

Monitoring Report: Treatment of Staff (Policy 2.2)

Service Committee Meeting Review Date: Oct 1st, 2024

Board of Directors Meeting Review Date: Oct 17th, 2024












INFORMATION TYPE
Monitoring
RECOMMENDED ACTION(S)
<p>At the 10/1/24 Service Committee Meeting, the Committee recommends that the Board review this monitoring report and consider accepting it as:</p> <p>(A) a reasonable interpretation for all policy items and that the evidence demonstrates compliance with the interpretations.</p> <p>(B) a reasonable interpretation for all policy items and that the evidence demonstrates compliance with the interpretations, except for the CEO's stated non-compliance with item(s) 2.2.3, which the Board acknowledges and accepts the proposed dates for compliance.</p> <p>(C) 1. For policy items x.x.x – there is evidence of compliance with a reasonable interpretation</p> <p>2. For policy items x.x.x – the interpretation is not reasonable</p> <p>3. For policy items x.x.x – the interpretation is reasonable, but the evidence does not demonstrate compliance</p> <p>4. For policy items x.x.x – the Board acknowledges and accepts the CEO's stated non-compliance and the proposed dates for compliance</p>
ISSUE SUMMARY
<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>Per Appendix A of the Board Policy Manual, this report was scheduled for monitoring in June and was submitted in Oct</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>CEO's Signature Date</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="text-align: center;">  <hr style="width: 200px; margin: 0 auto;"/> </div> <div style="text-align: center;"> <p>September 20, 2024</p> <hr style="width: 200px; margin: 0 auto;"/> </div> </div>
ATTACHMENTS
1. Monitoring report for Treatment of Staff (Policy 2.2)

Table of Contents

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	
<p>2.2.1. Operate in a manner that undermines the organization as a workplace of choice.</p>	5	
<p>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.</p>	6	
<p>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</p>	8	
<p>2.2.2.1 Fail to provide internal controls necessary to enforce such policies.</p>	10	
<p>2.2.3 Allow retaliation against any staff member for non-disruptive expression of dissent.</p>	11	
<p>2.2.4 Allow staff to be unprepared to deal with emergency situations.</p>	12	

-  Fully Compliant
-  Partially Compliant
-  Non-Compliant

Preliminary CEO Interpretations and Evidence

POLICY 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:

Degree of Compliance: Partially Compliant

Interpretation

Operational definition

I interpret this policy to mean that the agency will provide all employees with a working environment that is physically and psychologically safe, well organized, and protects employee rights.

Measure/Standards & Achievement

Compliance will be achieved when

- A. The agency has a robust up to date workplace safety program that is compliant with all federal and state safety regulations and requirements.
- B. Total recordable incident rates should decrease by 5% year over year
- C. There are no employee fatalities where anything reasonably under the control of the employer contributed to such a situation
- D. The agency is compliant with lower-level policies.

Rationale

This is reasonable because

- A. A comprehensive agency safety plan (Public Transportation Agency Safety Plan) ensures an agency has enforceable risk reduction programs, develops and monitors safety performance and provides adequate safety training and communication. All these pieces are critical to improving agency safety. This Plan requires annual certification by the Board of Directors and is reviewed every three years by the Federal Transit Administration as part of the Triennial review process.
- B. The Occupation Safety and Health Administration (OSHA) defines recordable incidents as those that meet a detailed criteria to include work-related injuries or illnesses that result to loss of workdays and require medical treatment beyond first aid. Based on America Public Transit Association records of 2021, incident rates in the transit industry **increased** year by year at a rate of 1%. Per TheRide's Safety Plan (PTASP) our targets are to **decrease** safety recordable incidents by 5% year to year.
- C. Workplace fatalities are tragic and preventing them is inherently reasonable. From a strict business perspective, they impose enormous costs on the organization and are worth investment to prevent. All other safety concerns are addressed in other aspects of this policy.
- D. Compliance with this policy is dependent on compliance with lower-level policies.

Evidence

Source of Data: Safety and Employment records

Date of Data Review: 09/18/2024 as verified by the Safety Officer and the Corporate Strategy and performance officer.

