

2/2/10

**Memorandum of Agreement
between
Town of Canton (the Town)
and
Local 1580, IAFF (the Association)**

This Memorandum sets forth the material terms of a successor collective bargaining agreement reached between the Association's and the Town's negotiating teams, subject to ratification by the Association membership and the Board of Selectmen, and a vote to fund its cost items at the 2010 Annual Town Meeting. The negotiating teams shall sponsor and support such ratification. This Memorandum shall be considered tentative until such ratifications occur and such funding is voted. The Agreement is for a new 2-year contract, to be in effect from July 1, 2009 through June 30, 2011. Except as modified in this Memorandum, the terms and provisions of the prior contract will be carried forward into the successor contract.

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1. **DURATION**: It shall be a two-year contract from July 1, 2009 through June 30, 2011.
 2. **WAGES**: Base wages will increase as follows:
 - Retroactive to July 1, 2009, wages will be increased by 2.5%.
 - Effective on July 1, 2010, wages will be increased by 3.0%.
 3. **MANNING LEVEL**: Station 1 - 5 personnel
Station 2 - 4 personnel
There will be an Officer at Station 1 at all times (he would be part of the 5 personnel).
 4. **FITNESS FOR DUTY**: When a firefighter returning from sick leave of more than 4 consecutive shifts is required to visit the Town's occupational medical provider, he/she shall be paid 3 hours' call-back pay if he is not otherwise in a paid status, such as sick leave.
 5. **PRIVATE DETAIL RATE**: The rate for private details shall be increased to the Lieutenants' overtime rate plus \$2.00.
 6. **MILEAGE**: The reimbursed travel expense mileage rate shall increase to fifty (50) cents (\$.50) per mile during the life of this Agreement.

7. **TRAINING:** The Town will provide twenty (20) hours of training to each member of the bargaining unit.
8. **OUT OF TOWN DETAILS:** Permission to work out-of-town fire/ambulance details will be granted, subject to the officer providing to the Town of Canton the appropriate liability waiver from the town requesting the detail.
9. **EMT STIPEND:** Effective January 1, 2011, the certified EMT Stipend will increase by \$500 to \$3200. Firefighter-EMT's shall receive no extra compensation or cause overtime expense to the Town for recertification.
10. **DRUG AND ALCOHOL POLICY:** See Attachment A.
11. **VACATION BUYBACK:**

Voluntary Vacation Buyback Program

If a member has accumulated more than 30 vacation days as of May 1st of any year, s/he shall be eligible to use the Voluntary Vacation Buyback Program. The buyback program shall take place in the month of May and consist of payment as follows:

- a) Members shall be allowed to buy back either 4 vacation days or 8 vacation days.
- b) If the member chooses the 8 day maximum buyback, s/he shall receive 8 days' regular pay, and 8 vacation days shall be deducted from his/her accumulated vacation total.
- c) If the member chooses the 4 day minimum buyback, s/he shall receive 4 days' regular pay, and 4 vacation days shall be deducted from his/her accumulated vacation total.

The Chief shall deduct the buyback time from the member's attendance card in the month of May. If a member elects to participate in the buyback, s/he shall notify the Chief in writing no later than May 1st of his/her intention to participate. Payment shall be made on or before June 1st of each year.

12. **NORFOLK COUNTY CENTRAL DISPATCH**

Civilian Dispatcher Language

The Union and the Canton Fire Chief (defined as "the party or parties") agree to utilize the services of the Norfolk County Regional Civilian Dispatch Service (NCRCDs) provided that the following conditions are met:

1. An additional town, other than the town of Holbrook, agrees to utilize the 911 services of the NCRCCDS.
2. Prior to the Town of Canton joining the NCRCCDS, an observation period of twelve (12) months will be in effect to address any safety issues and/or operational concerns identified by either party.
3. If such safety issues and/or operational concerns are not satisfactorily addressed, neither party to this agreement shall be obligated to join NCRCCDS.

