

**ACCESS SERVICES**  
**BOARD OF DIRECTORS MEETING**  
**MONDAY, SEPTEMBER 22, 2008**  
*Closed Session: 12:00 - 1:00 P.M.*  
*General Session: 1:00 - 3:00 P.M.*  
**Los Angeles County MTA**  
**One Gateway Plaza, 3<sup>rd</sup> Floor**  
**729 Vignes Street, Los Angeles CA 90012**

***MISSION STATEMENT***

*Access Services promotes access to all modes of transportation  
and provides quality ADA paratransit service  
on behalf of public transit agencies in Los Angeles County.*

	<u>DISPOSITION</u>
1. <b>CALL TO ORDER</b>	ACTION
2. <b>PUBLIC COMMENT WITH RESPECT TO CLOSED SESSION ITEMS</b>	
3. <b>CLOSED SESSION</b>	DISCUSSION/ POSSIBLE ACTION
A) CONFERENCE WITH LEGAL COUNSEL: CAL. GOV. CODE §54956.9	
I. <u>Existing Litigation:</u> Gov. Code §54956.9 (a)	
(a) United Independent Transit Services v. Access Services	
(b) Viteri v. Access Services	
II. <u>Anticipated Litigation:</u> Gov. Code §54956.9 (b)	
(i) Significant exposure to litigation pursuant to subdivision (b) of Gov. Code §54956.9	
(ii) Initiation of Litigation pursuant to subdivision (c) of Gov. Code §54956.9	
B) CALIFORNIA GOV. CODE §54957 – PERSONNEL ISSUES	
4. <b>SUPERIOR SERVICE AWARDS</b>	PRESENTATION

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| 5.  | <b>REVIEW &amp; APPROVAL OF MINUTES FROM THE BOARD MEETING OF AUGUST 25, 2008</b> (page 4)<br>[Staff Recommendation: Approve]  | ACTION<br>[Vote Required: majority of quorum by voice vote] |
| 6.  | <b>REPORT FROM EX-OFFICIO BOARD MEMBERS</b>  | INFORMATION   |
| 7.  | <b>GENERAL PUBLIC COMMENT</b>  | INFORMATION   |
| 8.  | <b>CONSENT CALENDAR</b><br>a. Approval to Purchase 125 Replacement Vehicles for Paratransit Service (page 14)<br>b. Updates To Access Services Inc. Drug & Alcohol Policy (page 16)<br>c. Approval of Board of Director’s Committee Appointments (page 40)<br>[Staff Recommendation: Approve Consent Calendar]   | ACTION<br>[Vote Required: majority of quorum by roll call]  |
| 9.  | <b>ACCESS SERVICES BYLAW AMENDMENTS</b> (page 46)<br>[Staff Recommendation: Receive and file]  | ACTION<br>[Vote Required: majority of quorum by roll call]  |
| 10. | <b>APPROVAL OF AMENDED CONTRACT RATES</b> (page 48)<br>[Staff Recommendation: Authorize amendments to Southland Transit Inc. and Global Paratransit Inc. including contract rates, the addition of funds increasing the maximum contract value, effective October 1, 2008, see item for amounts]   | ACTION<br>[Vote Required: majority of quorum by roll call]  |
| 11. | <b>ACCESS SERVICES LOGO</b><br>[Staff Recommendation: Approve the Access Services logo as presented by staff]  | ACTION<br>[Vote Required: majority of quorum by voice vote] |
| 12. | <b>STATUS UPDATE OFFICE OF THE INSPECTOR GENERAL’S AUDIT RECOMMENDATIONS</b> (page 51)<br>[Staff Recommendation: Receive and file the attached status report on the implementation of the audit recommendations from the “Report on the Evaluation of the Paratransit Eligibility Process; Administration, Performance, and Management of Paratransit Operations; and Compliance with Memorandum of Understanding.”] | RECEIVE/ FILE   |
| 13. | <b>EXECUTIVE DIRECTOR’S REPORT</b>   | INFORMATION   |
| 14. | <b>BOARD MEMBER COMMUNICATION</b>  | INFORMATION   |
| 15. | <b>NEW BUSINESS SUBSEQUENT TO THE POSTING OF THE AGENDA</b>  | DISCUSSION/<br>POSSIBLE ACTION                              |

Access Services does not discriminate on the basis of disability. Accordingly, Access Services seeks to ensure that individuals with disabilities will have an equal opportunity to participate in the range of Access Services events and programs by providing appropriate auxiliary aids and services to facilitate communication. In determining the type of auxiliary aids and services for communication that will be provided, primary consideration is given to the request of the individual with disabilities. However, the final decision belongs to Access Services. To help ensure availability of those auxiliary aids and services you require, please make every effort to notify Access Services of your request at least three (3) business days (72 hours) prior to the meeting in which you wish to utilize those aids or services. You may do so by contacting (213) 270-6000.

Note: ASI board meetings are held pursuant to the Ralph M. Brown Act [Cal. Gov. Code §54950] and are open to the public. The public may view and obtain all written information supporting this agenda provided to the board both initially and supplementally prior to the meeting at the agency's offices located at 707 Wilshire Blvd., 9<sup>th</sup> Floor, Los Angeles California and on its website at <http://asila.org>. Documents, including Power Point handouts distributed to Board Members by staff or Board members at the meeting will simultaneously be made available to the public. Three opportunities are available for the public to address the board during a board meeting: (1) before closed session regarding matters to be discussed in closed session, (2) before a specific agenda item is debated and voted upon regarding that item and (3) general public comment. The exercise of the right to address the board is subject to restriction as to time and appropriate decorum. All persons wishing to make public comment must fill out a yellow Public Comment Form and submit it to the Secretary to the Board. Public comment is generally limited to three (3) minutes per speaker and the total time available for public comment may be limited at the discretion of the Chairperson. Persons whose speech is impaired such that they are unable to address the board at a normal rate of speed may request the accommodation of a limited amount of additional time from the Chair but only by checking the appropriate box on the Public Comment Form. Granting such an accommodation is in the discretion of the Chair.

The Board of Directors will not and cannot respond during the meeting to matters raised under general public comment. Pursuant to provisions of the Brown Act governing these proceedings, no discussion or action may be taken on these matters unless they are listed on the agenda, or unless certain emergency or special circumstances exist. However, the board may direct staff to investigate and/or schedule certain matters for consideration at a future Board of Directors Meeting and the staff will respond to all public comment in writing prior to the next board meeting.

"Alternative accessible formats available upon request."

**MINUTES  
ACCESS SERVICES  
BOARD MEETING  
AUGUST 25, 2008**

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**CALL TO ORDER**

The Access Services Board of Directors meeting convened at 12:03 p.m. on Monday, August 25, 2008, in the 3<sup>rd</sup> Floor Board Room of the Los Angeles Metropolitan Transportation Authority (Metro) Building located at One Gateway Plaza in the City of Los Angeles. The presiding Board Member was Dolores Nason, Chairperson. Board Members present included: Doran Barnes, Vice Chair, Jan Heidt, Treasurer, Joyce Rooney, Secretary, Michael Greenwood, Hugh Hallenberg, Theresa De Vera, Jano Baghdanian, Kurt Hagen, Ex-Officio's, Shawn Solomon, Joseph Stitche and Jim Jones, Access Services Legal Counsel.

Access Services' staff members present included: Shelly Verrinder, Donna Cisco, Kristine Helin, Andre Colaiace, David Foster, Joe King, Evie Palicz, Lance Sweitzer, Erik Washington, Linda Ross, Charace Thompson, Kandy Kuo, Brian Selwyn, Sean Frye, Yvette Richardson, Matthew Avancena, Geetu Banerjee and Ruben Prieto.

**PUBLIC COMMENT WITH RESPECT TO CLOSED SESSION ITEMS**

No public comments were heard regarding the closed session items.

**CLOSED SESSION REPORT**

The Board met in Closed Session and reconvened the general portion of the meeting at 1:05 p.m. at which time Shawn Solomon, Chair of the CAC, and Joseph Stitche, Chair of TPAC, joined the general session. Chairperson Nason asked Mr. Jones, Access Services Legal Counsel, to brief the audience on the outcome of the closed session.

Mr. Jones reported that the Board discussed the status of United Independent Transit Services vs. Access Services and personnel issues. The Board took no reportable action with respect to those matters.

Mr. Jones explained the right for public comment and how it could be exercised. He mentioned the general 3 minute limitation on public comment and that anyone who by reason of a specific disability which prevented them from speaking with normal rapidity and who wished to request an accommodation should so indicate on the speaker request form so that the Chairperson could consider and potentially grant additional time to make their statement.

