

THIS PRINT COVERS CALENDAR ITEM NO.: 3A

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Human Resources

BRIEF DESCRIPTION:

Amend the Memorandum of Understanding (MOU) between the San Francisco Municipal Transportation Agency (SFMTA) and the Transport Workers' Union (TWU), Local 200 to: (1) add three classifications to the existing Expert Employee Premium, (2) adjust the base wage rate of class 7412 (Automotive Service Worker Assistant Supervisor) to match the Citywide pay rate, and (3) adjust the start time to qualify for Night Duty Pay for class 8121 (Fare Inspections Supervisor/ Investigator) only.

SUMMARY:

- Under the San Francisco Charter, the SFMTA shall fix the wages, hours, working conditions, and benefits of its employees in service critical classifications after meeting and conferring with the employee organizations representing those employees. (Charter Section 8A.104.)
- SFMTA and TWU Local 200 met and conferred, as required by the current MOU, and reached agreement on three amendments to the existing MOU.
- The first amendment will add three classifications to the Expert Employee Premium, which are: 1) 7412 Automotive Service Worker Assistant Supervisor 2) 9520 Transportation Safety Specialist and 3) 9144 Investigator, Taxi & Accessible Services.
- The second amendment will correct the base wage rate of the 7412 Automotive Service Worker Assistant Supervisor classification to align with the Citywide classification, and provide that the correction will be retroactive to the start of the current MOU term which is July 1, 2022.
- The third amendment will adjust the start time to qualify for Night Duty Pay for the 8121 Fare Inspections Supervisor/ Investigator classification only, to align the MOU with the status quo hours of service that the SFMTA changed in 2020 at the height of the COVID pandemic.
- The total cost of the amendments is \$266,323 and there is funding in the current FY24 budget available to meet these costs.
- The content of the sideletter agreements and all other required information were publicly disclosed in accordance with Charter Section 8A.104(r) on June 6, 2023.

ENCLOSURES:

1. SFMTAB Resolution
2. Sideletter – Expert Employee Premium
3. Sideletter – City Pay Parity
4. Sideletter – Night Duty Premium

APPROVALS:

	DATE
DIRECTOR 	June 21, 2023
SECRETARY 	June 21, 2023

ASSIGNED SFMTAB CALENDAR DATE: June 30, 2023

PAGE 2

PURPOSE

Amend the Memorandum of Understanding (MOU) between the San Francisco Municipal Transportation Agency (SFMTA) and the Transport Workers' Union (TWU), Local 200 to: (1) add three classifications to the existing Expert Employee Premium, (2) adjust the base wage rate of class 7412 (Automotive Service Worker Assistant Supervisor) to match the Citywide pay rate, and (3) adjust the start time to qualify for Night Duty Pay for class 8121 (Fare Inspections Supervisor/ Investigator) only.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

This item addresses the following Strategic Plan Goals and Objectives:

Goal 2 – Create a work environment that is responsive, equitable and inclusive.

Goal 3 – Recruit, hire and invest in a diverse workforce.

This item does not directly address any of the Transit First Policy Principles but supports all of them.

DESCRIPTION

The TWU Local 200 represents approximately 388 employees in 14 job classes such as Automotive Service Worker Assistant Supervisor, Fare Inspections Supervisor/ Investigators, and Transportation Safety Specialists. SFMTA and TWU Local 200 met and conferred, as required by the current MOU, and reached agreement on three amendments to the existing MOU.

First, the SFMTA and TWU Local 200 agreed to make changes related to the Expert Employee Premium, which is a premium found in the parties' current MOU and includes specific criteria employees can follow to achieve the premium under three escalating tiers. The current MOU between SFMTA and TWU Local 200 required the parties to meet and confer regarding adding classifications to the Expert Employee Premium. SFMTA and TWU Local 200 met and conferred and reached agreement on adding three classifications to the Expert Employee Premium, including the 7412 Automotive Service Worker Assistant Supervisor and 9520 Transportation Safety Specialist using the existing criteria, and class 9144 Investigator, Taxi & Accessible Services using modified criteria.

Second, the SFMTA and TWU Local 200 reached agreement on 7412 Automotive Service Worker Assistant Supervisor pay parity. The San Francisco Charter states that for any job classification that exists both as a service critical class in the SFMTA and elsewhere in the City, the wage rate for the service critical class should not be less than that for the Citywide classification. (Charter §8A.104(k).) The SFMTA and TWU Local 200 identified that the base wage rate of the 7412 Automotive Service Worker Assistant Supervisor classification at SFMTA is less than the Citywide classification and agreed to correct this retroactive to the start of the current MOU term, which is July 1, 2022.

