


From: Baltao, Elaine
Sent: Saturday, May 17, 2025 9:59 AM
To: VTA Board Secretary
Cc: Gonot, Carolyn; Smith, Patrice; Maguire, Tom
Subject: From VTA: Video Response to Recent BSV II Criticism

VTA Board of Directors:

Attached is a memo from Patrice Smith, VTA Chief Communications Officer, regarding VTA's video response to recent BSV II criticism. The memo has a link to the video but can also be accessed by clicking [here](#). Thank you.

MEMORANDUM

TO: VTA Board of Directors

FROM: Patrice Smith 
Chief Communications Officer

DATE: May 17, 2025

SUBJECT: VTA video response to recent criticism

In mid-April, [Armchair Urbanist](#) Alan Fisher posted a video criticizing BART Silicon Valley Phase II (BSVII). In response, the Communications team produced a video highlighting BSVII's benefits, featuring public transit advocate Monica Mallon. This video also addresses similar concerns raised in a National Review article published earlier this week.

The posting of the Monica Mallon video on Friday is to get our message out prior the VTA leaders' visit to Washington, DC the week of May 19. It is available on our VTA YouTube Channel and social media platforms. Additionally, we are sharing it with BSVII supporters and stakeholders for distribution.

Please amplify this [video](#) by sharing it with your key audiences to spread awareness of BSVII and its long-term benefits.

Thank you.

From: VTA Board Secretary
Sent: Monday, May 19, 2025 3:47 PM
To: VTA Board of Directors
Subject: From VTA: New Personnel Policy

VTA Board of Directors:

Please see the attached memo with policy being forwarded at the request of Sonya Morrison, Chief People Officer.

Thank you,

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B
San Jose, CA 95134-1927
Phone **408-321-5680**



MEMORANDUM

TO: VTA Board of Directors

THROUGH: Carolyn Gonot, General Manager/CEO

FROM: Sonya Morrison, Chief People Officer

CC: Greg Richardson, Deputy General Manager

DATE: May 17, 2025

SUBJECT: Board Referral – New Staff Policy – FINAL Administration Response

REFERRAL SUMMARY:

Direct administration to return to the Board of Directors with a policy for creating new staff positions, emphasizing the need for a competitive salary range that aligns with industry standards, and including the board's approval of new positions, description of the staff code and classification, and assessment of the long-term impact on the budget.

The policy should outline procedures for hiring consultants and outside support for work traditionally done by staff or contractors. These guidelines should cover all new BART Phase II and light rail consultants.

The policy should include a requirement for merit criteria for each position. This will ensure that all new hires can perform the work at a high standard.

The policy should also include an annual Board review of staff and consultant costs, funding sources, qualifications for hiring new staff and consultants, and provisions for distinguishing between permanent and temporary positions.

BACKGROUND:

The 2024 VTA Board Chair asked staff that questions and requests for clarification on this Board Referral be brought to the Governance and Audit Committee (G&A). At the G&A meeting on March 6, 2025, staff brought a high-level approach to the intent of this referral to ensure we were on track with the intent of the referral. This final response is consistent with the approach presented to the G&A Committee.

DISCUSSION:

At the March 6, 2025, G&A meeting, staff received confirmation that the Board Referral essentially was looking for:

- Transparency in the process for how headcount is determined and position control for managing new positions and overall agency FTE;

- Transparency in the use of consultants - specifically in the BART project and Engineering and Program Delivery; and
- Transparency in the selection and hiring process to ensure a merit-based system in the recruiting of new VTA employees.

Staff presented to the G&A Committee an overall approach to address these issues and this is the final administrative actions being taken in response to the Board Referral:

- Position Budgeting – VTA initiated a position budgeting process for the FY2026-27 budget where the VTA Board of Directors approves the budgeted headcount, and any adjustments are brought to the Board for approval. This increases information and transparency to the Board and provides them the authority over head count through the budget process.
- Consultant Use – VTA initiated an annual review and reporting process led by the BSVII Program and Engineering Programming and Delivery (EPD) divisions covering consultant use and analysis of alternatives.
- Merit-based VTA Employee Hiring – VTA drafted a set of Personnel System Rules and Regulations to ensure a consistent, transparent, merit-based process for hiring of all VTA employees.

The VTA Administrative Code section Sec. 7-5. Personnel Policies and Procedures, states:

The General Manager, through the division head responsible for Human Resources, will administer the personnel system of VTA and, except as otherwise required or prohibited by law, will have the authority to adopt and implement specific policies and procedures to govern the...phases of the personnel system.

The General Manager/CEO, through the Chief People Officer, has created the attached VTA Personnel System Rules and Regulations to implement the directive of the Administrative Code around personnel administration and merit-based recruiting. The VTA Personnel Rules and Regulations mirrors similar Personnel System or Civil Service Rules in other public agencies. These rules and regulations cover:

- Purposes, authorities and responsibilities of the merit system of personnel administration
- Recruitment and applications
- Examinations and ratings
- Employment lists (a.k.a. 'eligibility lists')
- Certification
- Appointments and merit system status
- Administration of the classification plan
- Department Rules
- Abolishment of position
- Outside employment

They attempt to harmonize existing VTA Administrative Code provisions, Collective Bargaining Agreements (CBAs), and existing recruitment practices with best practices for merit-based personnel administration. Where these are in conflict with a CBA, CBA provisions are the final authority. The VTA Personnel System Rules and Regulations will govern all VTA recruitment processes for the Talent Acquisition team and will be posted with the Personnel Policies and Procedures, accessible to all VTA employees.

Santa Clara Valley Transportation Authority

Personnel System Rules and Regulations

Effective July 1, 2025

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I. PURPOSES, AUTHORITIES AND RESPONSIBILITIES OF THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION

a. Purposes of the Merit System

In accordance with the provisions of Chapter 7, Personnel System, of the VTA Administrative Code these Personnel System Rules and Regulations are established to further the intent and policy of the VTA Board of Directors to provide a merit system of personnel administration.

b. Collective Bargaining Agreements (CBA)

Provisions of agreements negotiated with employee organizations (Collective Bargaining Agreements) shall take precedence over these personnel system rules and regulations where conflicts exist.

c. VTA Administrative Code

Provisions of the VTA Administrative Code shall take precedence over these personnel system rules and regulations where conflicts exist.

d. Merit System Authorities and Responsibilities

The following designations of authority and responsibility are made with respect to the administration of this merit system:

i. Board of Directors.

The Board of Directors shall be the final authority for:

1. Approving these merit system rules and regulations and all amendments thereto. It may also request the General Manager/CEO to research and prepare amendments and revisions deemed necessary.
2. Authorizing the number of FTE via adoption of the biennial budget, and approving amendments to FTE count outside of the budget adoption.
3. Recognizing of and approving of any collective bargaining agreements (CBAs) with bargaining units representing employees.

ii. General Manager/CEO.

The General Manager/CEO shall:

1. Be responsible to the Board of Directors for the administration and maintenance of the personnel system subject to these merit system rules and regulations.
2. Be responsible for establishing a position classification plan and pay ranges (salary schedules) for all VTA positions, with the exception of

positions in the General Counsel's office and be responsible for all amendments thereto.

