

**GOLDEN EMPIRE TRANSIT DISTRICT
MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS**

**FEBRUARY 20, 2018
5:30 PM**

**KERN COUNCIL OF GOVERNMENTS' BOARD ROOM
1401 – 19TH STREET, 3RD FLOOR
BAKERSFIELD, CALIFORNIA 93301**

DIRECTORS PRESENT:

Jim Baldwin
Cindy Parra

Carlos Bello
Evelyn Young Spath

Jim Hunter

DIRECTORS ABSENT:

None

ATTORNEY PRESENT:

Jim Worth

STAFF PRESENT:

Karen King
Bruce Seibel
Melissa Ash
Brian Bezdek
Yolanda Hamen
Jeremy Dickson
Jimmy Dusty Gregory

Jeanie Hill
Deekay Fox
Denise Sailes
Mark Merrifield
Wanda Copeland
Joel Watkins
Lori Battistoni

Chris James
Sharon Pierce
Emery Rendes
Frances Rubio
Lucy Alderete
Tomás Garza, Jr.
Robert Cooper

OTHERS PRESENT:

Herlinda Silva
Steve Nelson
Steve Barnes

Bob Snoddy
Greg Landers

Michael Harless
Jeanette Limones

The Chair called the meeting to order at 5:33 p.m.

PLEDGE OF ALLEGIANCE

Director Hunter led the pledge of allegiance to the flag of the United States of America.

PUBLIC HEARING - UNMET TRANSIT NEEDS

Director Parra stated that GET will receive public testimony identifying and commenting on Unmet Transit Needs that may exist in the Bakersfield Metropolitan Area. Notices of the hearing were placed in *The Bakersfield Californian* and *El Popular* newspapers as well as posted on the buses, the GET website, Facebook and twitter pages. The following is the definition of unmet transit needs:

Pursuant to Public Utilities Code 99401.5, "An unmet transit needs exists if an individual of any age or physical condition is unable to transport himself or herself due to deficiencies in the existing transportation system.

Excluded are: 1) Those requests for minor operational improvements, and 2) Those improvements funded and scheduled for implementation in the following year.

The term "reasonable to meet" is defined:

- A) Operational Feasibility. The requested improvement must be safe to operate and there must be adequate roadways for transit vehicles;
- B) Duplication of Service. The proposed service shall not duplicate other transit services;
- C) Timing. The proposed service shall be in response to an existing, rather than a future need; and
- D) Service must meet the legally required farebox ratio with fares close to fares of similar service."

Any person wishing to present testimony related to unmet transit needs may do so at this time. Please state your name and address for the record. If you wish your statements to be verbatim, they must be in writing for inclusion in the official record of this hearing.

Mr. Michael Harless stated that there are many disabled persons in the apartment complexes on Victor and Norris Road. It is too difficult for many of them to use the bus stop on Olive Drive because of the distance. Another issue is ADA compliance at bus stops in the area of Norris Road/Victor Street/Olive Drive. He also commented that bus stops are needed at Calloway Drive and Brimhall Road.

APPROVAL OF CONSENT AGENDA

Director Hunter moved and Director Young Spath seconded a motion to approve the consent agenda. The motion carried unanimously.

PUBLIC COMMENTS:

Ms. Frances Rubio commented on the vacation payout issue. (See Attachment A)

Mr. Jimmy Gregory read a letter from Ms. Florence Marshall-Darrow concerning the vacation back hours. (See Attachment B)

Mr. Greg Landers provided comments regarding the vacation payout issue. (See Attachment C)

Ms. Herlinda Silva shared that she understood from other drivers that on Route 41 at Potomac and Virginia there is a long wait for a bus. (See Attachment D)

CITIZENS' ADVISORY COMMITTEE UPDATE

This item was continued to the March 20, 2018 Board meeting.

BOARD COMMITTEE ASSIGNMENTS

Director Baldwin moved and Director Hunter seconded a motion to approve the Board Chair's standing committee assignments for 2018. The motion carried unanimously.

PARATRANSIT VEHICLE PURCHASE

Director Hunter moved and Director Bello seconded a motion to approve the purchase of a paratransit vehicle and award a contract to AZ Bus Sales in the amount of \$103,957. The motion carried unanimously.

