

ISSUE BRIEF: Monitoring Report for Policy 2.2 Treatment of Staff

Meeting: Board of Directors









Service Committee Meeting Date: November 7, 2019




Board Meeting Date: November 21, 2019

INFORMATION TYPE:
Decision
RECOMMENDED ACTION(S):
Accept Monitoring Report Complete the survey before EOB Wednesday, October 30 th , 2019.
ISSUE SUMMARY:
In accordance with the Board’s Policy Manual; I present the Monitoring report on Executive Limitation Policy 2.2: Treatment of Staff. I certify that the information is true and complete, and I request that the Board accept this report as indicating an acceptable level of compliance.
BACKGROUND:
This monitoring report provides interpretation and evidence of the level of compliance of Policy 2.2 Treatment of staff within the monitoring period. Monitoring Reports are a key Policy Governance tool to assess organizational/CEO performance in achieving Ends (1.0) within Executive Limitations (2.0).
IMPACTS OF RECOMMENDED ACTION(S):
<ul style="list-style-type: none"> • Budgetary/Fiscal: NA • Social: NA • Environmental: NA • Governance: Monitoring reports facilitate transparency and accountability.
ATTACHMENTS:
<ol style="list-style-type: none"> 1. Monitoring Report for Policy 2.2 Treatment of Staff 2. Survey Results: Monitoring Report 2.2 Treatment of Staff

Monitoring Report for Policy 2.2 Treatment of Staff

Date of Report: October 24, 2019
 Service Committee Review Date: November 7, 2019
 Board Meeting Review Date: November 21, 2019

POLICY TITLE: TREATMENT OF STAFF:	Page #	Compliance
2.2 The CEO will not cause or allow employment conditions that are inconsistent, discriminatory, unfair, unsafe, unhealthy, undignified, disorganized, or unclear. Further, without limiting the scope of the foregoing by this enumeration, the CEO shall not:	3	
2.2.1. Operate in a manner that undermines the organization as a workplace of choice.	5	
2.2.1.1 Operate with a work environment that devalues the humanity, creativity and knowledgeable contribution of its workforce or inhibits the recruitment of highly qualified people.	7	
2.2.2. Operate without up-to-date, clear, available, written, and enforced personnel rules or contracts that clarify standards and expectations, provide for effective handling of grievances, and protect against wrongful conditions, such as nepotism and unfairly preferential treatment for personal reasons	8	
2.2.2.1 Fail to provide internal controls necessary to enforce such policies.	8	
2.2.3 Allow retaliation against any staff member for non-disruptive expression of dissent.	9	
2.2.4 Allow staff to be unprepared to deal with emergency situations.	10	
2.2.5 Operate without an adequate labor agreement covering unionized personnel.	11	

 Fully Compliant
  Partially Compliant
  Non-Compliant

Preliminary CEO Interpretations and Evidence

EXECUTIVE LIMITATIONS POLICY 2.2:

The CEO will not cause or allow employment conditions that are inconsistent, discriminatory, unfair, unsafe, unhealthy, undignified, disorganized, or unclear.

Degree of Compliance: Partially Compliant

EXECUTIVE LIMITATIONS POLICY 2.2: Interpretation

Compliance with this policy during the period will be demonstrated when:

1. Any formal charges of discrimination and harassment are infrequent and are addressed, a majority of staff report positively on questions of fairness, the FTA endorses our Equal Employment Opportunity (EEO) program,
2. There are no workplace fatalities, injury rates are within norms, and the agency has a robust workplace safety program
3. We are compliant with the sub-policies of this section (below).

Our specific metrics, targets and results for this period are outlined below.

