



STAFF REPORT

DATE: December 14, 2020

TO: Sacramento Regional Transit Board of Directors

FROM: Stephen Booth, AVP, Human Resources & Labor Relations

SUBJ: CONDITIONALLY REPEALING RESOLUTION IMPLEMENTING TERMS AND CONDITIONS AND CONDITIONALLY APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR OPERATING ENGINEERS, LOCAL 3 (ADMINISTRATIVE EMPLOYEES ASSOCIATION) FOR THE TERM OF JULY 1, 2020 THROUGH JUNE 30, 2025

RECOMMENDATION

Adopt the Attached Resolution.

RESULT OF RECOMMENDED ACTION

If the Resolution is approved and the Operating Engineers Local 3, Administrative Employees Association (OE3/AEA) bargaining unit votes in favor of adopting the Collective Bargaining Agreement, the Implemented Terms and Conditions of Employment for the Operating Engineers Local 3, Administrative Employees Association (OE3/AEA) bargaining unit that were approved by the Board at the February 10 Board Meeting would be rescinded and would be replaced by a Collective Bargaining Agreement (“CBA”) that would create a framework for administering wages, hours, and working conditions for the bargaining unit employees. It would also result in OE3 withdrawing, with prejudice, pending litigation in Sacramento Superior Court.

FISCAL IMPACT

The proposed collective bargaining agreement addresses compensation adjustments over six years, Fiscal Years 2020 through 2025, which includes court ordered adjustments for Fiscal Year 2020. By comparison, the implemented Terms and conditions it supersedes only provided compensation adjustments over three years, Fiscal Years 2020 through 2022. The additional average annual cost for the collective bargaining agreement over the six years is approximately \$100,000 including pension and benefits.

DISCUSSION

On February 10, 2020, by Board Resolution No. 20-02-0008, the Board authorized the General Manager/CEO to implement the terms of the “Last Best and Final Offer” to OE3/AEA dated October 17, 2019.

Representatives of the Sacramento Regional Transit District (SacRT) and OE3/AEA have now negotiated a Collective Bargaining Agreement (CBA) for employees in various classifications in the OE3/AEA bargaining unit. The negotiating team reached tentative agreement for a full and complete settlement of issues opened for negotiation, subject to ratification and approval by the bargaining unit employees and the SacRT Board of Directors and agreement to withdraw pending litigation.

The Contract Settlement Agreement (Attachment 1) includes the following key provisions:

- J Repeal of the Terms and Conditions of Employment approved by the Board effective February 10, 2020.
- J Withdrawal with prejudice by OE3 of Sacramento Superior Court Case No. 34-2020-80003322.
- J A five-year term effective July 1, 2020 through June 30, 2025.

The CBA provides an equitable total compensation package for employees while maintaining fiscal responsibility based upon important compromises on the part of each party, including:

- J Restoration of 5% anniversary pay increases based upon satisfactory performance for the period July 1, 2019 through June 30, 2020.
- J Establishment of 3% anniversary pay increases based upon satisfactory performance in each subsequent year of the contract, FY 2022 through FY 2025.
- J Range increases of 3% for each classification effective January 1, 2020 and on January 1 of each subsequent year of the contract.
- J Modification of overtime language to exclude unscheduled sick leave from the 40-hour work week threshold for entitlement to overtime compensation. Addition of an On-Call pay provision for hourly employees who are required to remain available outside of normal work hours to respond to calls to work.
- J Retention of health and welfare benefits and leave provisions as previously approved by the Board.
- J Retention of post-retirement health benefits provided to bargaining unit employees prior to Implemented Terms and Conditions.
- J Binding arbitration of grievances.

The terms for conditional settlement have been reduced to writing. The employee membership of the OE3/AEA will need to vote to ratify the terms for settlement. Staff recommends that the Board conditionally approve the terms for settlement as described in Attachment 1 tentatively agreed to by the parties on December 11, 2020 for the term of July 1, 2020, through June 30, 2025, pending confirmation of the affirmative vote of the represented employees, anticipated to be completed by December 14, 2020.

OE3 to Sac RT CONTRACT SETTLEMENT AGREEMENT

December 11, 2020

The following is a settlement agreement concerning current issues between the parties:

1. At the December 14, 2020 meeting, the SacRT Board of Directors will rescind the Implemented Terms and Conditions that were imposed effective February 10, 2020 and supersede them with a collective bargaining agreement the terms of which are described herein below.
2. OE3 will forthwith withdraw with prejudice its pending litigation in Sacramento County Superior Court Case No. 34-2020-80003322
3. The terms of the collective bargaining agreement will include:
 - A. Tentative Agreements obtained during bargaining in 2019 (list attached)
 - B. Art 10- Recruitment and Selection
 - C. Art 17- Wages/Salaries
 - D. Art 18- Overtime, CTO and On-Call provisions
 - E. Art 30- Layoff and Recall
 - F. Art 32- Retiree Health Benefits
 - G. Art 42- Grievance Procedure
 - H. Art 48- Term of Agreement
4. A Pandemic Telecommuting MOA allowing employees currently telecommuting any portion of the work week due to the COVID 19 pandemic will be permitted to continue to telecommute for the duration of federal, state and/or local restrictions relative to COVID 19.
5. A Modification of the Planner Series and Senior Governmental Affairs Officer MOA regarding classification title of the Senior Government Affairs Analyst to be retitled Senior Government Affairs Officer, and restoration of the Planner series pay ranges, and a commitment to bargain the Planner series reorganization.
6. An MOA to be compiled after final adoption mutually agreed upon by the parties to implement the pay provisions of this agreement quickly, clearly, and accurately.
7. This agreement is contingent upon approval by the SacRT Board of Directors and ratification of the OE3 membership.

