

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688

BOARD MEETING AGENDA

December 19, 2013

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, December 19, 2013, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

Any action requiring more than a majority vote for passage will be so noted.

Items placed under “consent calendar” are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides service/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of Board meetings, depending on the service requested. Please contact the Office of the District Secretary at 510-464-6083 for information.

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (<http://www.bart.gov/about/bod>), in the BART Board Room, and upon request, in person or via mail.

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email or via regular mail upon request. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting. Those interested in being on the mailing list for meeting notices (email or regular mail) can do so by providing the District Secretary with the appropriate address.

Please submit your requests to the District Secretary via email to BoardofDirectors@bart.gov; in person or U.S. mail at 300 Lakeside Drive, 23rd Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

The purpose of the Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.
2013 Holiday Toy Drive Recipient: Excelsior and Portola Family
Connections, San Francisco.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of November 15, 2013 (Special),
and November 21, 2013 (Regular).* Board requested to authorize.

3. CLOSED SESSION (Room 303, Board Conference Room)

A. CONFERENCE WITH LABOR NEGOTIATORS

Designated representatives: Grace Crunican, General Manager; Paul Oversier, Assistant
General Manager, Operations; and Rudolph Medina,
Department Manager – Labor Relations

Employee Organizations: (1) Amalgamated Transit Union, Local 1555;
(2) American Federation of State, County and Municipal
Employees, Local 3993;
(3) BART Police Officers Association;
(4) BART Police Managers Association;
(5) Service Employees International Union, Local 1021;
and
(6) Service Employees International Union, Local 1021,
BART Professional Chapter
(7) Unrepresented employees (Positions: all)

Government Code Section: 54957.6

4. ADMINISTRATION ITEMS

Director Murray, Chairperson

- A. Resolution Ratifying Collective Bargaining Agreement with the American
Federation of State, County and Municipal Employees, Local 3993.*
Board requested to adopt.
- B. Resolution Fixing the Employer's Contribution to CalPERS for the
American Federation of State, County, and Municipal Employees Local
3993 under the Public Employees' Medical and Hospital Care Act.*
Board requested to adopt.

5. ENGINEERING AND OPERATIONS ITEMS
Director Fang, Chairperson
NO ITEMS.
6. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
Director Blalock, Chairperson
NO ITEMS.
7. GENERAL MANAGER'S REPORT
NO REPORT.
8. BOARD MATTERS
 - A. Station Renaming Policy and Procedure: Proposed Amendment.*
(Director Mallett's request.) Board requested to authorize.
 - B. Board Member Reports.
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary.)
 - C. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)
 - D. Election of Officers.
 1. President.
 2. Vice President.
9. PUBLIC COMMENT
(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.)

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,692nd Meeting
November 15, 2013

A special meeting of the Board of Directors was held November 15, 2013, convening at 3:37 p.m., in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, and Radulovich.

Absent: Director Saltzman.

President Radulovich called for Public Comment on Item 3 only.

The following individuals addressed the Board.

Mr. George Figueroa
Ms. Yuri Hollie
Mr. Jason Bezis
Ms. Kerianne Steele
Hon. Steve Glazer
Ms. Antonette Bryant
Mr. John Arantes
Mr. Chris Finn

President Radulovich announced that the Board would enter into closed session in the adjacent conference room under Item 3-A (Conference with Labor Negotiators) of the special meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 4:05 p.m.

The Board reconvened in closed session at 4:09 p.m.

Directors present: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, and Radulovich.

Absent: Director Saltzman.

The Board Meeting recessed at 6:08 p.m.

The Board reconvened in closed session at 6:40 p.m.

Directors present: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, and Radulovich.

Absent: Director Saltzman.

The Board Meeting recessed at 7:01 p.m.

The Board reconvened in open session at 7:04 p.m.

Directors present: Directors McPartland, Raburn, and Radulovich.

Absent: Directors Blalock, Fang, Keller, Mallett, Murray, and Saltzman.

President Radulovich announced that the Board had concluded its meeting in closed session, and that the Board had voted seven to one to release the following statement:

We've reviewed the chronology of events concerning section 4.8 and are convinced that it was never the District's intention to include the disputed Family Medical Leave Act proposal in the contract. We've also reviewed the preliminary costing of the proposed benefit.

We are not comfortable with the potential liability that could result from the adoption of this contract provision.

We have directed the General Manager to go back to the bargaining table and continue a discussion with union officials in an attempt to resolve the matter.

Former chief negotiator Tom Hock is no longer associated with the District. A new chief negotiator will be named shortly.

The Board is disappointed that this error occurred and was not caught earlier. All aspects of the matter will be fully investigated and any appropriate disciplinary action will be taken. Furthermore, all of our bargaining procedures will be reviewed and improved for transparency and accuracy.

We are releasing to the public two documents that were reviewed by the Board tonight: a chronology of events concerning section 4.8 and the preliminary costing of the potential financial impact of this proposal over the four years of the contract. We will release further information about the matter as it becomes available and post it on www.bart.gov."

The Board Meeting was adjourned at 7:05 p.m.

