

**MEMORANDUM OF UNDERSTANDING**  
**by and between**  
**MONTANA FEDERATION OF PUBLIC EMPLOYEES**  
**and the**  
**STATE OF MONTANA**  
**DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES**

This Memorandum of Understanding (MOU) between the Montana Federation of Public Employees (MFPE) Local #5070, Local #4436, and the Montana State Hospital Craft Council, hereinafter referred to as "Union," and the State of Montana, Department of Public Health and Human Services (DPHHS), hereinafter referred to as "Employer."

The Union and the Employer agree:

1. Overtime pay will be paid in compliance with the Fair Labor Standards Act (FLSA) overtime rules as outlined in Section 5.
2. The process for assigning overtime will be:
  - a. Additional shifts will first be offered to qualified members of the bargaining unit that covers the position.
  - b. If no member of the bargaining unit applicable to the position is available, or wants the additional shift, the shift will be offered to qualified employees outside of the bargaining unit (including non-union employees).
  - c. If no permanent employee is available, or wants the available shift, the shift will be offered to contract staff.
3. When an issue/question arises where the union contracts disagree, the CBA applicable to the employee's regular position takes precedence.
4. Due to the complexity of administering this MOU, the Union agrees to:
  - a. Follow instruction given by management to utilize the timeclock and work with supervisor to ensure the Ultimate Kronos Group timesheet accurately reflects the job worked each shift (transfers/pay rule changes).
  - b. Approve timecard each PPE Friday, so supervisor and payroll know the union member has reviewed and acknowledge that hours on the timecard accurately reflect the times and jobs worked.
  - c. If there is a discrepancy, the employee and supervisor must work with payroll to ensure timecard is accurate.
  - d. If correction is not made prior to payroll processing, the employee shall work with payroll and supervisor to accurately correct the error. Fix will appear on the next on-cycle check.
  - e. Member agrees to resolve discrepancy directly with payroll.
5. Employees will receive the straight-time rate applicable to the salary for the position they are covering. The overtime rate for a covered position will be calculated based on the weighted average of the employee's pay rates in accordance with the FLSA. The weighted average will be calculated in the following manner:
  - a. **Determine total hours worked for each job during the workweek.**  
In this case, the employee works 40.0 in primary job and 10.0 hours in second job.
  - b. **Calculate the total earnings.**

- i. For each job, multiple the hours worked by the respective pay rate.
  - ii. For example, if the employee worked 40 hours at the primary job and 10 hours at the second job:
  - iii. Primary Job Earnings: 40 hours times \$X per hour
  - iv. Second Job Earnings: 10 hours times \$Y per hour
  - v. Total Earnings: \$X + \$Y =\$Z
- c. Calculate the Total Hours Worked:**
- i. Sum the hours worked in both jobs. Using the example above: 40 hours + 10 hours = 50 hours
- d. Determine Weighted Average Rate:**
- i. Calculate the weighted average hourly rate by dividing the total earnings by the total hours worked.
- Weighted Average Rate = Total Earnings / Total Hours
- e. Calculate the Overtime Rate:**
- i. Under the FLSA, non-exempt employees are entitled to 1.5 times their regular rate for hours worked over 40 in a workweek.
- Overtime Rate = Weighted Average Rate X 1.5


This MOU amends the collective bargaining agreements 008, 023, and 024, as described herein. In all other respects, the collective bargaining agreements remain unchanged.

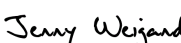
This MOU resolves the grievance filed by the Union on February 17, 2024. The Union agrees to withdraw the grievance.


**THIS MOU** is signed and dated this 3/20/2025.

**FOR THE STATE OF MONTANA:**

**FOR THE UNION:**

Signed by:  
  
 Karol Anne Davis, Chief Negotiator  
 State Office of Labor Relations

DocuSigned by:  
  
 Jennifer Weigand, Field Consultant  
 MFPE

Signed by:  
  
 Charles Brereton, Director  
 DPHHS