



Quorum = 10

AGENDA

**Dallas Area Rapid Transit
2:00 P.M. SPECIAL BOARD OF DIRECTORS' MEETING
Friday, November 20, 2020 – Conference Room C
1401 Pacific Ave., Dallas, Texas 75202**

Due to the COVID-19 virus and current extension of the Disaster Declaration issued by the Governor, all DART Board Meetings and Public Hearings are closed to the public. All meetings will take place by videoconference and will be available at <https://www.dart.org/about/board/boardvideo.asp>.

Public comments for the Board of Directors' meeting on Friday, November 20, 2020 will be accepted via email at the following address: boardmeetingpubliccomments@dart.org until 1:30 p.m. on Friday, November 20, 2020. All comments received will be read into the public record during the Board meeting.

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1. Roll Call
 2. Public Comments
 3. Appointment of Interim President/Executive Director
 4. Approval of Positions for Temporary Employment
 5. Adjournment

The Board of Directors may go into Closed Session under the Texas Open Meetings Act, Section 551.071, Consultation with Attorney, for any legal issues, under Section 551.072, Deliberation Regarding Real Property for real estate issues, or under Section 551.074 for Personnel matters, or under Section 551.076, for deliberation regarding deployment or implementation of Security Personnel or devices, arising or regarding any item listed on this Agenda.

This facility is wheelchair accessible. For accommodations for the hearing impaired, sign interpretation is available. Please contact Community Affairs at 214-749-2543, 48 hours in advance.



Agenda Report

Item #3
Board Meeting



**Voting Requirements:
Majority**

DATE: November 20, 2020

SUBJECT: Appointment of Interim President/Executive Director

BOARD ACTION

Approval of a resolution appointing David Leininger as Interim President/Executive Director effective February 1, 2021.

PURPOSE

- DART Board Bylaws, Article IV, Section 6, states that the Board shall appoint and prescribe the duties, tenure, and compensation of a chief executive officer who shall administer the daily operations of DART.
- On October 30, 2020, DART's President/Executive Director announced his retirement from DART effective January 31, 2021, and the appointment of an Interim President/Executive Director will assist DART in its continued operations and capital projects and in the transition of the executive director's role and duties.
- DART's President/Executive Director will employ David Leininger on November 30, 2020 through January 31, 2021 as Deputy Executive Director with a bi-weekly salary of approximately \$12,461.54 with retirement, insurance and other benefits in the same manner as other employees of DART.
- The DART Board desires to appoint David Leininger as Interim President/Executive Director effective February 1, 2021, to serve until such time as a permanent President/Executive Director is appointed. The Interim President/Executive Director will receive the same salary and benefits as he received as Deputy Executive Director.
- The Interim President/Executive Director shall administer the daily operations of DART.
- The DART Board Chair seeks authorization to finalize and execute an employment agreement with the Interim President/Executive Director with a bi-weekly salary of approximately \$12,461.54 with retirement, insurance and other benefits.

LEGAL CONSIDERATIONS

- Section 452.101(1) of the Texas Transportation Code authorizes the Board to appoint a chief executive officer and prescribe their duties, compensation and tenure.

RESOLUTION

of the

DALLAS AREA RAPID TRANSIT BOARD

(Executive Committee)

Appointment of Interim President/Executive Director

WHEREAS, DART's enabling legislation authorizes the Board to appoint the chief executive director and prescribe their duties, compensation, and tenure; and

WHEREAS, on October 30, 2020, DART's President/Executive Director announced his retirement from DART effective January 31, 2021 and the appointment of an Interim President/Executive Director will assist DART in its continued operations and capital projects and in the transition of the executive director's role and duties; and

WHEREAS, DART's President/Executive Director will employ David Leininger on November 30, 2020 through January 31, 2021 as Deputy Executive Director with a bi-weekly salary of approximately \$12,461.54 with retirement, insurance and other benefits; and

WHEREAS, the DART Board desires to appoint David Leininger as Interim President/Executive Director effective February 1, 2021, to serve until such time as a permanent President/Executive Director is appointed. The Interim President/Executive Director will receive the same salary and benefits as he received as Deputy Executive Director; and

WHEREAS, the Interim President/Executive Director shall administer the daily operations of DART; and

WHEREAS, the DART Board Chair is authorized to finalize and execute an employment agreement with the Interim President/Executive Director with a bi-weekly salary of approximately \$12,461.54 with retirement, insurance and other benefits.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that:

Section 1: David Leininger is appointed to serve as Interim President/Executive Director effective February 1, 2021, to serve until such time as a permanent President/Executive Director is appointed.