Data:

- A. A review of meeting minutes indicate that the TheRide Board of Directors reviewed and certified the PTASP on 10/16/2023
- B. There were no employee fatalities during the monitoring period
- C. Incidents decreased from 32 to 26, a 19% decrease from the previous monitoring period.
- D. All policies except 2.2.3 are compliant.

Compliance Timeline:

A compliant timeline is provided in policy 2.2.3

POLICY 2.2.1

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

Degree of Compliance: Compliant

Interpretation

Operational definition:

I interpret this policy to mean that the agency will provide a conducive working environment characterized by a reasonable number of employees choosing to continuously work for the agency.

Measure/Standards & Achievement

Compliance with this policy will be achieved when policy 2.2.1.1 is compliant

Rationale

To be a workplace of choice the agency must create a work environment where people stay and produce quality work. Staff retention is a key element of the interpretation of 2.2.1.1, and like synonymous with the intent of policy 2.2.1.

Evidence

Source of Data: Policy 2.2.1.1

Date of Data Review: 09/18/24 as verified by the Corporate Strategy and Performance Officer.

Policy 2.2.1.1. is compliant.

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: Compliant

Interpretation

Operational Definition

I interpret this policy to mean that the agency will have a work environment that is able to retain employees that produce high-quality work product.

Measure/Standards & Achievement

Compliance will be demonstrated when

- A. The employee turnover rate is reasonable considering industry trends.
- B. There is no pattern in meeting minutes that the Board finds the agency’s work to be lacking in quality and/or being incomplete or inconsistent.

Rationale

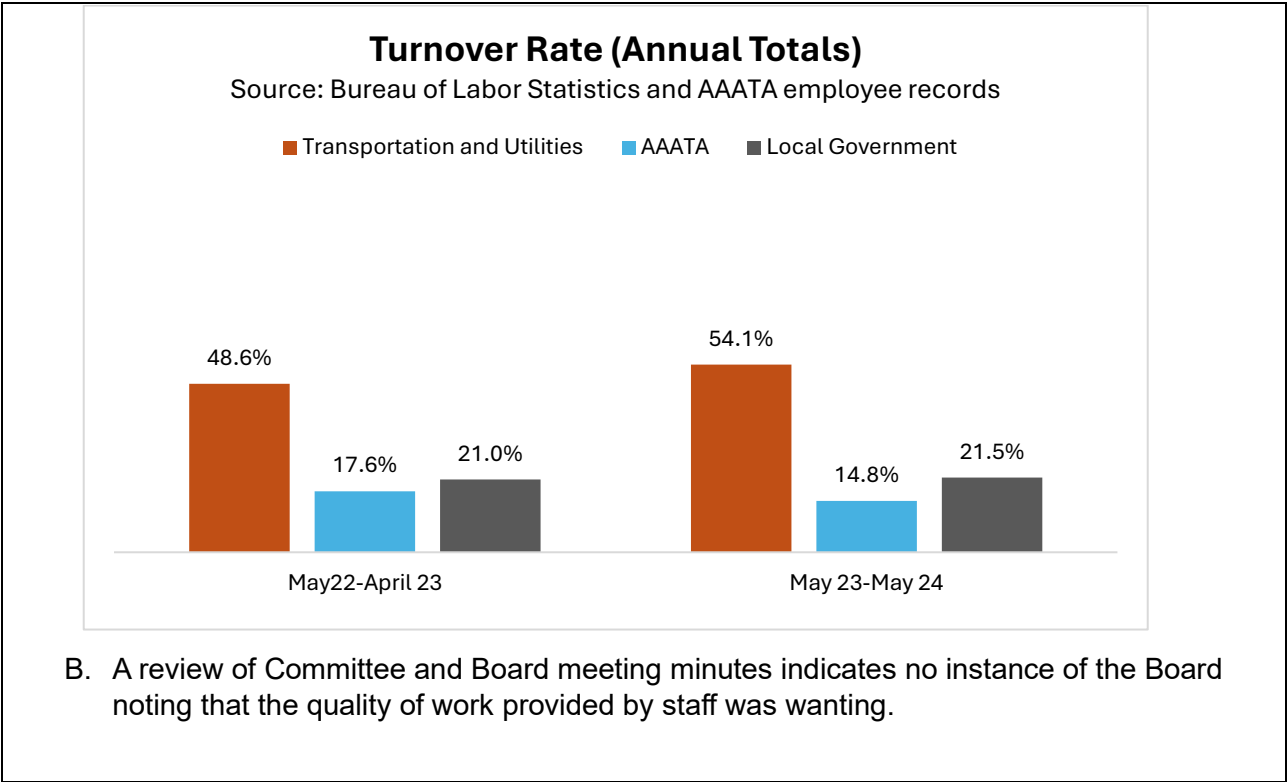
- A. Turnover (i.e. staff retentions or attrition) is a reasonable indicator of a positive work environment. Some turnover is normal. If the work environment is poor, many employees may leave. Reasonable turnover is lower than the industry average. Using similar industry trends as a benchmark provides context while accounting for macroeconomic trends.
- B. It is difficult to define or measure creativity, knowledgeable contribution and high qualifications. However, the quality of the work products produced by staff are a quantifiable proxy indicator of the quality of the work environment. If the environment were poor, lower quality work would be more likely. Board meeting minutes are a reasonable measure as they are, after staff, the group most familiar with the agency’s output. A pattern of Board concerns would indicate chronic issues.

