

**SIDE LETTER AGREEMENT
BETWEEN
THE CITY OF SANTA MONICA
AND
THE INTERNATIONAL ASSOCIATION OF SHEET METAL, AIR, RAIL,
TRANSPORTATION WORKERS – TRANSPORTATION DIVISION, LOCAL 1785**

This Side Letter Agreement (“Agreement”) memorializes an agreement reached between the City of Santa Monica (the “City”) and the International Association of Sheet Metal, Air, Rail, Transportation Workers – Transportation Division, Local 1785 (“SMART-TD”), enter into an Accident Review Pilot program (“Pilot”), as set forth below. The only Pilot component of this program shall be the modification of the rolling 12-month period for when accidents and incidents are counted against an employee’s record. The Pilot shall be effective January 1, 2019, through January 1, 2020. The parties agree to meet and confer in July 2019 to review data and evaluate the feasibility of transitioning from a pilot to a permanent workplace policy. This Agreement is consistent with parties’ agreement to memorialize the removal of this Policy from the current Memorandum of Understanding (“MOU”) and instead, to maintain the Policy as a separate Agreement until the parties agree to transition to a permanent policy. All other terms and conditions of the existing MOU shall remain in full force and effect. The Pilot is as follows:

Purpose:

- To establish an Accident Review Committee to review all vehicular/drivable accidents and incidents that occur in the course and scope of conducting City business, with the primary objective being to improve and ensure the safety of transit operations.
- To determine whether accidents or incidents are preventable or non-preventable.

Definitions:

- Accident: An unexpected loss-causing collision associated with the operation of a transit vehicle, revenue and non-revenue, which results in a fatality, bodily injury or property damage.
 - Collision: A vehicle accident in which there is an impact of a transit vehicle with:
 - • Another transit vehicle
 - • A non-transit vehicle
 - • A fixed object

- • A person(s)
- • An animal
- • A rail vehicle
- Incident: An occurrence in which a person is injured while riding in a transit vehicle, while boarding or disembarking from a transit vehicle, on or at a bus stop or terminus, or while in a transit facility.

First Step:

Using the National Safety Council (NSC)/TSI guidelines, the Big Blue Bus Transit Safety & Security Manager, or his/her designee, will review each accident and make a recommendation regarding the classification of the accident. In reviewing the accident, the Transit Safety & Security Manager will examine the severity of injuries and/or property damage and the Motor Coach Operator's accident history and overall performance.

The Transit Safety & Security Manager will provide a memorandum regarding the rating of the accident and an explanation with reference to any applicable rules and regulations.

Should the Motor Coach Operator disagree with the classification of the accident, the Motor Coach Operator will have the option of requesting that the accident be reviewed by a law enforcement officer from the City of Santa Monica or from a local law enforcement agency that the City and SMART-TD agree to use (the "Accident Review Committee").

Second Step:

The Motor Coach Operator and SMART-TD Representative shall provide all relevant documents, photographs, diagrams, and testimony to the law enforcement officer during an Accident Review Committee ("ARC") meeting. BBB shall be afforded the same opportunity to present documents, photographs, diagrams, and testimony during the ARC meeting. The officer's decision regarding preventability shall be final rating.

If the accident/incident is preventable, the following disciplinary action may be taken, as follows:

1st preventable accident/incident: Up to one day suspension and training, if appropriate. First preventable accidents/incidents that occur on the bus yard may be subject to suspension of up to three days and training, if appropriate.


2nd preventable accident/incident within a rolling 12-month period: Up to five days' suspension and training, if appropriate.

3rd preventable accident/incident within a rolling 12-month period: Additional suspension (and training, if appropriate), or termination from employment.

- A preventable accident/incident that does not lead to termination from employment may result in discipline.
- Any single accident/incident may result in suspension or termination from employment depending upon the severity and/or negligence associated with the accident or incident.
- Failure to submit an accident/incident report by the deadlines established under Section 5.09 of the MOU can result in disciplinary action. At the time the Motor Coach Operator submits the report, the recipient (i.e., dispatcher-on-duty, supervisor, manager) will verify the submission by providing a "Report Receipt" that will be completed by the recipient.
- Preventable accidents and incidents shall be considered separately in determining the level of disciplinary action as outlined above. In a situation where an employee is involved in both an accident and an incident in a rolling 12-month period, such involvement in both types of events shall not be used as a basis to implement a higher level of discipline. For example, if an employee is involved in a preventable accident in January and is subsequently involved in a preventable incident in October, the employee's record shall reflect one preventable accident and one preventable incident.
 - The rolling 12-month period became effective January 1, 2018.

IN WITNESS WHEREOF, the parties hereto have caused this Side Letter of Agreement to be executed this 1st day of April, 2019.

ATTEST:



 DENISE ANDERSON-WARREN
 City Clerk

CITY OF SANTA MONICA
 a municipal corporation

By: 

 RICK COLE
 City Manager

APPROVED AS TO FORM:



 LANE DILG
 City Attorney

By: 

 ERSKINS ROBINSON
 SMART-TD Representative