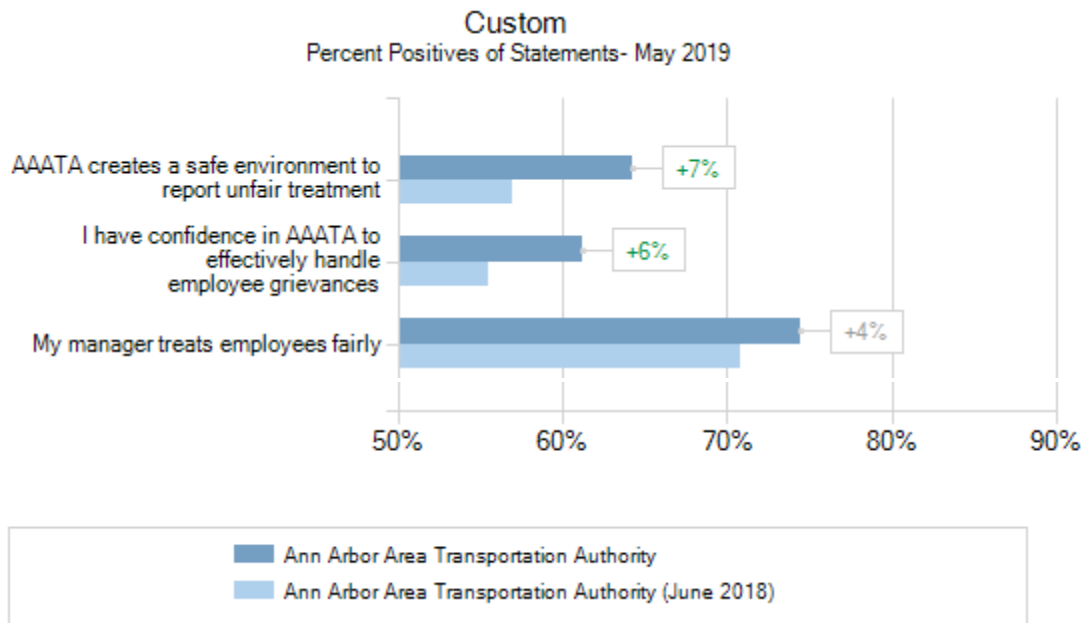
EXECUTIVE LIMITATIONS POLICY 2.2: Evidence

The following table illustrates compliance with many of the elements of the interpretation:

	FY 2018	FY 2019	Target
Valid Instances of Discrimination	0	0	0
Valid Instances of Harassment	0	0	0
Employee Fatalities	0	0	0
Lost Workdays/100,000 miles of service	11.7	2.7 YTD	TBD

EXECUTIVE LIMITATIONS POLICY 2.2: Evidence (continued)

The annual anonymous staff survey was conducted in May of 2019. The following graph illustrates staff survey responses to questions on fair treatment in 2018 and 2019. Our target for staff responses is incremental improvement over time. We met this target in 2019.



In September 2018, the Federal Transit Administration reviewed our employment practices and found no deficiencies for EEO requirements. The procedures are still in place today. This section of their report is reproduced below (FTA, p. 21, sec 13).

13. Equal Employment Opportunity

Basic Requirement: The recipient must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participating in, or denied the benefits of, or be subject to discrimination in employment under any project, program, or activity receiving Federal financial assistance under the Federal transit laws. (Note: Equal Employment Opportunity Commission’s regulation only identifies/recognizes religion and not creed as one of the protected groups.)

Finding: During this Triennial Review of AAATA, no deficiencies were found with the FTA requirements for Equal Employment Opportunity.

EXECUTIVE LIMITATIONS POLICY 2.2.1:

...the CEO shall not... Operate in a manner that undermines the organization as a workplace of choice.

