

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
4	05/23/11	Open	Action	05/11/11

Subject: Memorandum of Agreement between the Sacramento Regional Transit District, Administrative Employees Association (AEA), and the American Federation of State, County, and Municipal Employees (AFSCME), Local 146 Establishing Job Hierarchies

ISSUE

Whether or not to adopt language for the Memorandum of Agreement (MOA), Article 3, Section 3.01 (Vacancy Recruitment) between the Sacramento Regional Transit District (District), the Administrative Employees Association (AEA), and the American Federation of State, County, and Municipal Employees (AFSCME), Local 146.

RECOMMENDED ACTION

Adopt Resolution No. 11-05-____, Approving a Memorandum of Agreement between the Sacramento Regional Transit District, the Administrative Employees Association (AEA), and the American Federation of State, County, and Municipal Employees (AFSCME), Local 146, Revising the Personnel Rules and Procedures MOA Establishing Job Hierarchies and Recognizing the Future Use of Job Hierarchies in Recruitment of Potential AFSCME Members.

FISCAL IMPACT

None

DISCUSSION

The District's Labor Relations staff met with representatives of the AEA to revise language in Article 3, Section 3.01 of their present Personnel Rules and Procedures MOA, which controls Vacancy Recruitment for prospective AEA members. The District also met with representatives of AFSCME to insure agreement regarding how vacancy recruitment will be conducted to fill present and future vacancies in their new Administrative Technical Unit. The agreement reached will alter the manner in which future employees will be recruited for both employee units. This change will allow the District to open opportunities for placement or promotion to internal candidates within RT first, rather than having to recruit externally and have internal candidates compete with external candidates for the open position.

It also provides for agreement as to the creation, amendment and continued use of Job Hierarchies as a method for filling job classification vacancies. The classifications making up Job Hierarchies as well as Job Classifications that are not part of a Job Hierarchy will be administratively updated from time to time as job classifications are added or deleted in order to comply with the MOA.

Approved:

Presented:

Final 5/16/11

General Manager/CEO

Acting Director, Labor Relations

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The revised language will make recruitment more efficient, and provide for future changes in these Job Hierarchies when the opportunity is presented.

Attached hereto as Exhibit A, is the MOA containing the language changes that accomplish the actions described above. Staff recommends approval of the MOA.

RESOLUTION NO. 11-05-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

May 23, 2011

APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE SACRAMENTO REGIONAL TRANSIT DISTRICT, THE ADMINISTRATIVE EMPLOYEES ASSOCIATION (AEA), AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), LOCAL 146, REVISING THE PERSONNEL RULES AND PROCEDURES MOA ESTABLISHING JOB HIERARCHIES AND RECOGNIZING THE FUTURE USE OF JOB HIERARCHIES IN RECRUITMENT OF POTENTIAL AFSCME MEMBERS

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the Memorandum of Agreement between and among Sacramento Regional Transit District (RT), the Administrative Employees Association (AEA) and the American Federation of State, County and Municipal Employees, Local 146 (AFSCME) wherein the parties agree to revise the Personnel Rules and Procedures applicable to AEA and AFSCME employees consistent with the terms and conditions set out in Exhibit A, is hereby approved.

THAT, the Board hereby directs the General Manager/CEO to execute the said Memorandum of Agreement.

THAT, the Board hereby directs the General Manager/CEO or his designee to revise the Personnel Rules and Procedures consistent with the terms of the MOA set forth in Exhibit A and that the effective Date of such revised Personnel Rules and procedures be May 24, 2011.

DON NOTTOLI, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary

**MEMORANDUM OF UNDERSTANDING
ON THE CREATION AND USE OF JOB HIERARCHIES FOR
THE PURPOSE OF INTERNAL RECRUITMENT WHEN FILLING
CERTAIN JOB CLASSIFICATION VACANCIES**

This Memorandum of Understanding is by and between the Sacramento Regional Transit District, hereinafter DISTRICT, American Federation of State, County and Municipal Employees, Local 146, hereinafter UNION, and Administrative Employee's Association, hereinafter AEA.

BACKGROUND – For a number of years, the DISTRICT has grouped a common series of job classifications within a career progression into what is called a Job Hierarchy. A position vacancy in a job classification, within a Job Hierarchy, which the DISTRICT intends to fill, is first offered to employees in the other job classifications within the Job Hierarchy prior to seeking qualified candidates elsewhere within the DISTRICT and/or recruiting externally.

