

THIS PRINT COVERS CALENDAR ITEM NO. : 10.4

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Office of the Board of Directors

BRIEF DESCRIPTION:

Approving Amendment No. 3 to the Employment Agreement between the City and Edward D. Reiskin, to provide for benefits equivalent to specified benefits provided for members of the Executive Management bargaining unit under Municipal Executives Association Memorandum (MEA MOU) of Understanding for FY2014-2019, effective July 1, 2017.

SUMMARY:

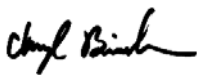
- Charter Section 8A.102(c)(1) requires the SFMTA Board of Directors to appoint a Director of Transportation, who is employed “pursuant to an individual contract.”
- The Board appointed Edward D. Reiskin to the position of Director of Transportation, and approved an employment agreement setting forth the terms and conditions of his employment (Employment Agreement), with a term from August 15, 2011 through August 14, 2014.
- Among other things, the Employment Agreement provided benefits equivalent to those provided to members of the Executive Management bargaining unit under specified provisions of the MEA MOU for Fiscal Year 2006-2012.
- The SFMTA Board may determine to amend the Employment Agreement (proposed Amendment No. 3) to update the benefits provision by incorporating specified provisions of the MEA MOU for Fiscal Year 2014-2019, which the Board approved on April 4, 2017. The proposed Amendment No. 3 would continue to incorporate the same provisions of the MEA MOU as Amendment No. 2, and would be effective July 1, 2017.

ENCLOSURES:

1. SFMTAB Resolution
2. Amendment No. 3 to the Employment Agreement

APPROVALS:

DATE

CHAIRMAN:  5/5/17

SECRETARY:  5/5/17

ASSIGNED MTAB CALENDAR DATE: May 16, 2017

PAGE 2.

PURPOSE

Approving Amendment No. 3 to the Employment Agreement between the City and Edward D. Reiskin, to provide for benefits equivalent to specified benefits provided for members of the Executive Management bargaining unit under Municipal Executives Association Memorandum of Understanding for FY2014-2019, effective July 1, 2017.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

Indirectly this calendar items supports all goals in the Strategic Plan as well as Transit First Policy Principles, as it appropriately compensates the Director of Transportation who leads the SFMTA toward the achievement of all goals, objectives and principles.

DESCRIPTION:

Background

Charter Section 8A.102(c) states in part: “The Agency’s board of directors shall: (1) Appoint a Director of Transportation, who shall serve at the pleasure of the Board. The Director of Transportation shall be employed pursuant to an individual contract.”

On August 2, 2011, the SFMTA Board of Directors appointed Edward D. Reiskin to the position of Director of Transportation, effective August 15, 2011, and approved the execution of an Employment Agreement by Resolution #11-113. The Employment Agreement set forth the terms and conditions of Mr. Reiskin’s employment including authority and duties; appointment; term of appointment; extent of service; compensation and benefits, and termination and severance. Among other things, the Employment Agreement provided benefits equivalent to specified benefits provided to members of the Executive Management bargaining unit under the MEA MOU for Fiscal Year 2006-2012.

On December 3, 2013, the SFMTA Board of Directors approved Amendment No. 1 to the Employment Agreement, to extend the term of Mr. Reiskin’s employment for five additional years to August 14, 2019. In addition, the amendment continued to provide Mr. Reiskin with benefits equivalent to specified benefits provided for members of the Executive Management bargaining unit under the MEA MOU, but updated the reference to the MEA MOU for Fiscal Year 2012-2014.

On January 20, 2015, the SFMTA Board of Directors approved Amendment No. 2 to the Employment Agreement. The amendment continued to provide Director Reiskin with benefits equivalent to specified benefits provided for members of the Executive Management bargaining unit under the MEA MOU, but updated the reference to the MEA MOU for Fiscal Years 2014-2017. The amendment further provided that the October 11, 2014 wage adjustment in that MEA MOU would apply as of January 20, 2015.

PAGE 3

On April 4, 2017, the SFMTA Board of Directors approved a Tentative Agreement for a successor MEA MOU, to extend the term from June 30, 2017, to June 30, 2019 and provide for a base wage increase of three percent in Fiscal Year 2018 and a base wage increase of three percent in Fiscal Year 2019.