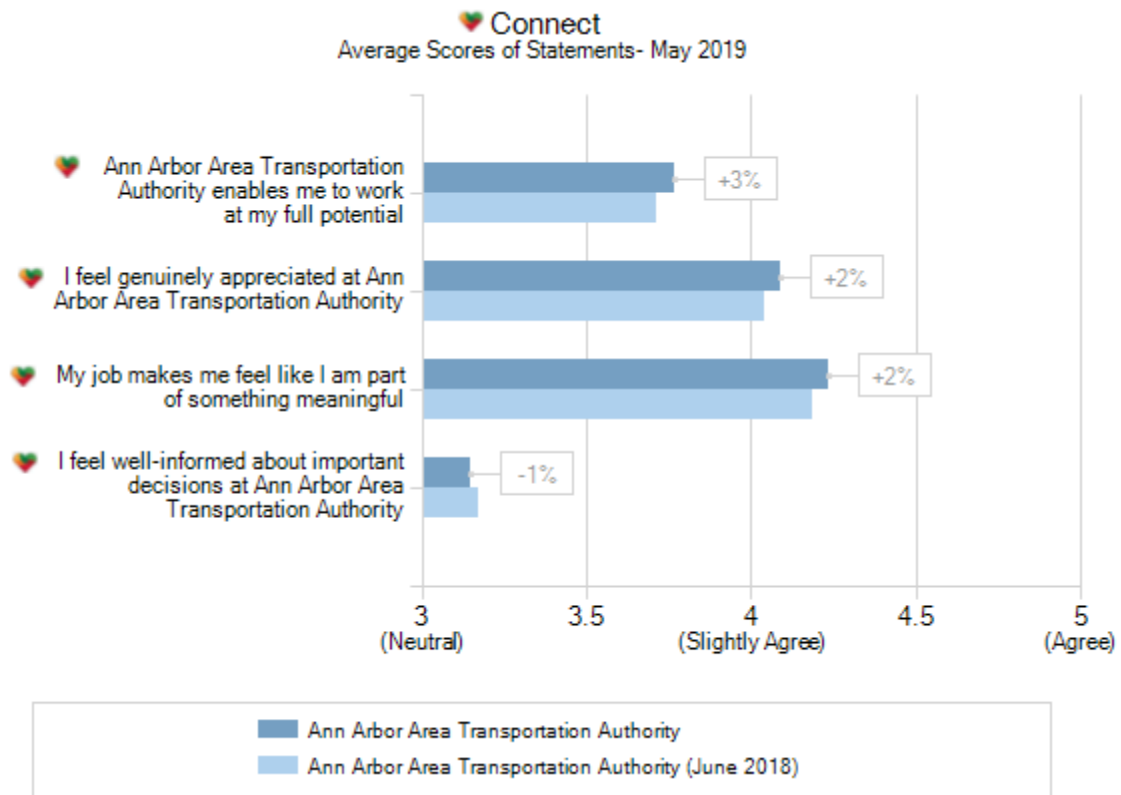
Degree of Compliance: Fully Compliant

EXECUTIVE LIMITATIONS POLICY 2.2.1: Interpretation

Compliance with this policy during the period will be demonstrated when overall annual staff survey results indicate that the majority of staff feel relatively satisfied with the intangible elements of our workplace culture. Our specific metrics, targets and results for this period are outlined below.

