

METROPOLITAN COUNCIL

390 North Robert Street, St. Paul, Minnesota 55101

MEETING OF THE MANAGEMENT COMMITTEE

Wednesday, November 9, 2011

Committee Members Present: James Brimeyer, Chair; Steven T. Chávez, Vice Chair; Richard Kramer; Gary Van Eyll, and Harry Melander

Committee Members Absent: Gary Cunningham, Adam Duininck

CALL TO ORDER

Chair Brimeyer called the meeting of the Council's Management Committee to order at 1:35 p.m. on Wednesday, November 9, 2011.

APPROVAL OF AGENDA AND MINUTES

It was moved by S. Chávez, seconded by R. Kramer, to approve the agenda.

Motion carried.

It was moved by S. Chávez, seconded by R. Kramer, to approve the minutes of the October 26, 2011 regular meeting of the Management Committee.

Motion carried.

INFORMATION

Negotiations Parameters – Closed meeting discussion

Ms. Sandi Blaeser, Assistant Director Employee Relations, presented information regarding Negotiations Parameters. It was moved by S. Chávez, seconded by R. Kramer that the meeting be closed under Minnesota Statutes section 13D.03, subdivision 1(b) to consider labor negotiation strategies or developments, or to discuss to and review a proposed labor agreement.

The Committee along with Ms. Blaeser discussed this topic and agreed to hold a special Management Committee Meeting on November 30, 2011, to devote more time for continued discussions.

BUSINESS

2011-310 Authorization to Appeal an Order for Summary Judgment – closed meeting discussion

Peter Hanf, Associate General Counsel, presented Business Item 2011-310 regarding the Authorization to Appeal an Order for Summary Judgment. It was moved by S. Chávez, seconded by G. Van Eyll that the meeting be closed under Minnesota Statutes section 13D.05, subdivision 3(b) to discuss attorney-client privileged matters.

The Committee and Mr. Hanf discussed the business item.

It was moved by S. Chávez, seconded by G. Van Eyll:

"That the Metropolitan Council approves the appeal to the Court of Appeals of a district court order granting summary judgment."

2011-307 Approval of Non-Represented Plan Effective January 1, 2012

Gloria Heinz, Director of Human Resources, presented business item 2011-307 regarding the Approval of Non-Represented Plan Effective January 1, 2012.

It was moved by S. Chávez, seconded by G. Van Eyll:

"That the Metropolitan Council approves revisions to the Non-Represented Plan effective January 1, 2012, incorporating the revisions summarized below.

Complete summary of revisions:

SECTION 1 - INTRODUCTION

1.1 Authority

(1) Council approval authorizes the Non Rep plan implementation; not by resolution. (2) Language clarification.

1.2 Purpose

Defines the purpose to set forth **compensation** and **benefits**, but eliminates, "...terms and conditions of employment."

SECTION 3 - HOURS OF WORK

3.3 On Call Duty

Added language: "When the employer requires that an employee must be available and "on call" for work and be able to report in a reasonable time, the employee, regardless of their FLSA status, shall be compensated at the rate of two hours straight time for each twenty-four (24) hour period or fraction thereof, except for a "weekend" on call (as defined by that employee's regular workweek), which will be compensated as three (3) twenty-four hour periods.

3.3.3 Exempt Executive Level Positions

To clarify that exempt employees may vary their scheduled with prior written supervisory approval.

SECTION 5 - ANNUAL LEAVE

5.5 Annual Leave Upon Transfer to Non-Represented Position

Adds language that employees transferring from a represented position to a non-represented position will be able to use frozen supplemental sick leave following salary continues if the employee is not eligible for Long Term Disability.

SECTION 6: INCOME PROTECTION

6.1 Purpose

Eliminates income protection coverage for probationary and long-term temp employees.

6.2.4 Salary Continuance Benefits

Clarification added.

6.3 Supplemental Sick Leave Bank

Allows the use of frozen supplemental sick following salary continuance if employee is not eligible for long term disability.

SECTION 10 -SALARY ADMINISTRATION

10.5 Promotions

Clarification added/

10.6 Transfers

Clarification added.

10.7 Demotions

Clarifies that employees serving a new probation due to a promotion and who fail probation may be required to return to their prior position and rate of pay, and voluntary demotions will not result in a salary reduction unless present rate is above the maximum of the new range.

10.10 Transit Pass

Changes the retiree buss pass benefit allowing all employees retiring after January 1, 2012, are eligible for the pass. Previously, only employees retiring with 25 or more years of service were eligible for a retiree bus pass.

SECTION 11- LAYOFFS

Clarification added.

11.1 Notice of Layoff

Layoff notice changed from 14 to 30 calendar days prior to the effective date of the layoff.