Evidence

Source of Data: Employee records and Bureau of Labor Statistics and Board Meeting Minutes

Date of Data Review: 09/18/24 as verified by Manager of Human Resources, Corporate Strategy and Performance Officer and the Executive Administrative Assistant

- A. The graph below indicates TheRide’s annual total turnover performance in relation to the transportation and local government industries. Periods have been grouped from May to April to match the monitoring period of this report.



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

Operational definition

I interpret this policy to mean that the agency will have a signed employee- employer agreement that addresses all the aspects addressed in this policy.

Measure/Standards & Achievement

Compliance with this policy when

- A. The non-union handbook addresses the requirements of this policy, is signed by staff to acknowledge their understanding and acceptance to terms upon hire, and is available at any time upon request at the HR department,
- B. The union contract addresses these elements is in effect or being negotiated, signed by staff to acknowledge their understanding and acceptance of terms upon hire, and is easily accessible.
- C. The Authority’s Anti-Harassment, Discrimination and Retaliation Policy which addresses harassment and discrimination, and that this policy is also reviewed, acknowledged, and signed by all staff upon hire and is easily accessible for reference thereafter.
- D. Policy 2.2.2.1 is compliant

Rationale

- A.-B. This is reasonable as all AAATA employees are either union or non-union staff and their employer-employee agreements are documented either in the non-union employee handbook or the union contract.
- C. The Authority’s Anti-harassment, discrimination and retaliation policy provides details on what is considered unacceptable. Providing this information to staff upon hire ensures expectations are well known and understood from day 1 of work. Ease of document accessibility thereafter ensures that staff can reference the document as needed.
- D. Compliance with this policy is dependent on lower-level policies being compliant.

Evidence

Source of Data: Union Contract and Non-union handbook, Anti-Harassment. Discrimination and Retaliation Policy, and lower-level policy compliance.

Date of Data Review: 09/18/2024 as verified by Manager of Human Resources

Data:

A-C : A review of the Non-union handbook, union contract and the Anti-Harassment. Discrimination and Retaliation Policy indicate:

	Non-Union Employees Handbook	Union Contract
Up-to date	Yes, updated in January 2021	Yes, updated April 2022 Covers the period of April 2022 to March 2026.
Clear	Written language is proofed for ease of readability before it is shared with staff	
Available	All non-union staff receive a copy and must sign an acknowledgement form.	All union staff receive a copy of the contract upon hire and must sign an acknowledgement form to confirm receipt.
Written	Yes	
Provision of standards and expectations	This document provides general employee standards and expectations. Further expectations based on role are provided upon new hire orientation by direct managers/supervisors	
Provisions for effective handling of grievances	The appeals process is documented in page 6 of the nonunion employee handbook. It provides several avenues to address complaints or concerns of harassment, discrimination, or retaliation.	The union contract has a whole section addressing parameters and procedures for addressing grievances. Similar to the Non- union handbook, several avenues of addressing grievances are provided. This gives the employees a chance to use the channel with which they are most comfortable.
Protections against wrongful conditions such as nepotism and unfair preferential treatment.	This provision is addressed in the Anti-Harassment. Discrimination and Retaliation Policy.	