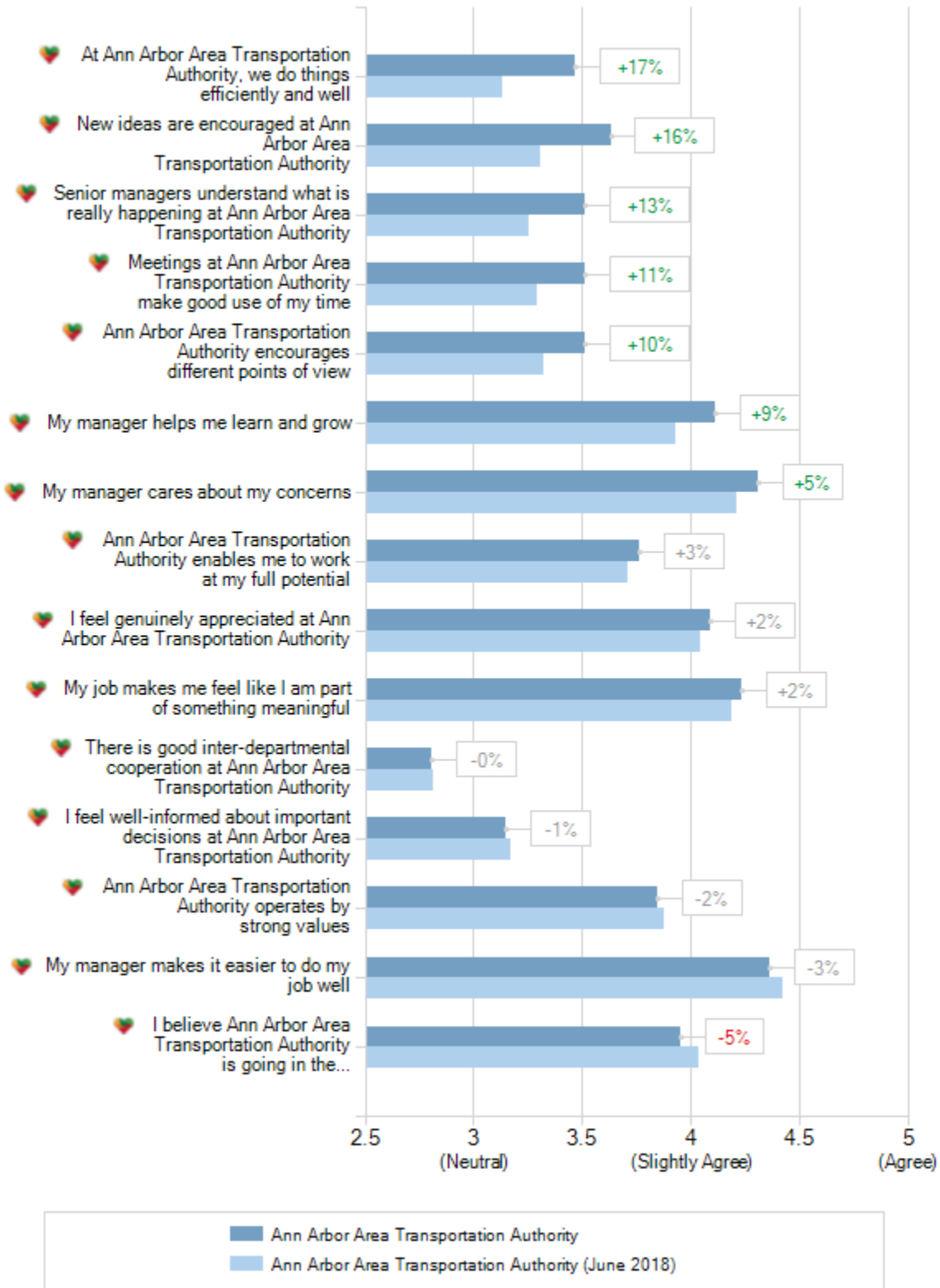
EXECUTIVE LIMITATIONS POLICY 2.2.1: Evidence

The two graphs below illustrate overall staff responses to various questions in 2018 and 2019. Our target for staff responses is incremental improvement over time. We met this target in 2019.



EXECUTIVE LIMITATIONS POLICY 2.2.1: Evidence (continued)

Culture Drivers
Average Scores of Statements- May 2019



EXECUTIVE LIMITATIONS POLICY 2.2.1.1:

The CEO shall not... Operate with a work environment that devalues the humanity, creativity and knowledgeable contribution of its workforce or inhibits the recruitment of highly qualified people.

