


**ISSUE BRIEF: Monitoring Report for Policy 2.2:Treatment of Staff  
Monitoring period: Dec 2019- April 2021**

**Meeting: Board of Directors**

**Service Committee Meeting Date: June 2, 2021**

**Board Meeting Date: June 17, 2021**

<b>INFORMATION TYPE</b>	
Decision	
<b>RECOMMENDED ACTION(S):</b>	
Board accepts the Monitoring Report as level E – Cannot be determined.	
<b>BACKGROUND</b>	
<p>This monitoring report significantly relies on staff responses from the Annual Employee Engagement Survey with the target of incremental improvement from year to year. This year’s survey revealed some methodological flaws with the CEO’s previous interpretations and evidence (presented below without change). These flaws are severe enough that I do not feel the staff survey results are entirely reliable, leaving the report without a key piece of evidence. The chief challenges with the survey are that the relatively low scores may be an artifact of the low response rate (38% total, and ¾ of which were from one department), frustration with the pandemic, or fatigue with too many surveys (3 in 6 months). Of course, the results may accurately reflect staff sentiment, a possibility I am concerned about.</p>	
<b>ISSUE SUMMARY:</b>	
<p>TheRide’s Board of Directors establish policies that define what methods are unacceptable to use to achieve expected results, called Executive Limitations. This monitoring report provides the CEO’s interpretations of those policies, evidence of achievement, and an assertion on compliance with the Board’s written goals. As with other monitoring reports, the Board decides whether the interpretations are reasonable, and the evidence is convincing.</p> <p>I certify that the information is true and complete, and I request that the Board accept this as indicating an acceptable level of compliance.</p>	
<p><b>CEO’s Signature</b></p> 	<p><b>Date</b></p> <p>May 25, 2021</p>
<b>ATTACHMENTS:</b>	
1. Monitoring report for Policy 2.2: Treatment of Staff	

Policy title: Treatment of Staff:	Page #	Compliance
<p>2.2 The CEO will not cause or allow employment conditions that are inconsistent, discriminatory, unfair, unsafe, unhealthy, undignified, disorganized, or unclear.</p> <p>Further, without limiting the scope of the foregoing by this enumeration, the CEO shall not:</p>	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.	6	●
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.	12	●

 Fully Compliant    
  Partially Compliant    
  Non-Compliant    
  Cannot be determined

## Preliminary CEO Interpretations and Evidence

### EXECUTIVE LIMITATIONS POLICY 2.2:

Cause or allow employment conditions that are inconsistent, discriminatory, unfair, unsafe, unhealthy, undignified, disorganized, or unclear.

**Degree of Compliance: Cannot be determined**

### 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, 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.

### Evidence

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

	CY 2019	CY 2020	Target
<b>Valid Instances of discrimination</b>	0	0	0
<b>Valid Instances of harassment</b>	0	0	0
<b>Employee fatalities</b>	0	0	0
<b>Lost workdays/100,000 miles of service</b>	2.7	6.37*	Decrease

\*With a reduction in service levels following the stay-at-home orders, service mileage significantly decreased leading to an increased number in lost workdays/ 100,000 miles.

Since compliance with subsequent subpolicies cannot be determined, this policy is also noted as so. We will achieve compliance in the next annual report as the amount of service will increase to natural levels of the statistical anomaly of this year will resolve itself.

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**Evidence (continued)**

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:**

Operate in a manner that undermines the organization as a workplace of choice.

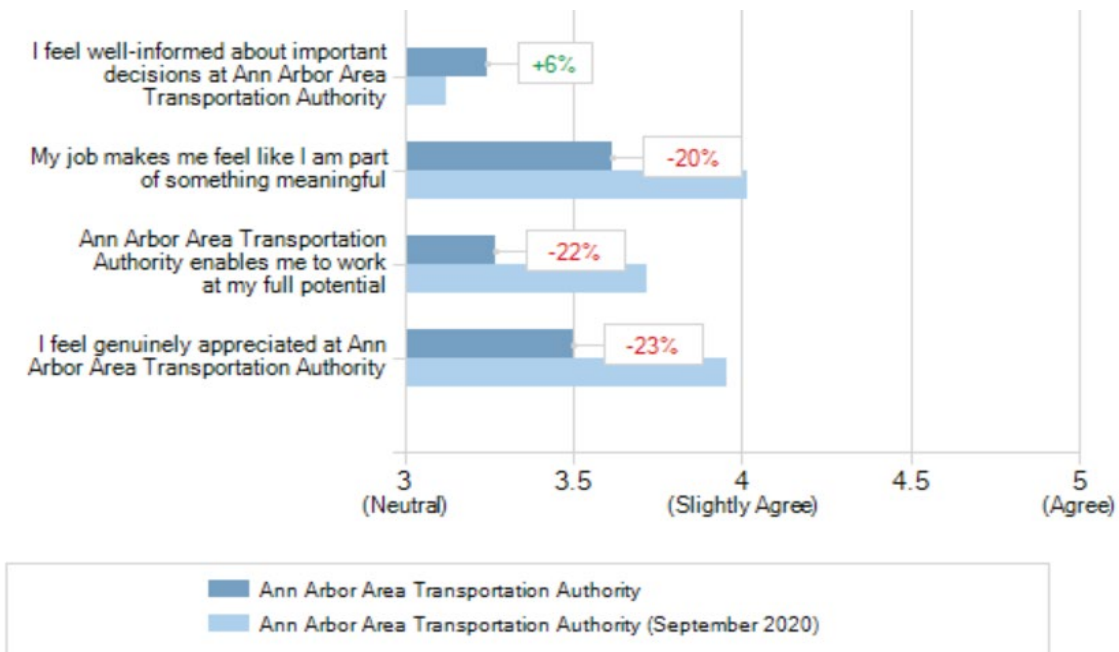
**Degree of Compliance: Cannot be Determined**