Amendment No. 3 would amend the Employment Agreement with Director Reiskin to continue to provide benefits equivalent to specified benefits provided for members of the Executive Management bargaining unit under the MEA MOU, but updates the reference to the MEA MOU for Fiscal Years 2014-2019. Under this amendment, Director Reiskin would receive the three percent base wage increases in FY18 and FY19, and other benefits equivalent to specified benefits in the MEA MOU.

STAKEHOLDER ENGAGEMENT

None.

ALTERNATIVES CONSIDERED

The SFMTA Board of Directors could choose not to amend the contract; however, this would mean that Director Reiskin would not receive the base wage increases that every other employee of the SFMTA will receive, including Executive Management members covered by the MEA MOU.

FUNDING IMPACT

Amendment No. 3 will have minimal financial impact.

ENVIRONMENTAL REVIEW

On April 24, 2017, the SFMTA, under authority delegated by the Planning Department, determined that amending the Employment Agreement with the Agency's Director of Transportation Edward D. Reiskin to provide standard salary pay increases consistent with those specified for other City & County of San Francisco employees covered by the Municipal Executive Association Memorandum of Understanding for FY 2014-2019 is not defined as 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

The City Attorney has reviewed this calendar item.

PAGE 4

No other approvals are required.

RECOMMENDATION

Approval of this item is a policy matter for the SFMTA Board of Directors.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The Board of Directors of the San Francisco Municipal Transportation Agency (SFMTA) has the duty under San Francisco Charter Section 8A.102(c)(1) to appoint a Director of Transportation who shall serve at the pleasure of the Board; and,

WHEREAS, Charter Section 8A.102(c)(1) requires that the Director of Transportation be employed pursuant to an individual employment contract; and,

WHEREAS, On August 2, 2011, the Board of Directors appointed Edward D. Reiskin to the position of Director of Transportation, effective August 15, 2011, to serve in that capacity until August 14, 2014; and,

WHEREAS, By Resolution No. 11-113, dated August 2, 2011, the SFMTA Board of Directors approved an Employment Agreement between the City and County of San Francisco ("City") and Edward D. Reiskin, which specified the terms and conditions of his employment including authority and duties; appointment; term of appointment; extent of service; compensation and benefits, and termination and severance. Benefits were equivalent to specified benefits provided to a member of the Executive Management bargaining unit under the Memorandum of Understanding between the Municipal Executives Association and the SFMTA (MEA MOU) for Fiscal Year 2006-2012; and,

WHEREAS, On December 3, 2013, the SFMTA Board of Directors approved Amendment No. 1 to the Employment Agreement to extend the term of the contract from August 14, 2014 to August 14, 2019, and to update the reference to the MEA MOU, to provide benefits equivalent to specified benefits provided to members of the Executive Management bargaining unit under the MEA MOU for Fiscal Year 2012-2014; and,

WHEREAS, On January 20, 2015, the SFMTA Board of Directors executed Amendment No. 2 to the Employment Agreement to update the reference to the MEA MOU, to provide benefits equivalent to specified benefits provided to members of the Executive Management bargaining unit under the MEA MOU for Fiscal Years 2014-2017, provided that the October 11, 2014 base wage adjustment in the 2015 MEA MOU was applied as of January 20, 2015; and,

WHEREAS, On April 4, 2017, the SFMTA Board of Directors approved a Tentative Agreement for a successor MEA MOU to extend the term from June 30, 2017, to June 30, 2019 and provide for a base wage increase of three percent in Fiscal Year 2018 and a base wage increase of three percent base in Fiscal Year 2019; and,

WHEREAS, On April 24, 2017, the SFMTA, under authority delegated by the Planning Department, determined that amending the Employment Agreement with the Agency's Director of Transportation Edward D. Reiskin to provide standard salary pay increases consistent with

those specified for other City & County of San Francisco employees covered by the Municipal Executive Association Memorandum of Understanding for FY 2014-2019 is not defined as 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 determination is on file with the Secretary to the SFMTA Board of Directors, and is incorporated herein by reference; and,

WHEREAS, The SFMTA Board of Directors wishes to amend the Employment Agreement to provide Mr. Reiskin with benefits equivalent to specified benefits provided for members of the Executive Management bargaining unit under the MEA MOU for FY2014-2019; now, therefore be it

