

SIDE LETTER OF AGREEMENT BETWEEN THE
BAY AREA AIR QUALITY MANAGEMENT DISTRICT EMPLOYEES' ASSOCIATION
AND THE
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
REGARDING POSITION CHANGES FOR
FISCAL YEAR 2006-2007

The Bay Area Air Quality Management District ("District") is including the attached Position Changes in the proposed budget for the fiscal year 2006-2007. The terms of this Side Letter of Agreement apply only to the Position Changes in the attachment. In connection with said Position Changes, the District and Employees' Association ("Association") agree as follows:

1. The District shall conduct promotional recruitments in accordance with the MOU Article XVI: Method of Filling Vacancies for certain of the Position Changes (e.g., upgrades), as follows: Senior Air Quality Engineer, Senior Accounting Assistant, Senior Air Quality Instrument Specialist, Senior Air Quality Technician. Provided, however, that if the promotional recruitment fails to attract three (3) or more qualified candidates the District reserves the right to conduct an open recruitment or not to fill the position.
2. If an incumbent in a classification that is designated to be upgraded is not selected as a result of a promotional recruitment, the District reserves the right to downgrade the incumbent's position once the position becomes vacant, or to downgrade another vacant position in the same classification.
3. The District shall not bump, demote, or y-rate the salary of any bargaining unit member from his/her current position/classification as a result of a promotion and/or transfer nor shall the District bump, demote or y-rate the salary of any bargaining unit member who competes for the promotion and is not successful.
4. The District reserves the right to backfill vacancies created by promotion and/or transfer by transferring bargaining unit members who reside in the same classification as the vacant position. Provided, however, that the District will first ask for volunteers who are assigned to the same division as the position filled by the promotion and/or transfer. If there are multiple volunteers, the employee with the most District seniority will be granted the transfer. If there is a tie for most seniority among the volunteers, the tie will be broken by a coin toss. If there are no volunteers, the employee with the least amount of seniority in that division will be transferred. If there is a tie for least seniority, the tie will be broken by a coin toss.
5. The following two new classifications will be added to the classifications list in Appendix A of the MOU, as referenced in Article II, Section 2.02.1:

Purchasing Agent
Senior Air Quality Technician

6. This Side Letter of Agreement is subject to the grievance procedure in Article IV of the MOU between the District and the Association.
7. Except for paragraph 5, above, matters covered in this Side Letter of Agreement remain in full force and effect through Fiscal Year ending June 30, 2007. No modifications to this agreement may be made without written consent of both parties.
8. This agreement has been approved by the Association membership and the District's APCO/Executive Officer.

ON BEHALF OF THE DISTRICT

ON BEHALF OF THE
EMPLOYEES' ASSOCIATION

By: Michael C. Rich

By: Donald P. VanBuren

Date: 10-25-06

Date: 10-25-06

<u>Classification</u>	<u>Division</u>	<u>Comments</u>
Air Quality Specialist	Compliance & Enforcement	Add
Principal Air Quality Engineer	Engineering	Add
Principal Procurement Agent	FAIS	Add, New Job Class
Environmental Planner II	Outreach & Incentives	Add
Air Quality Inspector II	Compliance & Enforcement	.07 Add
Air Quality Permit Technician II	Engineering	.10 Add
Senior Air Quality Technician	Compliance & Enforcement	Upgrade of AQT, New Job Class
Senior Air Quality Engineer	Engineering	Upgrade of AQE
Administrative Analyst	FAIS	Reallocation of AQIS
Administrative Analyst	FAIS	Reallocation of OAll
Senior Accounting Assistant (2)	FAIS	Upgrade of Accounting Assistant II
Senior Air Quality Instrument Spec.	Technical	Upgrade of AQIS