3. Be the appointing authority responsible for the appointment or removal of all employees' subject to the provisions of these personnel system rules and regulations, except those appointed and removed by the Board of Directors or General Counsel. The General Manager/CEO may delegate this appointing authority to such division chiefs as they see fit.
4. Be responsible for the preparation of proposed amendments to the merit system rules and regulations.
5. Be responsible for the preparation of proposed amendments to the position budget.
6. Be responsible for negotiating agreements with bargaining units representing employee groups.
7. Perform such other duties and exercise such other powers for personnel administration as may be described by law or these merit system rules and regulations.

iii. Human Resources Department.

The Human Resources Department shall:

1. Be responsible to the Chief People Officer for the administrative and technical direction of the agency personnel program. The Human Resources Department shall administer the provisions of these rules to develop and administer such recruitment and examination programs as may be necessary to obtain or maintain an adequate supply of competent applicants to meet the needs of the agency.
2. Develop and maintain a comprehensive classification plan and make recommendations to the Chief People Officer for amendments to the plan to reflect on a current basis the duties and responsibilities of each position.
3. Maintain the compensation and pay plan, including the periodic review of salary and wage levels as they reflect agency employment, and make recommendations to the Chief People Officer for amendments to the compensation and pay plan as needed.
4. To align with these rules, regulations, and VTA's position budgeting approach to position control, conduct regular reviews of staffing and compensation and certify any recommendations for additions, deletions, or changes in agency position control to the Chief People Officer and Chief Financial Officer or Controller, who will forward the recommendation to the General Manager/CEO.

5. Review for proper execution and conformance to these rules and regulations all personnel actions and return for correction any personnel actions not in conformance herewith. No personnel actions shall be deemed final until approved by the Chief People Officer or designee as being in conformance with these rules and regulations.
 6. Provide for the proper security of personnel records, both physical and electronic.
 7. Provide for the orientation of all new VTA employees.
 8. Provide such forms and procedures as appropriate to carry out these rules and regulations and all other aspects of the VTA personnel administrative system.
 9. Recommend to the Chief People Officer, or their designee, amendments to these rules and regulations.
 10. On behalf of the General Manager/CEO, negotiate agreements with bargaining units representing employee groups.
 11. Participate in the administration of personnel provisions of the Collective Bargaining Agreements.
 12. Perform any other functions as necessary or as directed by the General Manager/CEO to carry out the purpose and provisions of these personnel rules and regulations.
- iv. General Counsel
The General Counsel shall have the authority to establish the positions and staff levels and appoint and remove all employees in the General Counsel's office and to fix their compensation within the limits of the General Counsel's budget.
- v. VTA Officers and Employees.
All division chiefs and officers, whether elected or appointed, and employees shall comply with and carry out both their prescribed duties and these merit system rules and regulations.

II. RECRUITMENT AND APPLICATIONS

a. Recruitment

1. Recruitment of candidates for classified positions which are not to be filled by promotion, demotion, transfer, rehire list, or where there is collective bargaining

agreement language, such as the ATU Change of Class or SEIU Local 521 bid procedure will be carried out through any appropriate media on a timely basis to assure all segments of the public have the opportunity to apply and be considered for such positions. In the event of any conflict between this procedure and the terms of a collective bargaining agreement, the terms of the collective bargaining agreement shall prevail.

2. Applicants will be recruited on the basis of the minimum training and experience requirements established for the class.
3. All publicity shall indicate VTA is an equal opportunity employer.
4. The Human Resources Department, with the approval of the Chief People Officer, may initiate efforts toward and participate in joint recruitment efforts with other local government agencies having similar personnel requirements.
5. When it is anticipated the volume of applications will be large in relation to the number of vacant position(s), the Human Resources Department may restrict recruitment to limit the size of the applicant group by:
 - i. Establishing a shorter filing period than that utilized for regular recruitment efforts, no shorter than five (5) business days; and/or
 - ii. Specifying a maximum number of qualified applications which will be accepted, and closing the recruitment immediately when that number is reached; and/or
 - iii. Other means which are appropriate to the circumstances.

b. Request to Fill

1. When a Hiring Authority determines the need to fill a vacant position, they will initiate the process by submitting a requisition in the talent acquisition or applicant tracking system in use by VTA.
2. Talent Acquisition shall review with the Classification and Compensation unit to verify the vacant position and determine if there is any pending re-organization or other classification action which would impact the recruitment and selection process.
3. Once the Requisition is approved, Talent Acquisition shall determine if there is a reemployment/callback list for the job classification. If so, any internal transfers shall occur, and then the person on the list with the highest seniority shall be offered the resulting vacancy. However, in accordance with the applicable Collective Bargaining Agreement between VTA and the bargaining units that represent VTA employees or the Personnel Policies and Procedures, selective certification of employees with required skills may preclude the person with the highest seniority from an appointment to a specific position. If not, Talent Acquisition will proceed with the recruitment process.

c. Announcement of Vacant Positions to be Filled

1. All vacant classified positions excluding those being filled by limited competition promotion (internal posting open to current VTA employees only), transfer, or Change of Class, shall be publicized by posting announcements on VTA's website, and other media as the Human Resources Department may deem appropriate.
2. The announcements, which may be for filling vacancies by initial appointment or by promotion, shall specify:
 - i. The class title and salary range of the position to be filled.
 - ii. A description of the duties and responsibilities of the position or class.
 - iii. Minimum qualification requirements for eligibility for the position or classification.
 - iv. Closing date of receipt of applications.
 - v. The tentative date of any examinations if required for the positions.
3. When deemed in the best interest of the agency, the Human Resources Department may recruit and examine applicants at any time to increase the quality or quantity of eligible persons on an existing eligibility list after consultation with the appropriate division chief. The Human Resources Department may also recruit and examine on a continuous basis. New eligible persons to be merged with an existing eligibility list will be ranked according to their numerical score.

d. Filing of Applications

1. All applications shall be received by the final filing date and time listed in the job announcement posting.
2. The Human Resources Department may extend the originally announced time limit for filing applications. Such an extension of the time limit for filing shall be given appropriate public notice and publicity.
3. No individual shall be denied the right of filing a formal application for a publicly announced vacancy of a classified position.
4. Talent Acquisition staff shall screen applications for minimum qualifications, verification of degrees and licenses, responses to supplemental questions, and completeness of application, in accordance with applicable federal and state laws.

e. Rejection of Applications

The Human Resources Department may reject any application or applicant when it has been determined that:

1. The application was not received on or before the final closing date and time established for receiving applications.

2. The application was not filed using the required format.
3. The applicant does not possess the minimum qualification requirements as specified in the public announcement of the vacancy.
4. The applicant is physically, mentally, or legally unfit to perform the essential required duties of the position.
5. The applicant has failed to complete the application, made a false statement of a material fact, or practiced fraud or attempted to deceive in the application, in any tests, or in attempting to secure appointment.
6. For positions requiring criminal history disclosure, the applicant has been convicted of a felony which was related to the employment sought. Applicants having other felony convictions will be considered on an individual case basis, with the position involved, the crime for which convicted, and rehabilitation as the basis for decision.
7. The applicant was previously employed by VTA and was dismissed for cause, or resigned not in good standing, and is not currently eligible for re-employment by the agency.

f. Requests for Additional Documentation

Applicants shall be notified in writing if additional documentation is required, if their application is rejected, or if they are disqualified for any reason. Applicants may submit additional qualifying information. The additional information must be received by Talent Acquisition within five (5) calendar days of the date of the notice. The selection process shall not be stayed during this period.