**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.

**Evidence**

The graph below illustrates overall staff responses to two similar surveys conducted in 2020 and 2021. Our target for staff responses in the following questions is incremental improvement over time.



The CEO and Safety Officer kept staff abreast of evolving agency decisions and changes as the pandemic unfolded. An increasing number of staff noted in the survey that they ‘felt well informed about important decisions at the agency. Staff however struggles with feeling that they were a part of something meaningful, enabled to work at their fullest potential or fully appreciated at the agency. While survey scores did decline, the low response rate, and survey and pandemic fatigue make it difficult to assess compliance. For those reasons, the CEO cannot clearly state whether the staff survey results support compliance

Compliance with this policy is expected by the next annual survey. However, methodological weaknesses with the interpretations and evidence suggest the CEO may need to change both (see policy 2.10.1.5).

**EXECUTIVE LIMITATIONS POLICY 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.

**Degree of Compliance: Cannot be Determined**

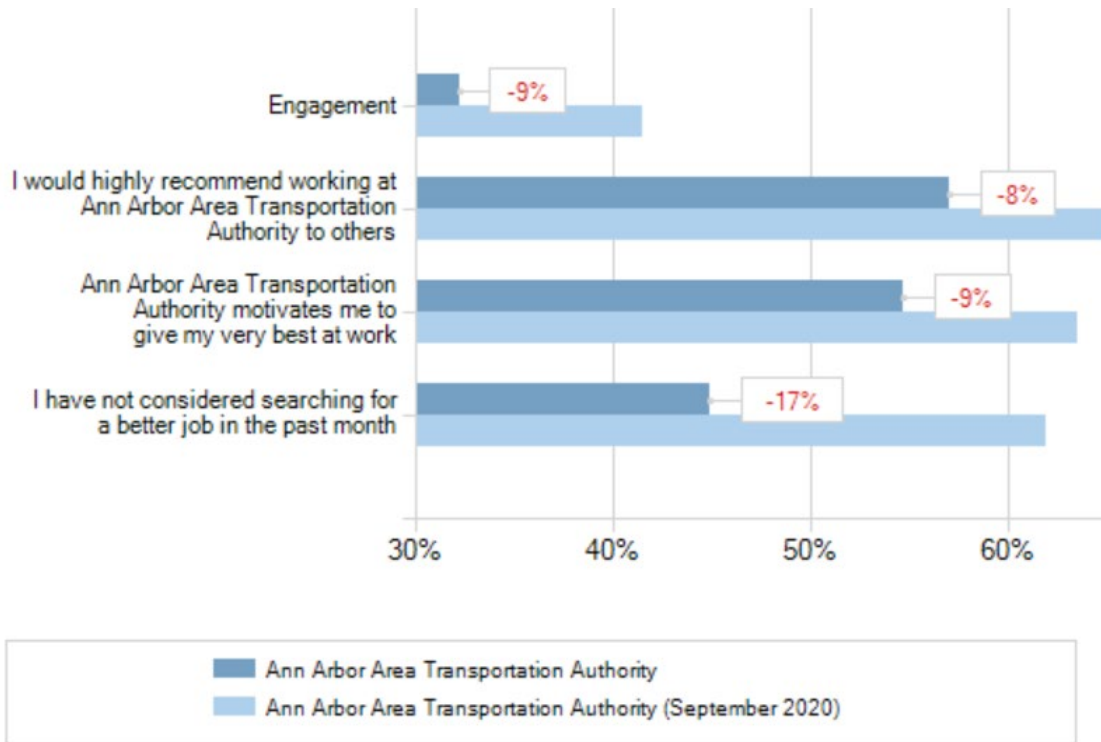
**EXECUTIVE LIMITATIONS POLICY 2.2.1.1: Interpretation**

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 2020 and 2021. Our target for staff responses is incremental improvement over time. We did not meet this target for 2021. While survey scores did decline, the low response rate, and survey and pandemic fatigue make it difficult to assess compliance. For those reasons, the CEO cannot clearly state whether the staff survey results support compliance.