**SPECIAL RECOGNITION: WILLIAM MCCULLOUGH**

Access Services Executive Director, Shelly Verrinder presented Mr. William McCullough, Access Services Road Supervisor with a token of appreciation for 13 years of dedicated service. Mr. McCullough will be retiring on September 6, 2008.

## **SUPERIOR SERVICE AWARDS**

Mr. Manuel Garcia, an OMC Back up Service Driver, and Ms. Elaine Dias, a Classroom Driver Trainer, both from MV Transportation were the recipients of the Superior Service Award for the month of August 2008.

## **REVIEW & APPROVAL OF THE MINUTES FROM THE BOARD MEETING OF JUNE 23, 2008**

**Motion:** Director Baghdanian moved approval of the June 23, 2008 meeting minutes.

**Second:** Director Hallenberg seconded the motion.

**Discussion:** None.

**Vote:** Via Voice Vote.

**In Favor:** Directors Rooney, Greenwood, Heidt, Barnes, Hallenberg, and De Vera.

**Opposed:** None.

**Abstention:** Director Baghdanian abstained.

**Pass/Fail:** The motion carried.

## **REPORT FROM EX-OFFICIO BOARD MEMBERS**

Shawn Solomon, Chair of the Community Advisory Committee (CAC), submitted his report. Access Services Senior Administrative Assistant, Kristine Helin read his report to the Board. He stated that Access Services Manager of Planning and Coordination, Matthew Avancena provided an update on the construction that was currently taking place in the building. He mentioned that Director Hallenberg was the Board representative at the July 8, 2008 CAC meeting and he informed the committee that there would be no Board meeting for the month of July 2008.

Mr. Solomon added that Mr. Chin-Ho Liao reported that the Outreach Sub-Committee of the CAC was looking for a new location to hold the monthly CAC meetings. He stated that the issue was brought up because of the fire alarm that occurred during the last CAC meeting. He added that although there was no real great danger, it was not a good feeling to depend on someone else to save you. Mr. Solomon concluded his report by stating that Gay Parrish, Chairperson of the CAC Election Nomination Committee, announced the names of the individuals running for office: Shawn Solomon for Chairperson, Chin-Ho Liao, Gary Jansen and Tommy Johnson Sr. for the First and Second Chair positions.

Chairperson Nason commended CAC Chairperson, Shawn Solomon, Michael Arrigo, Gary Jansen, Terri Lantz, Ray McKeever, Isa-Kae Meksin and Ken Schwartz for their perfect attendance at the CAC meetings. She also informed the Board that she had a new appointee to the CAC, Tina FoaFoa who was also a volunteer at the Disabled Resource Center where she worked and was an Access Services rider.

Joseph Sticher, Chair of the Transportation Professionals Advisory Committee (TPAC), stated that due to a power outage at Access Services headquarters on Thursday, August 14, 2008 the TPAC meeting was canceled. Therefore, he had nothing to report.

### **GENERAL PUBLIC COMMENT**

Sandy Varga read Daniel Garcia's public comment. Mr. Garcia congratulated Kurt Hagen for becoming the newest Director on the Access Services Board. He also informed the Board that Ms. Hortencia Ontiveros had followed the advice of Supervisor Gloria Molina to pursue legal advice from ADAPT. He concluded his public comment by recommending that information be provided during the eligibility process or in the waiting room on how to use Access Paratransit.

Victor Negria stated that he was present at today's meeting representing the disabled community in the East Los Angeles and San Gabriel areas. He reminded staff to send out recertification forms to everyone.

Sandy Varga concurred with Daniel Garcia's comment regarding clear information being available to the riders. She stated that the riders were not sure what the procedures were in filing a complaint; whether to call the Operations Monitoring Center or the Customer Service Center. She added that this could be very confusing for the rider because they do not know whether it was the driver or dispatchers fault.

### **CONSENT CALENDAR**

Chairperson Nason pulled item 9-c (Authorization to Exceed Aggregate Procurement Limitation with American Micro Technologies), for purposes of discussion. Director DeVera pulled item 9-e (Purchase Authorization for Metro Design Studio), for purposes of discussion.

**Motion:** Director Heidt moved approval of items 9-a, 9-b, 9-d, on the consent calendar.

**Second:** Director Rooney seconded the motion.

**Discussion:** None.

**Roll Call:** Chairperson Nason asked for a roll call.

**In Favor:** Directors Rooney, Heidt, Hagen, Greenwood, Hallenberg, Barnes, Baghdanian, and De Vera.

**Opposed:** None.

**Abstention:** None.

**Pass/Fail:** The motion carried.

**DISCUSSION:** *Item 9-c (Authorization to Exceed Aggregate Procurement Limitation with American Micro Technologies).*

Chairperson Nason asked if the \$170,000.00 was a permanent fiscal year increase or was it just the amount for this fiscal year to create the centralized reservation system.

Access Services Manager of Procurement and Contracts, Brian Selwyn replied that the \$170,000.00 was the total for three different purchases that staff had with AMT, two were already in place with hardware for a laptop and for the replacement of the Santa Clarita server. Approximately \$150,000.00 was for the central server for the new project.

**Motion:** Director Rooney moved approval of item 9-c.

**Second:** Director Heidt seconded the motion.

**Discussion:** None.

**Roll Call:** Chairperson, Nason asked for a roll call.

**In Favor:** Directors Heidt, Hagen, Greenwood, Hallenberg, Barnes, Baghdanian, De Vera, and Rooney.

**Opposed:** None.

**Abstention:** None.

**Pass/Fail:** The motion carried.

**DISCUSSION: Item 9-e (Purchase Authorization for Metro Design Studio).**

Director DeVera asked why this item was only appearing on the August Board agenda when the new logo has been in use since early May 2008. She stated that the first time she noticed the new logo being used was on CARE Evaluators new facility and on stationary that she received regarding her eligibility but it was not Board approved.

Access Services Director of Governmental Services, Andre Colaiace replied that staff had been moving forward with the new logo and received a lot of input from various groups such as the CAC and QSS. He stated that staff had found that there had been many comments on the logo but when the logo was presented in combination with the new font and other materials, people were very excited.

Ms. Verrinder added that this item was not specifically about the logo. She stated that Access Services had a few different publications that were sent to the riders and part of the recommendations from the Inspector General's Audit was to clarify and simplify the message to our riders. She added that staff had been working with QSS was creating a one-page fact sheet on various topics, such as complaints, late rides, etc. The QSS had been working on the contents of each one of these one-page sheets.

Chairperson Nason asked if the Metro Design people made the presentation on the logo. Ms. Verrinder replied "yes" and to her understanding, the Board wanted to see more information related to the logo's sub entities made clear. She also stated that staff had been working with the QSS and was planning to bring the results to the Board this month but the sub identity logos weren't completed yet. Staff planned on including the item in the September 22, 2008 Board agenda. Ms. Verrinder added that staff also worked with the CAC on the contrasting colors and worked with the QSS on the content.

Director DeVera recommended submitting the item to the CAC to incorporate all disabilities rather than the QSS because they were limited on what they could do. Ms. Verrinder explained

staff's hesitation on giving the item to the CAC, she stated that the CAC has 26 members so generally staff goes to the QSS because they are a much smaller group to review an item, and the results happen much quicker. She added when staff gave the CAC the Riders Guide to review it took the group 8 months to complete. From that point forward staff began using smaller working groups and at the final stages, bringing the item to CAC for comment.

Director Greenwood asked when the item comes back to the Board in September was it going to be an information item or an action item. Ms. Verrinder replied that it had not been decided but staff would work with the Chair of the Board of Directors on the way it would be presented. Mr. Colaiace added that the item would be brought back to the Board as an information item because staff still had work to do on the sub identity.

Director Greenwood added to his recollection that before it was going to be put to use, it would be brought back to the Board as an approval item. He stated that he would like the CAC to have a chance to submit their final input and then submit it to the Board for final input and approval. Ms. Verrinder replied that staff would submit it to the CAC for final input before bringing it to the Board in September.

Director Hallenberg stated that he was concerned with the change to the logo and only using Access rather than using Access Paratransit. He stated that he was proud of Access Paratransit and would feel badly if it were removed and only called Access because Access could mean many things to many people. He added that he was not convinced that the issue was thoroughly discussed by the Board and voted upon; he suggested that the item be voted on at the next Board meeting.

Director Heidt stated that the new logo was appearing in other places. She stated that she was driving down Soledad and saw a vehicle with the new logo and MV Transportation on it. Ms. Verrinder replied that the Metro Design Center created their first piece for Access Services because staff needed to distribute the new Mobility Management flyer, which had the new layout but used the old logo. She stated that the only two places that were mentioned earlier, the new CARE Evaluators facility and a recertification packet, had the new logo but staff would look into the vehicle issue.