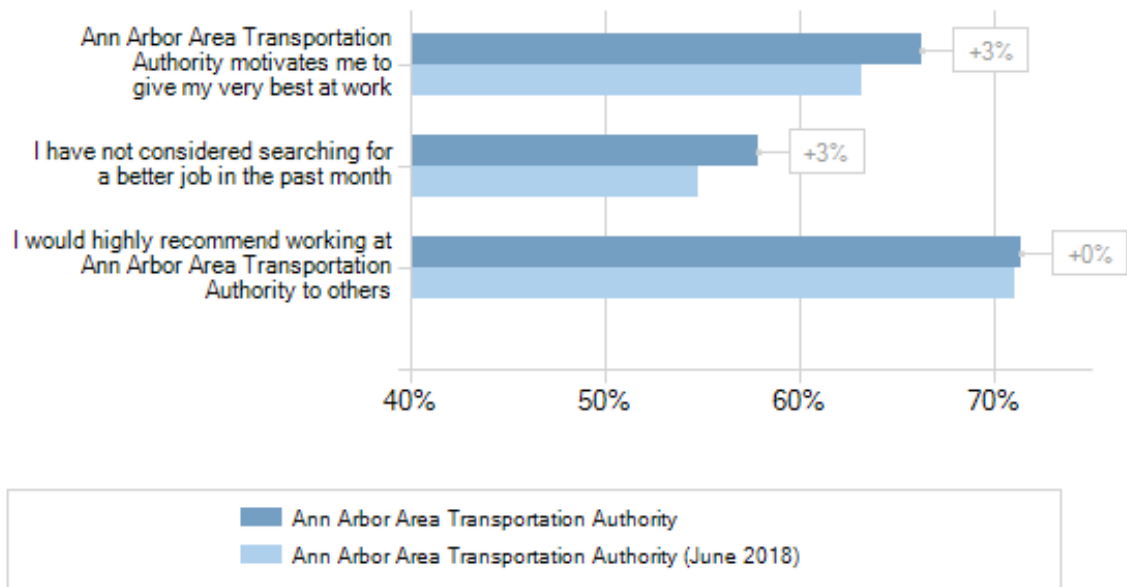
Degree of Compliance: Fully Compliant

EXECUTIVE LIMITATIONS POLICY 2.2.1.1: Interpretation

Compliance with this policy during the period will be demonstrated when annual staff survey results indicate that staff feel motivated and that the AAATA is a desirable place to work. Our specific metrics, targets and results for this period are outlined below.

EXECUTIVE LIMITATIONS POLICY 2.2.1.1: Evidence

The graph below shows changes in relevant staff responses in 2018 and 2019. Our target for staff responses is incremental improvement over time. We met this target for 2019.



EXECUTIVE LIMITATIONS POLICY 2.2.2:

The CEO shall not... Operate without up-to-date, clear, available, written, and enforced personnel rules or contracts that clarify standards and expectations, provide for effective handling of grievances, and protect against wrongful conditions, such as nepotism and unfairly preferential treatment for personal reasons

Degree of Compliance: Not Compliant

EXECUTIVE LIMITATIONS POLICY 2.2.2: Interpretation

Compliance with this policy during the period will be demonstrated when

1. There is a handbook for non-union staff meeting the expectations listed above, and
2. The above issues are addressed in an active labor contract with the union or being negotiated.

EXECUTIVE LIMITATIONS POLICY 2.2.2: Evidence

The current AAATA's handbook for non-union staff does not adequately address the elements of the Board's policy. Therefore, we are non-compliant with this policy.

A revised and updated handbook is about 95% complete and will be rolled out to staff before the end of 2019. We anticipate becoming fully compliant before June 2020.

EXECUTIVE LIMITATIONS POLICY 2.2.2.1:

The CEO shall not... Fail to provide internal controls necessary to enforce such policies.

Degree of Compliance: Fully Compliant

EXECUTIVE LIMITATIONS POLICY 2.2.2.1: Interpretation

Compliance with this policy during the period will be demonstrated when adequate mechanisms for holding staff accountable to expectations exist.

I further interpret this policy to mean that staff and management are held accountable for complying with personnel rules, and that all rules are applied in a consistent and timely manner. The AAATA must have mechanisms in place to monitor compliance, and correct noncompliant behavior, whether that be through coaching, training or disciplinary actions. Such internal controls should be written down and documented when used.

EXECUTIVE LIMITATIONS POLICY 2.2.2.1: Evidence

The staff handbook and union contract provide detailed disciplinary processes and procedures for coaching and if necessary, disciplining staff in a consistent and fair manner. Both the contract and the handbook are available for Board inspection upon request.

EXECUTIVE LIMITATIONS POLICY 2.2.3:

The CEO shall not... Allow retaliation against any staff member for non-disruptive expression of dissent.

