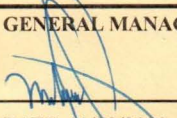
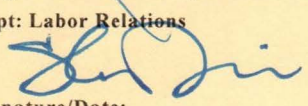
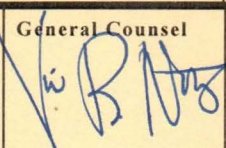
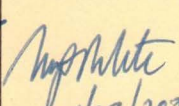
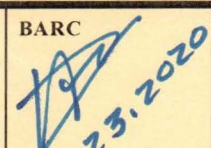




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  11/24/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/20/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Shana Dines Dept: Labor Relations  Signature/Date: 11/23/20	General Counsel  11/23/20 []	Controller/Treasurer  11/23/2020 []	District Secretary []	BARC  11.23.2020 []

Resolutions Ratifying the Agreements to Extend Collective Bargaining Agreements and Create Successor Agreements with the AFSCME Local 3993, ATU Local 1555, and SEIU Local 1021

PURPOSE:

To obtain approval of the attached resolutions ratifying three (3) Agreements to Extend the Collective Bargaining Agreements (CBAs) and Create Successor Agreements between the San Francisco Bay Area Rapid Transit District and the American Federation of State, County and Municipal Employees, Local 3993 (AFSCME), the Amalgamated Transit Union, Local 1555 (ATU), and the Service Employees International Union, Local 1021 (SEIU).

DISCUSSION:

The District's CBAs with the AFSCME, ATU, and SEIU are all expiring on June 30, 2021. Given the financial uncertainty arising from the impacts of the COVID-19 pandemic, as well as the difficulty in engaging in traditional labor negotiations during the pandemic, the District and its unions, AFSCME, ATU, and SEIU, agreed to and did engage in limited scope bargaining to extend the CBAs and create successor Agreements. The negotiations were limited primarily to wages. Following negotiations, tentative agreements were reached with all three unions to extend the 2013-2021 CBAs and create successor agreements for the 3-year term of July 1, 2021 through June 30, 2024.

The tentative agreements specify that there will be no wage increase in the first year of the contract (FY22), and provides for potential wage increases in the second and third years of the contract (FY23 and FY24), based on ridership as compared to pre-COVID levels. On July 1 and January 1 of those two years, ridership will be evaluated based on the prior quarter's average weekday ridership. Ridership must reach 60% of pre-COVID levels before employees receive a wage increase. The increase at 60% or pre-COVID ridership is

0.4% in FY23 and 0.75% in FY24. Higher levels of ridership will result in higher wage increases, with a maximum potential increase of 2.0% in FY23 and 2.5% in FY24, if the District achieves 100% of pre-COVID ridership. A more detailed summary of the actual potential increases is in the attached tentative agreements. The Unions also agreed to continue the \$37/month increase in medical contributions originally agreed upon in 2013 negotiations and continued in the 2016 contract extension.

In addition, the tentative agreements provide that the separate and distinct eBART bargaining units will be dissolved and bargaining unit employees will be accreted into the applicable BART bargaining units. The terms of the eBART modifications vary slightly by bargaining unit and are more fully detailed in the attached tentative agreements. The dissolution of eBART as a separate unit will coincide with organizational changes to the E-Line Diesel Multiple Unit (DMU) System, including the addition of Station Agents at Antioch Station, who will also have remote control and will travel to Pittsburg Center Station to assist patrons as needed. The accretion and reorganization of all eBART bargaining units is a cost-neutral move which will boost employee morale, settle outstanding grievances, and improve efficiency by better incorporating the E-Line DMU System into BART operations.

With respect to AFSCME and SEIU, the District was able to reach an agreement regarding the District's decision to contract out the property management and building maintenance work to be performed at the District's new headquarters (BHQ), which staff will move in to by June 30, 2021. These Unions have entered into separate Letters of Agreement which specify that they will not object to contracting out those services for a period of five (5) years following the move into the BHQ. ATU had no members potentially affected by the decision to contract out this work and therefore was not part of this agreement.

ATU did, however, acknowledge that the Antioch transfer platform and Berryessa extension have increased run times and therefore agreed to increase the number of 4/10 shifts that may be scheduled for train operators, a change which will significantly increase scheduling flexibility and efficiency.

Finally, the tentative agreements recognize the District's 7-point plan to address the budgetary concerns facing the District, and provide an avenue for the parties to elect to resume negotiations, should the District determine that a reduction in force is necessary, to find additional cost savings.

ATU ratified the Agreement on November 18, 2020.

SEIU ratified the Agreement on November 20, 2020.

AFSCME ratified the Agreement on November 24, 2020.

FISCAL IMPACT:

There is no cost in FY22. The potential costs in FY23 and FY24 depend on ridership and staffing levels. Based on the current forecast for ridership recovery over the next three (3) years and based on current staffing levels, BART's annual labor expense would increase by \$3.4M in FY23 and an additional \$5.6M in FY24. The continuation of the additional medical contribution for active and retired employees will result in an estimated savings of \$2.3M annually.

ALTERNATIVES:

Reject one, two or all of the tentative agreements. If the Board does not approve the extension and creation of the successor CBAs, labor negotiations with the impacted Unions would commence.

RECOMMENDATION:

Adoption of the following motions:

MOTION:

The Board approves the attached resolution ratifying the extension and creation of a successor Collective Bargaining Agreement between the San Francisco Bay Area Rapid Transit District and the American Federation of State, County and Municipal Employees, Local 3993 (AFSCME), July 1, 2021 – June 30, 2024.

The Board approves the attached resolution ratifying the extension and creation of a successor Collective Bargaining Agreement between the San Francisco Bay Area Rapid Transit District and the Amalgamated Transit Union, Local 1555 (ATU), July 1, 2021 – June 30, 2024.

The Board approves the attached resolution ratifying the extension and creation of a successor Collective Bargaining Agreement between the San Francisco Bay Area Rapid Transit District and the Service Employees International Union, Local 1021 (SEIU), July 1, 2021 – June 30, 2024.