Mr. Solomon stated that he felt that it was already completed and being utilized in various locations without it being considered by other committees. He asked if it was completed or open for further review. Ms. Verrinder replied that the logo was not completed and universally from the QSS, CAC and the Board there seemed to be a strong recognition and bond with the words Access Paratransit. Ms Verrinder stated that staff planned on having a presentation ready for the CAC and the Board in September 2008.

Chairperson Nason added that it was important to have a unified logo that was being used on all Access Services stationary, website and vehicles, which would make it known who we were.

**Motion:** Director Barnes moved approval of item 9-e.

**Second:** Director Rooney seconded the motion.

**Discussion:** None.

**Roll Call:** Chairperson, Nason asked for a roll call.

**In Favor:** Directors Greenwood, Barnes, Baghdanian, Rooney and Heidt.

**Opposed:** None.

**Abstention:** Directors Hallenberg, DeVera and Hagen.

**Pass/Fail:** The motion carried.

### **REAPPOINTMENT OF TRANSPORTATION PROFESSIONAL ADVISORY COMMITTEE (TPAC) MEMBERS**

Access Services Manager of Planning and Coordination, Matthew Avancena provided a brief presentation on Item 10.

Director Heidt stated that she recalled the Board appointing someone from Southern California Association of Governments (SCAG). Mr. Avancena replied that there was a vacancy within the TPAC committee and at the May 19, 2008 Board meeting the Board approved Mr. Andre Darmanin from SCAG.

Mr. Avancena stated that the item presented at today's meeting was a reappointment of group B's members. He explained that there were two groups of members, group A and group B, and the membership was split into two groups so the terms would expire on odd and even years. He added that Mr. Darmanin was in group A and his term was not up for renewal.

**Motion:** Director Heidt moved approval of Item 10.

**Second:** Director Greenwood seconded the motion.

**Discussion:** None.

**Roll Call:** Chairperson, Nason asked for a roll call.

**In Favor:** Directors Hallenberg, Barnes, Baghdanian, DeVera, Rooney, Heidt, Hagen, and Greenwood.

**Opposed:** None.

**Abstention:** None.

**Pass/Fail:** The motion carried.

### **REVIEW OF OPERATIONS REPORT**

Access Services Director of Contract Services, Joe King provided a brief overview on Item 11, Review of the New Operations Report that would be included in the monthly Board Box.

#### **Board**

**Discussion:** Director Hallenberg stated that in the old report under incentives and penalties on the right side where it shows the actual and the amount, would the actual be a dollar amount. Mr. King replied that the wording was going to be changed, but the actual meant the amount of time and the amount meant the dollar amount of the penalty or incentive.

Chairperson Nason reminded everyone that this was an information item only. She thanked Mr. King for his presentation.

## **STATUS UPDATE OFFICE OF THE INSPECTOR GENERAL'S AUDIT RECOMMENDATIONS**

Chairperson Nason stated that Item 12 was a standing agenda item related to the implementation of the recommendations in the OIG Audit.

### **BOARD MEMBER COMMUNICATION**

Director Barnes stated that he had the opportunity to attend the grand opening of the new eligibility center C.A.R.E. Evaluators along with many other staff members and a few Board members. He stated that the facility was amazing and was what an eligibility facility should look like. He congratulated everyone at the C.A.R.E. Evaluators site and stated it was a job well done.

Director Barnes also informed the Board that the APTA Annual Conference and Expo was coming up on October 5<sup>th</sup> thru 8<sup>th</sup> in San Diego and he encouraged everyone to attend. He also stated that in early November the California Transit Association in coordination with CalAct was holding their Annual conference in Monterey, which would be a great learning opportunity. He concluded his comment by stating that the APTA nominating committee met and selected him to serve as the Vice Chair of Human Resources on the Executive committee.

Director Greenwood stated that he recently appointed a new CAC member Mr. Michael Williams who attended the July 8, 2008 CAC meeting as his guest and attended the August 12, 2008 meeting as a representative of the CAC.

Director Hallenberg encouraged the rest of the Board members to take some time and tour the new C.A.R.E. Evaluators facilities because it were more true to life than the previous facility.

Director Hagen stated that he was very happy to be a new member of the Board of Directors and he looked forward to participating and offering his assistance to group.

Director De Vera stated that three of the CAC members that Chairperson Nason commended earlier for their perfect attendance were her appointees. She stated that she was also very proud of them.

Director Rooney stated that she attended the July APTA Conference in Seattle along with Chairperson Nason, Director Barnes and staff member Donna Cisco. She stated that the conference was very informative and she enjoyed the special committee meeting where they talked about community outreach. She added that they also provided a workshop on how to run and manage a meeting and this was something that the Board Relationship Sub-committee may want to use during CAC meetings.

Mr. Solomon stated that he was looking forward to the implementation of a couple of recommendations that the Office of the Inspector General made regarding the training of the CAC members on conducting a meeting, the conduct of a meeting and reporting on a meeting.

Mr. Stitcher stated that he would like to take a moment to recognize Ms. Verrinder and Arun Prem for helping him resolve a situation that occurred with a rider on their fixed route transit. He stated that the rider would become confused, get lost and would require them to shut down their service while waiting for the police to assist the rider. He also mentioned that fortunately one of their bus operators noticed that the rider had an Access Services ID card. Ms. Verrinder

contacted the rider's family and worked out a solution that was working very well for everyone involved.

Chairperson Nason stated that she enjoyed the Transit Board Member Seminar in Seattle, Washington. She also stated that she was very impressed with the C.A.R.E. Evaluators facility and program. She mentioned that Foothill Transit and Long Beach Transit donated a bus, which made the entire process a true to life experience.

## **EXECUTIVE DIRECTORS' REPORT**

Access Service Executive Director Ms. Shelly Verrinder reported that trips decreased 3% from May to June 2008 but they increased 3.5% from June to July and for each month, trips were over the budgeted numbers. In the month of June, trips were 8% over budget and in July, they were 10.36% over.

She stated that on-time performance continued to exceed the standard of 91% along with the Average Initial Hold Time. The average initial hold time is something that shows when the contractors and Access Services staff work together they can accomplish great things.

Access Services Director of Finance, Lance Sweitzer provided an overview on Access Services increased ridership, which appears to be due to the increasing cost of fuel and how the increased ridership was affecting the budget. Ms. Verrinder added that the increased ridership was not due to new riders using the service but existing riders taking more trips.

Ms. Verrinder reported that the new C.A.R.E. Access Paratransit Eligibility Center opened on July 7, 2008 and everyone that was able to take the tour would agree that it was impressive. She then turned the floor over to Access Service Project Administrator, Evie Palicz.

Ms. Palicz stated that the first eligibility facility that Access Services had was our first attempt at creating an eligibility facility, so this was certainly the facility for the next generation. Ms. Palicz introduced Mr. David Lee, Project Manager and the CEO for the C.A.R.E. Evaluators. Mr. Lee provided a visual and verbal presentation on the new facility.

Ms. Verrinder added that the new facility also has space for Access Services staff which was included in the RFP and one of the programs that staff had been working on was the rider orientation program. New riders would be invited to attend a tutorial on how to use Access Services, which would be incorporated into the eligibility facility because staff had not received enough interest from riders to come out again to attend a rider orientation.

Ms. Verrinder also reported that Access Services was successful in securing New Freedoms funds to begin a feasibility study for a new mobility management resource center. Another exciting opportunity was the City of Santa Clarita under New Freedoms received a \$500,000.00 grant to expand transit services for the disabled and to expand the transfer zone. The New Freedom grant awards were officially released and in the next edition of the "Behind the Scenes," staff would provide an article with more information. She also mentioned if anyone was interested in the JARC or New Freedom funds to contact Matthew Avancena.

Ms. Verrinder added that the Federal Transit Administration (FTA) announced that Cheryl Hershey was selected as the Director of the Office of Civil Rights. She had been the acting Director since Michael Winter moved on to his new position. She stated that Access Services

had the pleasure of working with Cheryl during her 10-year tenure as ADA team leader in the Office of Civil Rights.

## **BOARD OFFICER ELECTIONS**

Access Services Legal Counsel, James Jones provided a brief presentation on the “Board Officer Elections.”

### *Item 15 “Board Officer Elections” Motion to Waive the Term Limit Policy for Treasurer*

Mr. Jones stated that in order for Director Heidt to be elected as the Treasurer of the Board, it would require a motion to waive the term limit policy.