III. EXAMINATIONS AND RATINGS

a. Examination Types and Eligibility to Take Examinations

1. Open examinations are competitive and not all applicants will progress through the examination process. Any applicant who has a properly executed application for the vacant position to be filled and whose application is not rejected as prescribed in these rules and regulations may be considered.
2. Closed competitive examinations shall be restricted to those classified VTA employees whom the Human Resources Department determines shall be eligible, utilizing such criteria as the Human Resources Department deems appropriate for a given vacant position to be filled.
 - i. Limiting competition to VTA employees through closed examinations must be justified by the hiring authority and approved by the Chief People Officer or

designee.

- ii. Among the criteria which may be cited in such justifications are the requirements of special skills or knowledge possessed only by persons currently employed by the agency, the maintenance of a continuous established line of career progression which is in the best interest of the agency, a CBA requiring a closed process, or the availability of a large number of qualified VTA employees to fill the vacant position(s).
3. The Chief People Officer or designee shall be the final determining authority as to whether any given examination for a vacancy to be filled shall be conducted as an open competitive examination or a closed examination.
4. Any examination may be postponed or canceled at the direction of the Human Resources Department, and efforts will be made to notify each applicant of the postponement or cancellation.

b. Examination Preparation and Administration

Both open and closed examinations shall be prepared and conducted by or under the direction of the Human Resources Department, in cooperation with the division in which the vacant position(s) to be filled exist. Examinations may include, but are not limited to, written, oral, or practical demonstration of skill and ability, or any combination of these. Any investigation of education, experience, character, or identity, and any test of technical knowledge, ability, manual skill or physical and mental fitness or other relevant factors may be included in the examination.

c. Oral Examination Boards

1. The Human Resources Department may elect to utilize an oral examination board as one of the instruments of the evaluation. The board should consist of at least three persons, but no more than four who may be selected from any of the following: persons who hold a similar or superior position within a department in which a vacant position to be filled exists; persons who hold a similar or superior position in another VTA department; or persons who are not a VTA employee or officer but who have knowledge in the areas of skill, experience, training, and other requirements of the position. Up to two of the panel members may be external. The composition of the panel shall be approved in advance by the Equal Employment Officer.
2. Interviewers who believe that they cannot fairly evaluate a candidate, or who have a personal relationship with a candidate that would be construed as a conflict of interest shall not participate in the interview nor the evaluation and discussion of the candidate's qualifications for the position.

d. Fraudulent Conduct or False Statements by Applicant

Fraudulent conduct or false statements by an applicant or in an applicant's behalf, in

any application or examination, shall be deemed cause for the exclusion of such applicant from an examination, or for removal of their name from all employment lists, or for discharge from the service.

e. Integrity of the Examination Process

1. No employee or other participant in the exam process may participate, directly or indirectly, in the rating of an examination in which the employee or a relative, by blood or marriage, or a person who resides in the same residence, is a competitor.
2. All statements of former employers and character inquiries shall be treated as confidential and not available for public inspection, except as explicitly permitted by the employee and the reviewer.
3. It is the responsibility of every employee of VTA and every representative of the Human Resources Department to treat as confidential any information available to them concerning examination material.

f. Rating

1. Appropriate techniques and procedures based on merit principles shall be used in rating results of examinations and determining the relative ratings of the competitors.
2. For all examinations or segments thereof, the minimum performance requirements by which eligibility is achieved shall be established by the Human Resources Department after consultation, when appropriate, with the division chief(s), or their designee. A minimum qualifying grade related to these minimum performance requirements shall be established for each exam segment or the combined ratings of the several parts of the examination. Applicants failing to achieve a minimum qualifying grade on any segment may be disqualified from further participation in the immediate examination process.
3. Final numerical rating shall be expressed on a scale of 100% for maximum possible attainment. To be considered for appointment, an applicant must attain an earned rating of at least 70%. This 70% may be the arithmetic percentage of the possible score achieved by a competitor when their results have been scored or may be an adjusted score based on consideration of the difficulty of the examination, the quality of competition, and the needs of the agency.

g. Notification of Examination Results

All applicants who complete the examination process for a position in a given classification shall be notified in writing relative to their passing or failing the examination process. They shall also be informed of the remaining steps and procedures which may occur before final disposition on their applications. A statement is also to be included stating that position on the list does not assure an interview or

hire.

h. Waiver of Examination

The examination process may be waived by the Human Resources Department with the approval of the Chief People Officer or designee and an eligibility list established showing candidates as qualified based on meeting the minimum qualifications of the classification if any of the following conditions apply:

1. It is impractical to establish a selection device that will measure the relative fitness of candidates.
2. The minimum qualification consists solely of a bona fide or state registration such as, but not limited to, professional engineers, etc.
3. There are fewer than seven candidates who have been found qualified after the filing deadline for receiving applications.

This rule shall not be used to circumvent the normal competitive process as it relates to hiring the best qualified candidates. In the event additional recruitment and subsequent examination is necessary to supplement the employment list and candidates previously determined as qualified and remaining on the list must compete in the same examination procedure as new applicants to remain on the employment list and shall be so notified.

i. Retention of Examination Records

All examination records shall be retained in accordance with VTA's Records Retention Schedule, adopted by the Board.

j. Examination Resources

The Human Resources Department shall have the authority to initiate into recruitment agreements for the exchange, joint usage, development, administration, evaluation, and validation of any or all segments of the examination program with other local employers and reputable concerns involved in personnel testing as deemed necessary, subject to the approval of the General Manager/CEO and, where appropriate, the VTA Board of Directors.

IV. EMPLOYMENT LISTS

a. Use of Employment List

Classified positions shall be filled from employment lists established by a competitive process unless the Human Resources Department determines that the vacancies will be filled by transfer, demotion, reassignment, or through any authorized and established non-competitive process.

b. Establishment of Employment Lists

1. The Human Resources Department shall establish and maintain such employment lists for the various classes of positions as may be necessary to assure an adequate number of eligible persons to fill vacancies which may or are known to occur.
2. Each list shall contain the names of those eligible persons that have completed the examination process and have been determined qualified and possess the required knowledge, abilities, and skills necessary for successful job performance.
3. Names of eligible persons shall be placed on employment lists in the order of the numerical ratings resulting from their examinations.

c. Availability of Eligible Persons

It shall be the responsibility of eligible persons to notify the Human Resources Department in writing of any changes of address or other change affecting availability for employment. Whenever an eligible person - in their application or by submitting a written statement - restricts the conditions under which they will be available for employment, their name may be withheld from all certifications which does not meet the conditions which they specified.

d. Duration of Lists

Each employment list shall remain in effect for a period of six months. When deemed necessary and in the best interest of the agency, the Human Resources Department may keep the employment list in effect for an additional period not to exceed one year. A statement of the reasons for any such extension shall be entered in the records of the Human Resources Department. Employment lists may be abolished by the Human Resources Department at any time during the six-month period if there is not a sufficient number of candidates that remain on the list for consideration.

e. Removal of Name From Lists

Names may be removed from employment lists for any of the reasons listed below:

1. At the written request of the eligible person.
2. Refusal of an offer of employment.
3. Appointment through certification from such lists to fill a permanent position.
4. Appointment through certification from the employment list for another class at the same or higher compensation. (In such case, at the request of the appointee, their name may be continued on any or all lists other than the one from which the appointment was made, for the remainder of the period of eligibility on

such lists).

