

Monitoring Report: Treatment of Staff (Policy 2.2)

Service Committee Meeting Review Date: July 6th, 2023

Board of Directors Meeting Review Date: July 20th, 2023

INFORMATION TYPE
Monitoring
RECOMMENDED ACTION(S)
<p>That the Board Committee 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) x .x, which the Board acknowledges and accepts the proposed dates for compliance.is making reasonable progress towards compliance.</p> <p>(C) 1. For policy items x.x.x – there is evidence of compliance with a reasonable interpretation 2. For policy items x.x.x – the interpretation is not reasonable 3. For policy items x.x.x – the interpretation is reasonable, but the evidence does not demonstrate compliance 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>
PRIOR RELEVANT BOARD ACTIONS & POLICIES
<p>Monitoring Reports are a key Policy Governance tool to assess organizational/CEO performance in achieving Ends (1.0) within Executive Limitations (2.0). A Policy-Governance-consistent Monitoring Process is:</p> <ol style="list-style-type: none">1. CEO sends Monitoring Report to all board members2. At Board meeting, board accepts Monitoring Report through majority vote (or if not acceptable, determines next steps)

BACKGROUND

This policy contains factual measures along with the staff survey responses. Below are a few notes on the staff survey:

1. The survey was conducted in April 2023
2. The response rate was at 31.5%
3. Employee Engagement survey is voluntary and may reflect perceptions.

The monitoring period for this report is May 2022-May 2023.

ISSUE SUMMARY

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.

Per Appendix A of the Board Policy Manual, this report was scheduled for monitoring in June and was submitted in July.

I certify that the information is true and complete, and I request that the Board accept this as indicating an acceptable level of compliance.

CEO's Signature



Date

June 22, 2023

ATTACHMENTS

1. Monitoring report for Treatment of Staff (Policy 2.2)

Table of Contents

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:	4	
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	7	
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	

 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

Measure/Standards & Achievement

Compliance will be achieved when

- A. The agency's Equal Employment Opportunity Program finds no instances of discrimination.
- B. There are no employee fatalities where anything reasonably under the control of the employer contributed to such a situation
- C. Incident rates decrease year by year.
- D. The agency is compliant with lower-level policies.

Rationale

This is reasonable because

- A. The agency's Equal Employment Opportunity program is discussed with every new employee at every new hire orientation. Using this program is reasonable as it's reviewed by an independent third party the Federal Transit Administration (FTA).
- B. See C, below.
- C. The rest of the policy addresses other safety considerations except fatalities and accidents/incidents. Due to the nature of our trade, accidents/ incidents are not completely avoidable, however, a consistent decrease in accidents/incidents indicate efforts to continuously improve working conditions. At all costs, the agency does its best to mitigate any situations that would result in fatalities on the job.
- D. Compliance of this policy is dependent on compliance of lower-level policies.

Evidence

Source of Data: Internal records

Date of Data Review: 05/31/2023 as verified by the Manager of Human Resources

Data: During the monitoring period,

- A. There were no instances of discrimination found through the EEO program
- B. There were no fatalities in the agency.
- C. Agency incidence rates (inclusive of accidents) decreased by 3% from the previous monitoring period.
- D. This policy is partially compliant because 2.2.1 is partially compliant.

POLICY 2.2.1

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

Degree of Compliance: Partially Compliant

Interpretation

Measure/Standards & Achievement

Compliance with this policy will be demonstrated when

- A. AAATA attrition rates improve year to year
- B. At least 50% of employees in a survey agree with the following statements:
 - a. Have NOT considered searching for a better job in the past month,
 - b. Would highly recommend working at AAATA to others, and
 - c. Have the flexibility needed to balance work and personal life
- C. Policy 2.2.1.1 is compliant

Rationale

This is reasonable because

- A. Attrition rate is the total number separations (this includes resignations, retirements, deaths and non-voluntary separations) per average number of employees in a given calendar year. With the goal of being a workplace of choice, our target is to decrease attrition rates each year.
- B. 50% is reasonable because it is a majority in a subjective survey with a variable response rate that is subject to outside influences.
- C. Compliance with this policy is dependent on compliance with lower-level policies.