**Motion:** Director Barnes moved that the term limit policy for Treasurer be waived.

**Second:** Director Greenwood seconded the motion.

**Discussion:** None.

**Vote:** Via Voice Vote.

**In Favor:** Directors Hallenberg, Barnes, Baghdanian, DeVera, Rooney, Heidt, Hagen, and Greenwood.

**Opposed:** None.

**Abstention:** None.

**Pass/Fail:** The motion passed.

### *Item 15 “Board Officer Elections” Motion to Approve the Slate*

**Motion:** Director Heidt moved approval of the slate of officers.

**Second:** Director Hallenberg seconded the motion.

**Discussion:** Director Greenwood thanked Chairperson Nason for her two years of great service.

**Vote:** Via Voice Vote.

**In Favor:** Directors Hallenberg, Barnes, Baghdanian, DeVera, Rooney, Heidt, Hagen, and Greenwood.

**Opposed:** None.

**Abstention:** None.

**Pass/Fail:** The motion passed.

Chairperson Nason congratulated Director Barnes and stated that he was going to be a fantastic Chairperson and it would be her honor to serve as his Vice Chairperson. As Chairperson Nason passed the gavel on to Director Barnes she stated that it was a pleasure to serve as Chairperson on the Access Services Board of Directors, she thanked the Board for giving her the opportunity.

**NEW BUSINESS SUBSEQUENT TO THE POSTING OF THE AGENDA**

No new business was heard subsequent to the posting of the agenda.

**ADJOURNMENT**

**Motion:** Director Hallenberg moved to adjourn the meeting.

**Second:** Director Heidt seconded the motion.

**Vote:** Via Voice Vote.

**Pass/Fail:** All were in favor and the meeting adjourned at 2:40 p.m.

Approval

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Joyce Rooney, Secretary

Date

SEPTEMBER 12, 2008

**TO: BOARD OF DIRECTORS**

**FROM: BRIAN SELWYN, MANAGER OF PROCUREMENT AND CONTRACTS  
RICK STREIFF, FLEET ADMINISTRATOR**

**RE: APPROVAL TO PURCHASE 125 REPLACEMENT VEHICLES FOR  
PARATRANSIT SERVICE**

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**ISSUE:**

Board approval is required to purchase 125 replacement vehicles for paratransit service during Fiscal Year 2008/2009.

**RECOMMENDATION:**

Authorize staff to purchase 125 Mobility Aid Accessible FlexFuel Mini-Vans through a statewide contract for an estimated cost of \$5,250,000.00. These vehicles will replace existing vehicles in our fleet which have exceeded their useful life. Vehicles will be purchased with local Proposition C money and 5310 Federal Transit Administration (FTA) funds, unless other funds become available.

**IMPACT ON BUDGET:**

This item is fully consistent with the Fiscal Year 2008/2009 planned and approved budget. The estimated total expenditure includes the applicable sales tax, license and fees.

**ALTERNATIVE CONSIDERED:**

Purchasing vehicles through state contracts has proven to be cost effective, timely and fully compliant with Access Services' grant programs. Based on past experience, purchasing from state contracts expedites the purchasing process while ensuring that a competitive price is paid for the vehicles.

**EFFECT OF APPROVAL OF STAFF RECOMMENDATION:**

If this staff recommendation is approved by the board, the staff would be authorized, but not required, to negotiate and enter into a written contract(s) for the purchase of vehicles upon terms and conditions set forth in the state contract and no less favorable to ASI than those proposed above. ASI would not be legally bound to the vehicle purchase contract unless it is incorporated into a formal written agreement executed by all parties thereto and approved as to form by this entity's legal counsel.

## **BACKGROUND:**

The vehicles for paratransit service scheduled for replacement have each accumulated approximately 200,000 miles. The FTA assumes that vehicles this size have a useful life of four (4) years or 100,000 miles; Access Services' vehicles are well past the recommended time for replacement. The purchase of these vehicles is necessary to continue providing safe and reliable transportation to Access Services' customers and its employees.

Approval to order the vehicles is being requested at this time due to the fact that this is the final planned year of GM Uplander vehicle chassis production and ASI has been advised to place its order earlier than normal in order to insure availability of sufficient chassis.

ASI has begun research into the technical, operational, and financial viability of introducing alternatively fueled vehicles in the paratransit fleet in order to reduce greenhouse gas emissions. Minivans are made with a low floor configuration to allow easy access. The low floor design precludes certain types of alternate fuels, while the feasibility of using ethanol, hybrid electric or propane fueled paratransit minivans is not known at this time. ASI staff will continue to work with Caltrans, CalACT, and the paratransit vehicle industry on the development of alternative fueled vehicles.

SEPTEMBER 12, 2008

**TO: BOARD OF DIRECTORS**

**FROM: LINDA J. ROSS, MANAGER HUMAN RESOURCES**

**RE: UPDATES TO ACCESS SERVICES INC. DRUG AND ALCOHOL POLICY**

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**ISSUE:**

Periodically, the federal government releases changes to the FTA and DOT regulations governing workplace anti-drug use and alcohol misuse programs in the transportation industry. These regulations include DOT 49 CFR Part 40, FTA 49 CFR Part 655, DOT 49 CFR Part 29, and CA Government code Section 8350. The following updated drug and alcohol policy incorporates recent changes, and ensures ASI's continued compliance with these government regulations.

**LIST OF REVISIONS MADE TO EXISTING DRUG AND ALCOHOL POLICY**

- 1) Specimen validity testing will now be mandatory instead of optional. This is a test used to determine if a urine specimen has been adulterated, diluted, or substituted.
- 2) In addition to the current list of circumstances that require a directly-observed specimen collection, ALL return-to-duty and follow-up tests will now be required to be collected under direct observation.
- 3) The procedures for conducting observed collections will now afford less privacy in order to guard against employee use of devices designed specifically to beat the test. Refusal to follow the observer's instructions will be considered a refusal to test. As always, a refusal to test is equivalent to a positive test.
- 4) Possession or wearing of a prosthetic or other device that can interfere with a valid collection, and admitting adulteration or substitution of the specimen to the collector or the Medical Review Officer (MRO) also will be considered a refusal to test.
- 5) There is NO split specimen testing authorized for an "Invalid" drug test result.
- 6) Should a second test result in a negative-dilute, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.

**IMPACT ON BUDGET:**

There is no impact on budget.

**RECOMMENDATION:**

Approve the revisions to the Drug and Alcohol Policy as noted.

## DRUG AND ALCOHOL POLICY

### I. POLICY STATEMENT

Access Services is dedicated to providing safe, dependable and efficient transportation services to its customers. Access Services recognizes that safety-sensitive employees' use of illegal drugs and misuse of alcohol poses a significant risk to public safety, as well as the employee's health and well being, and can cause loss of efficiency, productivity, or a disruptive work environment. In view of this, Access Services has adopted this policy that is designed to:

- A. Create a work environment free from the adverse effects of drug abuse and alcohol misuse;
- B. Deter and detect employees' use of illegal drugs and misuse of alcohol;
- C. Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and
- D. Encourage employees to seek professional assistance when personal problems, including drug or alcohol dependency, adversely affect his or her ability to safely perform duties assigned.

### II. PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect employees, passengers, and the public from the safety and health risks posed by the misuse of alcohol and use of prohibited drugs. This policy also is intended to comply with all applicable State and Federal regulations governing workplace anti-drug use and alcohol misuse programs in the transportation industry. They include DOT 49 CFR Part 40, as amended ("Procedures for Transportation Workplace Drug and Alcohol Testing Programs"); FTA 49 CFR Part 655 ("Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations"); DOT 49 CFR Part 29 ("Drug-Free Workplace Act of 1988"); and CA Govt. Code Section 8350 et. Seq. ("Drug-Free Workplace Act of 1990"). This policy incorporates the requirements of above regulations for safety-sensitive employees and others when so noted.

NOTE: Additional requirements and/or disciplinary actions established under Access Services' authority are entered in <b>bold-faced</b> . Requirements of the Drug-Free Workplace Act (not covered under Part 655) are in <i>Italics</i> .
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### III. APPLICABILITY

Unless otherwise noted in specific provisions, this policy applies to **all** Access Services' employees regardless of his or her functions. It applies to off-site lunch periods and breaks when an employee is scheduled to return to work or is on-call. **The application of this policy to non-safety employees is under Access**

**Services' own authority.**

**IV. PRE-EMPTION OF STATE AND LOCAL LAWS**

If any conflict occurs between State and local laws and any requirement of the above- mentioned Federal regulations, the Federal regulations prevail. However, Federal regulations do not preempt provisions of State criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse, whether the provisions apply specifically to transportation employees, employers, or the public in general.

**V. DEFINITIONS**

**A. Adulterated Specimen**

A urine specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

**B. Alcohol Use**

The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication) that contains alcohol. For purposes of this policy, alcohol is alcohol regardless of source.

**C. Breath Alcohol Technician (BAT)**

An individual who instructs and assists employees or applicants in the alcohol testing process and operates an Evidential Breath Testing (EBT) device.