Kenneth A. Duron
District Secretary

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,693rd Meeting
November 21, 2013

A regular meeting of the Board of Directors was held November 21, 2013, convening at 9:04 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: None.

President Radulovich announced that the order of agenda items would be changed.

President Radulovich brought Introduction of Special Guests before the Board, and welcomed and introduced Mr. Alan Smith, Vice Chair, BART Accessibility Task Force. Mr. Smith addressed the Board.

The following individuals addressed the Board.

Mr. Steve Zeltzer

Mr. Alan Hollie

Director McPartland exited the Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of October 24, 2013 (Regular), and October 24, 2013 (Special).
2. Amendment to the District's Conflict of Interest Code.
3. Resolution of Project Compliance and Initial Project Report for Regional Measure 1, Regional Measure 2 and AB1171 Bridge Toll Funds for the eBART Project.
4. BART Accessibility Task Force New Member Appointment.
5. Resolutions Fixing the Employer's Contribution under the Public Employees' Medical and Hospital Care Act.
6. Reject All Bids for Contract No. 59CT-110, Wayfinding Improvements Phase II.

Director Murray made the following motions as a unit. Director Mallett seconded the motions, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director McPartland.

1. That the Minutes of the Meetings of October 24, 2013 (Regular), and October 24, 2013 (Special), be approved.
2. Adoption of Resolution No. 5227, In the Matter of Amendment to Conflict of Interest Code.
3. Adoption of Resolution No. 5228, In the Matter of the Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 1, Regional Measure 2, and AB1171 Bridge Toll Funds for the East Contra Costa County Rail Extension/eBART Project.
4. That the Board accepts the recommendation of the BART Accessibility Task Force (BATF) and appoints the nominated candidate, Marina Villena, for membership to the BATF for a term effective November 13, 2013, to June 30, 2014, or until the Board makes new appointments, whichever occurs later.
5. Adoption of Resolutions Nos. 5229, 5230, 5231, 5232, 5233, and 5234, In the Matter of Fixing the Employer's Contribution under the Public Employees' Medical and Hospital Care Act for Employees Represented by American Transit Union Local 1555, Service Employees International Union Local 1021, American Federation of State, County, and Municipal Employees Local 3993, BART Police Managers' Association, BART Police Officers' Association, and Non-Represented Employees, respectively.
6. That all bids for Contract No. 59CT-110, Wayfinding Improvements Phase II, be rejected.

Director McPartland re-entered the Meeting.

President Radulovich called for Public Comment on Item 9-C, Closed Session, Conference with Labor Negotiators.

The following individuals addressed the Board.

Ms. Sylvia Hemmerich
Mr. Steve Zeltzer
Mr. Kip Waldo
Ms. Antonette Bryant
Mr. Chris Finn
Mr. Chris Daly
Mr. Eric Scott
Mr. Lakmin Abeygoonesekera
Ms. Jaimie Thompson
Ms. Josie Mooney

Ms. Sarah Gwaltney
Mr. Larry Williams
Mr. Charles Smith
Mr. Manual Vega

President Radulovich announced that the Board would enter into closed session in the adjacent conference room under Item 9-C (Conference with Labor Negotiators) of the regular meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 10:06 a.m.

The Board reconvened in closed session at 10:12 a.m.

Directors present: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: None.

The Board Meeting recessed at 11:42 a.m.

The Board reconvened in open session at 11:45 a.m.

Directors present: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: None.

President Radulovich announced that the Board had concluded its closed session and there were no announcements to be made.

President Radulovich brought the matters of Resolution Ratifying Collective Bargaining Agreement with the Amalgamated Transit Union, Division 1555, and Resolution Ratifying Collective Bargaining Agreement with the Service Employees International Union, Local 1021, including the BART Professional Chapter, before the Board. Director Keller moved that the Board authorize the General Manager to enter into the tentative agreements as written, minus section 4.8, and if SEIU and/or ATU ratify such tentative agreements minus section 4.8 she may execute them on behalf of the District. Director Raburn seconded the motion.

Mr. Elliot Hughes addressed the Board.

The item was discussed. The motion carried by electronic vote. Ayes - 8: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 1: Director Mallett.

Director Murray, Chairperson of the Administration Committee, brought the matter of Lease for Approximately 22,480 Square Feet of Warehouse Space at 1085 Whipple Avenue, Hayward, California, before the Board. Mr. Joe Basuino, Senior Right of Way Officer, presented the item. Director Blalock moved that the General Manager or her designee be authorized to execute a lease amendment with PPF Industrial Whipple Properties 1001, LLC, for 22,480 square feet of warehouse space at 1085 Whipple Avenue, Hayward, for a 30-month term beginning February 1, 2014, for a total rental amount, including operating expenses and a security deposit, not to exceed \$385,000.00. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Murray brought the matter of Condemnation of Real Property for the Hayward Maintenance Complex Project, BART Parcel Numbers O-ACHMC1-1A, O-ACHMC2-1A, and O-ACHMC3-1A, before the Board. Mr. Basuino presented the item. The item was discussed.