5. Filing of a written statement by the eligible that they are not willing to accept appointment.
6. Failure to report for interview or to respond - within the time specified in the notice - to any inquiry of the Human Resources Department or hiring authority relative to employment or availability unless satisfactory evidence is furnished justifying such failure to respond.
7. Failure to report for work after accepting appointment.
8. Inability to locate eligible person.
9. Discovery that the eligible person has willfully provided erroneous information, withheld information, evaded questions or otherwise misrepresented their qualifications in order to qualify for appointment or promotion.
10. Any cause or condition otherwise specified in these rules for rejection of an application.
11. Any good and sufficient reason.

The rejection of an applicant by one department shall not affect the eligibility for appointment to a position in any other department or under any other appointing authority's jurisdiction.

f. Restoration of Names to Employment Lists

Whenever any person's name is removed from an employment list, they will be notified. Such a person may at any time during the life of that employment list make written request to the Human Resources Department for the restoration of their name to such list for the duration of their eligibility. The request shall specify the reasons advanced for restoration of the name. The Human Resources Department, after full consideration of the request, may restore the name to the employment list or may refuse such request and the person shall be notified of the action.

g. Consolidation of Employment Lists

1. The Human Resources Department may determine that the needs of the agency require that an examination be held for a class for which an employment list already exists, prior to its normal expiration date. In such an event, a new employment list will be established as a result of the new examination,
2. The names of persons remaining on the old list may be placed on the new list in accordance with their previous final score, but such names may be removed from

the list at the expiration of one year on the old list. Should such persons elect to take the new examination, their names will be placed on the employment list in accordance with the new final score.

h. Alternate Lists

If a vacancy exists for a classification for which there is not an adequate employment list, the Human Resources Manager may certify names from the employment list for a related classification for which minimum qualifications and examinations are similar to, or higher than, those required for the classification in which the vacancy exists.

V. CERTIFICATION

a. Request for Certification

All requisitions for certification of eligible persons for the filling of vacancies shall be made to the Human Resources Department in writing.

b. Anticipation of Need

Insofar as possible, vacancies shall be anticipated sufficiently in advance to permit the Human Resources Department to establish an employment list.

c. Procedure for Obtaining Certification of Eligible persons in Order to fill a Vacancy

1. Whenever a vacancy is to be filled, the appointing authority shall make requisition to the Human Resources Department for certification of eligible persons for appointment to the class of the position for which the vacancy exists and shall recommend whether this shall be an open or closed examination.
2. Upon receipt of a valid requisition for certificate of eligible persons from an employment list to fill a vacancy, the Human Resources Department shall certify to the requesting appointing authority the appropriate employment list listing the names of those persons eligible for appointment.
3. The seven candidates with the highest scores (who meet the job-related criteria if such have been established) will be certified. If there is a tie at the seventh place, all tying candidates shall be included. If the Hiring Authority interviews all candidates who respond, and are unable to locate a satisfactory candidate, the Hiring Authority may request that the next seven highest scoring candidates be certified. Candidates who have applied for transfer, return to former classification, or reinstatement shall be added to the certification list in addition to the candidates with the seven highest scores. The specific candidates to be submitted shall be determined by the type of candidates (reinstatement, transfer, internal, etc.) and their rank on the employment list. Candidates shall be listed in alphabetical order by last name. If there are less than seven eligible candidates, the hiring authority may decline to interview until there are at least seven eligible candidates on the list.

d. Appropriate Employment Lists

Certification shall ordinarily be made from a list established for the particular class in which the vacancy exists. However, if no such list exists or the list contains an insufficient number of eligible persons for certification purposes, the Human Resources Department may certify names from an appropriate alternative employment list if such a list is available. Such a list shall be for a class of the same or higher pay level with the qualification requirements equal to or superior to the class in which the vacancy exists.

e. Incomplete Certification

When the number of names on a certified eligibility list is fewer than seven, the hiring authority or division chief may select from them or may decline certification for that vacancy and request that a new list or lists be established.

VI. APPOINTMENTS AND MERIT SYSTEM STATUS

a. Filling of Vacancies

1. All vacancies in classified positions shall be filled by probationary appointment, transfer, promotional, temporary (provisional), demotion, or applicable CBA processes.
2. The hiring authority shall evaluate the knowledge, skills, and abilities of the candidates and select the candidate they determine to be best qualified for the position. Any of the candidates from the Certification List may be selected. Each candidate's qualifications shall be documented on a rating sheet, and their relative qualifications shall be summarized on the Certification List.
3. The hiring authority shall perform a reference check on all selected candidates. For internal candidates, the hiring authority shall review the personnel file and check with Employee Relations to determine if the employee has any disciplinary issues that are not reflected in the personnel file.
4. The hiring authority shall complete the Appointment Form and Reference Check form and send to Talent Acquisition for review and approval.
5. The Hiring Authority shall not make a job offer until authorized to do so by Talent Acquisition staff.
6. Any request to appoint above the base salary for the classification shall include written justification, signed by the Human Resources Manager for requests up to midpoint and by the Chief People Officer for requests above midpoint.
7. When all required approvals are obtained, Talent Acquisition shall notify the Hiring Authority of the starting salary and of the appropriate start date. The

exception to this is that the General Counsel is responsible for setting salary within their department.

8. The Hiring Authority shall then make a verbal offer to the selected candidate contingent upon the successful completion of background and reference checks. Candidates who are currently employed (or were employed by VTA within the past 90 days) may be exempted from these requirements, provided however, that if they are moving from a non-safety sensitive position to a safety sensitive position, they shall be required to complete a drug screening and shall be required to provide the required two-year Department of Transportation (DOT) substance abuse history, as applicable.
9. The Human Resources Department shall provide applicants with information regarding salary, fringe benefits, and the qualifying period for benefits and shall confirm the start date.
10. Upon notification by the Hiring Authority of acceptance of employment by the candidate, Talent Acquisition shall send the candidate a letter confirming the terms of the offer of employment and a new hire package.
11. Talent Acquisition shall contact all unsuccessful candidates who were interviewed to advise them that they were not selected for the position.

b. Probationary Appointment

Probationary appointments shall be given to all persons upon their first employment by VTA in a classified position resulting from selection from an appropriate employment list eligible person who have passed the examination for the class. The following rules apply to probationary appointments:

1. A probationary appointment shall be considered the "working test" portion of the examination process. As such, the probationary period shall be regarded as an integral part of the selection process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new or promoted employee to the position, and for rejecting any employee whose performance or conduct is not satisfactory.
2. The standard period of a probationary appointment shall be nine months for non-represented employees, and as per applicable CBA provisions for bargaining unit represented employees.
3. An employee performance review shall be completed for each employee serving under a probationary appointment. In all performance reviews, the decision of the division chief shall be final.
4. The division chief having authority over any employee serving under a

probationary appointment may determine at any time prior to completion of the standard period of the probationary appointment that it is in the best interest of the agency to extend the period of the probationary appointment of the employee. Such determination shall be in writing and shall be provided to the appointing authority and the employee prior to the expiration date of the employee's standard probationary period. No extension of the probationary period shall be for more than six months, except that in the event of a work-related disability, any extension of the probationary period to allow the employee time for recovery from such disability shall not be considered with respect to the above limitation.

