

SUMMARY

OF

BART PROPOSALS

August 6, 2013

Currently Outstanding District General Proposals to ATU and SEIU

Term of Contract – BART proposes a four (4) year term.

Wages – BART proposes the following wage increases: a 2% increase effective upon ratification; a 2% increase effective July 1, 2014; a 2.5% increase effective July 1, 2015 and a 2.5% increase effective July 1, 2016.

Cost of Living Wage Adjustment – This section provides a nominal wage increase at the conclusion of the 2013 contract. That wage increase has been implemented and the District proposes the elimination of this provision.

Medical Coverage – The District proposes to cap its premium contribution at the lessor of the premium for employee plus two (2) of the Blue Shield Access+ or PERS HMO Kaiser Plan for employee plus two (2) dependents whichever is less. Employees would continue to pay the employee's share of the premium as set forth in the contract and those employees in the plans which exceed the cap must either pay the difference or enroll in a less expensive plan.

Pension Contribution - BART proposed that new employees (first employed after January 1, 2013) contribute 50% of the normal cost and that current employees contribute 2% of their salary the first year, 3% the second year, 4% the third year and 5% the fourth year of the contract.

Sick Leave – BART proposes modifications to the sick leave provisions which would result in more accountability from employees specifically these proposed changes require employees to provide a doctor's note excusing absences of three (3) days or more upon their return to work.

Industrial Injury - BART proposed that employees be required to coordinate their leave when off on disability

Medical Examinations -BART seeks increased flexibility in its ability to seek a fitness for duty evaluation and otherwise in obtaining medical evaluations of the employee's ability to return to work.

Temporary Modified Assignment - BART seeks additional flexibility in assigning employees to temporary modified assignments and flexibility in the development of temporary work programs.

August 6, 2013

Currently Outstanding District Supplemental Proposals to ATU

Train Operator Breaks: BART proposes that Train Operators (T.O.) within fifteen (15) minutes of arrival at their final destination may have to perform additional duties prior to taking their break or lunch and provide increased flexibility to management to determine where Train Operators will take their lunch and breaks.

Choice of Shifts / Sign-ups for Train Operators: BART proposes that the currently existing report locations for train operators be modified to allow BART to assign Train Operators to any location on the Line as their report location which will increase scheduling flexibility and enhance efficiency.

40 hour work week: BART proposed to pay time and one half to employees only after they have actually worked forty (40) hours in a work week. Employees who have worked forty (40) hours would also be eligible for double-time and one-half for holidays worked and for working the employee's second regular scheduled day off. This proposal is intended to increase the incentive employees have to appear for work during their regularly scheduled workweek.

Systemwide Extra Board: BART proposes that the Train Operator and Station Agent Extra Board report to designated locations set by the District.

Side Letters(SL's) and Memoranda of Understanding (MOUs): BART proposes to eliminate obsolete Side Letters and Memoranda of Understanding from the Collective Bargaining Agreement, and move others into the body of the agreement.

August 6, 2013

Currently Outstanding District Supplemental Proposals to SEIU

Elimination of Daily Bidding – The District proposes to eliminate the past practice of personnel in the track department bidding their daily assignments for the purpose of ensuring continuity and quality of work and efficiency of the operation.

5-8 Work Day & Work Week – The District seeks to reclaim the fundamental management right to schedule personnel for a 5-8 standard work week or a 4-10 alternative work week based on operational needs and without the necessity for mutual agreement.

4-10 Work Day & Work Week – The District seeks to reclaim the fundamental management right to schedule personnel for a 5-8 standard work week or a 4-10 alternative work week based on operational needs and without the necessity for mutual agreement, and eliminate the Memoranda of Understanding (MOU) no. 007-4 which guarantees 4-10 work weeks for multiple classifications.

Overtime – BART proposed to pay time and one half to employees only after they have worked forty (40) hours in a work week. Employees who have worked forty (40) hours would also be eligible for double-time and one-half for holidays worked and for working the employee's second regular scheduled day off. This proposal is intended to increase the incentive employees have to appear for work during their regularly scheduled workweek.

Change Development and Training Oversight Committee – The District seeks to reduce the committee staffing consist and overburdened scheduling requirements of the change development and training oversight committee to a more reasonable and functional schedule. This proposal is intended to increase the efficiency of the committee and concentrate on detailed training initiatives.

Foreworkers – The District seeks to eliminate Side Letter 1-3 which contains the obsolete system foreworker job description as the job description is no longer applicable.

Foreworker Evaluation Committee – The District seeks to revamp its foreworker selection process consistent with the policies and procedures of the Human Resources and the Office of Civil Rights standards for hiring procedures. The District further seeks to improve the committee by streamlining the number of participants and scheduling capabilities.

Job Descriptions – The District seeks to reestablish its fundamental management right to create and update job descriptions to define actual job duties without required Union concurrence.

Functional Classification – The District seeks to reestablish its fundamental management right to delete and/or modify functional classifications and seeks clarity in the language about overlapping duties without the necessity of mutual agreement.

Side Letters and Memoranda of Understanding (MOUs) – The District seeks to remove obsolete MOUs and Side Letters and when necessary incorporating existing contract language for ease of administration.

SUMMARY

OF

ATU PROPOSALS

August 6, 2013

Currently Outstanding ATU Proposals to District

Opening Station Agent – The Union seeks a scheduled start time for station agents of no less than 25 minutes before the first revenue train is scheduled to arrive in order to provide adequate time to open the station and perform safety inspections.

