

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

JON GIVNER
Deputy City Attorney

DIRECT DIAL: (415) 554-4694
E-MAIL: jon.givner@sfgov.org

April 1, 2010

TO ALL INTERESTED PARTIES:

Attached is the City Attorney's summary and title for a proposed local initiative measure. In preparing this title, the City Attorney makes no representation regarding the merits or legality of the proposed legislation. Nor does the City Attorney verify or confirm any factual or legal assertion made in the proposal. The title is presented as a "true and impartial statement of the purpose of the proposed measure." Elections Code § 9203.

Very truly yours,

DENNIS J. HERRERA
City Attorney


Jon Givner
Deputy City Attorney

SAN FRANCISCO
FILED
2010 APR - 1 PM 4:20
DEPARTMENT OF ELECTIONS

SETTING TRANSIT OPERATOR WAGES THROUGH COLLECTIVE BARGAINING

The San Francisco Municipal Transportation Agency (MTA) oversees operation of the City's Municipal Railway transit system (Muni) and other transportation functions. The MTA employs transit employees such as Muni operators and mechanics, and non-transit employees such as parking control officers and traffic engineers.

Under the City Charter, the MTA Board of Directors (Board) sets wages for Muni operators each year by reviewing the wages paid to comparable employees working for similar transit systems in the United States. The MTA Board must set Muni operator wages at a rate at least as high as the average wage rate of the two highest paying comparable transit systems in the country. Also, if the value of the vacation, retirement and health benefits provided by the two highest paying comparable transit systems exceeds the value of the benefits provided to Muni operators, the City pays the difference into a trust fund. The trust fund makes annual payments to Muni operators.

The Charter also requires that contracts with the MTA Director and MTA managers and employees whose positions are "service critical" provide incentive bonuses based on Muni's achievement of certain service standards.

Other than these requirements, the terms of employment for MTA employees are set through collective bargaining. If the City and employee unions are unable to agree in collective bargaining, disputes involving some employees – but not Muni operators – are subject to binding arbitration before a neutral arbitration panel.

In some instances, MTA's past practices and "side letters" with employee unions have affected terms of employment without being approved by the MTA Director or Board or included in any collective bargaining agreement.

The proposed Charter amendment would:

- Allow the City to set Muni operator wages and benefits through collective bargaining, and eliminate the requirement that Muni operator wages be at least as high as the average wage rate for transit operators in the two highest paying comparable transit systems.
- Eliminate the transit operator trust fund and any City payments into it.
- Make incentive bonuses for the MTA Director and "service critical" MTA managers and employees optional instead of required.
- Require binding arbitration when the MTA and employee unions representing Muni operators are unable to agree in collective bargaining.
- Set rules for arbitration proceedings regarding MTA employees. The arbitrators would consider the impact of disputed proposals on Muni fares and service and on the ability of MTA management to schedule and assign transit employees according to riders' service needs. And employee unions representing transit employees would have to justify any proposal that would restrict the MTA's flexibility in deciding schedules, staffing, assignments or the number of part-time personnel.

2010 APR -1 PM 4: 20

SAN FRANCISCO
FILED

-
- Provide that past practices and "side letters" would not bind the City regarding terms of employment for MTA employees, unless the MTA Board or Director has approved them in writing and included them in the affected employees' collective bargaining agreements.