CHIEF EXECUTIVE OFFICER AUTHORIZATION – RESOLUTION 2018-03

Director Parra moved and Director Bello seconded a motion to approve Resolution 2018-03 authorizing Chief Executive Officer Karen H. King or designee to obtain financial assistance from the Federal Transit Administration. The motion carried on the following roll call vote:

AYES:	Directors Baldwin, Bello, Hunter, Parra, Young Spath	NOES:	None
ABSENT:	None	ABSTAIN:	None

JANUARY 2018 FINANCIAL POSITION AND RESULTS OF OPERATIONS

Ms. Ash reviewed the January 2018 financial reports. This was an informational item only.

BOARD COMMITTEE REPORTS

A. Administration and Finance – Baldwin

No meeting was held.

B. Facilities and Equipment –

A meeting was held on February 12, 2018. See attached minutes.

C. External Affairs – Hunter

No meeting was held.

D. Marketing and Business Development – Parra

No meeting was held.

E. Operations and Service Development – Young Spath

No meeting was held.

FUTURE AGENDA ITEMS/BOARD COMMENTS

Director Bello attended both the food distribution and Community Advisory Committee in January.

Director Young Spath asked for an update on the CSUB Transit Center, and if visual signage could be installed on campus where the transit center will be located. Director Young Spath also asked if Token Transit app can be adjusted to accommodate the discount students at CSUB receive from the university. She stated that Dr. Mitchell's last day at CSUB will be June 30th.

Director Baldwin asked that the Transit Asset Management (TAM) be reviewed by the appropriate Board committees.

Director Parra expressed her appreciation to Mr. Snoddy for his assistance in GET applying for and receiving a grant to offset farebox receipts.

CHIEF EXECUTIVE OFFICER'S REPORT/COMMENTS

Ms. King introduced Steven Barnes, GET's new Chief Financial Officer. He will start on Monday, February 26th. She reminded Board members that Ethics training and Harrassment training is due every two years. Ms. King has a phone call scheduled with Diana Gomez with the California High Speed Rail Authority on Wednesday, February 21st. The CHSRA 2018 Business Plan was scheduled to be released in February, but that has been pushed out to March 9th. The plan will show the direction of construction projects and if construction is scheduled to come only as far south as Shafter in Kern County. Assemblyman Rudy Salas introduced AB 1969 which addresses transportation funding and farebox ratios. The bill has not been assigned to a committee yet.

EXECUTIVE SESSION

The Board moved into executive session at 6:32 p.m. to discuss Conference with Labor Negotiator [Government Code Section 54957.6] – Golden Empire Transit District Negotiator: Karen King.

The Board returned to open session at 7:08 p.m.

OPEN SESSION

Attorney Worth stated that no action was taken that would require disclosure under the Brown Act.

ADJOURNMENT

There being no further business, Director Parra moved that the meeting be closed. The meeting concluded at 7:09 p.m.

Respectfully submitted,

Secretary of the Board of Directors

February 20, 2018

To: Golden Empire Transit Board Members

Good Evening

My name is Rosa Rubio, I've been with GET for approximately 25 years and a union shop steward since 2016. As stewards we hear the fears, concerns & suggestions from GET employees, our members. When our members are uncomfortable speaking to management, they rely on us to be their voice. The vacation "payout" is a major concern as you know. During negotiations on February 21, 2017, I asked Operations Manager, Candra Cheers, "when a flex driver goes full time does the vacation start over?" she replied "no, their time is honored". Because of this we should not be having this issue. Morale at GET is at an all time low because of this issue & many others. We want to work together communicating, listening with honesty & respect.

Kind Regards
Rosa Rubio

Dear Board of Directors,

My name is Florence Marshall-Darrow and I am a driver here at GET. I wrote to you last December pleading for your help in quickly resolving this situation regarding our vacation back hours. I am disappointed that at this time nothing has been done.

I enjoy my job and the people I work with, but I'm becoming increasingly frustrated with the company. When those hours first appeared on my check stub, I went to H/R to inquire about them. They told me that those hours were owed to me and that it was no mistake. Then, two months later, without any kind of notice, they were taken from me. Is that even legal?

Right now, I want some answers as to why and how this was done. What are the reasons for the company to take away these hours without my consent? As a dedicated employee I feel I am owed an explanation. But no one is responding. Lack of communication and information is disturbing.

I am sorry I'm unable to be there tonight but I am currently out on my bus and so I've sent in this letter instead. But if this issue doesn't get resolved soon, then I will make every arrangement to be there next month so you can explain this to me.