5. At any time during the probationary period, a division chief may remove an employee if in their opinion the working test period indicates that such employee is unable or unwilling to perform the duties of the position satisfactorily. It shall be the duty of the appointing authority to remove an employee serving under a probationary appointment if the appointing authority determines that the employee's conduct, integrity, lack of dependability, or capacity do not merit continuance with the service.

c. Transfer Appointments

1. A transfer of an employee from a position in one department of VTA to a position of the same class in another department of the agency may be made at any time by the appointing authorities concerned. No increase or advance in salary shall be made unless the regulations governing salary advancement are complied with.
2. At the request of an employee, and with the approval of the Chief People Officer, an employee may be transferred from a position in one class to a position in another class with the same salary range involving substantially the same level of duties and responsibilities but requiring additional or different special requirements. The Chief People Officer may require the employee to demonstrate in an examination that they possess the additional or special requirements. A transfer from one class to another class shall require the service of a new probationary period unless such probationary period is waived by the appointing authority.

d. Promotional Appointments

Insofar as practicable and consistent with the best interests of the agency, consideration shall be given to filling vacancies in higher positions by promotion from within the classified service, after a promotional examination has been given and an employment list established. The serving of a probationary period shall not, of itself, prevent a classified employee from being promoted to a position in a higher class, provided the employee is certified from an appropriate employment list for such higher class of position. If, within the abovementioned limitations, an employee is promoted in this way during a probationary period, the probationary period for the class of position to

which the employee is promoted shall begin with the date of appointment to such latter class of position. Should the employee return to their prior position, they shall complete the remainder of their initial probationary period.

e. Temporary (Provisional) Appointments

1. A temporary (provisional) appointment may be made by the appointing authority, with the Chief People Officer's approval, when:
 - i. Any position in the classified service is to be filled and there are no persons on an employment list available.
 - ii. There is a temporary vacancy due to the long-term approved leave of a merit employee. For the purposes of this provision, "long-term approved leave" shall mean a leave of absence expected to be at least three (3) months in duration.
2. A temporary (provisional) appointment will only be granted to a person who meets the minimum requirements for the class.
3. A temporary (provisional) appointment shall not last longer than ninety days in any one fiscal year unless extended by the Chief People Officer, or until an employment list shall have been established, provided that acceptance of a temporary (provisional) appointment shall not be a bar to a probationary appointment from an employment list. Any person on an employment list who has been given a temporary (provisional) appointment shall maintain their position on the employment list.

f. Voluntary Demotions

At the request of an employee, and with the approval of the Chief People Officer, an employee may be demoted from a position in one class to a position in another class with a lower salary range involving similar duties and responsibilities. The Chief People Officer may require the employee to demonstrate in an examination that they possess any additional or special requirements. A demotion from one class to another shall require the service of a new probationary period unless such probationary period is waived by the appointing authority or applicable CBA.

VII. ADMINISTRATION OF THE CLASSIFICATION PLAN

a. Purpose of the Plan

The classification plan provides a systematic arrangement and inventory of all VTA positions entitled to receive merit increases and such other positions as may be desired. The plan groups the various positions into understandable classes indicative of the range of duties, responsibilities, and level of work performed.

b. Use of the Plan

The classification plan shall be utilized to:

1. Determine applicant qualifications.
2. Determine salaries to be paid for the various classes of work.
3. Determine lines of promotion.

c. Content of the Plan

The classification plan shall consist of:

1. A grouping of positions into classifications on the basis of approximately equal difficulty and responsibility which requires the same general qualifications, and which can be equitably compensated within the same pay grade.
2. A class specification title, indicative of the work of the classification, which shall be used on all personnel, accounting, budget, and related official records. No person shall be appointed to a classified position under a title not contained in the classification plan.
3. Written class specifications for each classification containing the nature of the work and relative responsibilities of the class, typical illustrative tasks found in the classification, requirements of the classification setting forth the necessary knowledge, skills, and abilities required for adequate performance of the work, and the desirable experience and training needed for recruiting to the classification.

d. Maintenance of the Classification Plan

The plan shall be maintained by the Human Resources Department who shall be charged with the responsibility of providing for the continued, proper allocation of the employees to positions. The Human Resources Department shall:

1. Have the appointing authority submit a position description reflecting current or anticipated changes so the position can be properly allocated when a new position is anticipated or when there is reason to believe that a significant change in the existing duties and responsibilities has or is to occur.
2. Recommend the abolition of positions and classes that are obsolete to program needs and recommend new positions and classes where appropriate. New or reclassified positions shall be filled in accordance with these Personnel System Rules and Regulations as determined by the appointing authority and Human Resources Department.
3. Periodically review the classification and grade of all positions and where necessary make recommendations to the Chief People Officer for appropriate amendments.
4. A class may be reclassified or regraded to a higher or lower pay grade based on

the relative importance of each class to all other classes in the classification plan. Reclassifying may be necessary due to recruitment difficulties, changes in existing factors such as judgment required, scope and complexity, supervisory responsibilities, etc. Positions shall not be reclassified unless a significant change in the duties and responsibilities has occurred, and then only with the approval of the Chief People Officer and Chief Financial Officer or Controller.

e. Classification and Allocation Reviews

Any department head may request the Human Resources Department to review the existing class or grade level of a position when there is reason to believe a significant change in the duties and responsibilities has occurred. The Human Resources Department shall determine the proper class and grade and shall recommend any necessary changes to the Chief People Officer.

f. Class Specification

Class specifications are descriptions of the general kinds of work performed by positions allocated to each class. They are not intended to be restrictions or to list all duties performed by position incumbents. The Human Resources Department shall make interpretations as necessary in the administration of the classification plan.

g. Amendments to the Classification Plan

Recommendations relative to amendments in the classification plan shall be submitted to the Chief People Officer.

VIII. DEPARTMENT RULES

All rules and regulations of the departments of the agency shall be subordinate to the provisions of the rules and regulations of the merit system of personnel administration of the Santa Clara Valley Transportation Authority.

IX. ABOLISHMENT OF POSITION

The VTA Board of Directors may at any time in its discretion abolish a position in the classified service or in the interest of economy vacate a position and thereby discharge the employee holding such position or employment.

I. OUTSIDE EMPLOYMENT

Outside employment by a city employee shall be a privilege subject to the approval of the General Manager/CEO or their designee.

From: VTA Board Secretary
Sent: Monday, May 19, 2025 3:59 PM
To: VTA Board Secretary
Subject: From VTA: Cap-and-trade Reauthorization Letter

VTA Board of Directors:

Please see the Cap and Trade reauthorization letter.

If you have questions respond to this email.

Thank you,

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B
San Jose, CA 95134-1927
Phone **408-321-5680**





May 19, 2025

Members, Santa Clara County Delegation
State Capitol
Sacramento, CA

Dear Santa Clara County Delegation Members,

On behalf of the Santa Clara Valley Transportation Authority (VTA), we thank you for your continued efforts to support transportation capital and transit operating needs in recent state budgets. As the Legislature evaluates the May Revise and proposals for the future of the cap-and-trade program and the subprograms funded by the Greenhouse Gas Reduction Fund (GGRF), it is imperative that a full range of transit funding programs are maintained, and if possible, expanded. First and foremost, previous grant awards to local transit projects – such as the BART Silicon Valley Phase II (BSVII) project – must be protected. Further, to ensure long-term emission reductions from the transportation sector, key programs must be maintained as part of any negotiation on future GGRF expenditure plans. VTA broadly supports the Governor's call to refocus the cap-and-trade system on critical investments in the climate future of our state. We urge the Legislature to act strategically to protect previous grant awards while dedicating new GGRF funds to enhance our State's global economic competitiveness, meet our climate and equity goals and ensure a livable future for our residents.