Evidence

Source of Data: Internal and external (BLS) records

Date of Data Review: 05/31/24 as verified by manager of human resources and the corporate strategy and performance officer.

Data:

- A. Below are the attrition rates.

	Previous monitoring period	Current monitoring period	Attrition rates reduced?
Attrition rates	12%	17%	No

Similar to national trends, the agency experienced increased resignations in the monitoring period. Because of this the CEO reports partial compliance with this policy.

Compliance timeline: The agency is working on retention efforts and expects to be compliant with this policy in the next monitoring period.

- B. Employee survey results

	% Agreeing	Average scores	Target met
I have not considered searching for a better job in the past month	64%	67%	Yes
I would highly recommend working at AAATA to others	72%		
I have the flexibility I need to balance my work and personal life	66%		

- C. Policy 2.2.1.1 is compliant. However, this policy is partially compliant due to evidence A, above.

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

Measure/Standards & Achievement

Compliance with this policy will be demonstrated when a survey of employees has 50% or more listed as agreeing (strongly agreeing, agreeing, or slightly agreeing) with the following statements:

- a. I feel genuinely appreciated at Ann Arbor Area Transportation Authority
- b. Ann Arbor Area Transportation Authority operates by strong values
- c. New ideas are encouraged at Ann Arbor Area Transportation Authority
- d. Ann Arbor Area Transportation Authority encourages different points of view
- e. Ann Arbor Area Transportation Authority enables me to work at my full potential

Rationale

This is reasonable because these scores indicate an environment that supports/values humanity, creativity, and knowledgeable contribution. Higher than 50% is reasonable because it is a majority in a subjective survey with a variable response rate that is subject to outside influences.

Evidence

Source of Data: Internal records

Date of Data Review: 06/20/23 as verified by corporate strategy and performance officer

Data:	% Agreeing	Average scores	Target met?
I feel genuinely appreciated at Ann Arbor Area Transportation Authority	72%	65.4%	Yes
AAATA operates by strong values	70%		
New ideas are encouraged at Ann Arbor Area Transportation Authority	60%		
Ann Arbor Area Transportation Authority encourages different points of view	60%		
Ann Arbor Area Transportation Authority enables them to work at their full potential	65%		

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****Measure/Standards & Achievement**

Compliance with this policy will be achieved when the requirements listed in this policy are addressed in:

- A. The handbook for non-union staff that addresses the requirements of this policy is provided during orientation and is available upon request at the HR department, and
- B. A union contract inclusive of these elements is in effect or in the process of being negotiated.
- C. The Authority's Anti-Harassment, Discrimination and Retaliation Policy which addresses harassment and discrimination for all staff.
- D. Policy 2.2.2.1 is compliant

Rationale

This is reasonable as all AAATA employees are either union or non-union staff and their employer-employee agreements are documented in the non-union employee handbook and the union contract respectively. Compliance with this policy is dependent on lower-level policies being compliant.

Evidence**Source of Data: Internal records**

Date of Data Review: 05/31/23 as verified by manager of human resources

Data:

	Non-Union Employees Handbook	Union Contract
Up-to date	Yes, updated in January 2021	Yes, updated on April 2022
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 non-union 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.		

POLICY 2.2.2.1

Fail to provide internal controls necessary to enforce such policies.

Degree of Compliance: Compliant

Interpretation

Measure/Standards & Achievement

Compliance will be demonstrated when mechanisms for holding staff accountable are implemented as described in Policy 2.2.2. exist.

Rationale

This is reasonable as that's what the policy asks for.

Evidence

Source of Data: Internal records

Date of Data Review: 05/31/23 as verified by manager of human resources

Data:

Non-union department managers are responsible for monitoring and correcting employee performance based on agreed expectations. Working conditions, work rules and performance standards for union employees are detailed in the Collective Bargaining Agreement and Personnel Procedures Manual which is furnished to all union employees upon hire. Infractions for union employees' violations are addressed based on those agreements..

POLICY 2.2.3

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

Degree of Compliance: Compliant

Interpretation

Measure/Standards & Achievement

Compliance will be achieved when

- A. The whistleblower policy is available and accessible to staff.
- B. There are no substantiated instances of retaliation for non-disruptive expression of dissent as evidenced by formal grievances or lawsuits. In this context non-disruptive means 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).