**D. Canceled Test**

A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which Part 40 requires to be canceled. A canceled test is neither a positive nor a negative result.

**E. Collector**

A person who instructs and assists individuals at a collection site, who receives and makes an initial inspection of the specimen provided by the individual, and who initiates and completes the Custody and Control Form (CCF).

Consortium/Third-Party Administrator

A service agent that provides or coordinates the provision of a variety of drug and alcohol testing services to the Company.

F. Controlled Substances

Any drug classified by the U.S. Drug Enforcement Agency (DEA) into the five schedules or classes on the basis of their potential for abuse, accepted medical use, and accepted safety for use under medical supervision.

G. Designated Employer Representative

An employee or employees authorized by Access Services to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from such duties, following a positive test, test refusal, or other policy violations.

Dilute Specimen

A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

H. Disabling Damage

Damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

"Disabling damage" does not include:

1. Damage which can be remedied temporarily at the scene of the accident without special tools or parts;
2. Tire disablement without other damage even if no spare tire is available;
3. Headlamp or taillight damage; or
4. Damage to turn signals, horn, or windshield wipers, which makes them inoperative.

I. DHHS

Department of Health and Human Services.

- J. DOT  
Department of Transportation.
- K. Drug  
The drugs for which tests are required under DOT and FTA regulations. They are marijuana, cocaine, amphetamines, phencyclidine (PCP) and opiates.
- L. Drug Abuse  
Use of any illegal drug or controlled substance without a valid prescription, misuse of legally prescribed drugs, or use of illegally obtained prescription drugs. This includes use of prescription drugs legally prescribed to another individual.
- M. Evidential Breath Testing (EBT) Device  
A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath under DOT Part 40 and placed on the NHTSA's Conforming Products List.
- N. FTA  
Federal Transit Administration.
- O. Invalid Drug Test  
The result of a urine drug test that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing the test or obtaining a valid drug test result.
- P. Mass Transit Vehicles  
Vehicles used for mass transportation or ancillary services.
- Q. Medical Review Officer (MRO)  
A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory drug test results, who has knowledge of substance abuse disorders, and has the appropriate medical training to interpret and evaluate an individual's confirmed drug and/or validity test results together with the individual's medical history and any other relevant biomedical

information. (See Appendix B for a detailed discussion of the MRO's roles and responsibilities)

#### Non-Negative Specimen

A urine specimen that is reported as adulterated, substituted, positive for drug(s) or drug metabolite(s), and/or invalid.

R. Positive Alcohol Test

The presence of alcohol in the body at a concentration of 0.04 or greater as measured by an EBT device.

S. Positive Drug Test

Any urine that is chemically tested (screened and confirmed), shows the presence of controlled substances, and is verified by the MRO.

T. Refusal to Test

Includes circumstances or behaviors such as:

1. Failure to appear at the collection site for any test (except pre-employment) in the time allotted;
2. Leaving the collection site before the testing process is completed, except in pre-employment situations where leaving the site before the testing process begins is not deemed to be a test refusal
3. Failure to provide a urine, breath, or saliva specimen as required by DOT Part 40;
4. Failure to permit the observation or monitoring of specimen collection when it is required;
5. Failure to provide a sufficient amount of urine or breath specimen without a valid medical explanation;
6. Failure or refusal to take a second test when required;
7. Failure to undergo a medical evaluation when required. (In the case of a pre-employment test, the individual is deemed to have refused to test only if the test is conducted following a contingent offer of employment.)

8. Failure to cooperate with any part of the testing process (i.e., refusal to empty pockets when directed; behaving in a confrontational manner that disrupts the collection process; or failure to wash hands after being directed to do so by the collector.)
9. For an observed collection, failure to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the individual is wearing a prosthetic or other device that could be used to interfere with the collection process.
10. Possession or wearing of a prosthetic or other device that could be used to interfere with the collection process.
11. Admitting adulteration or substitution of the specimen to the collector or the MRO.
12. If the MRO reports a verified adulterated or substituted test result.
13. During alcohol testing, refusal to sign Step 2 of the alcohol testing form.
14. Leaving the scene of the accident without just cause prior to submitting to a test; or

Note: A refusal to test is equivalent to a positive test result.

U. Screening Test Technician (STT)

A person who instructs and assists employees in the alcohol testing process and operates an alcohol screening device, such as a breath or saliva device, other than an EBT.

Specimen Validity Testing

A test to determine if a urine specimen is adulterated, diluted or substituted.

V. Split specimen

In drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second DHHS-certified laboratory for testing upon employee request following a verified positive or a verified adulterated or substituted test result from the primary specimen.

W. Substance Abuse Professional (SAP)

A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. (See Appendix C for a detailed discussion of the SAP's roles and responsibilities.)

X. Substituted Specimen

A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

VI. EDUCATION AND TRAINING

The education and ongoing awareness component of this policy will include displaying posters, distributing the drug and alcohol policy and other informational materials to all employees, and periodic informational seminars.

As required by FTA regulation, Access Services will provide all safety-sensitive employees a minimum of 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, the work environment, and on the signs and symptoms that may indicate prohibited drug use. See Appendix A for detailed information on the signs, symptoms, health effects and consequences of alcohol misuse.

Supervisors who may make reasonable suspicion referrals shall receive a minimum of 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use, and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

VII. CONTACT PERSON

Any questions about this policy or any aspect of Access Services' drug- and alcohol-free program should be referred to:

Ms. Linda J. Ross  
Manager of Human Resources  
707 Wilshire Boulevard – 9<sup>th</sup> floor  
Los Angeles, CA 90017  
Phone: (213) 270-6000  
Fax: (213) 270-6051

## VIII. COVERED EMPLOYEES

As a condition of employment, **all** employees are required to submit to drug and alcohol tests administered in accordance with Parts 40 and Part 655. **(Non-safety-sensitive employees are covered under Access Services' own authority)** A refusal to submit to a test as directed will be considered to be a positive test result and the employee will be subject to all the attending consequences as stated in this policy. (See section V. DEFINITIONS for specific circumstances or behaviors that are considered refusal to test.)

As defined by the FTA, safety-sensitive employees include those who perform, or may be called upon to perform, the following safety-sensitive functions.

- A. Operating a revenue service vehicle, even when it is not in revenue service;
- B. Operating a non-revenue service vehicle when required to be operated by a Commercial Driver's License (CDL) holder;
- C. Controlling dispatch or movement of a revenue service vehicle;
- D. Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service.

Supervisors are considered safety-sensitive only if they perform, or may be called upon to perform any of the above safety-sensitive functions.

Access Services has analyzed actual job duties performed, or may be called upon to perform, by all of its employees and has determined that the following job classifications are considered safety-sensitive for the purposes of this policy:

- Operations Monitors
- Dispatch Coordinators
- Maintenance Coordinator
- Road Supervisors
- OMC Supervisor
- Fleet Administrator

IX. DRUGS (OR THEIR METABOLITES) TESTED FOR AND CONFIRMATORY CUT-OFF LEVELS

Type of Drug	Confirmatory Cut-Off (mg/ml)
Marijuana	15
Cocaine	150
Opiates	2000
Amphetamines/Methamphetamines	500
Phencyclidine (PCP)	25

X. ILLEGAL DRUGS

The prohibited drugs listed on Section IX are always illegal and employees are prohibited from consuming any of them at all times. Employees may be tested for illegal drugs anytime they are on duty or subject to duty.

A. Prescription or Over-the-Counter Medication

**Under Access Services' policy, the appropriate use of legally prescribed drugs and nonprescription medications is not prohibited. However, a safety-sensitive employee must notify his or her Manager and may not work if the medication carries a warning label that mental functioning, motor skills or judgment may be adversely affected, unless the medication is being used in accordance with the instructions of a physician who has provided a written determination that the substance will not adversely affect the employee's ability to safely perform safety-sensitive functions.**

**A prescription is considered valid only if it is in writing and indicates the employee's name, date, the name of the substance, quantity or amount to be taken, and the period of authorization. Controlled substances obtained illegally outside the United States are not considered valid medical prescriptions under this policy. It is a violation of this policy to use any controlled substance in a manner that is inconsistent with the prescription. Any covered employee who violates this section of the policy is subject to disciplinary action, up to and including termination.**

B. Alcohol

Safety-sensitive employees are prohibited from consuming alcohol in any form:

1. While performing safety-sensitive functions;

2. Within 4 hours prior to performing safety-sensitive functions;
3. While they are on call; or
4. Within eight hours following an accident requiring a post-accident alcohol test, unless the test was completed within 8 hours.

Alcohol tests are conducted only just before, during, and just after the employee's performance of a safety-sensitive function. An alcohol test is considered positive if the employee's BAC is at 0.04 or greater. If a safety-sensitive employee tests positive for alcohol at a concentration equal to or greater than 0.02 but less than 0.04, he or she cannot continue to perform any safety-sensitive function until 8 hours have passed, or the employee was re-tested and the result was less than 0.02.

