

THIS PRINT COVERS CALENDAR ITEM NO. : 10.5

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Office of the Board of Directors

BRIEF DESCRIPTION:

Approving Amendment #2 to the Employment Agreement between the City and County of San Francisco and Edward D. Reiskin to provide benefits, obligations, and other terms and conditions of employment equivalent to those provided for a member of the Executive Management bargaining unit under the agreement for Fiscal Years 2015-2017 between the Municipal Executives Association and the SFMTA, provided that the October 11, 2014 adjustment in the 2015 MEA MOU will be applied as of January 20, 2015.

SUMMARY:

- Pursuant to 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 setting forth the primary terms and conditions of employment (Employment Agreement).
- On Dec. 3, 2013, the SFMTA Board extend the original term of the Employment Agreement for an additional five years to August 14, 2019 under Amendment #1.

ENCLOSURES:

1. SFMTAB Resolution
2. Amendment #2 to the Employment Agreement

APPROVALS:

DATE

CHAIRMAN: Tom Nolan

1/12/15

SECRETARY: _____

1/12/15

ASSIGNED MTAB CALENDAR DATE: January 20, 2015

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PURPOSE

To approve Amendment #2 to the Employment Agreement between the City and County of San Francisco and Edward D. Reiskin to provide Director Reiskin with the same benefits, obligations, and other terms and conditions of employment equivalent to those provided for a member of the Executive Management bargaining unit under the agreement for Fiscal Years 2015-2017 between the Municipal Executives Association and the SFMTA.

GOAL

Indirectly this calendar items supports all goals in the Strategic Plan by appropriately compensating the Director of Transportation who works toward the achievement of all SFMTA 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 Employment 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.

On December 3, 2013, the SFMTA Board of Directors approved Amendment #1 to the Employment Agreement to extend the term of Mr. Reiskin’s employment for five years from August 14, 2014 to August 14, 2019. In addition, the SFMTA Board of Directors revised the Employment Agreement to delete reference to the FY2006-2012 Municipal Executives Association agreement and continued 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.

With the adoption of the FY2015-2017 agreement between the SFMTA and the MEA, the SFMTA Board of Directors wants to revise the contract between the SFMTA and Mr. Reiskin to provide him with the same benefits, obligations, and other terms and conditions of employment equivalent to those

provided for a member of the Executive Management bargaining unit under the agreement for Fiscal Years 2015-2017 between the Municipal Executives Association and the SFMTA, provided that the October 11, 2014 adjustment in the 2015 MEA MOU will be applied as of January 20, 2015.

FUNDING IMPACT

This will have minimal financial impact and it has been included in the budget

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, On December 3, 2013, the SFMTA Board of Directors executed 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 wishes to revise the Employment Agreement to provide Mr. Reiskin with the same benefits, obligations, and other terms and conditions of employment provided for a member of the Executive Management bargaining unit under the FY2015-2017 agreement between the Municipal Executives Association and the SFMTA; now, therefore be it

RESOLVED, That the SFMTA Board of Directors hereby approves Amendment #2 to the Employment Agreement between the City and County of San Francisco and Edward D. Reiskin to provide benefits, obligations, and other terms and conditions of employment equivalent to those provided for a member of the Executive Management bargaining unit under the agreement for Fiscal Years 2015-2017 between the Municipal Executives Association and the SFMTA, provided that the October 11, 2014 adjustment in the 2015 MEA MOU will be applied as of January 20, 2015.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 20, 2015.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

AMENDMENT No. 2 TO
SFMTA EMPLOYMENT AGREEMENT WITH EDWARD D. REISKIN

This Amendment to the August 2, 2011 SFMTA Employment Agreement (Employment Agreement) between the City and County of San Francisco (City) and Edward D. Reiskin , is entered into this 20th day of January, 2015 (Effective Date) 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 Employment Agreement shall remain in full force and effect and the Employment Agreement is hereby amended as follows:

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

- a) [Same as text of Employment Agreement]
- b) [Same as text of Employment Agreement]
- c) [Same as text of Employment Agreement]
- d) 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 2015-2017 between the Municipal Executives Association (“MEA”) and the SFMTA (the “2015 MEA MOU”) excluding the provisions of the 2015 MEA MOU listed on Exhibit A to this Agreement, provided that the October 11, 2014 adjustment provided in Article III (A) of the 2015 MEA MOU will be applied as of January 20, 2015. When the 2015 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 2015 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 2015 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 1: Representation
- Article II: Employment Conditions
- Article III: Pay, Hours and Benefits
 - 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

Edward D. Reiskin

Tom Nolan, Chairman, Board of Directors

Resolution No. _____

Adopted: _____

Attested: _____
Roberta Boomer, Secretary

SFMTA Board of Directors

APPROVED AS TO FORM

Dennis J. Herrera
City Attorney

Rob Maerz
SFMTA General Counsel
Deputy City Attorney