Thank you

PRESENTATION TO GOLDEN EMPIRE GOVERNING BOARD

(Introduce yourself)

I am here tonight to talk to you about an issue that is extremely important to our members -- the drivers who work for Golden Empire -- that is causing them a lot of heartache and unhappiness.

- This issue is especially problematic because we thought we had it resolved with the management of the District almost 6 months ago, but instead, it just keeps dragging out, on and on, without being resolved.

The issue pertains to our last negotiation, in which the Teamsters and Golden Empire agreed to end the two-tier vacation benefit that had been in place for many years, and in the interest of fairness, give all the drivers the same vacation benefit based on their overall seniority with GET

- An issue came up as to how to calculate their vacation entitlement going forward and I got in touch with Steven Woods about it in the summer of 2017.
 - Mr. Woods and I had a number of discussions, and although he seemed to agree with our position we could not get a firm commitment from him on the vacation accruals
 - I therefore asked one of our attorneys, Costa Kerestenzis, to contact Mr. Woods.
 - Mr. Kerestenzis sent an email to Mr. Woods, and a series of communications went back and forth as follows:
1. On August 7, Mr. Kerestenzis emailed Mr. Woods and said Golden Empire needed to audit all of the vacation accruals for its drivers and adjust their accruals to be consistent with our labor agreement, and if GET did not do this to consider the email to be a mass grievance for all affected employees.
 2. Mr. Woods emailed back the next day and said he would respond when he was back in his office.
 3. On August 14, Mr. Woods emailed Mr. Kerestenzis and said he agreed with the Union that the vacation accruals should be adjusted based on the original dates of hire of the employees and that GET would "recalculate and make the adjustment."
 4. On September 13 Mr. Kerestenzis emailed Mr. Woods again and asked if the accrual adjustments had been made. Mr. Woods emailed back that afternoon

and said the issue had been resolved “to the union’s point of view” and retroactive adjustments *had been made* to the employees’ vacation accruals.

- a. I should mention that after getting this response from Mr. Woods I informed our stewards, and all of the affected drivers in turn, that their vacation accruals had been corrected!
5. Mr. Woods emailed the calculations for each employee’s vacation on September 28 and asked me to review them. I did so, but found that only some of the employees’ had had their vacation accruals adjusted and that some of the adjustments that had been made appeared to be incorrect. I emailed Mr. Woods on September 29 to inform him of this and to request that *all* of the drivers’ accruals be reviewed.
6. As of October 20 I had not received a response from Mr. Woods, so I asked our attorney to contact him again. He did so by letter dated October 20, 2017 and formally demanded that the vacation accruals be corrected.
7. On November 28, Mr. Woods wrote back to Mr. Kerestenzis and said the District was reconsidering the issue and was waiting to get a legal opinion.
8. On December 1 I had our attorneys email Mr. Woods to tell him we wanted to proceed to arbitration on the vacation accrual issue. Mr. Woods turned the matter over to attorney Dan Klingenger, and he and John Provost, from our law firm, wrote to the Federal Mediation Service to get a panel of arbitrators to pick from.

That is essentially where this matter stands today. Some of our members came to your Board meeting on _____, 2018 and you told them you would discuss the issue and make a decision within a few days. However, nothing has happened since then.

I don’t think it is any secret or there is any doubt that labor relations between the Teamsters and Golden Empire have been very poor for many years

- I hoped that after the strike a few years ago things would improve. They did for a time, but now they are going south again, and this vacation issue is one of the primary reasons it is getting bad again
- Imagine that you are a long-term bus driver who was told a year ago that the two tier vacation model had been eliminated and you were going to get your accrual bumped up.
 - And even though there was some question or dispute about it in August, the District told the Union very soon after that that it

ROBERT BONSALE
GEOFFREY PILLER
CATHERINE E. AROSTEGUI
JOHN C. PROVOST
ANDREW H. BAKER
SHEILA K. SEXTON
DALE L. BRODSKY
COSTA KERESTENZIS
PETER M. MCENTEE
SUSAN K. GAREA
SARAH SANDFORD-SMITH
CHRISTOPHER HAMMER
STEPHANIE PLATENKAMP
SARAH KANTER
LORRIE E. BRADLEY
TONY RICE

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DONALD S. TAYER
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OF COUNSEL
DUANE B. BEESON

October 20, 2017

ckkerstenzis@beesontayer.com

J. Steven Woods
Deputy Chief Executive Officer
Golden Empire Transit District
1830 Golden State Avenue
Bakersfield, CA 93301-1012

Re: *Teamsters Local 517 and Golden Empire Transit District
(Grievance/issues re vacation accrual)*

Dear Mr. Woods:

As you know I represent Teamsters Local 517. As you also know, the Union has raised an issue with the proper vacation accrual for employees at Golden Empire Transit District. In prior correspondence the District has confirmed that the vacation accrual has been done in error and that employees would have their vacation accruals appropriately adjusted.