BSVII is a critical part of delivering a complete rail system in the Bay Area. BSVII was fortunate enough to be awarded a combined investment of \$1.125 billion in Transit and Intercity Rail Capital Program (TIRCP) funds and \$375 million in "formula" TIRCP funds made available by SB 125 in 2023. This investment enhances a strong local and regional contribution of more than \$5 billion, with local sales tax being the main driver to the project. The state, regional and local commitments reflect the strong support of this project within the region and will help Santa Clara deliver BSVII with \$5.1 billion in federal funds. Any move that might result in the elimination of the state investment puts at risk the federal commitment and indeed the project at whole. These funds and the BSVII project will benefit constituents and employers in Santa Clara County and the entire region.

Additionally, TIRCP coupled with the Low Carbon Transit Operations Program (LCTOP) have been centerpieces of VTA's efforts to deliver high quality transit projects and service to Santa Clara County. These programs must be maintained as part of any GGRF plan. To do otherwise threatens the ability of the state to achieve meaningful emission reductions in the transportation sector and the continued economic viability of not only our region but the entire state. In fact, we would urge the Legislature to contemplate increasing allocations to these key programs and establishing a dedicated funding program for the procurement of zero emission public transit vehicles and fueling equipment to support immediate greenhouse gas reductions to complement the longer term-investments funded through TIRCP.

As a multi-modal transportation agency, VTA and many of its partners have made deliberate use of the full range of transportation funding programs established by statute that receive continuous allocations of GGRF funds. These include the Affordable Housing and Sustainable Communities Program which provided \$182 million to affordable housing projects delivered by the cities and VTA in Santa Clara County and the transportation investments to support them. Lastly, the state's commitment to high-speed rail is also a priority for Santa Clara County as we look to deliver the expansion and reimagining of Diridon Station. A major area for smart-development, Diridon Station will connect the state's rail project to BART, Caltrain, Amtrak, VTA Light Rail, Capitol Corridor and ACE and bus services throughout Santa Clara and neighboring counties.

VTA is committed to carbon reductions to both fight climate change and protect the public health of Santa Clara County communities. Transportation, mostly from automobiles, accounts for 28-percent of greenhouse gas emissions, so transit must be part of the solution to address the climate crisis. VTA is committed to this work, including the release of the agency's first ever climate action and adaptation plan. Reduction of the cap-and-trade program and subprograms funded by the GGRF threatens the progress we've made in the Bay Area.

VTA's work supports the goals outlined by the Governor in the May Revise. We appreciate the delegation's leadership on climate action and look forward to working together with them to continue tackling this issue, including through reauthorization. VTA is ready to support the delegation's efforts to protect these crucial transportation programs.

California's foresight in creating these existing programs has yielded real climate and equity benefits for the residents of Santa Clara County. We acknowledge all of you for your long-standing leadership in climate and transportation funding and policy that makes our State a model for the world. Thank you for your support of VTA and our transportation partners in Santa Clara County and the Bay Area.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sergio Lopez', with a stylized flourish at the end.

Sergio Lopez
Chairperson, Board of Directors
Santa Clara Valley Transportation Authority

From: VTA Board Secretary
Sent: Monday, May 19, 2025 4:04 PM
To: VTA Board of Directors; VTA Advisory Committee Members
Subject: VTA Information: SR 85 Groundbreaking Invitation

VTA Board of Directors and Advisory Committee Members:

Please see the attached invitation to the SR 85 Groundbreaking Celebration.

Thank you,

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B
San Jose, CA 95134-1927
Phone **408-321-5680**



State Route 85 Corridor GROUNDBREAKING CELEBRATION



Friday, June 6, 2025



Silicon Valley Express Lanes Phase 4
(South US 101/SR 85) Project

SR 85 Noise Reduction Program



From: VTA Board Secretary

Sent: Tuesday, May 20, 2025 2:35 PM

To: VTA Board of Directors

Subject: VTA Information: Construction Begins on Major Commute-Changing Project at US 101/SR 25 Interchange



Contact: VTA Media Relations

Media.Relations@VTA.org

408-464-7810 (no texts)

May 20, 2025

Construction Begins on Major Commute-Changing Project at US 101/SR 25 Interchange

SAN JOSE, CA – Relief is on the way for one of South County’s worst traffic chokepoints. **Join local leaders as VTA and Caltrans break ground on the long-anticipated US 101/SR 25 Interchange Upgrade Project**—designed to ease congestion, improve safety, and transform the commute for thousands of drivers traveling between southern Santa Clara County and Silicon Valley.

The upgraded interchange will realign and reconstruct ramps to enhance the flow of traffic for the growing number of residents moving south in search of more affordable housing.

WHEN: Friday, May 23, 2025, 10:30 a.m. – 11:30 a.m.

WHERE: 4800 Monterey Highway, Gilroy, CA 95020 (Garlic World parking lot)

WHO: Speakers include: VTA Board Chair & Campbell Mayor Sergio Lopez; Caltrans District 4 Director Dina El-Tawansy; Santa Clara County Supervisor Sylvia Arenas; San Benito County Supervisor Ignacio Velazquez; Additional local and regional transportation leaders

The event will be [streamed on Facebook Live](#) beginning at 10:30 a.m.

[Find more information on the project here.](#)

About VTA

Santa Clara Valley Transportation Authority (VTA) is an independent special district that is responsible for bus, light rail and paratransit operations, transportation planning, and serves as the county’s congestion management agency.

From: VTA Board Secretary
Sent: Tuesday, May 20, 2025 10:51 AM
To: VTA Board of Directors; VTA Advisory Committee Members
Subject: RE: VTA Information: SR 85 Groundbreaking Invitation

VTA Board of Directors and Advisory Committee Members:

Please see additional information about the groundbreaking below as well as an updated flyer.

If you have questions feel free to respond to this email.

Thank you,

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B
San Jose, CA 95134-1927
Phone **408-321-5680**



You're invited...SR 85 Corridor Groundbreaking Celebrations

State Route 85 is undergoing a transformation! Please join us as we celebrate the kick-off of construction for two projects along this important South Bay corridor:

**Silicon Valley Express Lanes Phase 4 (South US 101/SR 85) Project
& SR 85 Noise Reduction Program
Groundbreaking Celebration**

Friday, June 6, 2025, 10–11 a.m.
VTA Blossom Hill Park and Ride
605 Blossom Hill Road, San Jose

Together, these projects will be reshaping segments of the corridor and making a difference for both those commuting and those living nearby.

Let us know you're coming! [Please RSVP on Eventbrite.](#)

Blossom Hill Park & Ride is served by VTA's Blue Line light rail and bus route #27.

From: VTA Board Secretary
Sent: Monday, May 19, 2025 4:04 PM
To: VTA Board of Directors; VTA Advisory Committee Members
Subject: VTA Information: SR 85 Groundbreaking Invitation

VTA Board of Directors and Advisory Committee Members:

Please see the attached invitation to the SR 85 Groundbreaking Celebration.

Thank you,

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B
San Jose, CA 95134-1927
Phone **408-321-5680**



YOU ARE CORDIALLY INVITED TO THE

State Route 85 Corridor

GROUNDBREAKING CELEBRATION

85

Friday, June 6, 2025

State Route 85 is undergoing a transformation!
Join us as we celebrate the kick-off of construction for two
projects along this important South Bay corridor:

Silicon Valley Express Lanes Phase 4 (South US 101/SR 85) Project



SR 85 Noise Reduction Program



Friday, June 6, 2025, 10–11 a.m.