Director Keller exited the Meeting.

Director Blalock moved adoption of Resolution No. 5235, Resolution of Necessity to Condemn Real Property; Make Findings and Determinations; Authorize Eminent Domain Proceedings and Application for Possession Prior to Judgment for BART Parcels O-ACHMC1-1A, O-ACHMC2-1A, and O-ACHMC3-1A; Draw and Deposit Warrant. Director Raburn seconded the motion, which carried by the required two-thirds majority by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Keller.

Director Murray brought the matter of Amendment to Agreement No. 6M4303, with Gummerson & Conhain, Inc., for Negotiator Services, before the Board. Mr. Rudolph Medina, Department Manager, Labor Relations, presented the item.

Director Keller re-entered the Meeting.

The item was discussed.

The following individuals addressed the Board.

Ms. Antonette Bryant

Ms. Josie Mooney

Mr. John Arantes

Ms. Patricia Schuchardt

Mr. Elliot Hughes

Mr. Manuel Vega

Director Blalock moved that the General Manager or her designee be authorized to execute an amendment to Agreement No. 6M4303, with Gummerson & Conhain Inc., for continuation of negotiator services for completion of the District's 2013 collective bargaining process. Director Mallett seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Murray brought the matter of Productivity-Adjusted Inflation-Based Fare Increase Program before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budget, and Ms. Pamela Herhold, Financial Planning, presented the item. The item was discussed. President Radulovich moved approval of the updated, attached, and final Title VI equity analysis for the 2014 fare increase, as contemplated in Resolution No. 5208, which authorizes implementation of the first biennial Productivity-Adjusted Inflation Based Fare Increase on January 1, 2014. (The Final Title VI Assessment for the 2014 Inflation-Based Fare Increase is attached and hereby made a part of these Minutes.) The motion was seconded and carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Discussion on the item continued. Directors Murray and Saltzman requested the resolution be amended. Direction was given to staff to return for a future discussion on fare options.

Director Saltzman moved adoption of Resolution No. 5236, In the Matter of Adopting an Amendment to Resolution No. 5208 (adopted February 28, 2013), as amended. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

President Radulovich announced the Board would enter into closed session in the adjacent conference room under Items 9-A and 9-B (Conference with Real Estate Negotiators) of the regular meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 1:26 p.m.

The Board reconvened in closed session at 1:36 p.m.

Directors present: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: None.

Director McPartland exited the Meeting.

The Board Meeting recessed at 2:41 p.m.

The Board reconvened in open session at 2:44 p.m.

Directors present: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich.

Absent: Director McPartland.

President Radulovich announced that the Board had concluded its closed session and there were no announcements to be made.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Procurement of Transit Vehicles: Exercise Option 2, for 150 Transit Vehicles; Option 3, for 115 Transit Vehicles; and Option 4, for 100 Transit Vehicles, of Contract No. 40FA-110, with Bombardier Transit Corporation, before the Board. Mr. John Garnham, Group Manager, Rail Vehicle Capital Program, Mr. Paul Oversier, Assistant General Manager, Operations, and Mr. Mau presented the item. The item was discussed. Director Mallett moved that the General Manager be authorized to execute a change order to Contract No. 40FA-110, Procurement of Transit Vehicles, to exercise Options 2, 3, and 4, totaling 365 vehicles, for a reduced price of \$638,983,330.00, plus applicable tax and escalation, subject to certification by the Controller/Treasurer that funding is available; with the Controller/Treasurer's certification to be based on the availability of approximately \$140,000,000.00 in Proposition 1A High Speed Rail funds, and an agreement with the Metropolitan Transportation Commission for its share of approximately 75 percent for Options 2, 3, and 4. Director Saltzman seconded the motion. Discussion continued. The motion carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director McPartland.

Director Fang brought the matter of Change Order to Contract No. 79HM-110, San Francisco Transition Structure Security Barrier (SFTS SB), with Taber Construction, Inc., for Temporary Suspension - Contractor Costs (C.O. No. 22), before the Board. Mr. Thomas Horton, Manager of Earthquake Safety Programs, presented the item. Director Blalock moved that the General Manager be authorized to execute Change Order No. 22, Temporary Suspension - Contractor Costs, in the amount of \$341,500.00, to Contract No. 79HM-110, SFTS SB, with Taber Construction, Inc. Director Mallett seconded the motion. The item was discussed. The motion carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director McPartland.

Director Fang brought the matter of Project Changes and Third Addendum to the East Contra Costa BART Extension (eBART Project) Final Environmental Impact Report before the Board. Mr. Ric Rattray, eBART Project Manager, presented the item. Director Mallett moved that, having reviewed and considered the information contained in the Addendum, the Board adopt Resolution No. 5237, In the Matter of Adopting Modifications to the East Contra Costa BART Extension (eBART Project). Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director McPartland.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Authorize a Cooperative Agreement with the City of Oakland and a Lease Agreement for an Attended Bike Station at 19th Street/Oakland Station before the Board.

Director Keller exited the Meeting.