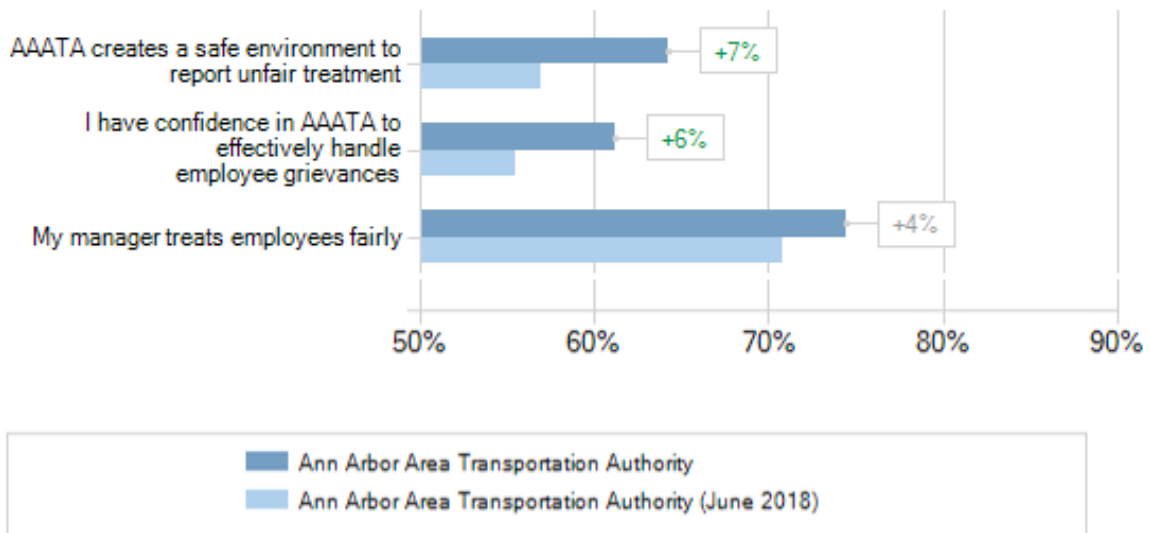
Degree of Compliance: Fully Compliant

EXECUTIVE LIMITATIONS POLICY 2.2.3: Interpretation

Compliance with this policy during the period will be demonstrated when responses to staff surveys indicate that a majority of staff feel that they are confident in how dissent is handles and that management treats staff fairly. Our specific metrics, targets and results for this period are outlined below.

EXECUTIVE LIMITATIONS POLICY 2.2.3: Evidence

The graph below shows changes in relevant staff responses in 2018 and 2019. Our target for staff responses is incremental improvement over time. We met this target for 2019.



EXECUTIVE LIMITATIONS POLICY 2.2.4:

The CEO shall not... Allow staff to be unprepared to deal with emergency situations.

Degree of Compliance: Partially Compliant

EXECUTIVE LIMITATIONS POLICY 2.2.4: Interpretation

Compliance with this policy during the period will be demonstrated when staff receive adequate training for emergency situations, and a majority of staff report perception of preparation in annual surveys. Our specific metrics, targets and results for this period are outlined below.

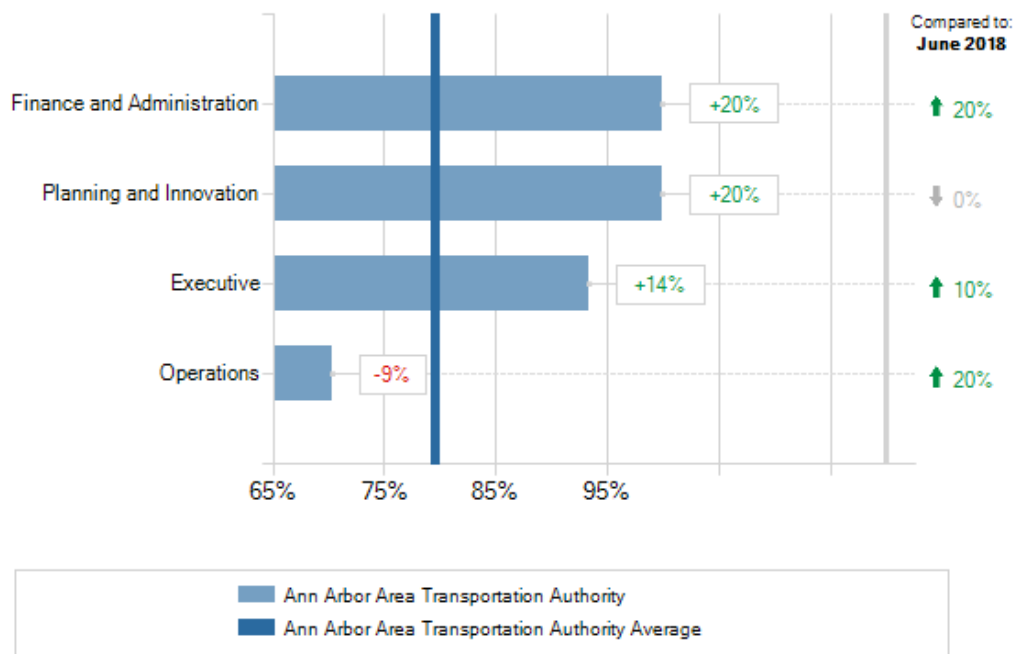
EXECUTIVE LIMITATIONS POLICY 2.2.4: Evidence

