

Memorandum of Agreement
Intercity Transit and ATU Local 1765
December 1, 2008

Pursuant to a demand to bargain submitted by the Union on April 11, 2007, the parties entered into "impact negotiations" on the effects of implementing a comprehensive on-board digital video recording system throughout the revenue fleet on May 14 and June 25, 2007.

The parties have agreed no recording shall be used by any manager against any ATU member for the purpose of finding misconduct or issuing discipline, referred to by the parties as "targeted surveillance" or "fishing", except where there is an initiating event such as a complaint, accident, incident or infraction and as referenced in Article IX, Section B of the Labor Agreement.

In cases where the incident is reported by the Operator, the recording of the incident will be reviewed to determine the facts of the incident. If review of the incident reveals a Category C violation, the Operator will be counseled and a report of the incident will be placed in the Operator's file for a one-year period. This violation will not count toward progressive discipline track for Category C violations. A second self-reported incident that reveals a Category C violation within the same 12-month period will be treated as a regular Category C violation. If review of a recording based on a self-reported incident reveals a Category B or category A violation, appropriate discipline will take place.

If management determines to review a recording under such circumstances, management will first review the recording to determine if there appears to be a basis for potential discipline. If management determines there may be a basis for discipline, they will notify the Union President/Business Agent and provide a copy of any initiating documentation and permit the Union President/Business Agent or designee to independently review the recording. Following this review, management and the Union President/Business Agent or designee may jointly review and discuss the recording.

Any finding of misconduct or discipline based on such a review must be related to the specific incident which was the subject of the complaint, accident or infraction.

To implement this agreement, the policy and procedures adopted by the Intercity Transit Authority on June 6, 2006 resolve the Union's concerns regarding "targeted surveillance", "fishing", and records maintenance. For example, the adopted policy and procedures permits viewing of recorded material to that which is associated with an "incident." As a result, "fishing" is not within the adopted policy and procedures.

These June 2007 policies and procedures included the following:

POLICY-OP-5507

PROCEDURE-OP-5507-A

PROCEDURE-OP-5505-B

TASK-OP-5507-A

TASK-OP5507-B

FORM-OP-5507

The parties further agree that any audio record of a "protected" Union conversation shall not be used by any manager in a manner that would be contrary to the interest of a member of the bargaining unit.¹ The Union agrees to caution its stewards, officers, agents and members to exercise due diligence in protecting the Local's interests and the interests of its members.

In the event Intercity Transit plans to amend the above reference policy and procedures, it shall notify the Union so the Union may submit a timely demand to bargain the impact of any such amendments. This provision includes any additional audio input device outside of the "fare box area" or a video input device that is focused on the "operator's compartments."



For Intercity Transit



For ATU Local 1765

Date: 1/30/09

Date: 2-2-09

¹ The term, "protected" means that the conversation is member to member or member to officer or visa versa regarding issues of representation or lawful union business.