Mr. Steve Beroldo, Manager of Access Programs, presented the item. The item was discussed. Director Raburn moved that the General Manager or her designee be authorized to execute 1) the 19th Street BART Bike Station Cooperative Agreement with the City of Oakland and 2) a lease agreement with 19th and Broadway LLC for commercial space at 1775 Broadway for a five-year base term. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes - 7: Directors Blalock, Fang, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 2: Directors Keller and McPartland.

Director Blalock brought the matter of California Passenger Rail Program Guiding Principles before the Board. Mr. David Kutrosky, Managing Director, Capitol Corridor, presented the item. Director Murray moved that the Board adopt the California Passenger Rail Program Guiding Principles. Director Mallett seconded the motion, which carried by unanimous electronic vote. Ayes - 7: Directors Blalock, Fang, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 2: Directors Keller and McPartland.

President Radulovich called for the General Manager's report.

General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in. Ms. Crunican reported that California Attorney General Kamala Harris had recognized BART Officer Andrew Rodrigues and Sergeant Gerald Dominguez. Ms. Crunican reported that the American Public Transportation Association (APTA) peer review panel had conducted interviews regarding the roadway worker protection program.

Mr. Oversier gave a report on San Francisco Municipal Transportation Agency's Central Subway boring project.

President Radulovich brought the matter of Board of Directors Role in Investigations of the October 19, 2013, Right of Way Accident before the Board, and proposed that the Board ratify the creation of a Wayside Safety Committee, and appoint Director Blalock as the Chairperson, and appoint Directors Fang, McPartland, and Saltzman as members of the committee.

Director Keller re-entered the Meeting.

Director Saltzman moved that the Wayside Safety Committee be created with the membership proposed by President Radulovich. Director Murray seconded the motion, which carried by unanimous roll call vote. Ayes - 8: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director McPartland.

President Radulovich brought the matter of Board Meeting Schedule before the Board. The item was discussed.

President Radulovich called for Board Member Reports and Roll Call for Introductions.

Director Raburn requested responses to recent complaints from customers regarding delays for track maintenance on Saturdays and requested improved advance notice and real time announcements.

Director Blalock reported he had participated in a meeting of the APTA peer review panel.

Director Mallett requested the evaluation of self-supporting (self-funded) bicycle parking, lockers, and bike stations.

Director Mallett requested a report on the District's history of employee recognition (i.e., employee of the month) program(s).

President Radulovich called for Public Comment. No comments were received.

The Board Meeting was adjourned at 3:58 p.m.

Kenneth A. Duron
District Secretary

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors **Date:** December 13, 2013
FROM: General Manager
SUBJECT: Ratification of the 2013-2017 Labor Agreement with AFSCME

The Board is scheduled to vote on whether to approve the recently negotiated labor agreement with AFSCME, Local 3993 at the December 19, 2013 Board Meeting.

The District's Negotiating team has prepared the attached overview of changes to highlight the revisions to the agreement resulting from the tentative agreement reached on October 30, 2013. Also attached is the Resolution that will be put before the Board at the meeting.

If you have any questions, please contact Rudy Medina at 510-464-6232.


Grace Crunican

Attachments

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

**BEFORE THE BOARD OF DIRECTORS OF
THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

In the Matter of Ratifying the 2013 - 2017
Collective Bargaining Agreement between the
District and the American Federation of State,
County and Municipal Employees, Local 3993 /

Resolution No. _____

BE IT RESOLVED that the Board of Directors of the San Francisco Bay Area Rapid Transit District hereby ratifies the 2013 - 2017 Collective Bargaining Agreement between the District and the American Federation of State, County and Municipal Employees, Local 3993, as generally described in the attached Summary of Major Elements of Proposed Agreement, dated December 11, 2013; and

BE IT FURTHER RESOLVED that the General Manager is authorized to execute the Agreement on behalf of the District.

###

Adopted _____

2013-2017 District-AFSCME Tentative Agreements

Summary of Changes from Previous Agreement

This document represents a summary of changes negotiated with AFSCME. As the specified contract language is not present, it should not be relied on as providing every detail. It is merely descriptive. In the event there is any inconsistency between this summary and the labor agreement, it is the language and intent of the labor agreement which governs.

Section 1-Duration of Agreement

The agreement will take effect July 1, 2013, and continue until June 30, 2017.

Section 3.2A-Classifications: The Following classifications have been added: Asset Coordinator, Enterprise Information Project Specialist, Manager, Non-Revenue Vehicle Maintenance, Planner, Principal Enterprise G.I.S. Analyst, Safety Specialist, and Scheduling Supervisor. The title Power and Way Controller was deleted from the list of job titles. Pay Bands listed for each classification reflect implementation of new 30% pay band model. (See Section 47)

The District may also e-mail AFSCME contracting out notices. Previously, they had to be faxed.

Section 8-Union Representatives

Representatives must submit a designated Union Business Leave form when requesting time to conduct Union Business. Number of representatives required to be selected from designated areas reduced from four to three.

The 12 union representatives will also be permitted all day release time once a month to attend Executive Board meetings.

