

**THIS PRINT COVERS CALENDAR ITEM NO. : 10.3**

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Office of the Board of Directors

**BRIEF DESCRIPTION:**

Approving Amendment #1 to the Employment Agreement between the City and County of San Francisco and Edward D. Reiskin to extend the term of his contract to August 14, 2019.

**SUMMARY:**

- As required by the Charter, the SFMTA Board of Directors appointed Edward D. Reiskin to the position of Director of Transportation on August 2, 2011.
- The SFMTA Board also approved an employment agreement set forth the primary terms and conditions of employment.
- The agreement included an initial term of three years from August 15, 2011 to August 14, 2014.
- The SFMTA Board wishes to extend the term for an additional five years to August 14, 2019.

**ENCLOSURES:**

1. SFMTAB Resolution
2. Amendment #1

APPROVALS:

DATE

CHAIRMAN: \_\_\_\_\_ *Tom Nolan* \_\_\_\_\_ 11/25/13

SECRETARY: \_\_\_\_\_ 11/25/13

**ASSIGNED MTAB CALENDAR DATE:** December 3, 2013

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### **PURPOSE**

To approve Amendment #1 to the Employment Agreement between the City and County of San Francisco and Edward D. Reiskin to extend the term of his contract to August 14, 2019.

### **GOAL**

Indirectly this calendar items supports all goals in the Strategic Plan as the Director of Transportation the SFMTA toward the achievement of all goals.

### **DESCRIPTION:**

#### **Background**

Charter Section 8A.102 (c) states that “The Agency’s board of directors shall 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. His or her compensation shall be comparable to the compensation of the chief executive officers of the public transportation systems in the United States which the directors, after an independent survey, determine most closely resemble the Agency in size, mission, and complexity”.

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 Agreement provides for 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.

The term of the agreement sets a term of three years from August 15, 2011 to August 14, 2014.

Based on the SFMTA Board of Directors performance evaluation of the Director of Transportation, the Chairman and the Vice Chairman of the SFMTA Board of Directors, have recommended that the SFMTA Board of Directors approve Contract Amendment #1 to extend the term of Mr. Reiskin’s Agreement for five years from August 14, 2014 to August 14, 2019

In addition, pursuant to Section 5D Compensation & Benefits of the SFMTA Employment Agreement between Mr. Reiskin and the City and County of San Francisco, Director Reiskin is entitled to 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 under the FY2006-2012 agreement between the Municipal Executives Association and the SFMTA. A new Memorandum of Understanding went into effect as of July 1, 2012 for a term ending June 30, 2014. The SFMTA Board wishes to revise the Employment Agreement to delete reference to the FY2006-2012 agreement and continue to provide Mr. Reiskin with the benefits, obligations, and other terms and conditions of employment provided for a member of the Executive

Management bargaining unit under the FY2012-2014 agreement between the Municipal Executives Association and the SFMTA. The MEA agreement governs only Mr. Reiskin's benefits and other terms and conditions of employment; Mr. Reiskin's compensation is governed by the individual SFMTA Employment Agreement.

**FUNDING IMPACT**

This will have no financial impact.

**OTHER APPROVALS RECEIVED OR STILL REQUIRED**

The City Attorney has reviewed this calendar item.

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 Edward D. Reiskin; and,

WHEREAS, The SFMTA Board of Directors wishes to execute Amendment #1 to the Employment Agreement to extend the term of the contract from August 14, 2014 to August 14, 2019; and

WHEREAS, The SFMTA Board of Directors also wishes to revise the Employment Agreement to delete reference to the FY2006-2012 agreement between the SFMTA and the Municipal Executives Association and continue to provide Mr. Reiskin with the benefits, obligations, and other terms and conditions of employment provided for a member of the Executive Management bargaining unit under the FY2012-2014 agreement between the Municipal Executives Association and the SFMTA; now, therefore be it

RESOLVED, That the SFMTA Board of Directors hereby approves Amendment #1 to the Employment Agreement between the City and County of San Francisco and Edward D. Reiskin to extend the term of the agreement from August 14, 2014 to August 14, 2019 and provide for benefits, obligations and other terms and conditions of employment pursuant to the FY2012-2014 agreement between the Municipal Executives Association and the SFMTA.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of December 3, 2013.

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency

AMENDMENT No. 1 TO  
SFMTA EMPLOYMENT AGREEMENT WITH EDWARD D. REISKIN

This Amendment to the SFMTA Employment Agreement (Agreement) between the City and County of San Francisco (City) and Edward D. Reiskin dated August 2, 2011, is entered into this 3rd day of December, 2013 between the City, acting by and through its Board of Directors of the San Francisco Municipal Transportation Agency, and Edward Reiskin (Reiskin), an individual.

NOW THEREFORE, it is mutually understood and agreed that all other terms and conditions of the Agreement shall remain in full force and effect and the Agreement is hereby amended as follows:

Section 2, Term of Appointment, is amended to read as follows:

Reiskin's appointment shall be for a term commencing August 15, 2011 and terminating on August 14, 2019, unless earlier terminated as provided in this Agreement.

Section 5, Compensation & Benefits, is amended to read as follows:

a) Except as otherwise provided in this Agreement, Reiskin will be entitled to 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 agreement for fiscal years 2012-2014 between the Municipal Executives Association ("MEA") and the SFMTA (the "2012 MEA MOU") excluding the provisions of the 2012 MEA MOU listed on Exhibit A to this Agreement. When the 2012 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 2012 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.

Exhibit A is amended to read as follows:

**Exhibit A: SFMTA Employment Agreement for Edward D. Reiskin**

The following provisions of the 2012 MOU between the Municipal Executives Association ("MEA") and the SFMTA (the "MEA MOU") are *excluded* as provided in Section 5(d) of this Employment Agreement:

- Article I: Representation
- Article II: Employment Conditions
- Article III: Pay, Hours and Benefits
  - A: Wages
  - B: SFMTA Salary Plan

- C: Performance Appraisals
  - D: Acting Assignment Pay
  - E: Supervisory Differential Adjustment
  - F: IT Supervisory Adjustment
  - G: Adjustments
  - H: Salary Step Plan and Salary Adjustments
  - I: Methods of Calculation
  - J: Work Schedules
  - K: Administrative Leave, except for paragraphs 150 and 151
  - L: Overtime
  - M: Exceptions to Normal work Schedules for Which No Extra Compensation is Authorized
  - N: Fair Labor Standards Act
  - O: Call Back
  - P: Pyramiding of Premiums
  - Q: Notice of Pay in Lieu Thereof
  - R: Severance Pay
  - S: Holidays, except for paragraphs 176-182, 184
  - W: Unpaid Furloughs
  - Y: Provisional, Temporary & temporary Exempt Eligibility for Health Service System
  - Z: Retirement
  - CC: Capital Improvement Program
- Article IV: Training, Career Development and Incentives:
- A: Management Training
  - B: Paid Status During Training
- Article V: Working Conditions:
- A: Health and Safety
- Article VI: Implementation and Term of Agreement

Edward D. Reiskin

CITY AND COUNTY OF SAN FRANCISCO  
by and through its Municipal Transportation  
Agency

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Edward D. Reiskin

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Tom Nolan, Chairman, Board of Directors

APPROVED AS TO FORM

Dennis J. Herrera  
City Attorney

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Julia M.C. Friedlander  
SFMTA General Counsel  
Deputy City Attorney

Resolution No. \_\_\_\_\_

Adopted: \_\_\_\_\_

Attested: \_\_\_\_\_  
Roberta Boomer, Secretary  
SFMTA Board of Directors