It is my understanding that the District is in the process of doing that and we await information to confirm once the process is complete. In the midst of this process, several members/employees of the District have approached the Union about the proper remedy for this error. While we all agree that the vacation accruals must be properly adjusted, leaving those accruals in an employee's bank limits the benefit an employee will receive, as it will take years in some cases, for employees to get the benefit of the additional vacation. Accordingly, several members are seeking a remedy of a payout of either all or a portion of the additional vacation that is being provided. While these members/employees are looking at their legal/contractual options to obtain such a remedy, the Union wanted me to raise this issue as a formal demand, and see if the parties can come to an agreement on this issue.

Please review this and contact me as soon as possible with the District's response.

Very truly yours,

Costa Kerestenzis

CEK/cjb

Greg Landers

From: Costa Kerestenzis <CKerestenzis@beesontayer.com>
Sent: Thursday, August 10, 2017 2:16 PM
To: 'Greg Landers'
Subject: FW: Local 517 and Golden Empire Transit District

Costa Kerestenzis
Beeson, Tayer & Bodine
916 325 2100
916 325 2120 (fax)

From: Steve Woods [mailto:swoods@getbus.org]
Sent: Tuesday, August 08, 2017 7:59 AM
To: Costa Kerestenzis
Cc: Greg Landers
Subject: Re: Local 517 and Golden Empire Transit District

Mr. Kerestenzis,
When I return to my office, I will review your position and reply.
Sent from my iPhone

On Aug 7, 2017, at 4:36 PM, Costa Kerestenzis <CKerestenzis@beesontayer.com> wrote:

Dear Mr. Woods:

This firm represents Teamsters Local 517. I am writing to follow up on the vacation accrual issue Greg has previously discussed with you. As you know, the Union has raised issue with the vacation accrual rate for bargaining unit members, and provided you names of individuals who we believe are not being provided vacation benefits at the correct rate. Indeed, from our review, most of these individuals are accruing at 1 week less per year than stated in the Contract.

To date, the Company seems to have taken the position that the accruals are accurate, seemingly based on some prior seniority distinctions within the bargaining unit. However, those seniority distinctions are not determinative or applicable in any way. The Contract makes it clear in Article VII (p. 7) that accrual is based on years of service. As such a term is common in vacation and benefit accrual, any Arbitrator analyzing this issue will simply determine an employee's vacation benefit based on date of hire, not on any seniority distinctions, as was done by the Union in its analysis.

Accordingly, it is clear to myself and the Union that the Company has violated Article VII of the CBA by providing inaccurate vacation accruals. The Union hereby demands an audit of all vacation banks and an adjustment be made to all banks consistent with the CBA and points raised herein.

If the Company does not do this, then please consider this as a mass grievance for all affected bargaining unit members under Article XX and demand for immediate Arbitration under the same. The Union and I hope that is not necessary and thus ask that you contact myself or Greg after your review of this email.

Sincerely,

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CONFIDENTIALITY NOTICE:

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Greg Landers

From: Greg Landers <greglanders@teamsterslocal517.com>
Sent: Wednesday, September 13, 2017 3:54 PM
To: 'Costa Kerestenzis'
Cc: 'frances.rubio67@yahoo.com'
Subject: RE: Local 517 and Golden Empire Transit District

Who is getting paid, how have they handled the issue? We will talk tomorrow, I will be in the office all day, thanks

From: Costa Kerestenzis [mailto:CKerestenzis@beesonayer.com]
Sent: Wednesday, September 13, 2017 3:42 PM
To: 'greglanders@teamsterslocal517.com' <greglanders@teamsterslocal517.com>
Subject: FW: Local 517 and Golden Empire Transit District

Greg,

Steve says vacation has been handled...overtime is still open. I'll call you tomorrow to discuss.