Section 23-Money Purchase Pension Plan

During the term of the agreement, the District shall retain .0888% of the 1.627% MPPP contribution as specified in Section 33, PERS Medical and Prescription Drug Benefits, subsection D.5. The District will also deduct \$37 from the 1.627% MPPP contribution as specified in subsections B.2 and D.5 of Section 33.

The District shall retain the remainder of the 1.627% MPPP contribution to compensate the District for paying the difference between the actual Annual Required Contribution (ARC) and the baseline ARC to assist in the funding of the Retiree Health Benefit Trust.

Section 25-Reimbursement of Employees' PERS Contribution

Effective no later than 60 days following ratification, employees shall contribute .5% of base pay, increasing .5% on January 1, 2014, and increase 1% each successive January 1 up to a maximum of 4% effective January 1, 2017.

Section 28-Dental Insurance Coverage

Allows retirees to purchase the same dental coverage as current employees at no cost to the District.

Section 33-PERS Medical and Prescription Drug Benefits

Increase in medical premium contribution by employees and retirees of \$37/month, which for employees will be taken by reducing the District's 1.627% contribution to MPPP. Further reduces the 1.627% MPPP by .0888% which is retained by the District. Increases monthly payment to employees who opt out of coverage to \$350/month.

Modifies Retiree Medical Eligibility to require at least 10 years of credited District service for the District to contribute toward postretirement health benefits for individuals first hired or elected after January 1, 2014. Only those with a minimum of 15 years of credited service would be eligible for the full District contribution. The parties recognize that implementation of this agreement requires statutory changes to the California Government Code and they agree to jointly support the legislation to permit the change. If the law is not successfully passed, then the Parties agree to mutually agree on alternative provisions.

Section 34-Vision Care Plan

Allows retirees the option to purchase the same vision coverage as current employees at no cost to the District.

Section 36-Educational Assistance Program

Program modified to include a Certificate of Achievement Program. Provides for an increase in educational assistance reimbursement expenses for job-related and promotion oriented courses resulting in total reimbursement of up to:

FY 2014-\$950

FY 2015-\$1,150

FY 2016-\$1,350

FY 2017-\$1,500

For employees who have exceeded 60 semester or 90 quarter units, the maximum benefits will be:

FY 14-\$1,250

FY 15-\$1,500

FY 16-\$1,750

FY 17-\$2,000

Section 39-Retirement Benefits

Provides a reopener to bargain the impact if it is determined that transit workers are subject to PEPRA.

The District's retention of the 1.627% MPPP during the course of this agreement is subject to the terms of Section 23 MPPP and Section 33 PERS Medical, as noted above.

Section 47-Compensation

Most AFSCME represented employees whose most recent annual overall performance is "effective" or better are eligible for two distinct types of increases during the term of this agreement: General rate increases and participation in a Pay Progression program.

A. General Rate Increases

1. 7/1/2013---Pay shall be increased by 1.8607%
2. 1/1/2014---Pay shall be increased by 1.8607%
3. 1/1/2015---Pay shall be increased by 3.7214%
4. 1/1/2016---Pay shall be increased by 3.7214%
5. 1/1/2017---Pay shall be increased by 4.2214%

B. Pay Progression Program

1. Effective 7/1/2013, and after the first general rate increase, employees will move to a new 30% pay band model, which groups employees by their classifications into a pay band structure. Future adjustments to the pay bands during the term of the Agreement will be in accordance with 47.1.
2. Effective 7/1/13, after movement to the new pay band structure, and each July 1 thereafter, most employees will also receive a pay progression increase of from 0.3% to 1.5% of base salary, depending upon where (in which quartile) their salary falls in the pay band. (The higher the placement of their base salary in the pay band, the lower the percentage pay progression increase.) Employees whose base pay is increased effective July 1, 2013 in order to reach the bottom of the new pay band are either ineligible for a pay progression increase July 1, 2013 or they are eligible for a 0.75% increase depending upon the amount of increase required to reach the bottom of the new pay band
3. Any employee whose performance evaluation score is effective or better and who has no active discipline involving an attendance component and whose base pay after the general rate increase would not exceed the maximum of the range for the pay grade assigned will be eligible to receive the full amount of the increase.

Section 47.9 Conditional Lump Sum Payments

If all criteria are met and no extraordinary unplanned expenses have occurred, then during each fiscal year of the term of this agreement the District shall pay each AFSCME-represented employee on active and paid status at the time of the payment a lump sum payment of \$500 but not exceeding \$1,000 in any fiscal year for each percentage point above the estimated SRTP of May 2013 increase in ridership rate.

Section 48-Holidays

Caps each employee's Pre-Retirement Bank in January 2014 at his/her existing deposits. Employees will have one final opportunity in December 2013 to bank already accrued holidays, after which they will no longer have the option to deposit extra floating holidays in the Pre-Retirement Bank. ("Banked" time may be used as terminal leave at service retirement). Effective July 1, 2014 and each year thereafter, accrued non-banked floating holidays which exceed the annual carry-over limit of five days will be paid out in a lump sum at the employee's current base rate.