This table summarizes the emergency preparation conducted during the period as well as our targets.

	FY 2018	FY 2019	Target
Safety Orientation for New Hires	100%	100%	100% within the first week
Severe Weather Drills	100%	100%	Twice/Year
Active Shooter Training	100%	N/A	Each staff within 2 years
Fire Drills	100%	N/A	Each staff within 2 years
Emergency Procedures for Bus Drivers when on-route	100%	100%	All new drivers. 100% of drivers once a year

The graph below illustrates the results of staff feedback regarding their perceptions of safety. Our target is incremental improvement and we met this target in most cases in 2019. However, while most staff report a perception of preparedness, there was a notable decline in perception of safety among bus drivers which suggests a concern with on-road safety. Management is currently working to address this.

AAATA has prepared employees for emergency situations
Percent Positives of Departments - May 2019



EXECUTIVE LIMITATIONS POLICY 2.2.5:

The CEO shall not... Operate without an adequate labor agreement covering unionized personnel.

Degree of Compliance: Fully Compliant

EXECUTIVE LIMITATIONS POLICY 2.2.5: Interpretation

Compliance with this policy will be demonstrated when the AAATA has a labor agreement in force during the monitoring period. I further interpret this policy to mean that operations are to continue even if a contract has lapsed or negotiations have reached an impasse.

EXECUTIVE LIMITATIONS POLICY 2.2.5: Evidence

In July 2017 TheRide agreed to a five-year contract with all unionized personnel. The contract will expire in March 2022.

CEO Notes

- The original Policy Governance policy template includes another policy that has never been included at the AAATA. That policy states that the CEO shall not...
“Fail to acquaint staff with the CEO’s interpretation of their protections under this policy.”
The CEO would like to ask the Board whether they would consider adding this policy.

Guidance on Determining “Reasonableness” of CEO Interpretations

The International Policy Governance Association has developed the following guidance for Board members to use in deciding whether a CEO’s interpretation is “reasonable”:

An interpretation is deemed to be reasonable when it provides an operational definition which includes defensible measures and standards against which policy achievement can be assessed...

Defensible measures and standards are those that:

- 1.) Are objectively verifiable (e.g., through research, testing, and/or credible confirmation of observable phenomena.)*
- 2.) Are relevant and conceptually aligned with the policy criteria and the board’s policy set.*
- 3.) Represent an appropriate level of fulfillment within the scope of the policy.*

- *“What makes an Interpretation Reasonable and What are the Expectations for the Operational Definition: Policy Governance Consistency Framework Report Number 2”*. International Policy Governance Association. June 11, 2016. Available on the IPGA website.

(To be filled in based on Board action after submission)

Policy: 2.2 Treatment of Staff

Date Submitted: October 24, 2019

Date of Board Response: November 21, 2019

The Board has received and reviewed the CEO's Monitoring Report references above. Following the Board's review and discussion with the CEO, the Board makes the following conclusions:

Executive Limitations Report (select one)

The Board finds that the CEO:

- A. Is in compliance
- B. Is in compliance, except for item(s) noted.**
- C. Is making reasonable progress toward compliance.
- D. Is *not* in compliance or is *not* making reasonable progress toward compliance
- E. Cannot be determined.

Board notes:

November 21, 2019:
Board adopted this monitoring report as (B) in compliance except for item(s) noted.