**Under Access Services' own authority, the same prohibitions as stated above for both drugs and alcohol are applicable to non-safety-sensitive employees as well.**

## XI. TYPES OF TESTING

### A. Pre-Employment Testing

All candidates for employment or any employee transferring from a non-safety-sensitive to a safety-sensitive position will be required to undergo a pre-employment drug test at a time and place designated by Access Services. A verified negative drug test result must be received from the MRO before an employee can perform any safety-sensitive function for the first time. If a pre-employment test is canceled, the individual will be required to undergo another test and successfully pass the test with a verified negative result.

Subject to the individual's written consent, Access Services will check on the drug and alcohol testing background of employment candidates and other employees being considered for hire into a safety-sensitive position. If the individual refuses to provide the written consent, he or she will not be hired into the safety-sensitive position. In addition, if the individual has had a positive pre-employment drug or alcohol test, or has refused such a test, he or she will not be hired until and unless the individual has provided a documentation of successful completion of the return-to-duty process, which includes a SAP referral, evaluation and treatment plan.

In addition, any employee who has not performed any safety-sensitive function for at least 90 consecutive calendar days regardless of the reason, and has been out of the random testing pool during that period, must pass a

pre-employment test before he or she is allowed to return to safety-sensitive duty.

B. Reasonable Suspicion Testing

Whenever a supervisor (or other company official) has reason to believe that an employee has used a prohibited drug and/or engaged in alcohol misuse, reasonable testing will be conducted. The referral will be made by a trained Supervisor based on the specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The Supervisor who makes the referral need not be the employee's own Supervisor, as long as he or she has received training in detecting the signs and symptoms of drug use and alcohol misuse. The supervisor's observations will be documented and such documentation shall be kept in the employee's confidential drug and alcohol testing file. A reasonable suspicion alcohol test will be conducted only if the reasonable suspicion observation is made just before, during, or just after the employee's performance of safety-sensitive function.

**Once a Supervisor has made a reasonable suspicion determination, he or she must remove the employee from performing any safety-sensitive functions and arrange to have the employee accompanied to the testing site immediately.** If the alcohol test is not conducted within two hours, reason for the delay must be documented and kept in the employee's reasonable suspicion test file. All attempts to complete the alcohol test must cease after eight hours.

C. Post-Accident Testing

Any covered employee operating a mass transit vehicle at the time of an accident, **or any safety-sensitive employee driving an Access Services' vehicle**, will be required to submit to drug and alcohol tests as soon as practicable after the accident.

For purpose of this policy, "accident" is defined as an accident involving a company vehicle where the result is:

1. An individual dies;
2. An individual suffers a bodily injury and immediately receives medical treatment away from the scene;
3. The mass transit vehicle (if bus, electric bus, van, or automobile) or any other vehicle(s) involved in the accident suffers a disabling damage as a result of the accident and is transported away from the scene by a tow truck or other vehicle; or

4. **\$500 or more damage to Access Services vehicle or another vehicle.**

D. Fatal Accidents

When there is a loss of human life, any surviving employee operating Access Services' vehicle at the time of the accident shall be tested for drugs and alcohol. Any safety-sensitive employee not in the vehicle but whose performance could have contributed to the accident also shall be tested.

E. Non-Fatal Accidents

Following non-fatal accidents, the employee operating the vehicle at the time of the accident shall be tested unless his or her performance can be completely discounted as a contributing factor to the accident. Any other safety-sensitive employee whose performance could have contributed to the accident also shall be tested.

F. Other Post-Accident Testing Requirements

Employees involved in an accident that requires testing must remain readily available for testing, including notifying Access Services of his or her location if they leave the scene of the accident before testing to obtain emergency medical care, or to obtain assistance in responding to the accident. They will be considered to have refused to submit to testing if they fail to do so.

Employees are prohibited from using alcohol for eight hours following an accident or until the post-accident testing is completed, whichever occurs first. Every effort will be made to conduct alcohol testing within two hours after the accident. In the event the alcohol test is delayed beyond two hours, Access Services will prepare and maintain a record stating the reason(s) for the delay. If an alcohol test is not administered within eight hours following the accident, Access Services will cease all efforts to administer the test and document the reason for the inability. In the event a drug test is not administered within 32 hours from the time of the accident, Access Services will cease all attempts to administer the drug test. This requirement should not be construed to delay the necessary medical attention for injured people following the accident.

If Access Services is unable to perform post-accident tests within the required period of compliance, Access Services will use the post-accident test results administered by State or local law enforcement personnel under

its own authority, provided the test results are obtained by Access Services in conformance with State and local law.

**Employees undergoing post-accident tests shall be escorted to the collection site. Following the tests, the employee is not allowed to perform any safety-sensitive function until Access Services has received negative test results. An employee whose drug test and/or alcohol test produces a negative result shall be promptly returned to his or her regular work and be made whole for any lost wages, unless the employee is suspended for any additional purposes concurrent with the waiting of the test results.**

G. Random Testing

As required by FTA regulations, safety-sensitive employees are required to undergo random drug and alcohol tests to deter use of prohibited drugs and misuse of alcohol. The random selection will be conducted using a scientifically valid method, such as a random number table or a computer-based random number generator which gives each covered employee an equal chance of being selected every time a selection is made. As is the nature of random selection, some employees may be tested several times in one year, and other employees not tested for several years. Management does not have any discretion on who will be selected.

Every effort will be made by Access Services to spread random testing reasonably throughout the calendar year, all days of the week, and all hours when safety-sensitive functions are performed. The testing dates and times are unannounced and employees are required to immediately proceed to the designated collection site following notification.

Access Services will conduct random drug and alcohol tests at a minimum annual percentage of covered employees as required by the FTA. The rates are subject to change on an annual basis, depending on the industry-wide positive rate determined by the FTA from the annual reports submitted by covered employers.

H. Return-To Duty Testing

An employee who has refused a required test, has a verified positive, adulterated or substituted drug test result, or tests positive for alcohol at 0.04 or greater, shall not be allowed to return to duty until after he or she has completed the return-to-duty process. This includes evaluation by a SAP, successful completion of the rehabilitation, treatment or education program outlined by the SAP, and obtaining a verified negative return-to-duty drug test and/or alcohol test under 0.02.

## I. Follow-Up Testing

In addition to the Return-to-Duty test described in Section XI.H above, an employee who previously tested positive, or refused to take the test, shall be subject to follow-up testing for drugs and/or alcohol, as prescribed by the SAP, for a minimum period of 12 months to a maximum of five years. As mandated by the FTA, the minimum number of tests during the first 12 months of the employee's return to work is six. Although they are both unannounced, follow-up testing is apart and separate from random testing. The duration and frequency of testing will be designated by the SAP, but the actual follow-up testing dates will be decided by the employee's Manager or Supervisor. **The employee is responsible for payment of all costs associated with follow-up testing.**

## XII. DRUG & ALCOHOL TESTING PROCEDURES

All DOT drug and alcohol tests required under this policy will be administered in accordance with the "Procedures for Transportation Workplace Drug and Alcohol Testing Programs (49 CFR Part 40, as amended).

Throughout the testing process, the privacy of the employee will be protected and the integrity and validity of the process will be maintained. The drug testing procedure will include a split specimen collection method and a DOT Chain of Custody and Control Form with a unique identification number to ensure that the correct test result is attributed to the correct employee. An initial screening test using an immunoassay technique will be performed. If the specimen is positive for one or more of the drugs tested, then a confirmation test will be performed using the state-of-the-art gas chromatography/mass spectrometry (GC/MS) analysis. If the test is confirmed positive, the MRO shall conduct a verification process, which includes giving the employee an opportunity to provide a valid medical explanation for the positive test result. The laboratory is required to keep positive, adulterated, substituted or invalid specimens for one year, or longer if requested.

Additionally, the laboratory will conduct specimen validity testing to determine if a urine specimen has been adulterated, diluted, or substituted. Access Services requires its safety-sensitive employees to take a second test with no advance notice if the MRO reports a "negative-dilute" test result. Depending on the creatinine level reported to the MRO by the laboratory, the MRO might order the second collection to be done under direct observation. Should this second test result in a negative-dilute, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.

If the laboratory reports to the MRO an "Invalid Result" or "Rejected for Testing" (because of a fatal or uncorrectable flaw), a recollection may be required and depending on the circumstances, the MRO may require a directly-observed collection.

Tests for alcohol concentration will be conducted using an alcohol screening device and an evidential breath testing (EBT) device if the screen test is at 0.02 BAC or greater. A DOT Alcohol Testing Form will be used and a unique sequential number will be assigned to each test.