Section 49-Vacation

Each employee will forego the accrual of eight (8) vacation hours in FY 2014 to offset a portion of the cost of implementing the new Pay Progression system.

Caps each employee's vacation Pre-Retirement Bank in January 2014 at his/her existing deposits. Eligible employees will have one final opportunity in December 2013 to elect to transfer accrued vacation to the Pre-Retirement Bank. In addition, any non-banked accrual that exceeds the 60 day carryover limit as of December 30, 2013 will be automatically banked one last time. Effective in Calendar year 2014, employees will no longer have the option to bank accruals. At the close of 2014 and each year thereafter, any accrued non-banked vacation in excess of the permissible annual carryover limit (60 days) will be paid out in a lump sum at the employees current base rate of pay.

No request for vacation will be unreasonably denied.

Section 50---Compensatory Time/Overtime

Compensatory Time maximums are increased from 40 to 80 hours. Employees must work 40 straight time hours during their regularly scheduled workweek to be eligible for OT. For the purposes of calculating the employee's 40 hour workweek, only one of the following exceptions will be permitted per workweek: 1 vacation day; 1 floating holiday; and 1 compensatory day.

The parties agreed to incorporate MOUs 10 and 11 into the agreement.

Section 55-Meal Allowance

Will increase from \$12 to \$15.

Section 61, Workdays and Workweek

This section incorporates the language concerning OT/Compensatory Time found in Section 50.

Section 61.1-Alternative Work Program

Employees may work remotely, but must receive permission from their immediate supervisor or Department Manager and Executive Manager. Such requests shall not be unreasonably denied.

A written work plan shall be developed between the manager and employee and will contain metrics and deliverables for which the employee is responsible.

Section 69-Discipline and Termination Procedures

Section 69 Termination Procedures broken into two Contract Sections, 69 Discipline and Termination Procedures and 69.1 Reorganization/Reduction in Force Procedures.

The District must advise the Union and the employee they are entitled to Union representation before an investigative interview.

Disciplinary records for employees in Transportation will be treated as follows in a subsequent disciplinary action:

First step Disciplinary Notice may not be used against the employee after 6 months

Second step Disciplinary Notice may not be used against the employee after 9 months.

Third step Disciplinary Notice may not be used against the employee after 12 months.

Disciplinary records for employees outside of Transportation are treated as follows in a subsequent disciplinary action:

First, second and third step Disciplinary notices may not be used against the employee after eighteen (18) months.

(NEW) Section 69.1-Reorganization/Reduction in Force Procedures

Employees will be notified of a reduction in force/reorganization as soon as possible.

Employees will have 10 working days from notification, rather than five working days, to prepare a resume for interdepartmental distribution. If a resume is submitted it will be distributed within five (5) working days of receipt, rather than 3.

Laid off employees are responsible for checking job openings and advising the District of their interest in the openings for which they are qualified by the posted closing date. The District will contact the employee if an internal only posting is created within 18 months of layoff to determine their interest in applying for the job. Reinstatement consideration is no longer limited to those specific positions of interest identified by the employee in writing prior to termination.

Section 74-Special Provisions Applicable to Operations Control Center-Extra Board

Extra Board personnel may be transferred from their selected Extra Board position only to fill temporary job vacancies on a workweek basis.

Language was removed requiring that a reasonable effort be made to schedule Extra Board personnel close to their bidded start time.

Section 78-Special Provisions Applicable to Operations Control Center-Overtime Allocation

Accrued overtime is now defined as the sum of all overtime hours worked.

Section 80-Special Provisions Applicable to Operations Control Center-Performance Incentives

The dates were changed from the previous Agreement. Incentive amounts remained the same. Power and Way Supervisors are not eligible for performance incentives.

Section 85---Special Provisions Applicable to Line/Yard Senior Operations/Operations Supervisors Uniforms

The parties agreed that the District will provide an "Initial Issue" of uniforms to each employee on a one-time basis. Each successive year in November, employees covered by this section will receive a \$250 check to purchase additional uniform pieces. The uniform maintenance allowance was increased from \$25 to \$35 per month. Employees are required to wear the uniforms and/or professional attire deemed appropriate by District management.

Section 86---Special Provisions Applicable to Line/Yard Senior Operations Supervisors and Operations Supervisors-Scheduling

OSs and SOSs shifts will be determined by the District, with the total number of shifts being greater than the number of OS and SOSs. Employees promoted to SOS or OS after the 11/15 bid schedule posting shall be assigned to a vacant shift or a newly created fixed schedule.

OSs and SOSs who fail to bid will be assigned a shift by the Union Representative conducting the bid.

Once bids are completed, the shifts cannot be changed absent bona fide emergency.

If a realignment bid is determined to be necessary by the District it will work with the Union to design a realignment bid. Fixed schedule assignments under Subsection E lasting more than 120 calendar days will trigger a realignment bid unless the next systemwide bid is held in 60 calendar days or less.

Section 86.1---Holiday Scheduling

The District shall determine the level of service to provide.