Compliance with this policy is expected by the next annual survey. However, methodological weaknesses with the interpretations and evidence suggest the CEO may need to change both (see policy 2.10.1.5).



**EXECUTIVE LIMITATIONS POLICY 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.

**Degree of Compliance: Compliant**

**Interpretation**

Compliance with this policy during the period will be demonstrated when (A) there is a handbook for non-union staff meeting the expectations listed above, and (B) the above issues are addressed in an active labor contract with the union or being negotiated.

**Evidence**

A revised and updated non-union staff handbook is complete and in effect. Union negotiations are scheduled to take place and a final contract to be adopted by March 2022.

**EXECUTIVE LIMITATIONS POLICY 2.2.2.1:**

Fail to provide internal controls necessary to enforce such policies.

**Degree of Compliance: Compliant**

**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.

**Evidence**

The staff handbook and union contract provide detailed disciplinary processes and procedures 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:**

Allow retaliation against any staff member for non-disruptive expression of dissent.

**Degree of Compliance: Partial Compliance or Cannot be Determined**

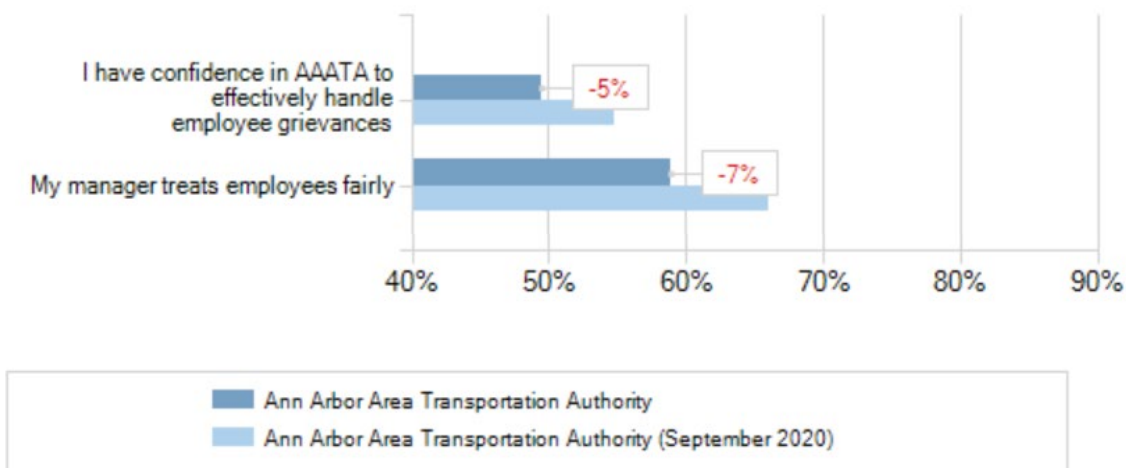
**EXECUTIVE LIMITATIONS POLICY 2.2.3: Interpretation**

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 handled 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 staff responses to the engagement survey in 2020 and 2021. Our target for staff responses is incremental improvement over time. We did not meet this target for 2021. While survey scores did decline, the low response rate, and survey and pandemic fatigue make it difficult to assess compliance. In addition, the general survey questions are not worded specifically enough to compare with this policy directly. For those reasons, the CEO cannot clearly state whether the staff survey results support compliance.

Compliance with this policy is expected by the next annual survey. However, methodological weaknesses with the interpretations and evidence suggest the CEO may need to change both (see policy 2.10.1.5).



**EXECUTIVE LIMITATIONS POLICY 2.2.4:**

Allow staff to be unprepared to deal with emergency situations.

