

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
6	09/25/17	Open	Action	09/20/17

Subject: Authorizing The Creation of an Employment Category For Limited Term Employees

ISSUE

Whether to authorize the creation of an Employment Category for Limited Term Employees.

RECOMMENDED ACTION

Adopt Resolution No. 17-09-____, Authorizing The Creation of an Employment Category For Limited Term Employees.

FISCAL IMPACT

There is no fiscal impact associated with this action.

DISCUSSION

Currently, SacRT has five categories of employment:

- Full-Time Employees
- Part-Time Employees
- Temporary Employees
- Personal Services Contract Employees (PSC)
- Bargaining Unit Employees

The full-time and part-time employee categories reference time-base rather than tenure of employees. For purposes of this discussion, those categories are not directly relevant. As discussed below, reliance on bargaining unit employees for contracted services, projects of limited duration or new services for which funding is limited poses long term consequences and short term disadvantages for SacRT.

Currently, SacRT obtains Temporary Employees through an employment agency for up to 24 months. Their job duties must coincide with an approved job classification that has a budgeted vacancy. PSC Employees sign a contract to perform tasks that are either substantially different from those established in approved job classifications, or for which no budgeted position exists. Neither of these categories address the needs discussed below.

Among common goals of members of the public, SacRT employees and SacRT leaders as reported in the Strategic Vision Initiatives for the District are expanding service coverage, improving service quality and securing funding. Pursuit of new revenue streams by engaging in discussions with various entities regarding possible expansion of local and/or commuter bus services is an important pathway to realizing those goals. Current employment categories hamper that effort.

Approved:

Presented:

Final 9/20/17

General Manager/CEO

Director, Labor Relations

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After a comprehensive review, Executive Management determined SacRT does not have an established category for hiring Limited Term Employees, which is a common employee category within local governments in the SacRT service area. The ability to hire Limited Term Employees would allow SacRT to 1) perform work tied to a specific project or service contract, and/or 2) provide service with a limited or uncertain funding source.

In order to be responsive to distinct circumstances that may present opportunities to pursue new services, projects or funding sources, SacRT will need to be nimble and possess greater flexibility to estimate personnel costs than what may be available within the current employment categories. In addition, retaining permanent employees and maintaining related personnel costs would not be feasible if the funding sources terminate or contracts for services are terminated. Under the current employment structure, this would result in overstaffing and the likely need to initiate layoffs that might affect employees hired to work on customary service lines.

Hiring Limited Term Employees who would not attain “permanent” employment status would allow SacRT flexibility to release employees, permit service contracts to expire, or discontinue new service as business needs and funding sources evolve. Due to the uncertainty of such ventures, it would be more cost effective and fiscally responsible to staff such service on a limited term basis.

To attain such flexibility, “Limited Term Employee” needs to be added as an Employment Status Category. Tenure would span a period of no more than three years, or the term of any contract for services. Labor Relations, in collaboration with the General Manager/CEO, would seek wages, hours, and working conditions that would facilitate competitive bidding for new business for each contract, project, or service. All such efforts to develop compensation packages will be fully compliant with the requirements imposed on SacRT under 13(c) of the Urban Mass Transportation Act. SacRT would be able to maintain bargaining relationships that exist currently.

Staff recommends approval of an employment category for Limited Term Employees.

RESOLUTION NO. 17-09-_____

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

September 25, 2017

**AUTHORIZING THE CREATION OF AN EMPLOYMENT CATEGORY
FOR LIMITED TERM EMPLOYEES**

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

THAT, the General Manager/CEO may authorize the establishment of administrative procedures for the creation and filling of Limited Term Positions as provided herein.

THAT, the definition of Limited Term Employee is an individual employed on either a full-time or part-time basis in a position established for the purpose of fulfilling a contract for services to another public entity, to provide specific or unique expertise for a specific project of limited duration or for the purpose of providing a new service or function with a temporary or unconfirmed funding source.

THAT, an individual may be employed on a limited term basis for a tenure not to exceed three (3) years or the term of a contract for services the District may enter with another entity to provide services, whichever is greater. The term of employment may be extended if the contract, project or temporary funding source for such services is extended.

THAT, the General Manager/CEO or designee has the discretion to hire Limited Term Employees from existing eligibility lists for Board approved classifications, from eligibility lists created specifically for Limited Term classifications or positions and/or by absorbing incumbent employees from another public agency or private company from whom SacRT assumes responsibility for specific transit operations and/or services.

THAT, the General Manager/CEO may, subject to approval by the Board, authorize SacRT staff to establish wages, hours and working conditions of Limited Term Employees.

THAT, wages, hours and working conditions for Limited Term Employees may be established for specific contracts, programs, projects or services and may differ between such contracts, programs and services.

THAT, where the District assumes transit operations and/or services provided previously by a public entity or private company, and where the employees of that public entity or private company performing the work related to those operations and/or services were subject to a collective bargaining agreement (CBA), wages, hours, and working conditions for employees covered by that CBA may be adopted in whole or in part for Limited Term Employees hired by SacRT to perform the work previously performed in service to that public entity or private company.

THAT, exceptions, modifications and/or waivers of existing CBA provisions with exclusively recognized employee organizations representing SacRT employees may be implemented consistent with SacRT's obligations under Section 13 (c) of the Federal Transit Act, as well as any other statutory, regulatory and/or administrative requirements.

ANDREW J. MORIN, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Cindy Brooks, Assistant Secretary