

TOWN OF WEST SENECA



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TOWN SUPERVISOR
SHEILA M. MEEGAN
TOWN COUNCIL
EUGENE P. HART
WILLIAM P. HANLEY, JR.

TO: The Honorable Town Board

FROM: John J. Fenz, Esq.
Town Attorney

DATE: November 5, 2015

RE: Memorandum of Agreement with White Collar Unit
Appendix K to White Collar Contract
Timekeeping of Covered Employees

Kindly authorize the Supervisor to execute the attached Memorandum of Agreement with the White Collar Unit, whereby the White Collar Unit has agreed to management's use of biometric time clock for timekeeping purposes of employees covered under the White Collar Contract.

Pursuant to the Taylor Law, where there is a modification to the method by which management collects covered employees time, the terms must be negotiated.

**MEMORANDUM OF AGREEMENT
APPENDIX K**

By and Between

The Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, on behalf of
the CSEA Town of West Seneca White Collar Unit (hereinafter referred to collectively as
"The CSEA")

And

The Town of West Seneca (hereinafter referred to as "The Town")

THIS AGREEMENT (the "Agreement") made and entered into this 21st day of October, 2015.

WHEREAS, the Town informed CSEA of its intention to purchase software and equipment designed to record CSEA bargaining unit employees' time and attendance, which would require such CSEA bargaining unit employees to "swipe in and out", and

WHEREAS, CSEA informed that Town of its legal obligations under the New York State Taylor Law to negotiate over the decision to require employees to swipe in and swipe out, and

WHEREAS, the parties met several times in order to negotiate over the Town's desire to require CSEA bargaining unit employees to swipe in and swipe out, and the parties have reached agreement and wish to record such agreement through the execution of this Memorandum.

NOW, THEREFORE IT BE AGREED, the following:

1. The Town shall have the right to install time clocks and require all CSEA Bargaining Unit Employees to use its electronic timekeeping software to clock in at the beginning of the workday and clock out at the end of the workday.
2. Prior to requiring CSEA bargaining unit employees to clock in and out the electronic timekeeping software, the Town shall provide all employees with a basic demonstration and training session as to how the new equipment and software will operate.
3. CSEA bargaining unit employees shall not be required to clock in and out for their breaks throughout the workday; only at the beginning and end of the normal workday.
4. If an employee reports to work somewhere other than their normal work location (ex. Court, Field work) such employee shall simply notify their department head, and the department head shall make any necessary adjustments in the time and attendance software to insure that the correct start time is recorded.

5. In order to request and utilize accrued leave time, employees shall be responsible for submitting the request to their department head via the approved means. The department head shall be responsible for reviewing the requests, approving or denying, and making any necessary adjustments in the time and attendance software.
6. At the beginning and end of an employee's assigned shift, there will be a grace period of seven (7) minutes on either side of the start/end time. If an employee clocks in/out up to seven minutes before the start or end time of a shift, the time will round up to nearest quarter hour. If an employee clocks in/out up to seven (7) minutes after the start or end time of a shift, the time will round down to the nearest quarter hour. This specification is not intended to be abused, and it is not expected that bargaining unit employees will consistently be up to seven (7) minutes late or clocking out early. To the contrary, employees are expected to be on time and work their assigned hours on a consistent basis.
7. Employees should not clock in more than seven (7) minutes before the start of their assigned shift or more than seven (7) minutes after the end of their assigned shift without permission. Overtime must be approved, in advance, by a department head.
8. If an employee is late more than three (3) times in any thirty (30) calendar day period, such employee shall be subject to the procedures set forth in Appendix K, Counseling, Discipline and Discharge. Thereafter, if such tardiness continues, the employee may be subject to further progressive discipline.

IN WITNESS WHEREOF:

FOR THE TOWN

Sheila M. Meegan Date
Supervisor

FOR THE CSEA

Ronald Pfeil Date
Unit President

Robert W. Mueller Date
Labor Relations Specialist