Minimum staffing for a holiday operating on a weekday service schedule including Saturday shall be: R line-One AM and one PM shift; C/K, A/L and M/W lines-One AM and One PM shift.

Minimum staffing for a contractual Holiday operating on a Sunday schedule shall be: A/L, R,C/K-Two AM and Two PM shifts; M/W lines-One AM and One PM Shift.

The District must post Holiday/line shifts the first Monday 3 weeks prior to the contractual Holiday and provide the Union notice.

Holiday bids must be submitted to the designated AFSCME steward the first Friday after the bid is posted. Supervisors can bid to work on posted holidays and seniority in the job classification will determine assignments.

Assignments by inverse seniority shall be done if shifts remain vacant.

Section 88-Special Provisions Applicable to Line/Yard Senior Operations Supervisors/Operations Supervisors-Seniority

SOS seniority rankings shall be established by: Current OS; Current AFSCME Member; Other current District employees; New Hires from outside the District. OS seniority rankings shall be established by: Current AFSCME Member; Other current District employees; New Hires from outside the District. If two or more OSs and SOSs are promoted on the same date, their original date of hire with the District will determine the more senior employee.

Section 89-Special Provisions Applicable to Yard and Line Senior Operations/Operations Supervisors-Vacation Allocation

If someone is promoted to SOS, their previously bid vacation will be honored. If someone is promoted to OS, their previously bid vacations may be honored if at all possible.

Section 91-Probationary Period

Probationary period has been lengthened to 180 days, from 90. For employees requiring certification, their probationary period will cover the entire certification period.

If a promoted or voluntarily transferred employee is terminated during probation, they will revert to their former position, unless they are terminated for cause. If an employee is terminated during probation and is reinstated by an arbitrator, they must complete their remaining probation.

In addition to these contract changes, the parties executed a Memorandum of Understanding which resolves disputes related to the collective bargaining process including the dismissal of the unfair labor practice litigation, resolves certain outstanding grievances, and which addresses the timing for completion by the District of market salary studies and updated job analyses during the term of the Agreement.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 12/13/13		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: <i>[Signature]</i>	General Counsel <i>[Signature]</i> 12/13/13 []	Controller/Treasurer <i>[Signature]</i> []	District Secretary []	BARC <i>[Signature]</i> 12-13-13 []
Signature/Date:				
Status: Routed		Date Created: 12/09/2013		

TITLE:

Resolution Fixing the Employer's Contribution to CalPERS Medical Premium for AFSCME- Board Requested to Adopt and Sign

NARRATIVE:

PURPOSE

To obtain Board approval to adopt a resolution which is required by the Public Employees' Medical and Hospital Care Act (PEMHCA) in order to implement the District and Employee/Annuitant premium contribution amounts in the event the Board ratifies the collective bargaining agreement with the American Federation of State, County, and Municipal Employees Local 3993 ("AFSCME").

DISCUSSION:

Staff is recommending Board ratification of a collective bargaining agreement (CBA) with AFSCME. The CBA provides that the maximum that the District will contribute for employee and annuitant medical premiums will be based on the more costly of the CalPERS Bay Area HMO Blue Shield Access+ basic plan or the CalPERS Bay Area HMO Kaiser basic plan for the applicable level of plan participation for the employee (as previously negotiated in 2009), less employee/annuitant new monthly contributions of \$132.01 in calendar year 2014, \$134.86 in calendar year 2015, \$137.79 in calendar year 2016, and \$140.82 in calendar year 2017. Employees and annuitants who choose more costly plans will be responsible for the additional premium cost. For 2014, the earliest this can be effective is February 2014. All future changes will be effective in January of the respective year.

The Office of the General Counsel will amend the District Code to reflect these changes.

FISCAL IMPACT:

For the 205 budgeted AFSCME operating positions the \$37/month employee contribution increase will produce \$310,985 in savings over the four year term of the agreement. The savings in FY14 will be \$37,925. The employee contribution increase will be deducted from the District's contribution of the 1.627% of eligible compensation to the Money Purchase Pension Plan.

ALTERNATIVES:

This is a negotiated benefit for represented employees which staff in a separate item is bringing to the Board for approval.

If the Board does not ratify the collective bargaining agreement for AFSCME, the monthly medical contribution rate will remain at the same level as adopted at the Board meeting of November 21, 2013.

RECOMMENDATION:

That the Board adopts the following motion.

MOTION:

To adopt the attached resolution pertaining to AFSCME employees and eligible retirees regarding "Fixing the Employer's Contributions under the Public Employees' Medical and Hospital Care Act" and authorize the Board President to sign the resolutions on behalf of the Board.