SECTION 14 - UNCLASSIFIED SERVICE

14.4 Separation

Clarification added.

SECTION 15 - ANNUAL LEAVE FOR EXECUTIVES

15.4 Usage Requirements

Clarification added.

15.5 Annual Leave Upon Separation

Clarification that classified and unclassified employees participate in the health care savings plan.

APPENDIX A and B: UNCLASSIFIED AND CLASSIFIED POSITIONS

Job classifications updated

2011-311 Delegation of Regional Administrator's Signature Authority

Dave Theisen, Deputy General Counsel, presented a same week business item 2011-311 regarding the Delegation of Regional Administrator's Signature Authority.

It was moved by R. Kramer, seconded by S. Chávez:

"That the Metropolitan Council adopt the attached resolution delegating to the Deputy Regional Administrator the Regional Administrator's signature authority when the Regional Administrator is absent or otherwise unavailable to execute documents on behalf of the Council."

2011-304 Authorization to Procure Railroad Liability Insurance for Northstar Operations

Phil Walljasper, Director Risk Management, presented business item 2011-304 regarding the Authorization to procure railroad liability insurance for Northstar Operations.

Mr. Walljasper reviewed railroad liability insurance. He noted that this type of insurance is considered high risk and as such, multiple companies are utilized for "layers of coverage".

Mr. Walljasper also noted that the insurance coverage is same as in the past, but the cost for the insurance was reduced by approximately 5%. This contract will be a 17-month contract.

Mr. Chávez asked Mr. Walljasper of the logistics of two equal providers in the first tier and a claim being filed. Mr. Walljasper noted that since XL US provides the policy, they dictate the coverage. Any insurance claims are split equally among the insurer.

It was moved by S. Chávez, seconded by H. Melander:

"That the Metropolitan Council authorize the procurement of railroad liability insurance, effective 1/1/12-5/31/13, for the Northstar Commuter Rail Operations in an amount not to exceed \$1,710,000."

2011-305 Affirmation of 2012 Transaction-Based Financial Contracts

Allen Hoppe, Senior Manager, Treasury, presented business item 2011-305 regarding the Affirmation of 2012 Transaction-Based Financial Contracts.

It was moved by S. Chávez, seconded by G. Van Eyll:

"That the Metropolitan Council authorize the Regional Administrator to amend the terms of the following transaction volume-based financial contracts, as needed, so as to provide continued service through December 31, 2012:

1. US Bank - General banking services
2. Elavon - Credit card processing and managed payment services
3. Bank of America (BofA) - Purchasing card services
4. Wells Fargo and US Bank - Custodian and securities lending services

RFPs are planned over the next three months for general banking services, purchasing card services, custodian and securities lending services. The contract for credit card processing services is more recent and no relationship changes are planned for 2012."

2011-306 List of Authorized Financial Institutions – Official Depositories

Allen Hoppe, Senior Manager, Treasury, presented business item 2011-306 regarding the List of Authorized Financial Institutions – Official Depositories.

It was moved by G. Van Eyll, seconded by S. Chávez:

"That the Metropolitan Council approves the attached list of Authorized Financial Institutions for 2012."

2011-308 Contract with Hartford for Long Term Disability Insurance

Ron Groess, Benefits Manager, presented business item 2011-308 regarding the Contract with Hartford for Long Term Disability Insurance.

It was moved by S. Chávez, seconded by G. Van Eyll:

"That the Metropolitan Council authorize the Regional Administrator to negotiate and enter into a contract for Long Term Disability (LTD) with The Hartford for the period of January 1, 2012, through December 31, 2014."

2011-309 2012 Sole Source Procurement of Maintenance Services for Software and Hardware

Pancho Henderson, IS Manager, presented business item 2011-309 regarding the 2012 Sole Source Procurement of Maintenance Services for Software and Hardware.

It was moved by S. Chávez, seconded by G. Van Eyll:

“That the Metropolitan Council authorize the Regional Administrator to make ongoing maintenance and support service payments on a sole-source basis for installed software and hardware, with the services to be procured from the vendors on the attached 2011 Information Services Sole Source Vendor List up to the amount listed.”

INFORMATION, continued

3Q Financial Report

Mary Bogie, Chief Executive Officer, gave an overview of the 3rd Quarter Financial Report along with Steven True, Sr. Manager Financial Reporting of Metro Transit, and Jason Willett, Director MCES Financial Management.

3Q11 Report on Investment

Allen Hoppe, Sr. Manager, Treasury, and Mercy Ndungu, Financial Analyst, reviewed the 3rd Quarter Report on Investments.

ADJOURNMENT

Business completed, the meeting adjourned at 3:30 p.m.

Respectfully submitted,

Robbin Schmitt
Recording Secretary