PAGE 3

During the COVID pandemic in August 2020, the regular hours of service for 8121 Fare Inspections Supervisor/ Investigator were changed. Accordingly, the SFMTA agreed at that time that employees working in the adjusted shifts that had previously qualified for the swing shift pay should continue receiving the Night Duty pay. The SFMTA and TWU Local 200 agreed to adjust the start time to qualify for Night Duty Pay for the 8121 classification only, to align the MOU with the status quo hours of service in place since 2020.

The following table provides a summary of the amendments to the MOU and a high-level description. For the full terms, see three sideletters for Expert Employee Premium, City Pay Parity, and 8121 Night Duty Premium here: <https://www.sfmta.com/notices/sunshining-2023-sideletters-memoranda-understanding-mous>. The sideletter agreements would go into effect July 1, 2023, and continue through the current MOU term, which expires on June 30, 2024, and includes the following changes from the current MOU:

Topic	Proposed Change
Expert Employee Premium	Add classes 7412 Automotive Service Worker Assistant Supervisor and 9520 Transportation Safety Specialist to the premium using the existing criteria, and add class 9144 Investigator, Taxi & Accessible Services to the Premium using modified criteria.
7412 Automotive Service Worker Assistant Supervisor City Pay Parity	Adjust base wage rate for the 7412 classification to match the base wage rate of the 7412 under the Citywide CBA, as required by the Charter, retroactive to the start of the current CBA term, which is July 1, 2022.
Night Duty for 8121 Fare Inspections Supervisor/ Investigator	Adjust the start time to qualify for Night Duty Pay, for Class 8121 only, to align with status quo in place since 2020.

STAKEHOLDER ENGAGEMENT

The SFMTA engaged in good faith discussions with TWU Local 200 and reached mutual agreement on the terms of these sideletters.

ALTERNATIVES CONSIDERED

If the Board chooses to reject this agreement, the MOU will remain unchanged.

FUNDING IMPACT:

The total cost of the agreement to the Fiscal Year (FY) 2024 Operating Budget is \$266,323. Funds are available in the FY24 budget.

ENVIRONMENTAL REVIEW

On May 31, 2023, the SFMTA, under authority delegated by the Planning Department, determined that the amendments to the memorandum of understanding between SFTMA and

PAGE 4

Transport Workers Union Local 200 is not a “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b).

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

No additional approvals required. The City Attorney has reviewed this calendar item.

RECOMMENDATION

Staff recommends that the SFMTA Board amend the Memorandum of Understanding (MOU) between the San Francisco Municipal Transportation Agency (SFMTA) and the Transport Workers’ Union (TWU), Local 200 to: (1) add three classifications to the existing Expert Employee Premium, (2) adjust the base wage rate of class 7412 (Automotive Service Worker Assistant Supervisor) to match the Citywide pay rate, and (3) adjust the start time to qualify for Night Duty Pay for class 8121 (Fare Inspections Supervisor/ Investigator) only..

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, Under Charter Section 8A.104, the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors succeeded to the powers of the Mayor, City Human Resources Director, and Board of Supervisors with respect to collective bargaining for employees in critical service classifications; and

WHEREAS, The SFMTA and the Transport Workers' Union (TWU), Local 200 met and conferred, as required by the current Memorandum of Understanding (MOU), regarding adding classifications to the Expert Employee Premium, and reached mutual agreement to add three classifications; and

WHEREAS, The SFMTA and the TWU Local 200 identified that the base wage rate of the 7412 Automotive Service Worker Assistant Supervisor classification at the SFMTA is less than the Citywide classification and agreed to correct this retroactive to the start of the current MOU term; and

WHEREAS, The SFMTA and the TWU Local 200 agreed to adjust the start time to qualify for Night Duty Pay for the 8121 Fare Inspections Supervisor/Investigator classification only, to align the MOU with the status quo hours of service; and

WHEREAS, On May 31, 2023, the SFMTA, under authority delegated by the Planning Department, determined that the amendments to the memorandum of understanding between SFMTA and Transport Workers Union Local 200 is not a "project" under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and

WHEREAS, A copy of the CEQA determinations are on file with the Secretary to the SFMTA Board of Directors, and is incorporated herein by reference; and