**Degree of Compliance: Partially Compliant or Cannot be Determined**

**Interpretation**

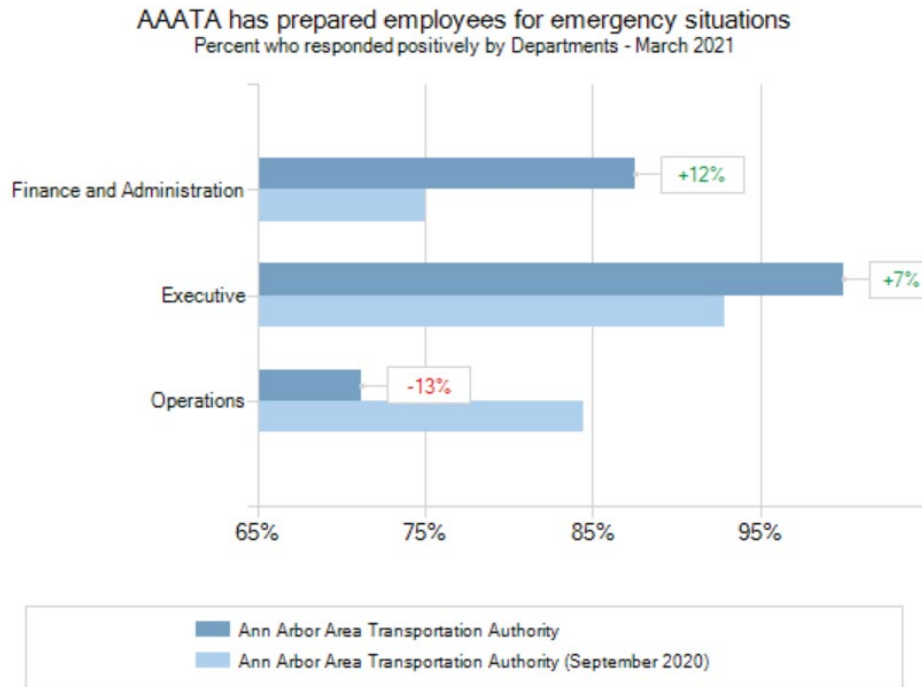
Compliance with this policy during the period will be demonstrated when staff receive adequate training for emergency situations, and a majority of staff report perception of preparation in annual surveys. Our specific metrics, targets and results for this period are outlined below.

**Evidence**

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

	<b>FY 2019</b>	<b>FY 2020</b>	<b>Target</b>
<b>Safety Orientation for New Hires</b>	100%	100%	100% within the first week
<b>Severe Weather Drills</b>	100%	Cancelled	Twice/Year
<b>Active Shooter Training</b>	N/A	Cancelled	Each staff within 2 years
<b>Fire Drills</b>	N/A	Cancelled	Each staff within 2 years
<b>Emergency Procedures for Bus Drivers when on-route</b>	100% 100%	100% 100%	All new drivers. 100% of drivers once a year
<ul style="list-style-type: none"> <li>• Safety efforts focused on recovery. Drills that required people to congregate in one location were cancelled for safety reasons.</li> <li>• A new active shooter system was installed in October 2020, activated, and tested. General notifications were sent to staff via email and text to alert them of the system capabilities.</li> <li>• Additional system activations/drills are being incorporated by the safety offices in future emergency plans.</li> </ul>			

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 2 of the 3 departments with the highest number of respondents. 98% of respondents came from these three departments. Staff in the operations department did not feel fully prepared for emergency situations, majority of them were on the front line during the pandemic.

It must be noted that, in retrospect, TheRide did not adequately prepare staff for the likelihood of a worldwide pandemic prior to March 2020. Like most organizations, we were caught by surprise and had to improvise after the fact. While we feel we did fairly well as demonstrated by the absence of widespread staff infections, we want to acknowledge that we did not prepare staff in advance for this situation. This lack of preparation would have affected Operations staff directly while Executive and Finance staff were required to work from home. This explain the differing perceptions of readiness.

While survey scores did decline, the low response rate, and survey and pandemic fatigue make it difficult to assess compliance. For those reasons, the CEO cannot clearly state whether the staff survey results support compliance. Compliance with this policy is expected by the next annual survey. However, methodological weaknesses with the interpretations and evidence suggest the CEO may need to change both (see policy 2.10.1.5).

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**POLICY 2.2.5:**

Operate without an adequate labor agreement covering unionized personnel.

**Degree of Compliance: Compliant**

**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.

**Evidence**

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

### CEO Notes

While it is possible that the staff are generally less engaged, it is unclear why or whether this sentiment is as widely shared as they survey suggests. Certainly, management was surprised by this survey and is eager to understand why the results look this way.

This report has also illuminated the challenges of relying on a survey of perceptions rather than objective facts. The CEO and management staff will be using the next year to new tools, possibly including focus groups, to try to determine why these results occurred and how to improve them going forward. This may cause the CEO to change the interpretations or evidence. As per policy 2.10.1.5, he is letting the Board know about this in advance.

## Board's Conclusion on Monitoring Report

### 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:*

- *Are objectively verifiable (e.g., through research, testing, and/or credible confirmation of observable phenomena.)*
- *Are relevant and conceptually aligned with the policy criteria and the board's policy set.*
- *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.

### Board's conclusion after monitoring the report.

Following the Board's review and discussion with the CEO, the Board finds that the CEO:

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

**At the June 17, 2021 Board meeting, the Board accepted the CEO as not in compliance; not making reasonable progress toward compliance (D). The Board requested that the CEO submit an issue brief to the Board by the October 2021 Board meeting describing actions taken to move toward compliance with this policy.**