Copies of the detailed drug and alcohol specimen collection procedures are available upon request from the Contact Person identified in Section VII of this policy

### XIII. DIRECTLY- OBSERVED URINE SPECIMEN COLLECTION

Under the following circumstances, the employee will be directed to undergo an immediate urine specimen collection under direct observation with no advance notice:

- A. If the laboratory reported to the MRO that a specimen is invalid and there was no adequate medical explanation for the result;
- B. If the MRO reported that the original positive, adulterated, or substituted test result had to be canceled because the split specimen testing could not be performed;
- C. If the MRO reported a negative-dilute test result where creatinine level reported by the laboratory was greater than or equal to 2 mg/dL but equal to or less than 5 mg/dL;
- D. If the drug test is a return-to-duty or a follow-up test;
- E. If the collector observes materials brought to the collection site or employee conduct that clearly indicate an attempt to tamper with a specimen;
- F. If the temperature on the original specimen was out of range; or
- G. If the original specimen appeared to have been tampered with.

The observer shall be the same gender as the employee, but need not be the collector. Prior to the collection, the observer must request the employee to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; lower clothing and underpants; and to turn around to show the observer that he or she is not wearing any type of prosthetic or other device that could be used to interfere with the collection process. If none is observed, the employee may return clothing to its proper position for observed urination. The observer must observe the process to ensure that the specimen goes from the employee's body into the collection container. If the employee declines to allow a directly observed collection when required under this policy, it is considered a refusal to test.

#### XIV. MONITORED URINE SPECIMEN COLLECTION

Under those circumstances when a multi-stall restroom has to be used for urine specimen collection and the facility cannot be adequately secured, the collector will conduct a monitored collection. The monitor shall be the same gender as the employee, unless the monitor is a medical professional. The monitor will not watch the employee void into the collection container. However, if the monitor hears sounds or observes attempts to tamper with a specimen, an additional collection under direct observation will be ordered. If the employee declines to permit a collection to be monitored, the employee is considered to have refused to test.

#### XV. SPLIT SPECIMEN TESTING

After notification by the MRO of a verified positive drug test or refusal to test because of adulteration or substitution, the employee has 72 hours to request (verbally or in writing) a test of the split specimen. There is no split specimen testing authorized under Part 40 for an invalid test result. After 72 hours have passed, the request can be considered only if the employee can present to the satisfaction of the MRO information that unavoidably prevented the employee from making a timely request.

Following the employee's timely request, the MRO shall send a written request to the primary laboratory to forward the split specimen to a second DHHS-certified laboratory for testing without regard to the cut-off concentration. If the second laboratory fails to reconfirm the substance detected in the primary specimen or the adulterant identified, or if the split specimen is unavailable for testing, the test shall be canceled. The MRO shall report the cancellation and the reasons for it to the DOT, Access Services, and the employee. In the case of the split specimen being unavailable, the employee shall be directed, with no advance notice, to submit another specimen under direct observation.

**All costs related to split specimen testing will be paid by the employee. The employee shall be reimbursed if the second test invalidates the original test or if the test was canceled.**

#### XVI. CONSEQUENCES

As required by FTA regulations, any safety-sensitive employee who has a verified positive drug test result, an alcohol concentration of 0.04 or above, or refuses to submit to a drug or alcohol test (including adulteration or substitution) shall be:

- A. Immediately taken out of safety-sensitive duty; and
- B. Referred to a SAP for evaluation, education or treatment and provided educational materials.

If an employee tests positive for alcohol at 0.02 to 0.039, he or she will be removed from safety-sensitive duties until his or her next regularly scheduled workday (if at least 8 hours from the completion of the test), or if a re-test shows a result of less than 0.02.

**Under Access Services' own authority, non-safety-sensitive employees also may be removed from duty and referred to a SAP.**

FTA regulations allow individual employers to determine the discipline to be imposed on employees who violate the FTA regulations or company policy. **It is the policy of Access Services to terminate employees after the first offense, except in the following circumstances involving any employee who has completed his or her probationary period and is not considered a casual, seasonal or temporary employee, and if the violation did not:**

- A. Cause an injury to or endanger the employee's safety or the safety of others;**
- B. Result in damage to Access Services' property (regardless of the value of the property) or pose a risk of damage;**
- C. Involve the possession of illegal drugs or other controlled substances;**
- D. Result from an employee's refusal to sign a re-entry agreement; or**
- E. Occur as a result of a positive follow-up test.**

**The decision not to discharge would be further conditioned on the employee's satisfactory completion of an approved substance abuse rehabilitation program recommended by a qualified Substance Abuse Professional. In addition, an employee not discharged for a first violation of this policy will receive a final written warning and an immediate suspension without pay for a minimum of 10 days.**

**In the event an employee is returned to work, a second violation of this policy shall result in immediate discharge. The employee will not be eligible for rehire by Access Services until after he or she has provided documentation of successful completion of a rehabilitation or treatment program prescribed by a qualified Substance Abuse Professional.**

## **XVII. REFERRAL, EVALUATION AND TREATMENT**

If an employee (including an applicant) tests positive for drug(s) or alcohol or refuses to submit to a test when required, Access Services shall advise the employee of the resources available for evaluating and resolving problems associated with prohibited drug use and alcohol misuse and document such

referral. The employee shall be given the name, address and phone number of SAPs acceptable to Access Services and a list of community hot line numbers. **The individual will be responsible for any costs associated with the SAP evaluation or recommendation(s).**

#### XVIII. CONFIDENTIALITY AND ACCESS TO FACILITIES AND RECORDS

Employees have a right to examine his or her own drug and alcohol testing records, provide information to dispute the results, and have access to any pertinent data such as EBT calibration or drug testing laboratory certification. Employees also have a right to obtain a copy of his or her own drug and/or alcohol testing results by submitting a written request to the Drug and Alcohol Program Manager identified in Section 7.0 of this policy.

Access Services will do everything possible to safeguard the confidentiality of drug and alcohol testing records and protect the privacy of the individuals tested. Individual test results or medical information will be released to third parties only with the employee's specific written consent, or to those parties authorized by the DOT or FTA to receive such information without the employee's consent.

The employee's written consent is not required in administrative or legal proceedings such as:

- A. A lawsuit, grievance, or administrative proceeding brought by, or on behalf of the employee, resulting from a positive drug or alcohol test or a refusal to test; or
- B. A criminal or civil action resulting from an employee's performance of safety-sensitive duties where the alcohol or drug tests information is deemed relevant.

Access to Access Services' facilities and drug and alcohol program records also must be provided, without the employee's consent, to DOT or FTA agency representatives; the National Transportation Safety Board as part of an accident investigation; or a Federal, state or local safety agency with regulatory authority over the Company or the employee.

#### XIX. DRUG-FREE WORKPLACE ACT of 1988 (DFWA) REQUIREMENTS

*Under the DFWA, employees are prohibited from the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace. Employees are required to notify management in writing of any criminal drug statute convictions he or she receives for a violation occurring in the workplace, no later than five calendar days after such a conviction. Within 10 calendar days of receiving such notice, Access Services shall provide written notification of the conviction to the FTA. Within 30 calendar days of receiving*

*notice of the conviction, Access Services shall take appropriate disciplinary action, or require the employee to participate and successfully complete a drug rehabilitation program.*

## **ALCOHOL FACT SHEET**

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

### **I. SIGNS AND SYMPTOMS OF USE**

- A. Dulled mental processes;
- B. Lack of coordination;
- C. Odor of alcohol on breath;
- D. Nystagmus (jerky eye movement);
- E. Sleepy or stuporous condition;
- F. Slowed reaction rate; and
- G. Slurred speech.

### **II. HEALTH EFFECTS**

The chronic consumption of alcohol beverage (average of three 12-oz. servings of beer per day, 1 ounce of whiskey, or six ounces of wine) over time may result in the following health hazards:

- A. Decreased sexual functioning;
- B. Dependency (up to 10% of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic");
- C. Fatal liver diseases;
- D. Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma;
- E. Kidney disease;

- E. Pancreatitis;
- F. Spontaneous abortion and neonatal mortality;
- G. Ulcers; and
- H. Birth defects (up to 54% of all birth defects are alcohol-related).

### III. SOCIAL ISSUES

- A. 213 of all homicides are committed by people who drink prior to the crime;
- B. 2% - 3% of the driving population is legally drunk at any one time (This rate is doubled at night and on weekends);
- C. 2/3 of all Americans will be involved in an alcohol-related vehicle accident during his or her lifetime;
- D. The rate of separation and divorce in families with alcohol dependency problems is 7 times the average;
- E. 40% of family court cases are alcohol problem related;
- F. Alcoholics are 15 times more likely to commit suicide than are other segments of the population; and
- G. More than 60% of burns, 40 % of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol-related.