WHEREAS, The sideletter agreements and all other required information were publicly disclosed in accordance with Charter Section 8A.104(r) on June 6, 2023 at a noticed meeting of the SFMTA Board of Directors, and is on file with the Secretary of the SFMTA Board of Directors; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors approves the amendments to the Memorandum of Understanding between the San Francisco Municipal Transportation Agency and the Local 200 Transport Workers' Union (TWU), Local 200 to: (1) add three classifications to the existing Expert Employee Premium, (2) adjust the base wage rate of class 7412 (Automotive Service Worker Assistant Supervisor) to match the Citywide pay rate, and (3)

adjust the start time to qualify for Night Duty Pay for class 8121 (Fare Inspections Supervisor/ Investigator) only.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of June 30, 2023.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency



London Breed, Mayor

Amanda Eaken, Chair
Gwyneth Borden, Vice Chair
Stephanie Cajina, Director

Steve Heminger, Director
Fiona Hinze, Director
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

**SIDELETTER BETWEEN
THE TRANSPORT WORKERS' UNION, LOCAL 200
AND
THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY
REGARDING EXPERT EMPLOYEE PREMIUM**

WHEREAS, the current Collective Bargaining Agreement (CBA) between the San Francisco Municipal Transportation Agency (SFMTA) and the Transport Workers' Union, Local 200 (Union), includes provisions for the Expert Employee Premium for employees in the 9136 Training Specialist, 9139 Transit Supervisor, 9153 Transportation Controller, and 9160 Transit Operations Specialist classifications (CBA, Art. III.C, Sec. 15); and

WHEREAS, in accordance with paragraph 191 of the CBA, the Union and SFMTA have met and conferred over the eligibility of additional classifications for the Expert Premium;

NOW THEREFORE, the Union and SFMTA agree as follows:

1. Effective July 1, 2023, the 7412 Automotive Service Worker Assistant Supervisor and 9520 Transportation Safety Specialist will be eligible for the Expert Employee Premium, with the same qualification criteria set forth in Article III.C, Section 15. Expert Employee Premium of the 2022-2024 CBA.
2. Effective July 1, 2023, the 9144 Investigator, Taxi & Accessible Services classification will be added to the list of eligible classifications for the Expert Employee Premium. The qualification criteria for this classification shall be as follows:
 - 1) Tier 1: Employees will be paid a Tier 1 Premium of two percent (2%) of the hourly rate of pay per hour for all pay periods in which they meet all of the following conditions:
 - a. Worked at least 1776 regular hours (excluding overtime hours but including time the employee would have worked but for leave taken under the Family and Medical Leave Act, the California Family Rights Act, the Uniformed Services Employment and Re-Employment Rights Act, California Kin



Care, or as required by law) in the previous twelve (12) months;

- b. Conducted enforcement activities in all of the following permit programs in the previous twelve (12) month period:
 - Taxis
 - Commuter Shuttles
 - Electric Scooters
 - Bikeshare
 - c. Served no disciplinary suspensions in the previous twelve (12) month period.
- 2) Tier 2: Employees will be paid a Tier 2 Premium of four percent (4%) of the hourly rate of pay per hour for all pay periods in which they meet all of the following conditions:
- a. All requirements of Tier 1;
 - b. Of the employee's agreed upon regular schedule in the previous twelve (12) month period, at least 25% of the hours were outside of the regular business hours of Monday through Friday, 09:00 to 17:00;
 - c. No substantiated violations of safety rules in the previous twelve (12) month period.
- 3) Tier 3: Employees will be paid a Tier 3 Premium of six percent (6%) of the hourly rate of pay per hour for all pay periods in which they meet all of the following conditions:
- a. All requirements of Tiers 1 and 2;
 - b. Received no written reprimands or written warnings in the previous twelve (12) month period.



3. The parties agree to incorporate the terms in this Sideletter in the next amended or successor CBA.

For the San Francisco Municipal
Transportation Agency

A handwritten signature in blue ink, appearing to read 'Jeffrey P. Tumlin', is written over a horizontal line.

May 25, 2023

Jeffrey P.
Tumlin
Director of Transportation

Date

For the Transport Workers' Union,
Local 200

A handwritten signature in black ink, appearing to read 'Leroy Wilson', is written over a horizontal line.

Leroy Wilson
Date 5/17/23
President

Approved as to Form

A handwritten signature in black ink, appearing to read 'Jonathan Rolnick', is written over a horizontal line.