Over the years, new job classifications have been created or abolished without creating a new hierarchy or revising an existing one. Further, the procedures utilized for filling job vacancies have been subject to modification by the imposition of a Consent Decree and the obligation to meet and confer with the AEA over promotional processes. Most recently, some job classifications heretofore included in a Job Hierarchy have been duly certified for inclusion into a newly formed Administrative/Technical Bargaining Unit represented by UNION.

The pros and cons of creating new Job Hierarchies and revising the existing ones to reflect all job classifications within in a job series have been discussed and representatives of DISTRICT, UNION and AEA agree that it is in their respective interests to create, amend and continue the use of Job Hierarchies as a method for filling job classification vacancies.

MEMORIALIZATION OF UNDERSTANDINGS - In order to accomplish the foregoing, the following points of understanding are hereby memorialized.

1. It is understood by the parties that it takes at least two job classifications in a job series in order to be considered a Job Hierarchy, e.g., Safety Specialist I, II and Senior.
2. A Job Hierarchy will not contain a job classification designated as "Supervisor, Principal, Administrator, Manager, Director or considered part of the Executive Management Team (EMT)." A vacancy in such classification will be filled through an internal/external recruitment according to current practice. Supervisor classifications are represented by UNION and vacancies therein will be filled pursuant to this MOU until a different procedure is agreed upon.

3. Candidates for vacancies within job classifications that are not part of a job series, i.e., there are no classifications progressing to, or from the established job classification (orphan jobs), will be recruited via a District-wide recruitment and then, if necessary, externally. At the discretion of the DISTRICT, a simultaneous internal/external recruitment effort may be undertaken. In such event, preference will be given to qualified internal applicants before consideration of external candidates.
4. Upon the creation or revision of a job classification which would affect its inclusion or elimination from a Job Hierarchy, DISTRICT will notify UNION and/or AEA, as appropriate.

RECRUITMENT PROCEDURES - Attached hereto as Exhibit 1, is a document titled "Recruitment Procedures". The document replaces Article 3, Section 3.01, of the current Personnel Rules and Procedures MOU, as specified. This language will be incorporated into subsequent MOU's applicable to the covered classifications of the respective labor groups.

STANDARD OPERATING PROCEDURE (SOP) – HR-SOP-11-016 has been developed to establish a consistent procedure to guide District Staff in the administration of this Agreement. Attached thereto as Exhibit A, "Recruitment Hierarchy", is a listing of all currently authorized job classifications which fall within "Series Classifications" (Category 1 (Hierarchy Jobs)), "Single Classifications" (Category 2 (Jobs not in a Hierarchy)), and "Supervisory/Management Classifications" (Category 3 (Jobs Ineligible for Inclusion in a Hierarchy)). It is understood that the list of job classifications and their respective categorical designations may change from time to time with the addition, deletion or transfer of jobs within the District. A current list of the jobs shown on the Recruitment Hierarchy may be obtained by contacting the Human Resources Department.

AGREEMENT – I have read and agree that the foregoing reflects our understanding of the methods, processes and procedures involved in the creation and use of Job Hierarchies to fill vacancies within the purview of my organization's responsibility.

For AFSCME:

Date -----

For AEA:

Date -----

Date -----

For DISTRICT:

Date -----

Date -----

ARTICLE 3: EMPLOYMENT, RECRUITMENT, SEPARATION, AND RESIGNATION

§3.01 Vacancy Recruitment

A. Determination of Recruitment Process

1. Prior to posting a position either internal only or internal/external, if the classification which is being recruited for is part of a career ladder/hierarchy and there are employees who may be eligible, the procedure as listed in HR-SOP-11-016, Promotional Opportunities, shall be followed.
2. If the classification being recruited for is not a part of a career ladder/hierarchy, or if there are no eligible employees under the conditions outlined in HR-SOP-11-016, the District may post the position District-wide internal only, for a minimum of ten (10) business days. If no employees qualify under the District-wide internal only recruitment, the District may post the position internal/external for a minimum of ten (10) business days.

B. District-Wide Internal Only Process

1. The HR Department is responsible for posting internal only job vacancies and preparing the Job Vacancy Announcement. The Announcement will be posted on authorized District bulletin boards and the District intranet for a minimum of ten (10) business days.
2. Interested employees must submit a RT employment application and any other additional required documentation to the HR Department by the deadline date noted in the Announcement.
3. Employees who are on vacation or a District-approved leave of absence at the time of posting, may apply for a posted position within the first five (5) business days after returning to work, if by that date:
 - a. A written exam has not been administered, and/or
 - b. Interviews have not yet been arranged with candidates.
4. All applications are processed by the HR Department and screened according to the minimum qualifications established for the position. In addition, employees who meet the minimum qualifications will have their attendance reviewed to ensure eligibility criteria are met.