**Blossom Hill Park and Ride
605 Blossom Hill Road, San Jose**

Together, these projects will be reshaping segments of the corridor and making a difference for both those commuting and those living nearby.

Please RSVP on Eventbrite at:

sr85groundbreaking.eventbrite.com

From: VTA Board Secretary
Sent: Friday, May 23, 2025 1:43 PM
To: VTA Board of Directors
Subject: From VTA: Honoring Our VTA Family

VTA Board of Directors:

Attached is a memorandum from Carolyn M. Gonot, VTA's General Manager/CEO, Honoring Our VTA Family on This Memorial Day, May 26.

Thank you,

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B
San Jose, CA 95134-1927
Phone **408-321-5680**



MEMORANDUM

TO: VTA Employees

FROM: Carolyn M. Gonot, General Manager/CEO



DATE: May 22, 2025

SUBJECT: Honoring Our VTA Family on This Memorial Day, May 26

This year, Memorial Day holds an even deeper significance for our VTA family, as May 26 marks four years since the heartbreaking tragedy of 2021, when we lost our cherished colleagues. As we reflect on their memory, we recognize the lasting impact they had on all of us and the bonds that continue to unite us.

At **6:38 a.m.**, May 26, the exact time of the incident, I encourage employees to pause for a **moment of silence** to honor those we lost. This simple, solemn act of remembrance allows us to stand together in solidarity, acknowledging the strength we have in one another.

For those who wish to spend time in quiet reflection, the Memorial Garden behind the Guadalupe Light Rail Yard offers a serene setting to remember, reflect, and find comfort in the beauty that surrounds us, even in life's most difficult moments.

As we honor the memory of our fallen coworkers, I ask you to care for yourself and support one another. If you are struggling with difficult emotions, please reach out to a friend, a colleague, a loved one, or the counseling resources available to you, including the 526 Resiliency Center. You are not alone. Your well-being is important.

Taking care of yourself fosters a stronger, more resilient VTA community, and we all benefit from the compassion we extend to one another.

While we will always remember those we have lost and their families, together, let us move forward with compassion, resilience, and the enduring spirit of those we carry in our hearts.

Wishing you peace, strength, and healing.

From: VTA Board Secretary

Sent: Friday, May 23, 2025 3:19 PM

To: VTA Board of Directors; VTA Advisory Committee Members

Subject: From VTA: Shovels in the Ground for the Critical US 101/SR 25 Interchange Upgrade



Contact VTA Media Relations

Media.Relations@VTA.org

408-464-7810 (no texts)

May 23, 2025

Shovels in the Ground for the Critical US 101/SR 25 Interchange Upgrade

[Link to Raw Video from US 101/SR 25 Interchange Groundbreaking](#)

Facebook Live Link: <https://fb.watch/zMCyL2mFgJ/>

SAN JOSE, CA – The Santa Clara Valley Transportation Authority (VTA), Caltrans, and local leaders marked the official groundbreaking of the long-anticipated US 101/SR 25 Interchange Upgrade Project, which will deliver a new direct connector ramp from southbound US Highway 101 to southbound State Route 25, enhanced on and off-ramps, a new signalized intersection, and better pedestrian and bicycle access.

The event took place in Gilroy a short distance from where the construction is happening, featuring representatives from VTA, CalTrans, and Santa Clara and San Benito Counties. The project will bring major improvements to one of the region's most significant commute chokepoints—designed to ease congestion, improve safety, and better connect South County residents to jobs, schools, and services.

“We are not just improving roads—we are creating lasting connections between the communities of Morgan Hill and Gilroy and our San Benito County neighbors—ensuring access to opportunity, future growth, and the success of our region,” said VTA Board Chair, and Campbell Mayor, Sergio Lopez.

This \$136 million project is funded through a combination of local sales tax measures, state transportation dollars, and federal contributions. It's one of many projects on which VTA has partnered with the state transportation agency.

“This project represents a shared investment in the safety, operational improvements, mobility, and future of this region. With \$59 million in SB 1 funds for construction capital and support from VTA's

Measure B, we're building more than infrastructure—we're building long-term regional connections," said Caltrans District 4 Bay Area, Director Dina El-Tawansy.

Senate Bill 1 (SB 1) has invested approximately \$5 billion annually toward transportation projects since 2017. It provides funding split between the state and local agencies. Road projects progress through construction phases more quickly based on the availability of funds, including projects that are partially funded by SB 1.

For more information visit: [Build.ca.gov](https://build.ca.gov) and [Rebuildca.ca.gov](https://rebuildca.ca.gov)

South Santa Clara County's and San Benito County's populations have grown steadily as residents seek more affordable housing options, increasing the urgency to provide smoother, safer, and more reliable routes between Santa Clara and San Benito Counties. Construction is expected to last through 2027.

About VTA

Santa Clara Valley Transportation Authority (VTA) is an independent special district that is responsible for bus, light rail and paratransit operations, transportation planning, and serves as the county's congestion management agency.

From: VTA Board Secretary <Board.Secretary@vta.org>
Sent: Friday, May 23, 2025 5:22 PM
To: VTA Board of Directors <VTABoardofDirectors@vta.org>
Subject: From VTA: Update on ATU Negotiations

VTA Board of Directors:

Please find attached an update on the VTA and ATU negotiations from Patrice Smith, Chief Communications Officer.

Thank you,

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B
San Jose, CA 95134-1927
Phone **408-321-5680**



MEMORANDUM

TO: VTA Board of Directors

FROM: Patrice Smith 
Chief Communications Officer

DATE: May 23, 2025

SUBJECT: ATU Negotiations Update

I am writing with an update on ATU negotiations. The VTA Bargaining Team engaged in extensive discussions with ATU leadership throughout the day yesterday. While agreement has been reached on a four-year term and wage increases, three key issues remain: a ratification payment, the leave of absence provision, and the dental coverage start date. Throughout negotiations, we have actively kept employees informed. Attached is the Bargaining Bulletin, which provides details on the outcome of yesterday's bargaining session.

Thank you.

VTA Bargaining Bulletin

May 23, 2025

The Santa Clara Valley Transportation Authority (VTA) Bargaining Team continues to engage in negotiations with Amalgamated Transit Union (ATU) Local 265 leadership in pursuit of a new contract agreement. Our most recent meeting took place on May 22, and we'd like to share the latest updates.

Our primary goal throughout these negotiations has been to provide a wage and benefits offer that rewards employees for their work and maintains their competitive place in the market. We reached an agreement with three of the unions that achieved this goal. At the latest negotiation session with the remaining union, **ATU proposed a four-year contract with wage increases of 4%, 3.5%, 3%, and 4%—totaling a 14.5% increase over the term.** This aligns with the agreements reached with the other three unions. **VTA is amenable to this offer as part of its overall package.**

The package proposed by VTA on May 22, 2025 is as follows and the file is attached:

- Term 4 years.
- 4%, 3.5%, 3%, and 4%—totaling a 14.5% increase over the term - effective the first full pay period following union ratification. If ATU membership ratifies this Tentative Agreement by June 3, 2025, and the VTA Board of Directors approves the Tentative Agreement by June 5, 2025, then the wage increases stated herein would be treated as effective June 9, 2025.
- Part A, Section 5.3(b) – Progression Periods and Rates and Operator Merit Increase – as proposed by ATU.
- Part A, Section 15.2 – Dental enhancement proposed by ATU - effective January 1, 2026, assuming the Agreement is ratified by the Union and approved by the Board on or before June 5, 2025.
- Agreement on language around arbitrability (proposed by ATU).
- Part A, Section 10.4 - Work a full day before and after a holiday.
- Part A, Section 14.1 – Employees hired on or after January 1, 2026, shall be required to work 60 consecutive days in order to break a two-year leave of absence. Current employees are grand parented into the existing provision.
- 12 Tentative Agreements signed to date (9 ATU and 3 VTA).