May 25, 2023

Jonathan Rolnick
Chief Labor Attorney

Date



London Breed, Mayor

Amanda Eaken, Chair
Gwyneth Borden, Vice Chair
Stephanie Cajina, Director

Steve Heminger, Director
Fiona Hinze, Director
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

**SIDELETTER BETWEEN
THE TRANSPORT WORKERS' UNION, LOCAL 200
AND
THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY
REGARDING 7412 AUTOMOTIVE SERVICE WORKER ASSISTANT SUPERVISOR
CITY PAY PARITY**

WHEREAS, the current Collective Bargaining Agreement between the San Francisco Municipal Transportation Agency (SFMTA) and the Transport Workers' Union, Local 200 (Union) (the "SFMTA CBA"), provides for the wages of all represented classifications, including the 7412 Automotive Service Worker Assistant Supervisor.

WHEREAS, the Collective Bargaining Agreement between the City and County of San Francisco (City) and the Transport Workers' Union, Local 200 (Union) (the "Citywide CBA"), also provides for the wages of all represented classifications, including the 7412 Automotive Service Worker Assistant Supervisor.

WHEREAS, the SFMTA Employee Relations Operating Resolution, Section 16.216, and the San Francisco Charter, Section 8A.104(k), both state, in pertinent part, "For any job classification that exists both as a 'service-critical' classification in the SFMTA and elsewhere in City service, the base wage rate negotiated by the Agency for that classification shall not be less than the wage rate set in the Citywide memorandum of understanding for the classification."

NOW THEREFORE, the Union and SFMTA agree as follows:

1. Retroactive to July 1, 2022, the base wage rate for the 7412 Automotive Service Worker Assistant Supervisor at SFMTA shall be the same as the base wage of the 7412 under the Citywide CBA.
2. The parties agree to incorporate the terms in this Sideletter in the next amended or successor SFMTA CBA.

For the San Francisco Municipal
Transportation Agency

For the Transport Workers' Union,
Local 200



Jeffrey P. Tumlin

May 25, 2023

Jeffrey P.
Tumlin
Director of Transportation

Date

Leroy Wilson

Leroy Wilson
Date 5/17/23
President

Date
President

Approved as to Form

Jonathan Rolnick

May 25, 2023

Jonathan Rolnick
Chief Labor Attorney

Date



London Breed, Mayor

Amanda Eaken, Chair
Gwyneth Borden, Vice Chair
Stephanie Cajina, Director

Steve Heminger, Director
Fiona Hinze, Director
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

**SIDELETTER BETWEEN
THE TRANSPORT WORKERS' UNION, LOCAL 200
AND
THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY
REGARDING 8121 TRANSIT FARE INSPECTORS SUPERVISOR NIGHT DUTY**

WHEREAS, the current Collective Bargaining Agreement (CBA) between the San Francisco Municipal Transportation Agency (SFMTA) and the Transport Workers' Union, Local 200 (Union), includes provisions for Night Duty pay for employees covered under the CBA; and

WHEREAS, it was the intent of the parties to the CBA to adjust the swing shift hours for the 8121 Transit Fare Inspector Supervisors in the Security, Investigations and Enforcement Department under the Safe Sustainable Streets Unit to match the schedule change that went into effect on or around August 29, 2020;

NOW THEREFORE, the Union and SFMTA agree as follows:

1. Retroactive to July 1, 2022, employees in classification 8121 Transit Fare Inspector Supervisors shall be paid eight and one half percent (8.5%) more than the base rate for each hour actually worked between 3:00 p.m. and 12:00 a.m. (swing), except for those employees working a normal shift in excess of eight (8) hours per day that requires work between the hours of 3:00 p.m. and 12:00 a.m. Employees working at least five (5) hours of their regular shift between 3:00 p.m. and 12:00 a.m. shall receive the 8.5% differential for the entire shift. Night shift premium shall be paid only for days and hours actually worked, as set forth above, except for statutory holidays and vacation days.
2. This Sideletter shall not apply to any other employee covered by the CBA, all of whom will continue to receive Night Duty pay in accordance with Article III.C, Section 1., "Night Duty", of the 2022-2024 CBA.
3. The Parties agree to incorporate the terms in this Sideletter in the next amended or successor CBA.



For the San Francisco Municipal
Transportation Agency

A handwritten signature in blue ink, appearing to read 'Jeffrey P. Tumlin', is written over a horizontal line.

May 25, 2023

Jeffrey P. Tumlin
Director of Transportation

Date

For the Transport Workers' Union,
Local 200

A handwritten signature in black ink, appearing to read 'Leroy Wilson', is written over a horizontal line.

5/17/23

Leroy Wilson
President

Date

Approved as to Form

A handwritten signature in black ink, appearing to read 'Jonathan Rolnick', is written over a horizontal line.

May 25, 2023

Jonathan Rolnick
Chief Labor Attorney

Date