FOR SAC RT:

David E. Long
12/11/2020

FOR OE3:

Felix M. [Signature]
12/11/20

Articles with TA :

Agreement — TA 9/17/2019

Article 1 Preamble – TA 7/23/2019

Article 2 Recognition – TA 09/05/2019

Article 3 Non-Discrimination – WD 08/08/2019

Article 4 Management's Rights – 7/23/2019 TA 7/30/2019

Article 5 Union Security – TA 7/30/2019

Article 6 – No Strike/No Lockout – TA 08/28/2019

Article 7 Work Rules & Standards – TA 08/13/2019

Article 8 Labor-Management Meetings –TA 7/23/2019

Article 9 New & Existing Job Classifications – TA 09-11-2019

Article 11 Seniority — TA 09/05/2019

Article 12 Personnel Records — TA 7/30/2019

Article 13 Promotion & Transfer Outside of BU – TA 08/08/2019

Article 14 Accruals for Transferring Employees – TA 09/05/2019

Article 15 Workday/Workweek – TA 09/26/2019

Article 16 Holidays – TA 08/28/2019

Article 19 – Paychecks & Deductions – TA 09/11/2019

Article 20 Transit Pass — WD 09/11/2019

Article 21 Sick Leave –TA 08/28/2019

Article 22 Voluntary Supplemental Sick Leave Account – WD 08/08/2019

Article 23 Vacation –TA 08/28/2019

Article 24 Personal Leave of Absence – TA 08/20/2019

Article 25 Bereavement Leave — WD 09/11/2019

Article 26 Jury Duty Leave — WD 09/11/2019

Article 27 Union Leave – TA 09/11/2019

Article 28 Industrial Illness Injury — TA 08/28/2019

Article 29 Light Duty – TA 08/28/2019

Article 31 – Insurance Benefits – TA 09/05/2019

Article 33 – Retirement Plan – TA 9/17/2019

Article 34 Flexible Spending Accounts – TA 7/30/2019

Article 36 Employee Assistance Program – TA 7/23/2019

Article 35 Education Assistance & Reimbursement Program – WD 09/11/2019

Article 37 Fitness for Duty Medical Examination – TA 08/28/2019

Article 38 DAT – WD 09/11/2019

Article 39 Safety & Sanitation –TA 7/23/2019

Article 40 Union Business – TA 9/17/2019

Article 41 Disciplinary Action - TA 09/26/2019

Article 44 Printing New Contract Books – TA 08/08/2019

Article 45 Waiver of Bargaining – TA 09/26/2019

Article 46 Assignability –TA 09/11/2019

Article 47 Termination and Legality (Savings) –TA 08/28/2019

RESOLUTION NO. 20-12-0155

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

December 14, 2020

**CONDITIONALLY REPEALING RESOLUTION NO. 20-02-0008 AND
CONDITIONALLY APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR
OPERATING ENGINEERS, LOCAL 3 (ADMINISTRATIVE EMPLOYEES
ASSOCIATION) FOR THE TERM OF JULY 1, 2020 THROUGH JUNE 30, 2025**

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

THAT, the labor contract settlement terms between Sacramento Regional Transit (SacRT) and Operating Engineers, Local 3, Administrative Employees Association (OE3/AEA), establishing compensation, benefits, retirement, and other terms and conditions of employment for members of the OE3/AEA bargaining unit, for the period of July 1, 2020 through June 30, 2025, are conditionally approved, pending confirmation of the affirmative vote of affected employees.

THAT, the General Manager/CEO is hereby authorized to bind SacRT to an initial Collective Bargaining Agreement (CBA) with OE3, establishing compensation, benefits, and other terms and conditions for employees.

THAT, the General Manager/CEO is hereby authorized to execute the CBA on behalf of SacRT to implement the terms upon ratification by the OE3 Membership.

THAT, Resolution No. 20-02-0008, which Implemented Terms and Conditions for Employment for the Operating Engineers Local 3/Administrative Employees Association (OE3/AEA) effective February 10, 2020 is conditionally repealed upon approval and execution of the CBA above and withdrawal with prejudice by OE3/AEA of Sacramento County Court Case No. 34-2020-80003322.

STEVE HANSEN, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Cindy Brooks, Assistant Secretary