**BEFORE THE BOARD OF DIRECTORS OF THE SAN FRANCISCO BAY
AREA RAPID TRANSIT DISTRICT**

In the Matter of Fixing The
Employer's Contribution Under
the Public Employees' Medical
and Hospital Care Act for
Employees represented
by AFSCME:

Resolution No. _____

**RESOLUTION FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE
PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT**

WHEREAS, (1) Government Code Section 22892(a) provides that a local agency contracting under the Public Employees' Medical and Hospital Care Act shall fix the amount of the employer's contribution at an amount not less than the amount required under Section 22892(b) of the Act; and

WHEREAS, (2) The San Francisco Bay Area Rapid Transit District, hereinafter referred to as the Public Agency, is a local agency contracting under the Act for participation by its employees who are represented by the American Federation of State, County and Municipal Employees Local 3993 (AFSCME); now, therefore be it

RESOLVED, (a) That, effective February 2014, the employer's monthly contribution for each employee/annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members in a health benefits plan up to a maximum of the higher of the Bay Area Kaiser basic plan or the Bay Area Blue Shield Access+ basic plan, less \$132.01 employee/annuitant share each month for the year 2014, increasing to \$134.86 in January 2015, \$137.79 in January 2016, and \$140.82 in January 2017, plus administrative fees and Contingency Reserve Fund Assessments; and

RESOLVED, (b) That the San Francisco Bay Area Rapid Transit District has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above.

Adopted at a regular meeting of the Board of Directors of the San Francisco Bay Area Rapid Transit District at Oakland, California this ____ day of _____ 2013.

Signed: _____
President

Attest: _____
District Secretary

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** December 13, 2013
FROM: Director, District 7
RE: Station Renaming Policy and Procedure: Proposed Amendment

I am requesting that we amend the Board's policy on Station Renaming to allow the District more flexibility in administering the policy, as well as to provide applicants with more precise information early on in the application process about the exact cost of renaming a BART station. My request does not change the substantive policy adopted by the Board. It would simply amend the final paragraph of the policy in order to grant staff administrative flexibility in the application process for station renaming with regard to the timing of collection of costs to cover all material, labor and permitting costs associated with station renaming, including but not limited to, the costs to develop an estimate.

On April 28, 2005, the Board adopted the "Guiding Policy Statement for Consideration in Station Renaming" ("Guiding Policy"), a copy of which is attached. The final paragraph in the Guiding Policy reads as follows: "**If a station renaming request is approved**, the proposer shall be required to pay for all material, labor and permitting costs associated with the renaming of the station, including, but not limited to, the costs to develop an estimate" (Emphasis added). The cited language could be interpreted to restrict the District's ability to require payment for an estimate for station renaming to only successful applicants, although to date no station renaming applicant has requested an estimate but not paid for it. Staff should have the ability to provide and charge for an estimate at any time during the application process, regardless of whether the applicant is ultimately successful, and also have flexibility to collect payment for other costs related to station renaming from successful applicants. If the Board approves the motion below, staff will also amend the Written Request for BART Station Renaming as appropriate. Note that while the amendment will provide needed staff flexibility, it is staff's intent to administer it uniformly. For example, whether staff decides that it should be a firm requirement or an option to pay for an estimate at the time of submission of a written application, the rule should be uniform for all applicants. In no cases will staff prepare an estimate without prior payment.

I have spoken with staff and they concur with my request. Therefore, I request that the Board adopt the following motion:

Motion:

The final paragraph of the Guiding Policy Statement for Consideration in Station Renaming is deleted in its entirety and replaced with the following paragraph:

"All applicants shall be required to pay for staff costs to develop an estimate for station renaming. Successful applicants shall also be required to pay for all material, labor and permitting costs associated with the renaming of the station."



Zakhary Mallett

Attachment: Station Renaming Guiding Policy

cc: Board Appointed Officers
Deputy General Manager
Assistant General Manager, External Affairs

GUIDING POLICY FOR CONSIDERATION IN STATION RENAMING

As exemplified by the factors considered by the previous Board in the establishment of the original station names, the primary purpose of station naming is to provide users of a transit system with information in a straightforward and unified manner, in order to assist patrons in successfully navigating the transit system and the region. Therefore, the following criteria must be considered in the development and evaluation of station renaming proposals.

- **Transit System Context** – Names provide information on where the station is located within the context of the transit system. The name should significantly contribute to the transit users understanding of the station’s location, and assist passengers in his or her use of the system.
- **Simplicity** – Names must be brief enough to allow for quick recognition and retention by the transit patron, and to fit within signage, operational and mapping technical parameters. Names that are brief, distinctive, easy to pronounce and understand are preferred.
- **Station Area context** – Names provide specific information as to the location of the station within the context of the surrounding area. The name should reference an area whose name has a historical basis, or is geographically significant in the area.

The continuity and permanence of station names is critical in the development and maintenance of a “user-friendly” transit system. Given the confusion that would arise with the modification of an existing station name, station renaming should not be undertaken unless the additional benefit to the transit patron or to BART clearly outweighs the inherent advantages of retaining the existing station name.

Naming or renaming stations after enterprises, private or commercial in nature, is not desirable given the changing nature of commercial names (e.g., Pacific Bell to SBC Park, Network Associates to McAfee Coliseum) and the noted desire for continuity.

If a station renaming request is approved, the proposer shall be required to pay for all material, labor and permitting costs associated with the renaming of the station, including, but not limited to, the costs to develop an estimate.