

Memorandum of Understanding

Between

THE STATE OF MONTANA

DEPARTMENT OF JUSTICE, DIVISION OF CRIMINAL INVESTIGATION

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MONTANA PUBLIC EMPLOYEES ASSOCIATION

This Memorandum of Understanding, entered into this 7th day of March, 2017, by and between the State of Montana, Department of Justice, herein referred to as the "Employer", and Montana Public Employees Association hereinafter referred to as the "Union" shall be considered as an addendum to and by reference herein, incorporated as part of the Labor Agreement executed by Employer and Union.

Purpose

- A. To establish a voluntary wellness program that promotes the overall health of the Agents. The Division encourages all Agents to participate in this program as a healthy lifestyle reduces stress, illness, common injuries, and recovery times if one is injured.
- B. To reduce costs due to injury, worker's compensation claims, and lost time due to illness.
- C. Establish/maintain a work force that is physically and mentally prepared to meet the challenges of police work.

MPEA agrees with the Division of Criminal Investigation to implement and continue a voluntary physical fitness and health program. Both parties agree to the following:

Voluntary physical fitness for the Montana Physical Abilities Test (MPAT), participation in the State of Montana Wellness Program, Personal Well-being Awareness.

MPAT

MPAT is a hybrid physical abilities/job sample physical abilities assessment which evaluates law enforcement officer's essential physical capacities that can be required to perform job duties. The MPAT is designed to measure a participant's strength, flexibility, and endurance.

The test will be conducted annually, beginning in 2017. Testing will traditionally take place in the Fall, during the annual Combined Agents Firearms Qualifications. The test must be administered by a certified MPAT Proctor. If call out, training, illness, or other conflicts arise, an agent may take the MPAT at an alternate location, with the Montana Law Enforcement Academy the preferred testing location. The MPAT must be taken within the fiscal year of eligibility.

Proposed incentive matrix for voluntary completion of the MPAT:

<u>COMPLETION TIME</u>	<u>INCENTIVE AWARD</u>
5 minutes 30 seconds or less	40 hours of Comp Time
6 minutes 30 seconds or less	30 hours of Comp Time
7 minutes 30 seconds or less	20 hours of Comp Time
8 minutes 30 seconds or less	10 hours of Comp Time

The award will be placed in the Agent's comp bank, with a 40-hour maximum annually. If the Agent's comp is at the maximum of 240 hours allowable, then there is 0 award. If the comp bank is below the maximum of 240, then the award may only reach the permitted threshold.

Examples

- Agent has 210 hours of comp time and completes MPAT in minimum time; 40 hours comp award. 30 hours of comp time awarded to reach threshold of 240 hours maximum comp.
- Agent has 100 hours of comp time and completes MPAT in minimum time; 40 hours comp award. 40 hours of comp time awarded to total 140 hours comp time.

Any Agent participating in the test and puts forth an honest effort will be allowed to use 1 hour of paid time 3 days a week to participate in physical exercise.

Health Program

Participation in the State of Montana Wellness Program or an annual checkup with the employee's medical doctor will qualify for the Physical Health section of the program. Participating in one of these once per fiscal year will satisfy this section of the program.

- a. If the Agent elects to have an annual physical exam to meet this section of the program, the employee will need to provide a basic note from his/her physician simply stating that a physical examination has been completed. (Example Wording: "[Name of Employee] has completed an annual physical examination.")
- b. If the employee elects to participate in the State of Montana Wellness Program, completion will be documented in the monetary incentive benefit paid to that employee.

Personal Well-being Awareness

Participation in a minimum of two mental well-being events annually. These events can include seminars, webinars, inter-agency trainings, conferences, or participation in education on mental health issues such as stress and/or PTSD. DCI management will provide training resources on a regular basis for available options and will also consider qualifying credit for non-listed, unique, personal courses or events on a case-by-case basis.

As an alternative, an employee may also choose to meet once per year with their qualified mental health professional as a "mental health checkup." Participation in one of these once per calendar year will satisfy this portion of the program.

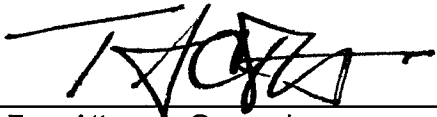
Participation certification shall be through the agent's self-declaration with random annual audits for verification purposes.

- Comp time will not be awarded until both the MPAT, health, and well-being, program have been completed.
- Unless Division sponsored, costs incurred by participation in the voluntary wellness program are the responsibility of the employee.
- Any comp time not utilized by the end of the state fiscal year (June 30) will be paid out. In the event budget restrictions do not allow for a payout the Agent will be allowed to carry over the time earned*.

**Will be coded separately from other comp time.*

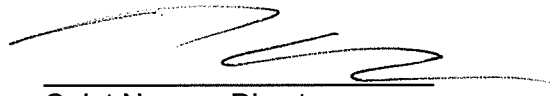
DATED this 7th day of March, 2017

FOR THE EMPLOYER



Tim Fox, Attorney General
Department of Justice

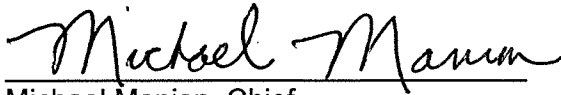
FOR THE UNION



Quint Nyman, Director
Montana Public Employees Association



Bryan Lockerby, Administrator
Division of Criminal Investigation



Michael Manion, Chief
State Office of Labor Relations