D. Lower-level policy is compliant

POLICY 2.2.2.1
Fail to provide internal controls necessary to enforce such policies.
Degree of Compliance: Compliant
Interpretation
<p><u>Operational definition</u> I interpret this policy to mean that there will be mechanisms, policies, and procedures in place to ensure the integrity of both union and non-union employee-employer agreements.</p> <p><u>Measure/Standards & Achievement</u> Compliance will be demonstrated when mechanisms for holding staff accountable as described in Policy 2.2.2. exist.</p> <p><u>Rationale</u> This is reasonable as that's what the policy asks for.</p>
Evidence
<p>Source of Data: Employee records Date of Data Review: 09/18/2024 as verified by the Manager of Operations and the Manager of Human Resources</p> <p>Union: The union contract addresses how infractions will be addressed on Page 19. Where disciplinary action was warranted, corrective action was initiated within seven working days. This is in line with the existing contract dated for the period of April 1st, 2022-March 31st, 2026.</p> <p>Non-Union: Department managers addressed non-union employee performance and workplace conduct in light of set job expectations and guidance provided in the non-union handbook, 2022 (page 10)</p> <p>Overall, management considered extenuating circumstances and where applicable recommended counselling or retraining to minimize recurrences.</p>

<p>POLICY 2.2.3 Allow retaliation against any staff member for non-disruptive expression of dissent.</p>
<p>Degree of Compliance: Not Compliant</p>
<p>Interpretation</p>
<p><u>Operational Definition</u> I interpret this policy to mean that the agency will provide avenues for staff to report any disagreement with a management action that is made in a respectful manner and is not a refusal or encouragement to not perform work (aside from immediate safety concerns). Additionally, these avenues will be easily accessible to staff and independent of the agency chain of leadership.</p> <p><u>Measure/Standards & Achievement</u> Compliance will be achieved when a whistleblower policy is available and is easily accessible to staff.</p> <p><u>Rationale</u> This is reasonable because a whistleblower policy encourages staff to come forward with credible information on illegal practices or violations of adopted policies and also specifies that the organization will protect the individual from retaliation. Such a policy would be overseen by the corporate counsel who functions independently from the chain of leadership.</p>
<p>Evidence</p>
<p>Source of Data: Whistleblower policy.</p> <p>Date of Data Review: 09/11/2024 as verified by CEO</p> <p>A whistleblower policy was not available during the monitoring period and for this reason the CEO notes non-compliance with this policy.</p> <p>Compliance Timeline: Due to turn over in the Human Resources department this work was not completed within the scheduled timeline. Compliance with this policy can be expected by January 1st, 2025.</p>

POLICY 2.2.4

Allow staff to be unprepared to deal with emergency situations.

Degree of Compliance: Compliant

Interpretation

Operational Definition

I interpret this policy to mean that the agency will proactively prepare staff to deal with emergency situations and provide adequate resources when such situations occur.

Measure/Standards & Achievement

Compliance will be demonstrated when

- A. The agency operates with an up-to-date Emergency Action Plan (EAP) that is readily available and accessible to all staff.
- B. All staff receive safety and emergency-related training as part of orientation and frequent refresher courses in line with their work requirements. Such training will include new hire orientation safety training, and successful completion of emergency drills , and enroute safety training for Motor Coach Operators
- C. All emergency situations that occur during the monitoring period are handled efficiently and safely.

Rationale

This is reasonable because

- A. An up-to-date Emergency Action Plan comprehensively addresses procedures to be undertaken during an emergency i.e., how to evacuate employees to safety, crowd management, emergency responses on site and when and how to hand over to other emergency support systems e.g., medical teams and law enforcement teams. The plan is based on Occupational Safety and Health Administration (OSHA) guidelines.
- B. Providing emergency training at orientation is reasonable as emergency situations can happen at any time. Successful completion of drills indicates that employees have constant refreshers on what to do in cases of emergency. Different roles have varying safety training requirements beyond the blanket drills and safety trainings and are provided as such. All trainings and drills are provided in line with existing regulations and OSHA work safety guidelines.
- C. The outcome of an actual event is the best indicator of how well employees are equipped to handle emergency situations. A successful event requires sufficient emergency training, an effective decision-making team, proper coordination of resources and information prior to such an event occurring.