FOR THE TOWN

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Date: 2/23/2010

FOR THE ASSOCIATION

[Handwritten signature]
Wayne MacDonald - Local 1580

Date: 3/8/10

Attachment A

DRUG AND ALCOHOL TESTING

Prohibited Conduct

1. The following conduct shall constitute an offense under this Article.
 - a. The possession, use, transfer, manufacture or sale of any illegal drug.
 - b. The possession or use of alcohol during working hours, or while using Town vehicles or facilities.
 - c. Driving under the influence of alcohol or drugs.
 - d. Reporting to work with the metabolite of an illegal substance in the body, with a blood alcohol level above 0.02, or impaired by drugs or alcohol.
 - e. Commission of any drug or alcohol related offense.
2. Any employee who is convicted of a drug-related offense or driving while intoxicated must notify the Chief immediately, irrespective of whether the conduct occurred during working time.
3. For purposes of this Section, possession shall refer to unauthorized possession.

Prohibited Drugs

For the purposes of this Article, prohibited drugs include all substances included in Schedules I through III of the Controlled Substances Act (21 U.S.C. §812). Included among those drugs are marijuana, cocaine, opiates, phencyclidine (PCP), amphetamines and methamphetamines. Possession of a controlled substance without a doctor's prescription or other legal authorization violates this Article and may be illegal.

An employee who is taking a controlled substance under a valid prescription should check with his or her physician to ensure that the medication will not interfere with the employee's ability to work safely and efficiently. Any questions or doubts should be raised with the Chief. Employees are required to take whatever steps are necessary to allow the Chief to communicate with the physician prescribing the medications. Abuse of validly obtained prescription drugs will be treated in the same manner as abuse of alcohol. Abuse of prescription drugs in all other cases will be treated as abuse of illegal drugs.

Drug and Alcohol Testing

1. Employees are required to submit to drug and/or alcohol testing in the following situations:

a. New Hires:

Each new employee will submit to a drug test shortly after his or her date of hire.

b. Reasonable Suspicion:

When the Town has reason to believe that an employee has reported to work or is working while impaired by drugs or alcohol, or has used illegal drugs, the Town will direct the employee to report for a drug and/or alcohol test.

c. Post-Incident:

Any employee involved in a serious accident/incident causing significant bodily injury or property damage on the job involving an unsafe practice or violation of a safety rule, standard or policy, may be directed by the Town to submit to a drug and/or alcohol test.

d. Follow-up Testing:

An employee who has violated the drug and alcohol policy, may be required to submit to follow-up testing as a condition of his or her continued employment. A program of follow-up testing will be set forth in writing and will continue for a set period of time. During a follow-up testing period, an employee will be subject to unannounced testing for drugs and/or alcohol for a period of one (1) year.

e. Failure to Submit to Testing:

A failure or refusal to submit to testing as outlined above, or refusal to cooperate with the testing laboratory, shall be treated as Prohibited Conduct.

f. Training:

Training will be provided to all Fire Department Officers on how to identify and handle situations when it may be suspected that a member came to work with a problem. This training would also be provided to every new officer that was promoted from the rank of firefighter.

2. Alcohol Testing Procedures:

The Town will direct the employee to report to the testing site for a breathalyzer test. A breathalyzer test will be administered by a qualified operator selected by the Town, including but not limited to a Canton police officer. The employee's blood alcohol level shall be reported to the Town immediately.

3. Drug Testing Procedures:

a. Collection:

An employee subject to drug testing will be directed in writing to report at a specified time to the testing site. Collection of a urine sample will be supervised by qualified medical personnel, in accordance with the procedures established by the testing laboratory. The sample will be properly sealed and labeled, in the employee's presence, to avoid contamination, tampering or confusion of samples. Employees reporting for a drug test should be prepared to produce picture identification. If an employee has taken any prescription drugs, or has any other reason to believe that the test will result in a false positive, the employee must inform the testing laboratory before taking the test.

b. Processing:

Urine samples will be screened initially by an Immunoassay or comparable screening test, with positive results confirmed by Gas Chromatography/Mass Spectrometry or a comparable confirmatory test. Testing will be performed in accordance with federal government standards, under the supervision of qualified medical and laboratory personnel employed by the testing laboratory. The laboratory will test all samples for the presence of marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines/methamphetamines.

c. Reporting of Results:

The results of a drug or alcohol test will be reported verbally and in writing to the Chief or, in the absence of the Chief, the Acting Chief. The testing laboratory will reveal to the designated official only whether the employee has received a result of negative for drugs or positive for drugs. The results of the test will be maintained in the strictest confidence by the Town and will not be disseminated except on a "need to know" basis.

Positive Results. Before a positive test is reported to the Town by the testing laboratory, the doctor who interprets the results ("Medical Review Officer") will consider whether the positive test result was caused by legal drug use (pursuant to a validly obtained prescription). The Medical Review Officer shall require that the employee produce any necessary written proof, and the

employee shall authorize the Medical Review Officer to obtain further information from his or her health care providers. If the Medical Review Officer determines that the employee's explanation is medically corroborated by the test results (e.g., the substance identified in the test is contained in the prescribed drug) then the test will be reported to the Town as "negative". The laboratory will not provide to the Town any information it learns concerning prescription drugs that the employee is taking pursuant to a validly obtained prescription. If the Medical Review Officer is unable to obtain the employee's cooperation in order to make this determination, the positive result will be reported to the employer.

d. The Testing Laboratory:

The testing laboratory shall be selected by the Town from among laboratories that are certified by the State or Federal Government.

Searches

The Fire Chief or his designee has the right to search for alcohol or drugs on Town owned or controlled premises, including in desks, tool boxes, Town vehicles, lockers, or in other Town owned or controlled containers on the premises that may conceal substances prohibited by this policy. Such search shall be conducted with the assistance of and in conjunction with a designated law enforcement official as determined by the Town (Chief).

Enforcement

1. Any employee who violates this Article will be subject to discipline up to and including discharge. In such a case, the employee's continued employment may be subject to certain conditions, which may include participation in a rehabilitation program and/or follow-up drug and alcohol testing.
2. In the case of the first offense involving the abuse of alcohol or validly obtained prescription drugs, the Town may take disciplinary action exclusive of discharge. In order to qualify for this safe harbor for the first offense, the employee shall be required to meet the following conditions:
 - a. The employee will be screened and evaluated for substance abuse by a substance abuse professional ("SAP") designated by the Town.
 - b. The SAP will provide the results of the screening and evaluation to the employee and to the Town, along with the SAP's recommendations for treatment. The employee shall take any necessary steps to release the SAP to communicate and share information with the Town.
 - c. The recommended treatment plan will be set forth in writing, and shall include a set period of follow up testing, based upon the recommendation of

the SAP. The employee shall be required to abide by all aspects of the treatment plan.

d. The employee shall bear the responsibility for the cost of the evaluation and any treatment recommended, to the extent it is not covered by health insurance. Any leave required for the purpose of attending treatment, or due to the employee's incapacity to perform the essential functions of the job, shall be unpaid. However, unpaid leave may be covered by accrued paid leave to the extent permitted by the Town's Family and Medical Leave Policy, except where the leave runs concurrently with a disciplinary suspension.

e. Failure to abide by the conditions herein, or the treatment plan, or any subsequent violation of this Article, shall subject the employee to discipline up to and including discharge.

Employee Assistance Program

Any Town employee may receive assistance with treatment of a drug or alcohol dependency problem through the employee assistance program ("EAP"). Employees may voluntarily request such help or the Town may require participation in the EAP as a condition of continued employment. An employee's participation in the EAP is treated confidentially. Participation in any program or treatment through the EAP will not be disclosed to the Town without the participant's written permission. In cases where participation in the EAP is required as a condition of employment, the employee will be required to permit the Town to be informed only whether the employee is participating as required (i.e., keeping scheduled appointments).