Rationale

This is reasonable because

- A. A whistleblower policy encourages staff to come forward with credible information on illegal practices or violations of adopted policies of the organization and also specifies that the organization will protect the individual from retaliation.
- B. A neutral third party (other than the management and employee) would be involved in confirming records of grievances or making judgements on lawsuit allegations.

Evidence

Source of Data: Internal records

Date of Data Review: 05/31/23 as verified by manager of human resources

Data:

- A. Federal and State labor law posters addressing whistleblower and OSHA/MIOSHA reporting processes are located in employee public areas i.e., the drivers lounge, fleet lunch room, nonunion staff lunch room and both transit centers.
- B. There were no records of grievances or lawsuits alleging retaliation for dissent. No unemployment payments were incurred due to allegations of retaliation.

POLICY 2.2.4

Allow staff to be unprepared to deal with emergency situations.

Degree of Compliance: Compliant

Interpretation

Measure/Standards & Achievement

Compliance will be demonstrated when

- A. Staff working onsite receive training for emergency situations.
- B. The agency operates with an Emergency Action Plan (EAP) and a Public Transportation Agency Safety Plan (PTASP) that is readily available and accessible to all staff.
- C. The majority of employees who participate in an employee engagement survey feel prepared to deal with emergency situations.

Rationale

This is reasonable because

- A. Over 2/3rds of AAATA's employees physically work onsite and emergencies happening at the homes of those working from home cannot be reasonably covered by the agency.
- B. The EAP comprehensively covers documentation of emergency procedures based on Occupational Safety and Health Administration (OSHA) guidelines. The Public Transportation Agency Safety Plan (PTASP) is an FTA requirement that entails developing safety plans that include the processes and procedures necessary to implement Safety Management Systems (SMS).
- C. Employee perception of their emergency preparedness matters on how they act and react during such situations.

Evidence

Source of Data: Internal records

Date of Data Review: 05/31/23 as verified by manager of human resources

Data:

- A. The following safety training occurred during the monitoring period.

	Staff that received training	Target met?
Fire drills	All staff working on site were present during fire drills. The drills occurred on different dates to accommodate staff working different shifts and dates. These dates were: <ul style="list-style-type: none"> • 07/19/2022 • 09/22/2022 • 03/27/2023 	Yes
Severe weather drills	Severe weather drills were conducted on different dates by all departments for social distancing reasons. They occurred on <ul style="list-style-type: none"> • 08/15/2022 • 10/19/2022 	Yes
Active shooter drills	All staff working on site were present when the active shooter drill was conducted on 05/09/2022. Additional active shooter training was also conducted from 4/19/2023 to 05/05/2023.	Yes
Safety training during new hire orientation	All new staff were given safety training as part of their new hire orientation.	Yes
Emergency procedures for bus drivers when enroute.	All bus drivers	Yes

- B. The agency operated with a current Emergency Action Plan and Public Transportation Agency Safety Plans. These documents were provided to department managers for dissemination to staff and are also accessible in an electronic drive accessible to all employees.
- C. The survey indicates the majority of the staff felt that AAATA prepared them to deal with emergency situations.

	FY22 survey results	Target met?
% of employees who agreed that AAATA prepared them for emergency situations	70%	Yes

Policy Trendlines

Policy trendlines indicate compliance of policy over time. The FY23 trendline is tentative and will be final after the Boards review of this report.

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

Board’s conclusion after monitoring the report.

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

- (A) a reasonable interpretation for **all** policy items and that the evidence demonstrates compliance with the interpretations.
- (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) x .x, which the Board acknowledges and accepts the proposed dates for compliance.is making reasonable progress towards compliance.
- (C) 1. For policy items x.x.x – there is evidence of compliance with a reasonable interpretation
2. For policy items x.x.x – the interpretation is not reasonable
3. For policy items x.x.x – the interpretation is reasonable, but the evidence does not demonstrate compliance
4. For policy items x.x.x – the Board acknowledges and accepts the CEO’s stated non-compliance and the proposed dates for compliance

Board Notes:

The Board accepted the policy as (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) 2.2.1, which the Board acknowledges and accepts the proposed dates for compliance (within the next board period).