Thanks.

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We resolved the vacation accrual to the union's point of view and the accrued vacation hours were retroactively adjust to the hire date.

The item involving when overtime pay in a 4-10 work week is still open.

Enjoy,

J. Steven Woods
Deputy Chief Executive Officer

GET bus
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Sent: Monday, August 14, 2017 11:11 AM
To: Costa Kerestenzis
Cc: greglanders@teamsterslocal517.com
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Mr. Kerestenzis,

My contention is that an employee working a 10 hour/4 day work week is guaranteed 40 hours of pay but not 40 hours of work. An employee who works less than 10 hours in a workday, say his shift works 9 hours (clocks in and out for the nine hours) over a scheduled 4 day work week has worked 36 hours for that week. Correct? Thereafter if called in to work another day (fifth), then the first additional 4 hours should be paid at straight pay (totaling 40 worked hours) thereafter overtime. The District guarantees he gets a minimum 40 hours of pay. In this case, the employee receives 44 hours of straight pay (36 shift worked hours, 4 guaranteed and 4 additional worked hours on the fifth day) and overtime thereafter.

In addition, our accounting department misinterpreted the start of vacation hour accruals as effective April 1, 2017 and thereafter. I agree with the Union in that those employees should accrue vacation time retroactively as it applies based on their date of hire. In this case we shall recalculate and make the adjustment.

Your welcome,

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From: Costa Kerestenzis [<mailto:CKerestenzis@beesontayer.com>]
Sent: Wednesday, August 09, 2017 5:21 PM
To: Steve Woods <swoods@getbus.org>
Cc: 'Greg Landers' <greglanders@teamsterslocal517.com>
Subject: RE: Local 517 and Golden Empire Transit District

Steve,

Thanks for the response. In addition to the issue below, I would also like to address an overtime issue that Greg has previously brought to your attention. Specifically, the Company has taken, in our view, the improper position that if an employee has not worked more than 40 hours during his or her regular work week, and then the employee comes in on an extra day, the employee is still paid straight time until he or she reaches 40 hours. The Union contends that this violates the Contract, Article IV, as employees are guaranteed a 40 hour workweek. Thus, any work on an extra day would be above 40 and subject to overtime under the law and Contract.

Until we can further discuss, please consider this a formal mass grievance for all affected individuals.

Thank you again.

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On Aug 7, 2017, at 4:36 PM, Costa Kerestenzis <CKerestenzis@beesontayer.com> wrote:

Dear Mr. Woods:

This firm represents Teamsters Local 517. I am writing to follow up on the vacation accrual issue Greg has previously discussed with you. As you know, the Union has raised issue with the vacation accrual rate for bargaining unit members, and provided you names of individuals who we believe are not being provided vacation benefits at the correct rate. Indeed, from our review, most of these individuals are accruing at 1 week less per year than stated in the Contract.

To date, the Company seems to have taken the position that the accruals are accurate, seemingly based on some prior seniority distinctions within the bargaining unit. However, those seniority distinctions are not determinative or applicable in any way. The Contract makes it clear in Article VII (p. 7) that accrual is based on years of service. As such a term is common in vacation and benefit accrual, any Arbitrator analyzing this issue will simply determine an employee's vacation benefit based on date of hire, not on any seniority distinctions, as was done by the Union in its analysis.

Accordingly, it is clear to myself and the Union that the Company has violated Article VII of the CBA by providing inaccurate vacation accruals. The Union hereby demands an audit of all vacation banks and an adjustment be made to all banks consistent with the CBA and points raised herein.

If the Company does not do this, then please consider this as a mass grievance for all affected bargaining unit members under Article XX and demand for immediate Arbitration under the same. The Union and I hope that is not necessary and thus ask that you contact myself or Greg after your review of this email.

Sincerely,

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AGREED with us and it would correct the accruals. But then we are told that the District changed its mind

I Herlinda Silva
415 Roberts Ln #4.
Bakersfield, CA. 93308

AS I Rode the Get Bus Today
2-20-18 I over heard
on the get bus Route 41 on
Potomac and Virginia-
will have to wait, bus A
long wait.

I attend the Get Bus meeting
for my very first time Today
on 2-20-18, made an effort
coming from mental Health Recovery
of some. Learning and interested
in our Bakersfield, CA. City.

Herlinda Silva
am Rider since 1998 and on.
Kern Co. since Birth 9-1-60