RESOLVED, That the SFMTA Board of Directors hereby approves Amendment No. 3 to the Employment Agreement between the City and Edward D. Reiskin, to provide for benefits equivalent to specified benefits provided for members of the Executive Management bargaining unit under Municipal Executive Association Memorandum of Understanding for FY2014-2019, effective July 1, 2017.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of May 16, 2017.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

AMENDMENT No. 3 TO
SFMTA EMPLOYMENT AGREEMENT WITH EDWARD D. REISKIN

This Third Amendment to the August 2, 2011 SFMTA Employment Agreement (“Employment Agreement”) between the City and County of San Francisco (“City”) and Edward D. Reiskin (“Reiskin”), is entered this [] day of [], 2017 (“Effective Date”), between the City, acting by and through its Board of Directors (“Board”) of the San Francisco Municipal Transportation Agency (“SFMTA”), and Reiskin.

WHEREAS, the parties amended the Employment Agreement by entering a First Amendment on December 3, 2013, and by entering a Second Amendment on January 20, 2015; and

WHEREAS, the parties wish to amend the Employment Agreement to update the provision regarding benefits;

NOW THEREFORE, the parties hereby agree to amend the Employment Agreement, as amended by the First Amendment and Second Amendment, as follows:

1. **Section 5, Compensation and Benefits** is amended to read as follows:
 - (a) [Same as text of Employment Agreement]
 - (b) [New text] Reserved.
 - (c) [Same as text of Employment Agreement, relettered to (b)]
 - (d) [New text, relettered to (c)] Except as otherwise provided in this Agreement, and subject to the limitations in Government Code Sections 3511.2 and 53260, Reiskin is entitled and subject to the benefits, obligations and other terms and conditions of employment equivalent to those provided for a member of the Executive Management bargaining unit (TEM) under the provisions of the Memorandum of Understanding for fiscal years 2014-2019 between the Municipal Executives Association (“MEA”) and SFMTA (the “2019 MEA MOU”) that are specified in Exhibit A to this Agreement. When the 2019 MEA MOU refers to action by the Appointing Officer or City, such action shall be taken by the SFMTA Board of Directors. After expiration or amendment of the 2019 MEA MOU, the terms in effect immediately prior to expiration or amendment will continue to apply for the term of this Agreement, until such time as the Board and Reiskin agree to an amendment in accordance with Section 12.

2. **Exhibit A** is amended to read as follows:

Exhibit A
Employment Agreement

Reiskin is entitled and subject to the benefits, obligations and other terms and condition of employment equivalent to those provided under the following provisions of the 2019 MEA MOU, as provided in paragraph 5(c) of the

Employment Agreement.

Article III – Pay, Hours and Benefits

- Section III(A) – Wages
- Section III(K) – Administrative Leave, para. 152 only
- Section III(S) – Holidays, paras. 177 – 180, 183 – 185, 186 – 189 only
- Section III(T) – Vacation
- Section III(U) – Sick Leave
- Section III(V) – State Disability Insurance (SDI)
- Section III(X) – Management Flex Spending – Compensation Package
- Section III(AA) – Retirement Planning Seminar
- Section III(BB) – Life Insurance
- Section III(DD) – Parental Release Time
- Section III(EE) – Direct Deposit of Payments
- Section III(FF) – VDT Examination

Article IV – Training, Career Development and Incentives

- Section IV(C) – Reimbursement for Licenses, Certificates and Professional Memberships

Article V – Working Conditions

- Section V(B) – Mileage Reimbursement
- Section V(C) – Parking Facilities

Article V – Working Conditions

- Section V(B) – Mileage Reimbursement
- Section V(C) – Parking Facilities

3. **All other terms and conditions** of the Employment Agreement shall remain in full force and effect.
4. **Effective Date.** This Amendment shall be effective July 1, 2017.

IN WITNESS WHEREOF, Reiskin and City have executed this Third Amendment as of the date first referenced above.

Cheryl Brinkman, Chairman
SFMTA Board of Directors

Edward D. Reiskin

Approved as to Form:
Dennis J. Herrera
City Attorney

Authorized by Municipal Transportation Agency
Board of Directors
Resolution No.: _____
Adopted: _____

By: _____
Katharine Hobin Porter
Chief Labor Attorney

Attest: _____
Roberta Boomer, Secretary
SFMTA Board of Directors