Section 2: The Board Chair is authorized to finalize and execute an employment agreement with the Interim President/Executive Director with a bi-weekly salary of approximately \$12,461.54 with retirement, insurance and other benefits.

Appointment of Interim President/Executive Director

Section 3: The Interim President/Executive Director shall administer the daily operations of DART and have authority to contract up to the limits authorized by DART's enabling legislation of \$250,000 for personal service contracts and off-the-shelf items and \$100,000 for all other procurements without DART Board approval until such time as a permanent President/Executive Director is appointed.

Jonathan R. Kelly
Secretary

Paul N. Wageman
Chair

APPROVED AS TO FORM:

ATTEST:

Gene Gamez
General Counsel

Gary C. Thomas
President/Executive Director

Date



Agenda Report

Item #4
Board Meeting



Voting Requirements:
Majority

DATE: November 20, 2020

SUBJECT: Approval of Positions for Temporary Employment

RECOMMENDATION

Approval of a resolution to implement Temporary Employment Assignments, as shown in Exhibit 1 to the Resolution, to support DART's continued operations and capital projects and to cover mission critical vacancies that resulted from the Voluntary Retirement Incentive Program (VRIP).

FINANCIAL CONSIDERATIONS

- Three hundred and seventy employees accepted the VRIP offer, enabling the agency to reduce its headcount budget to no more than 3,748 and lowering its operating budget to \$542 million for FY 2021, from a FY 2020 budget of \$562 million.
- The estimated cost for six months of the identified positions for temporary employment assignment ranges from \$564,769 to \$748,547. The parameters of the temporary employment assignments include no more than 30 hours per week, temporary employment not to exceed six months, and at the position's previous salary with no benefits.

BUSINESS PURPOSE

- On July 7, 2020 (Resolution No. 200072), the DART Board approved the VRIP to be offered to eligible employees to support DART's response to the COVID-19 pandemic. Under the VRIP effective retirement dates for Administrative employees is November 20, 2020 and December 15, 2020 for Operations employees.
- The purpose of this item is to seek approval to implement temporary employment assignments to support DART's continued operations and capital projects and to cover mission critical vacancies caused by the VRIP. The parameters of the temporary employment positions include previous salary for the position, weekly work hours not to exceed 30 hours, no medical or 401(k) benefits, and the duration of any temporary employment assignment would not exceed six months.
- The VRIP was offered to employees of at least 55 years of age with ten years of continuous full-time service by September 30, 2020. 945 employees were eligible for the VRIP. As of November 2, 2020, 370 employees accepted the VRIP and 369 declined. Of the 370 acceptances, 55 are Administrative employees and 315 are Operations employees. All employees accepting the VRIP package are eligible for DART Retiree medical insurance (either Pre-65 or Post-65 coverage).

- The VRIP left departmental vacancies that are critical to DART's operations and continuing progress of DART's capital projects. Departments have identified key positions, have justified why such positions are critical to the mission of the agency and have provided justification of a temporary employment assignment. Departments have been informed the temporary employment positions are to bridge a work gap and have been notified of the parameters for temporary employment assignment.
- Exhibit 1 to the Resolution identifies key temporary employee positions and why they are critical to the mission of the agency.
- The approval of the temporary employment positions helps achieve Board Strategic Priority 2: Demonstrate stewardship of the transit system, agency assets and financial obligations; and Board Strategic Priority 3: Innovate to enhance mobility options, business process and funding.

LEGAL CONSIDERATIONS

- Section 452.054 of the Texas Transportation Code authorizes DART to exercise all powers necessary or useful in the construction, repair, maintenance, or operation of the public transportation system.

