

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is voluntarily entered into this 13 day of July, 2016, between Florida International University Board of Trustees (FIU BOT) and the Florida Nurses Association, Office & Professional Employees International Union, Local 713, AFL-CIO (FNA Local 713) as follows:

WHEREAS, the parties entered into a collective bargaining agreement covering the period of 2014 to 2017 (the FIU BOT/FNA Local 713 CBA);

WHEREAS, the parties have bargained for certain revisions to the collective bargaining agreement, more specifically, to Article 5 – LAYOFFS of said agreement, which changes are described below; and

WHEREAS, the parties have agreed that there will be no other changes to the FIU BOT/FNA Local 713 CBA except as noted in this MOU.

THEREFORE, FIU BOT and FNA understand and mutually agree as follows:

Article 5-LAYOFFS of the FIU BOT/FNA Local 713 CBA is hereby deleted and the following is substituted in its place and stead:

5.1 Bargaining unit employees may be laid off due to adverse financial circumstances; reallocation of resources; reorganization of administrative structures, programs, or functions; curtailment or abolishment of one or more programs or essential function; or shortage of work.

5.2 In the event of layoff, temporary employees (formerly referred to as OPS employees) within the same classification as the affected bargaining unit employees shall be laid off first, followed by bargaining unit employees on probation, in the inverse order of seniority. Remaining bargaining unit employees will be laid off in the inverse order of seniority.

5.3 "Seniority" will be defined as continuous service within the job code in which the layoff will occur. Temporary service (e.g., as an FIU OPS employee) held by a bargaining unit employee shall not be counted toward seniority.

5.4 If more than one bargaining unit employee has the same seniority, the following factors shall be considered to determine which bargaining unit employee will be laid off first:

- (a) Training, relevant experience and position (including certifications and academic degrees)
- (b) The nurse's overall performance/disciplinary record during the past 24 months.

5.5 The University shall notify FNA Local 713 on the same day following the notification to the bargaining unit employee(s).

5.6 The bargaining unit employee shall be given a notice of period of four (4) weeks after one year of employment, plus two (2) weeks for every year thereafter, up to a maximum of twelve

(12) weeks as wages in lieu of notice.

5.7 As determined by FIU, layoffs may be confined to a department(s) or any other organizational subdivision of FIU.

5.8 The laid-off bargaining unit employee shall have recall rights to the positions that the bargaining unit employee held prior to being laid off within the bargaining unit if the position is available and if that employee qualifies for that position. Recall rights are limited to one (1) year following the layoff. During this period, no new bargaining unit employee will be hired by the layoff unit for the position that the affected bargaining unit employee had previously held until the laid-off bargaining unit employee has been offered and rejected the recall. Should the bargaining unit employee that was laid-off reject the recall position, that person shall not be eligible for any future recall positions and shall have waived his/her recall rights thereafter.

5.9 Any bargaining unit employee offered recall at his/her last known address must contact FIU and agree to return to work within twenty-one (21) calendar days or forfeit all recall rights.

The parties agree that, except as provided in this MOU, all other terms and conditions of the FIU BOT/FNA Local 713 CBA shall remain unchanged and in full force and effect.


FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES

FLORIDA NURSES ASSOCIATION,
OFFICE & PROFESSIONAL EMPLOYEES
INTERNATIONAL UNION, LOCAL 713 AFL-CIO
(Local 713)



[Handwritten Signature]
VP Human Resources

Date: 7/15/16



[Handwritten Signature]
DONALD D. SULLIVAN II
LABOR COUNCIL 7 FNA/OPERA 713

Date: 7/13/16