for vacancies in their respective Civil Service classes. Should no eligible bidders submit a bid, the tentative bids may be used for filling the vacancy.

(13) Reassignments Under the Bidding Plan

All reassignments made under bid procedures shall be subject to the Memorandum of Understanding and to the Rules of the Civil Service Commission.

VII. BID PROCEDURE

(14) Bid Request Submittal

Any employee covered by this Bidding Plan who desires reassignment to another location shall submit Bid Requests for the locations of their choice to the Director of Generation Business Unit. The Director of Generation Business Unit will provide a signed copy of the request and return it directly to the employee. The Director of Generation Business Unit will maintain a continuous file of all Bid Requests. A listing of all Bid Requests on file, including tentative bids, will be published and posted every four months.

Where possible when it is known in advance that a vacancy will be created, notices will be posted at each location to this effect. When a location bid position is to be filled, notice shall be given to the Union who will notify the appropriate employees.

(15) Bid Request Forms

Location Bids

In order to facilitate administration, a standard form will be supplied on which applicants will indicate the location bid and the order of choice where more than one location is bid. The supervisor receiving the bid shall date and sign as having received it. The original will be sent to the Director of Generation Business Unit, with a copy retained for the plant superintendent. A separate form shall be filled out for each location bid.

Shift Preference Bids

A standard form will be supplied for order of shift preference in each location. Completed forms will be submitted through the operating supervisor to the plant superintendent and remain on file until requested to be removed by the employee or replaced by a new shift preference bid. A bidder may submit a new shift preference bid at any time.

(16) Vacancy Award

A vacancy will be awarded to the eligible bidder who has a Bid Request on file with the Director of Generation Business Unit at the time the vacancy occurs in accordance with the following guidelines:

- (a) For shift positions, when a particular crew position is to be filled at a location, it will be awarded within forty-five (45) days to one of those individuals who desire the position presently working in the plant at that level based upon in-class seniority at that level. If the superintendent chooses temporarily, to a maximum of six (6) months, not to allow in-plant bidding based upon in-class seniority for a particular crew position for reasons of maintaining crew strength or balance or because of training deficiencies of a bidder, the superintendent will provide written justification to the Director of Generation Business Unit.

A qualified bidder not awarded such a position may appeal to the Director of Generation Business Unit.

A file of written requests for particular crew positions will be maintained by the superintendent and shall be available for review by station operation personnel.

(b) For the Civil Service classes of Steam Plant Operator, Steam Plant Instrument Mechanic, Tank Farm Operator, and Steam Plant Maintenance Mechanic, after any shift vacancy has first been filled in accordance with (16) (a) where applicable, the resultant vacancy will be awarded as follows:

1. First, to the qualified bidder with the highest in-class seniority among those bidders working in any location at the same level as the vacancy and in the same Civil Service class.
2. Secondly, to the qualified bidder with the highest in-class seniority among those bidders working at a lower level in that Civil Service class, except as modified below for advancement from Assistant Control Operator (ACO) to Control Operator.
3. To determine the "Senior Qualified" Assistant Control Operators (ACOs) for advancement to Control Operator vacancies, Assistant Control Operators with completed training at the station with the vacancy, and other Assistant Control Operators from the other stations who have completed training at the station to which they are bidding, shall be ranked according to class seniority and the most senior Assistant Control Operator on the list will be advanced to fill the vacancy, unless the candidate turns down the offer of promotion, in which case the next eligible candidate will be offered the promotion. A ranking list by seniority of station ACOs and eligible bidders shall be maintained and posted.

Any Control Operator who wishes to revert back to the ACO position may do so, for any reason, and their request must be accommodated within 30 days of that request. If the request is made within 6 months from the date of promotion to Control Operator, the Operators will be returned to their last, former location and crew. If the request is made more than 6 months after promotion to Control Operator, the Operators will be placed in a vacant position at a plant in accordance with the bid plan. Following such request, that ACO will not be eligible for promotion to Control Operator for one year from the date of the reversion request.

- (c) For the Civil Service class of Steam Plant Assistant, vacancies will be awarded based upon the highest in-class seniority among qualified bidders working at the same level as the vacancy. Entering level Steam Plant Assistants will only be considered for vacancies at that level and, therefore may not submit tentative bids for higher level vacancies.

If the eligible bidder with the greatest in-class seniority is disqualified, other eligible bidders for the position will be considered in the order of their in-class seniority. Any disqualified bidder has the right to protest as outlined in Paragraph (19).

If an eligible bidder is not awarded a position or not notified of their disqualification, the bidder may appeal to the Director of Generation Business Unit. Any positions not filled in accordance with this Bid Plan shall be vacated and awarded in accordance with Bid Plan.

Notice of all location bid awards shall be posted within fourteen (14) days of the award at each work location where employees of the affected Civil Service class report.

Notice of all bid awards shall be posted at each work location where employees of the affected Civil Service class report.

(17) Vacancies Not Filled By Bid

If no eligible bids are received for a facility in a classification at a level which has a vacancy, the vacancy may be filled by one of the following methods:

- (a) First, by selection from those individuals working at that level who wish to transfer and are eligible to transfer but did not bid.
- (b) Second, by one of the following:
 - 1. By selection from a Civil Service or Advisory List.
 - 2. By selection on the basis of in-class seniority from among those who have submitted tentative bids.
- (c) Third, by emergency appointment.

If the vacancy is filled under the first and second methods above (17) (a) and (b), the employee so appointed shall have the same rights as if the appointment had been by bid.

VIII. SUPERVISION AND ADMINISTRATION

(18) Bid Award Approval

A review of bidder's qualifications and recommendation of the appointment of a bidder to a vacancy will be by the Director of Generation Business Unit involved.

(19) Protest Procedure

Any bidder who is disqualified for a vacancy for which the bidder has bid shall be entitled to a written explanation by the Director of Generation Business Unit and may request further discussion.

IX. BID SENIORITY

(20) Tabulation of Seniority for Bidding Purposes

All necessary data will be obtained from the Personnel Business Group of the Generation Business Unit and will be published and distributed to all locations on or near the first of each year. The published in-class seniority is equal to the total time served under regular appointment, including probationary period in any one of the classifications listed in Paragraph (4), plus any time working in the following classifications:

- (a) Steam Plant Operating Supervisor
- (b) Steam Plant Maintenance Supervisor
- (c) Instrument Mechanic Supervisor

(21) Prior Service Seniority Credit

Seniority credit earned prior to a separation from DWP service shall be treated as follows: If an employee is laid off through no fault of their own and is later reemployed, the employee shall not lose any seniority credit for any period of actual service. If, however, the employee has been separated from the service by resignation or discharge for cause and is again employed, the employee shall receive no seniority credit for service rendered prior to their separation from the service.

(22) Time while on a suspension of two weeks or more shall be deducted from the seniority tabulation.

(23) Leaves of Absences (Without Pay)

Time on leave of absence (without pay) for personal reasons, except for Union business exceeding thirty (30) days, shall be deducted from seniority credit. Leaves of absence for personal reasons for which the accumulated total, in any one individual's service year, exceeds thirty days are deducted.

(24) Correction of Seniority Tabulation

The seniority tabulation is for use in bidding only. In the event of layoff, layoff lists will be furnished by the Civil Service Commission under its regularly established rules.

Where errors are believed to exist in the seniority tabulation, a statement of such errors should be made in writing and referred through regular supervision channels to the Generation Business Unit Personnel Business Group for a check. If the claim is found valid, the necessary corrections will be made.