RESOLUTION

of the

DALLAS AREA RAPID TRANSIT BOARD

(Executive Committee)

Approval of Positions for Temporary Employment

WHEREAS, on July 7, 2020 (Resolution No. 200072), the DART Board approved the Voluntary Retirement Incentive Program (VRIP) to be offered to eligible employees to support DART's response to the COVID-19 pandemic; and

WHEREAS, the VRIP was offered to employees of at least 55 years of age with ten years of continuous full-time service by September 30, 2020, and the effective retirement date for Administrative employees is November 20, 2020, and for Operations employees is December 15, 2020; and

WHEREAS, of the 945 employees eligible for the VRIP, 370 accepted the VRIP and 369 declined; and

WHEREAS, all employees accepting the VRIP package are eligible for DART Retiree medical insurance (either Pre-65 or Post-65 coverage); and

WHEREAS, the VRIP left departmental vacancies that are critical to DART's operations and continuing progress of DART's capital projects, and staff has identified key positions which are critical to the mission of the agency and provided justification of a temporary work assignment; and

WHEREAS, the temporary positions are to bridge a work gap, and the parameters for the temporary positions include previous salary for the position, weekly work hours not to exceed 30 hours, no medical or 401(k) benefits, and the duration of any temporary assignment would not exceed six months; and

WHEREAS, funding for the temporary work assignments is within current budget and FY 2021 Twenty-Year Financial Plan allocations.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that the President/Executive Director or his designee is authorized to implement temporary employment assignments for key positions identified in Exhibit 1 to this Resolution to support DART's continued operations and capital projects and to cover vacancies critical to the mission of the agency that resulted from the VRIP.

Approval of Positions for Temporary Employment

Jonathan R. Kelly
Secretary

Paul N. Wageman
Chair

APPROVED AS TO FORM:

ATTEST:

Gene Gamez
General Counsel

Gary C. Thomas
President/Executive Director

Date

	Department	Position	Justification	Succession Plan	Term
1	DART Police	Chief of Police Emergency Management	Training and wrap-up of long-term projects	Mission critical position.	3-6 months
2	Rail Operations	VP Rail Operations	Training and wrap-up of long-term projects	Mission critical position.	3-6 months
3	Materials Management	Supervisor II Warehouse	Manage and Supervise staff	Mission critical position.	3-6 months
4	Materials Management	Sr. Manager, Receiving and Distribution	Manage and Supervise staff	Mission critical position.	3-6 months
5	Materials Management	Manager, Materials Planning	Manage and Supervise staff	Mission critical position.	3-6 months
6	Engineering	Manager, Bus Fleet Engineering	Finalize future Bus design specifications	Mission critical position.	3-6 months
7	Engineering	Manager, Warranty and Maintenance Services	Manage and Supervise staff	Mission critical position.	3-6 months
8	GRD	Project Manager IV	Project Manager for Platform Extension Projects and contracts related to the projects. Project Manager for Comprehensive Professional Services contracts.	Mission critical position.	6 months
9	GRD	Project Manager II	Continuity of Real Estate acquisition for the Silver Line Reginal Rail Project	Mission critical position.	6 months
10	GRD	Mgr Environmental Compliance Projects	Completion of the Annual MSD4 report that is due in March 2021 and training for existing environmental employees.	Mission critical position.	3 months
11	GRD	VP Capital Planning	Complete Record of Decision, kick off of "entry to engineering," and system plan update for D2.	Mission critical position.	60+ days
12	Finance	AVP/Controller	Oversee closing the books for FY 2020	Mission critical position.	6 months
13	Finance	Medical Compliance Program Manager	Management and compliance of DARTs Substance Abuse Program and Medical Compliance Program in accordance with DART policies and procedures, as well as Department of Transportation (DOT) and Federal Transit Administration (FTA) regulations.	Mission critical position.	6 months
14	Operations Safety	Safety and Compliance Project Manager	Update and revision of the Public Transportation Agency Safety Plan for FTA and TxDOT Approval	Mission critical position.	30-60 days
15	Executive Office	Chief of Staff to President/Executive Director	Assist with transitioning over to Interim President and closing out projects for Executive Office	Mission critical position.	3-6 months
16	GRD	EVP Growth/Regional Development	Key position for assisting with Capital projects that are high priority to Board	Mission critical position.	30-60 days