Foreworkers in Tower/Yard Control Functions – The Union is seeking an additional 10% premium for foreworkers working the secondary shift in the Richmond Tower.

Holiday Scheduling – The Union is proposing a hybrid holiday schedule for New Year's Eve which shall entitle each employee who works beyond 2100 hours (9:00pm) to receive an extra straight time rate of pay for all hours worked.

Shift Differential – The Union is seeking to expand the number of employees who will be eligible for the swing shift premium of 7% (4pm to 12am) and graveyard shift premium of 9.5% (12am to 8am).

Lead Worker and Instructor Premium – The Union is seeking to increase the premium for lead worker and instructor from 10% to 15%.

Foreign Language Differential – The Union is seeking to pay 7% differential to employees who demonstrate a proficiency in a foreign language. Such employees while on duty shall be available to translate as mandated by LEP Program (Title 6).

Uniforms – The Union is seeking the District to specify a preference for uniforms made in America when issuing a request for proposals related to uniforms or otherwise seeking uniform suppliers. Any such contract for uniform suppliers shall include an option allowing employees to choose uniforms of natural fibers. The Union is also seeking to eliminate bidders who have been unable to provide uniforms in a timely manner during the term of the last two contracts.

Uniform Allowance – The Union is seeking an increase in the monthly uniform cleaning allowance beginning at \$30, and an additional \$5 on July 1 of each fiscal year during the term of the contract.

Closing Agent/Station End of Revenue – The Union proposes there be two (2) stations agents scheduled for certain station's opening and closing.

Violence Prevention and Control – The Union is seeking additional safety procedures including but not limited to bulletproof windows and Dutch doors in all booths with respect to those stations where violence is a continual problem. The District shall ensure employees' safe passage on streets, parking lots and other areas near the station.

Employee Accident/Injury Reporting – The Union is requesting to be notified immediately of an employee injury or assault while on duty.

Trauma Leave – The Union is requesting that no employee shall lose pay or benefits as a result of trauma or accident (e.g. fatality, trackway accident, or physical assault).

Frontline Employee Wellness & Resiliency – The Union is requesting a joint-peer counseling committee to assist in trauma recovery of employees. In addition, they are seeking gym membership reimbursement for all frontline employees.

SUMMARY

OF

SEIU PROPOSALS

August 6, 2013

Currently Outstanding SEIU, Local 1021 Proposals to the District

Patron Safety in Stations and Facilities – The Union proposes to open public bathrooms in conflict with the District's longstanding security policies. The Union also seeks guaranteed staffing levels of system service workers.

Patron and Employee Safety Lighting – The Union proposes that the District adds contractual language to provide adequate safety lighting in the areas common to the patrons and employees.

Foreworkers – The Union seeks unspecified pay raises that are defined as "fair and equitable." They are also seeking guaranteed overtime assignments expanding their basic shift work. Their proposal further seeks guaranteed promotional opportunities, increased pay for temporary foreworkers, and guaranteed training classes.

Part-time Workers

The Union seeks to:

- Establish a requirement for mutual agreement and limit part-time workers to shifts of less than 25 hours;
- increase the existing differential paid in lieu of benefits from 10% to 20%;
- guarantee a full-time position to part-time workers when opportunities arise; and
- nullify the Settlement Agreement regarding Grievance 08-6-066, dated January 26, 2010.

Functional Classifications

The Union is seeks to:

- reclassify and increase the rates of pay for various classifications; and
- establish a graveyard shift for grounds crew.

Base Wage Schedule – The Union seeks pay grade changes to multiple classifications.

Longevity – The Union seeks for employees who have completed 15 years of service or more an hourly wage increase of 25 cents/hour.

August 6, 2013

Currently Outstanding ATU and SEIU General Proposals

Term of Contract – The Unions propose a three (3) year term.

Wages – The Unions currently seek a 5% year wage increase each year of the contract. That wage increase inclusive of the COLA proposal. As BART understands this proposal the employee would receive the cost of living adjustment each year of the three year contract and then the wage increase would be whatever amount is required to bring the total wage increase to 5%/year.

Cost of Living Wage Adjustment – The Unions seek to add an annual cost of living adjustment provision to the contract.

Medical Coverage – The Unions propose an additional five percent (5%) employee and retiree contribution toward the cost of health increased in each year. Upon expiration of the contract, the employee/retiree contribution amount would revert to the June 30, 2016 amount.

Pension Contribution - The Unions propose an EPMC “swap.” BART would discontinue its seven percent (7%) contribution toward the member contribution and increase employee wages by six and one-half percent (6.5%).

Sick Leave – In response to the 40 hour work week, the Unions propose modifications to the sick leave provisions which specify that an employee who is off work in an unpaid and unprotected status (i.e. not on FMLA or other protected leave) would be ineligible to work overtime.

Contracting out work - The Unions propose BART be required to meet and confer with the Unions before contracting out any work and that the notice requirements be extended from 7 to 30 days.

Workers Compensation - The Unions seek to jointly establish and Alternative Dispute Resolution Program for workers Compensation in accordance with Labor Code Section 3201.7.

Reasonable accommodation /Temporary Modified Assignment - The Unions seek to require additional reporting regarding employees seeking temporary modified assignments and further seek to establish joint union/management committees which oversee reasonable accommodation requests, temporary modified assignments and evaluate ergonomic issues.