

# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
7	01/14/19	Open	Action	01/02/19

Subject: Modification of Personnel Rules and Procedures - At Will Employees

## ISSUE

Whether or not to approve a modification of Sections 7.01 (B), 7.03 and 17.03 (A) of the Personnel Rules and Procedures (PRP) to provide that individuals hired, appointed, promoted or transferred into a position at the Director or an equivalent management level will be classified as at will employees serving at the pleasure of the General Manager/CEO or designee and not subject to the disciplinary or appeal procedures specified in Articles 16 and 17 of the Personnel Rules & Procedures.

## RECOMMENDED ACTION

Adopt Resolution No. 19-01-\_\_\_, Approving the Modification of Sections 7.01 (B), 7.03 and 17.03 (A) of the Personnel Rules and Procedures to Provide that Individuals Hired, Appointed, Promoted or Transferred into a Position at the Director or an Equivalent Management Level Will Be Classified As At Will Employees Serving at the Pleasure of the General Manager/CEO or Designee.

## FISCAL IMPACT

There is no fiscal impact from this proposed action.

## DISCUSSION

Director and equivalent level managers are among the top level management staff and are responsible for oversight of entire departments or substantial programs within larger departments. They exercise broad discretion and are often delegated decision making authority and involved in policy making, affecting significant components of the SacRT service and support functions. The PRPs currently classify Director level employees as Skelly protected employees, making it difficult to terminate a director level employee that may be fully competent, but not a good fit given the policy direction management is taking the agency in to implement all of its initiatives. Individuals employed in such positions should be committed to the success of SacRT and its leadership. Classifying these employees as at will, serving at the pleasure of the General Manager/CEO or designee will insure that managers at that level are dedicated to that success and are accountable for safe, productive and efficient operations within their respective departments and programs.

Staff recommends that the Board approve the modifications proposed to the PRPs so that Director level employees hired, appointed, promoted, or transferred into that position on or after the effective date of this modification will be classified as at will employees serving at the pleasure of the General Manager/CEO or designee.

Approved:

Presented:

Final 01/08/19

General Manager/CEO

Director, Labor Relations

RESOLUTION NO. 19-01-\_\_\_\_\_

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

January 14, 2019

**APPROVING THE MODIFICATION OF SECTIONS 7.01 (B), 7.03 AND 17.03 (A) OF THE PERSONNEL RULES AND PROCEDURES TO PROVIDE THAT INDIVIDUALS HIRED, APPOINTED, PROMOTED OR TRANSFERRED INTO A POSITION AT THE DIRECTOR OR AN EQUIVALENT MANAGEMENT LEVEL WILL BE CLASSIFIED AS AT WILL EMPLOYEES SERVING AT THE PLEASURE OF THE GENERAL MANAGER/CEO OR DESIGNEE**

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

THAT, Section 7.01 (B) of the Personnel Rules and Procedures be modified to read as follows:

- B. Individuals hired or a current employee appointed, promoted, or transferred into a position at the Executive Management Level Employee (EMT), Director or an equivalent manager level will be classified as an at-will employee serving at the pleasure of the General Manager/CEO or designee, and are not subject to a probationary period.

THAT, Section 7.03 of the Personnel Rules and Procedures be modified to read as follows:

**7.03 At Will Employees**

Individuals hired, or a current employee appointed, promoted or transferred into a position at the EMT level employee, as a Director or as an equivalent level manager, will be classified as an at-will employee serving at the pleasure of the General Manager/CEO or designee. For purposes of hiring an at will employee, the General Manager/CEO or designee may waive the recruitment process outlined in Article 3, Section 3.01 Vacancy Recruitment.

THAT, Section 17.03 (A) of the Personnel Rules and Procedures be modified to read as follows:

**17.03 Exemptions to the Complaint Review Procedure**

A. At Will Employees

Individuals designated as at will employees pursuant to Section 7.03 serve at the pleasure of the General Manager/CEO or designee and are not subject to the provisions of Article 16, Disciplinary Action. This exclusion shall apply

to all employees at the EMT level, Director level and equivalent management level.

THAT, at will status will apply to Director and equivalent level managers hired, appointed, promoted, or transferred into a Director level and equivalent level manager position on or after January 15, 2019.

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PATRICK KENNEDY, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Cindy Brooks, Assistant Secretary