



## ITEM # 16

**DATE:** March 4, 2015

**TO:** Gold Coast Transit District Board of Directors

**FROM:** Robert Lurie, Director of Fleet and Facilities  
Debbie Williams, Director of Human Resources

**SUBJECT:** Consider Ratification of Amendment to Seniority Rule for Mechanical Unit MOU with SEIU Local #721

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### I. EXECUTIVE SUMMARY

Seniority is the determining factor in work shifts, vacations and in the rare occasion of a lay off. During contract negotiations for the current Mechanical Unit Memorandum of Understanding (MOU) the issue of "Seniority", as defined in Article 6.01, became an area of protracted debate. The controversy over this article stemmed from the desire by the Service Employees International Union (SEIU) to preserve the current seniority rank of several maintenance employees hired under the terms of the existing MOU and Gold Coast Transit District (GCTD) management's interest in having seniority be based on "last date of hire" within specific job groups.

The negotiations over this issue resulted in a compromise which enabled Maintenance personnel hired prior to a specific date to have seniority based on one set of rules and Maintenance personnel hired after that date to have seniority based on another set of rules. Language was approved in the current MOU to this effect.

It soon became apparent that in practice this wording created a problem where several long tenured employees, who were promoted to a new job class, lost their seniority to less tenured employees within the same class. SEIU brought forward a complaint over this issue and discussions ensued between SEIU and GCTD to come up with a solution to the problem. The result was the creation of two options amending the existing language in the MOU. It was determined that Mechanical Unit employees would vote on the two options and the winning option would be forwarded to the Board of Directors for approval to amend the current MOU.

The result of that vote was language which effectively defined seniority as the last date of hire into each employee's respective job group. The three job groups were defined as Mechanical, Service or Facility.

**Recommendation: It is recommended that the GCTD Board of Directors ratify the amendment to the language in the current Mechanical Unit MOU, Article 6.01 SENIORITY**

## **II. BACKGROUND**

The seniority provision, Article 6.01., has been a point of discussion during negotiations over the past two contracts. The wording in the MOU was the result of a situation which occurred back in 1994 when a dispatcher became a bus operator and "bumped" a number of drivers from their seniority rank. In an attempt to prevent that from happening in the future, a language change to the Bus Operator MOU was enacted during contract negotiations. The problem was this language was also carried over to the Mechanical Unit MOU. This wording based seniority on job class. It worked for bus operators because they are a single class of employee. The wording did not work for maintenance employees because there are multiple classes of employees in maintenance. The problem got progressively worse as the maintenance department grew from three classes of employees to the current eleven classes of employees.

GCTD management and several represented employees recognized the growing problem created by the seniority wording in the MOU and tried to change it during contract negotiations in 2011. That attempt was unsuccessful. The wording in the 2011 MOU was as follows:

### Article 6.01 SENIORITY

*Seniority shall be the determining factor in all work schedules and vacations. Seniority is defined as the last date of hire with GCT.*

*All employees hired after February 2, 1994 shall have seniority based on last date of hire for a specific job classification.*

During the last contract negotiation, the seniority provision was changed to the current version. The wording in the current version which took effect on July 2, 2014 is as follows:

### Article 6.01 SENIORITY

*Seniority shall be the determining factor in all work schedules and vacations. Seniority is defined as the last date of hire with GCT.*

*All employees hired before November 9, 2010 shall have seniority based on last date of hire for a specific job classification. All employees hired on or after November 9, 2010 shall have seniority based on last date of hire into a job classification group. The groups are as follows:*

Mechanical Group – Mechanic I, Mechanic II, Mechanic III, (and E-Mechanic I, II and III)

Service Group – Service Worker I, Service Worker II

Facility Group – Facility & Equipment Mechanic I Facility & Equipment Mechanic II, Building Maintenance Worker

*Any employee who has served as a supervisor and passed probation, and subsequently is permitted by management to return or demote to a represented position, for seniority purposes shall start from the bottom of the seniority list.*

In practice, the above wording created several instances where employees with longer tenure promoted to a higher class within a job group and had their seniority downgraded below employees with less tenure. As a result, GCTD and SEIU met to discuss options to the current contract wording. SEIU proposed a change to the wording and GCTD proposed a change to the wording. A vote of represented Maintenance Department employees was held to determine which version would be forwarded to the GCTD Board of Directors. The result of the balloting held on February 17, 2015 was that the second alternative which was proposed by GCTD Management was adopted by Maintenance Department employees.

The accepted proposal was written as follows:

GCTD suggested alternative to SEIU Local 721's proposed MOU correction

*Article 6.01 SENIORITY*

*Seniority shall be the determining factor in all work schedules and vacations. Seniority is defined as the last date of hire with GCT.*

*All Mechanical job group employees shall have seniority based on the last date of hire into the Mechanical job group*

*All Service job group employees shall have seniority based on the last date of hire into the Service job group*

*All Facility job group employees shall have seniority based on the last date of hire into the Facility job group*

~~*All employees hired before November 9, 2010 shall have seniority based on last date of hire for a specific job classification. All employees hired on or after November 9, 2010 shall have seniority based on last date of hire into a job classification group. The groups are as follows:*~~

~~*Mechanical Group – Mechanic I, Mechanic 11, Mechanic III, (and E-Mechanic I, II and 111)*~~

~~*Service Group – Service Worker I, Service Worker II*~~

~~*Facility Group – Facility & Equipment Mechanic I, Facility & Equipment Mechanic II, Building Maintenance Worker*~~

*Any employee who has served as a supervisor and passed probation, and subsequently is permitted by management to return or demote to a represented position, for seniority purposes shall start from*

### **III. SUMMARY & RECOMMENDATION**

**It is recommended that the GCTD Board of Directors ratify the following amendment to the language in the current Mechanical Unit MOU, Article 6.01 SENIORITY:**

*Article 6.01 SENIORITY*

*Seniority shall be the determining factor in all work schedules and vacations. Seniority is defined as the last date of hire with GCT.*

*All Mechanical job group employees shall have seniority based on the last date of hire into the Mechanical job group*

*All Service job group employees shall have seniority based on the last date of hire into the Service job group*

*All Facility job group employees shall have seniority based on the last date of hire into the Facility job group*

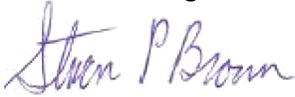
*Mechanical Group — Mechanic I, Mechanic II, Mechanic III, (and E-Mechanic I, II and III)*

*Service Group — Service Worker I, Service Worker II*

*Facility Group — Facility & Equipment Mechanic I, Facility & Equipment Mechanic II, Building Maintenance Worker*

*Any employee who has served as a supervisor and passed probation, and subsequently is permitted by management to return or demote to a represented position, for seniority purposes shall start from the bottom of the seniority list.*

General Manager's Concurrence



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Steven P. Brown