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22

**EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE
MARCH 19, 2009**

SUBJECT: EXEMPTION FROM HIRING FREEZE

**ACTION: APPROVE EXEMPTION FROM HIRING FREEZE TO FILL VACANT
TRANSPORTATION SUSTAINABILITY POLICY MANAGER**

RECOMMENDATION

Approve an exemption to the hiring freeze to fill one vacant Transportation Sustainability Policy Manager Position.

ISSUE

The Board of Directors approved a motion at its December 4, 2008 meeting to freeze hiring, promotions and any other form of compensation increase for all employees, and to ban new consulting contracts, unless specifically exempted by the Board.

The approved motion allows for the following exemptions:

- Hiring of employees required for the operation, maintenance and safety of LACMTA's transit systems (not including indirect costs)
- Hiring of employees required for the safety of other facilities and property owned or controlled by LACMTA
- Promotions and any other form of compensation increase as required by LACMTA Board-ratified memoranda of understanding
- Hiring of employees (not including indirect costs) or execution of new consulting contracts related to safety, Measure R implementation, Proposition 1B funding, congestion pricing, homeland security or legal support necessary and appropriate to minimize LACMTA's potential liabilities and protect its legal interests

Filling any vacant positions that do not meet the Board's criteria for exemptions to the hiring freeze require Board approval.

RATIONALE

The FY09 Adopted Budget included a new Transportation Sustainability Policy Manager position. The position was added to direct, manage, and oversee the formulation of transportation sustainability policies and activities, including policy and program development/implementation of activities associated with the California Global Warming

Solutions Act of 2006 (AB 32) in coordination with federal, state, and local agencies to reduce greenhouse gases (GHG) in Los Angeles County. Coordinate with cities and unincorporated areas in Los Angeles County to educate and facilitate the linking of land use, and energy efficient and environmentally sustainable transportation.

A candidate was selected and accepted the position before the hiring freeze went into effect. The CEO granted the request to extend the start date until late February. The candidate subsequently declined the position. Since the position for sustainability does not meet the Board's criteria for exemptions to the hiring freeze, Board approval to fill it is being requested.

FINANCIAL IMPACT

Funding for the position included in the FY09 budget in cost center 4340, project 450003.


ALTERNATIVES CONSIDERED

The alternative of not filling the position is not recommended because we would not be able to meet requirements of AB32.

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