5. The most qualified employees will be invited to participate in subsequent steps of the recruitment process. The screening process may also involve the administration of written and/or oral assessments and when used, are to be administered only by the HR Department.
6. If one (1) or more employees qualify for a position, the Hiring Authority must carefully consider each employee via a Department level interview.
7. If there is more than one (1) qualified employee identified as a result of the Department level interview, an Eligibility List will be established.
8. If no employees qualify for the position, the District may post the position internal/external and follow the procedures outlined below.

C. Internal/External Process

1. The HR Department is responsible for posting internal/external job vacancies and preparing the Job Vacancy Announcement. The Announcement will be posted for a minimum of ten (10) business days.
2. The Announcement will be posted on authorized District bulletin boards, the District intranet, the District public website, standard outreach resources, as well as any additional special resources, as determined by the HR Department.
3. Interested applicants must submit a RT employment application and any another additional required documentation to the HR Department by the deadline date noted in the Announcement. Any employee, including bargaining unit employees, may apply through the internal/external recruitment process, provided he or she was not rejected for the same position vacancy during the District's internal only recruitment process.
4. Eligible employees who are on vacation or a District-approved leave of absence at the time of posting, may apply for a posted position within the first five (5) business days after returning to work if, by that date:
 - a. A written exam has not been administered, and/or
 - b. Interviews have not yet been arranged with candidates.

5. All applications are processed by the HR Department and screened according to the minimum qualifications established for the position. In addition, employees who meet the minimum qualifications will have their attendance reviewed to ensure eligibility criteria are met.
6. The most qualified applicants will be invited to participate in subsequent steps of the recruitment process. The screening process may also involve the administration of written and/or oral assessments and when used, are to be administered only by the HR Department.
7. The most qualified applicants selected through the initial screening process and/or assessment(s), if administered, will be invited to an Oral Board Panel Interview ("Panel Interview"). Except for recruitment activities related to Executive Management (EMT) positions, Series Classifications promotions, District-wide internal only opportunities and Acting Appointments, a Panel Interview is required to fill a salaried vacancy.
8. Those candidates who are successful at the Panel Interview will be placed on a Referral List. Once the list is approved, those candidates are eligible to be invited to the Department level interview.
9. If there is more than one (1) qualified candidate identified as a result of the Department level interview, an Eligibility List will be established.

D. Referral Lists and Eligibility Lists

1. Referral Lists will be established for all internal/external recruitments and are based on Panel ratings. The Director of HR approves all Referral Lists.
2. Eligibility Lists will be established for all recruitments in the event that there is more than one (1) qualified candidate identified as a result of the Department level interviews. The Director of HR, CAO and GM/CEO approve all Eligibility Lists.
 - a. Eligibility Lists will be used to fill vacancies for up to twelve (12) months or until the list is exhausted, whichever is sooner.
 - b. Candidates from an Eligibility List will not be carried over to any other recruitment, nor will the Eligibility List be extended beyond twelve (12) months.

D. Acting Appointment

An individual may be appointed to fill any previously authorized position on an "acting" basis at the discretion of his or her Department Manager/Director, or EMT Member. Such appointments shall not exceed ninety (90) calendar days except where unusual and/or unforeseen circumstances dictate otherwise, as determined by the General Manager/CEO.

E. Reassignment

1. A "reassignment" occurs when an employee is assigned from one responsibility center (typically a department) to another in order to fill a vacancy in the same job classification.
2. Before filling a vacant position by reassignment, the Human Resources Department will notify in writing each employee who is eligible for reassignment. Such employees will be given the opportunity to state in writing whether he or she is interested in the reassignment.
3. An employee who has timely responded in writing about his or her interest in a reassignment will be scheduled for an interview for that reassignment. It is the District's prerogative to reassign such an employee or to select another internal or external candidate.
4. An employee is eligible to accept a reassignment one time in any twelve consecutive months, beginning with the effective date of his or her most recent assignment.

F. Applications

1. Application Locations

Applications for vacant positions may be picked up in the Human Resources Department.

2. Applications And/Or Resumes

Applications and/or resumes received after the cutoff date will not be considered for filling the advertised vacancy except as stated in §3.01A1 and §3.01B1.

G. Restrictions Of Human Resources Department Internal Bidding

No Human Resources Department employee shall apply for a posted position for which he or she has been active in the recruitment or selection process for the position. Human Resources Department employees shall not reveal or discuss internal personnel matters with other District employees unless required as part of the recruitment process.