Evidence

Source of Data: Emergency Plans, Operational records.

Date of Data Review: 09/18/2024 as verified by DCEO, Operations and Safety Officer .

A. The Emergency Action Plan was provided to department managers for dissemination to staff and is also accessible in an electronic drive accessible to all employees.

B. Drills and Trainings

During the monitoring period, the following drills and safety trainings occurred.

	Dates or timeline.	Target* achieved: Yes/No
New hire safety training	Upon employee hire	Yes
Fire Drills	10/16/23, 2/22/24 & 6/7/24	Yes
Severe Weather Drills	8/8/23 4/15/24	Yes
Active Shooter Drills	4-17/23-5/7/23, & 6/27/23- 6/28/23	Yes
Enroute Emergency training (MCOs)	All MCOs the annual refresher course that includes enroute emergency.	Yes

*- Safety targets are set based on safety guidelines provided by OSHA and the FTA .

C. Emergency incidents during the monitoring period.

Emergency Incident: Inclement weather on January 12, 2024, caused safety concerns that led to TheRide making a decision to stop services at 9:30PM. Generally, services run until 12:30AM. Services resumed the following day as scheduled.

Preparation: Prior to the incident

- All drivers had received safety training which included guidance on how deal with inclement weather
- The maintenance department was well equipped to support operations with additional fleet as they helped snow-stuck fleet get back in service and
- Weather reports were consistently reviewed and used for contingency planning.

During the event:

Behind the scenes, an interdepartmental team continuously assessed the situation to include changing weather conditions, the number of vehicles stuck, in/ability to send recovery vehicles, extreme temperatures in buses that had been immobile, deteriorating road conditions, delayed plowing etc., With the safety of customers and drivers at the front line, a decision was made to halt services at 9:30PM. Focus then shifted to getting staff and customers to safety and retrieving all stuck vehicles back to the garage. This was successfully done, and all vehicles were back in the garage by 11:00PM. Services picked up the following morning as scheduled.

The agency did not experience any other emergency situations during the monitoring period.

CEO Notes

The CEO is asking the Board to revisit the intent and wording of policies 2.2.1 and 2.2.1.1. We have struggled for years to define and measure workplace culture with no more success than anyone else. Further, these policies are likely ‘backdoor Means prescriptions’ as they really describe activities to occur rather than negative outcomes to be avoided. Neither are original Carver polices, both were created in 2017. He asks the Board to consider revisiting these policies to clarify their purpose and whether they are needed.

Policy Trendlines

Policies	FY 20	FY 21	FY 22	FY 23	FY24
2.2	Yellow	Blue	Yellow	Yellow	Yellow
2.2.1	Green	Blue	Yellow	Yellow	Green
2.2.1.1	Green	Blue	Green	Green	Green
2.2.2	Red	Green	Green	Green	Green
2.2.2.1	Green	Green	Green	Green	Green
2.2.3	Green	Blue	Green	Green	Red
2.2.4	Yellow	Blue	Green	Green	Green

LEGEND	
Red	Policy is not compliant
Yellow	Policy is partially compliant
Green	Policy is compliant
Blue	Cannot be determined

Guidance on Determining “Reasonableness” of CEO Interpretations

Are the interpretations reasonable?

An interpretation is reasonable if the following are provided,

1. a measure or standard,
2. a defensible rationale for the measure or standard,
3. a level of achievement necessary to achieve compliance and
4. a rationale for the level of achievement.

Is evidence verifiable?

Evidence is verifiable if there is

1. actual measurement/data,
2. the source of data and
3. the date when data was collected is provided.

Board's Conclusion:

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

(B) a reasonable interpretation for all policy items and that the evidence demonstrates compliance with the interpretations, except for the CEO's stated non-compliance with item(s) 2.2.3, which the Board acknowledges and accepts the proposed dates for compliance.