This includes all Tentative Agreements signed to date:

- Part A Section 8.5 - COC: Removal from Change of Class List
- Part A, Section 8.10 – COC: Posting of COC Lists
- Part A, Section 10.3 - Floating Holidays
- Part A, Section 14.5 - Workplace Trauma Leave
- Part B, Section 8.1 – Regular Runs
- Part B, Section 8.2 – Fragmentary (Combination) Runs
- Part B, Section 10 – Report Time
- Part B, Section 16 – Bidding
- Part B, Section 16.7 – Hold Down Sign-Up
- Part B, Section 21.8 – Trading Runs or Days Off

- Part C, Section 5- Apparel
- Side letter Hold Down Bidding

It also includes language around behavior associated with the strike (see attached for details), and:

- Assuming the resulting Collective Bargaining Agreement becomes effective on June 5, 2025, within 15 calendar days thereafter, VTA shall dismiss with prejudice its pending lawsuit against ATU in Santa Clara Superior Court, Case No. 25-CV-460740, and ATU shall dismiss its related appeal concerning the Order re Preliminary Injunction.
- All members eligible to participate in the Operator Accelerated Merit Increase provisions of Section 5.2 shall not be disqualified due to participation in the strike.

While this offer addresses a major component of the contract (wages), three issues remain:

- **\$2,000 “Ratification Payment” *NEW***
A *NEW* ATU proposal for a \$2,000 ‘ratification payment’ for each bargaining unit member. This proposal is not supported by VTA and is not included in VTA’s proposal to ATU shown above.
- **Leave of Absence Provision**
VTA has proposed, for future hires only, after January 1, 2026 that employees must return to work for 60 consecutive days, rather than 30 consecutive days to break the 2-year limit on a leave of absence. This provision is part of the proposal shown above; however, is not supported by ATU.
- **Enhanced Dental Plan Start Date**
VTA has proposed an effective date of January 1, 2026 assuming the agreement is ratified by June 5, 2025. The other unions have agreed to a January 1, 2026 effective date. The Plan Provider needs adequate time to make this Plan change; ratification after June 5, 2025 will not guarantee adequate time to make this change. This is due to administrative constraints outside of VTA’s control.

VTA remains committed to keeping employees informed as negotiations progress.

VTA Counter-Proposal, 5/22/25 at ~7:15 PM

All Agreements are Tentatively Pending Full Agreement on Total Package. All Agreements are Subject to Ratification by the ATU Membership, and Approval by the Board of Directors.

VTA and ATU CBA Negotiations

TENTATIVE AGREEMENT

May 22, 2025

All compensation increases in the first year of the successor CBA will be effective the first full pay period following union ratification provided the VTA Board of Directors approves the new CBA at the first subsequent meeting in open session. If ATU membership ratifies this Tentative Agreement by June 3, 2025, and the VTA Board of Directors approves the Tentative Agreement by June 5, 2025, then the wage increases stated herein would be treated as effective June 9, 2025.

Provided the Union has ratified this Tentative Agreement and has returned the signed version of the same to VTA by Noon on June 4, 2025, VTA will present the Tentative Agreement to the Board and recommend adoption no later than June 5th, at the June 5, 2025 Board Meeting. If so approved, the successor CBA will become effective June 5, 2025, with a term of June 5, 2025 until June 4, 2029.

Assuming the resulting CBA becomes effective on June 5, 2025, within 15 calendar days thereafter, VTA shall dismiss with prejudice its pending lawsuit against ATU in Santa Clara Superior Court, Case No. 25-CV-460740, and ATU shall dismiss its related appeal concerning the Order re Preliminary Injunction.

All members eligible to participate in the Operator Accelerated Merit Increase provisions of Section 5.2 shall not be disqualified due to participation in the strike.

VTA, solely on behalf of itself, shall not press criminal charges against any ATU member or officer who participated in the strike that began on March 10, 2025, based on their participation in the strike. The foregoing sentence does not apply to conduct during the strike involving violence, threats of violence, or property damage. VTA acknowledges and represents that, as of the date of this Tentative Agreement, VTA has not pressed criminal charges against any ATU member in connection with the March 10, 2025 strike. This representation is on behalf of VTA as an organization only.

VTA, solely on behalf of itself, shall not pursue any civil claims against any individual ATU member or officer for participating in the strike that began on March 10, 2025, provided that such participation did not involve the member or officer participating in any act of violence, threat of violence, or property damage in connection with the strike.

VTA shall not discipline any ATU member or officer for participating in the strike that began on March 10, 2025, except that VTA may impose discipline in cases where the member's conduct

Note: All Agreements are tentative pending full agreement on a Total Package

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during the strike involved violence, a threat of violence, or property damage. Nothing in this Agreement shall prohibit or impede VTA's ability to comply with state or federal law.

The following represents a complete package; specifics of each proposal in the package are attached:

- Term 4 years
- Salary 4%/3.5%/3%/4%
- Part A, Section 5.3(b) – Progression Periods and Rates and Operator Merit Increase – as proposed by ATU on 1/7/25
- Part A, Section 15.2 - Dental – Effective January 1, 2026, assuming the Agreement is ratified by the Union and approved by the Board on or before June 5, 2025.
- Part A, Section 19.5 – As proposed by VTA on 3/19/25
- Part A, Section 20.6 – As proposed by VTA on 3/19/25
- Part A, Section 10.4 - Work a full day before and after a holiday – as presented by VTA on 12/3/24
- Part A, Section 14.1 – Employees hired on or after January 1, 2026 shall be required to work 60 consecutive calendar days in order to break a two year leave of absence. Current employees are grand-parented in to the existing provision.

This includes all Tentative Agreements signed to date:

- Part A Section 8.5 - COC: Removal from Change of Class List - Signed on 9/3/24
- Part A, Section 8.10 – COC: Posting of COC Lists – Signed on 8/23/24
- Part A, Section 10.3 - Floating Holidays – Signed on 1/21/25
- Part A, Section 14.5 - Workplace Trauma Leave – Signed on 9/3/24
- Part B, Section 8.1 – Regular Runs – Signed on 12/12/24
- Part B, Section 8.2 – Fragmentary (Combination) Runs – Signed on 12/12/24
- Part B, Section 10 – Report Time – Signed on 12/12/24
- Part B, Section 16 – Bidding – Signed on 8/27/24
- Part B, Section 16.7 – Hold Down Sign-Up – Signed on 12/10/24
- Part B, Section 21.8 – Trading Runs or Days Off – Signed on 1/28/25
- Part C, Section 5- Apparel – Signed on 11/12/24
- Sideletter Hold Down Bidding – Signed on 8/27/24

SIGNATURE PAGES TO FOLLOW

VTA Counter-Proposal, 5/22/25 at ~7:15 PM

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Dated: _____

Dated: _____

For the VTA

For the ATU

Linda Durham
Employee Relations Manager

Rajvinder Singh
President and Business Agent

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