### IV. THE ANNUAL TOLL

- A. 24,000 will die on the highway due to the legally impaired driver;
- B. 12,000 more will die on the highway due to the alcohol-affected driver;
- C. 15,800 will die in non-highway accidents;
- D. 30,000 will die due to alcohol-caused liver disease;
- E. 10,000 will die due to alcohol-induced brain disease or suicide; and
- F. Up to 125,000 will die due to alcohol-related conditions or accidents.

### V. WORKPLACE ISSUES

It takes one hour for the average person (150 lbs) to process one serving of an alcoholic beverage from the body. Impairment in coordination and judgment can be objectively measure with as little as two drinks in the body.

A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Source: DOT/FTA Office of Safety and Security

## **ROLE OF THE MEDICAL REVIEW OFFICER (MRO)**

The MRO acts as an independent gatekeeper and advocate for the accuracy and integrity of the drug testing process. He or she is a licensed physician with knowledge of substance abuse disorders and with appropriate medical training to interpret and evaluate an employee's confirmed positive, adulterated, substituted, and invalid test results from the laboratory.

The MRO's Responsibilities Are As Follows:

- A. Receive and review the laboratory drug test results and the Control and Custody Form (CCF) to ensure accuracy. Investigate and correct problems where possible and notify appropriate parties.
- B. Contact the employee to discuss a non-negative test result and determine if there is a valid medical explanation for the result.
- C. Inform the employee of his right to request split specimen testing within 72 hours of notification. Determine if there is a valid reason for employee's inability to make a timely request if such request is made after 72 hours.
- D. Ensure the timely flow of drug test results and related information to the Designated Employer Representative (DER).
- E. If the analysis of the split specimen fails to confirm the presence of the drug(s) or adulterants, or if the split specimen is unavailable, the MRO will cancel both tests report the cancellation to the employee and the DER. In cases where the tests were canceled because the specimen was not available for testing, the MRO will direct the DER to immediately conduct another drug test of the employee under direct observation and with no advance notice. In all cases of "Failure to Reconfirm," the MRO must notify the Office of Drug and Alcohol Policy Compliance (ODAPC) of the result.
- F. Protect the employee's privacy and the confidentiality of the drug testing information.

- G. Upon written request from an employee, provide copies of any records pertaining to the employee's DOT-mandated drug tests.

## **ROLE OF THE SUBSTANCE ABUSE PROFESSIONAL (SAP)**

Regardless of the employer's discipline policy, DOT 49 CFR Part 40 and FTA 49 CFR Part 655 require employers to provide a Substance Abuse Professional referral for policy violators who may be able to provide the help they need to resolve substance abuse problems. A Substance Abuse Professional (SAP) is a person who evaluates employees who have violated the drug and/or alcohol regulations and makes recommendations concerning education, treatment, follow-up testing, and aftercare. The SAP is the gatekeeper for the return-to-duty process and his or her primary function is to protect the public interest in safety. He or she must have knowledge of and clinical experience in the diagnosis and treatment of drug- and alcohol-related disorders, and have one or more of the following credentials:

- A. A licensed physician;
- B. A licensed or certified social worker;
- C. A licensed or certified psychologist;
- D. A licensed or certified Employee Assistance Professional; or
- E. Certification as a drug and alcohol addiction counselor by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADACCC), or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse; or by the National Board for Certified Counselors.

The SAP's Responsibilities Are As Follows:

- A. Make a face-to-face clinical assessment and evaluation of the employee to determine what assistance is needed to resolve problems associated with alcohol and/or drug abuse.
- B. Refer the employee to an appropriate education and treatment program.
- C. Provide the employee with literature and referral sources, if warranted.
- D. Conduct a face-to-face follow-up evaluation to determine employee's compliance with the initial assessment and recommendations and his or her fitness to return to duty.
- E. Provide the Designated Employer Representative (DER) with a follow-up testing plan for the employee.
- F. Provide the DER and the employee with written recommendations for continuing education an/or treatment.
- G. Determine the frequency and duration of drug and/or alcohol follow-up testing beyond the minimum requirement of six tests in the first 12 months following employee return to duty.

**ACKNOWLEDGEMENT OF RECEIPT**  
(REVISED DRUG AND ALCOHOL POLICY, REV. August 25, 2008)

This is to acknowledge that I have received the revised version of the Access Services' Drug and Alcohol Policy. I acknowledge that I am expected to read, understand, and adhere to this and all Access Services' policies. I understand that I am governed by the contents of the Handbook and that Access Services may change, rescind, or add to any policies, benefits or practices described herein, other than the employment-at-will policy, from time to time in its sole and absolute discretion, with or without prior notice. Access Services will advise employees of material changes within a reasonable time.

Furthermore I understand that I should replace the old Drug and Alcohol Policy with this new revision dated August 25, 2008 in my copy of the Access Services Employee Handbook.

\_\_\_\_\_  
Employee signature

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Date

SEPTEMBER 12, 2008

**TO: BOARD OF DIRECTORS**

**FROM: SHELLY VERRINDER, EXECUTIVE DIRECTOR**

**RE: APPROVAL OF BOARD OF DIRECTOR'S COMMITTEE APPOINTMENTS**

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**ISSUE:**

It is necessary to appoint Board members to the Audit Committee, Compensation Committee and the Board representative to the Quality Services Subcommittee.

**RECOMMENDATION:**

Appoint board members to serve on the following committees effective October 1, 2008:

Compensation Committee: Directors Barnes, Baghdanian, and Greenwood

Audit Committee: Directors Heidt, Rooney, and Hagen

Quality Services Subcommittee: Director Hugh Hallenberg

**BACKGROUND:**

In July of 2005, the Board adopted resolutions forming and appointing members to an Audit Committee and Compensation Committee. The above individuals are proposed for these committees. In addition, the Board appoints one of its members to the Quality Services Subcommittee (QSS) of the CAC.

The resolutions forming the committees do not specify a term and the law does not specifically require it, but good agency governance principles suggest that standing committee members without specific terms be reappointed annually.

**ACCESS SERVICES INCORPORATED  
APPOINTMENT OF COMPENSATION COMMITTEE**

**WHEREAS**, California law (Gov. Code § 12596(g)) requires that the compensation, including benefits, of the Executive Director and the Director of Finance and Administration upon hiring, renewal or extension of the term of employment or upon modification of compensation be reviewed and a determination made as to whether such compensation is just and reasonable;

**WHEREAS**, this Board of Directors notes that the appointment of a Compensation Committee composed of \_\_\_\_\_ to review and approve the compensation of executives promotes a forum providing independent oversight over the fairness of the compensation arrangements for such executives and greater management accountability; and

**WHEREAS**, this Board has determined that it is in the best interests of this Agency and of its members that such a committee be appointed, with powers as set forth in these resolutions, and that the committee be called the "Compensation Committee" of this Board;

**NOW, THEREFORE, BE IT RESOLVED**, that a Committee (the "Compensation Committee") consisting of \_\_\_\_ persons is hereby created, and the following persons are hereby appointed as its members: \_\_\_\_\_

**FURTHER RESOLVED**, that each member of the Compensation Committee shall serve until such member's successor shall be appointed by the Board or until the existence of the Compensation Committee is terminated by the Board of Directors. In the event that any member of the Compensation Committee shall resign or cease to be a Director of this corporation, the vacancy thus caused shall be filled by the Board.

**FURTHER RESOLVED**, that two (2) members of the Compensation Committee shall constitute a quorum for the transaction of business.

**FURTHER RESOLVED**, that meetings of the Compensation Committee may be held in any place, and in any manner, permitted by applicable law and the Bylaws of this corporation. The Compensation Committee shall adopt rules of procedure and shall meet as provided by those rules or as provided by this resolution and the Bylaws in the absence of a rule duly adopted by the Compensation Committee to the contrary. Meetings shall be held when called by any member of the Compensation Committee or the Board of Directors or otherwise permitted by the Bylaws, the call to be communicated orally or in writing to each member of the Compensation Committee at least twenty-four (24) hours before the hour fixed for the meeting; the call shall be directed to each member at his or her business address (if sent for receipt during regular business hours). All calls and notices and any such waivers, consents, or approvals respecting a meeting shall be made a part of the minutes of the meeting.

**FURTHER RESOLVED**, that to the extent permitted by applicable law, the Compensation Committee shall exercise the following powers and duties:

- (a) Review and approve or recommend to the full Board the annual salary, bonus and other benefits, direct and indirect, of this Agency's Executive Director and Director of Finance

and Administration and such other members of senior management as the Board may request;

- (b) Upon hiring, renewal or extension of the term of employment or modification of compensation for the Executive Director or Director of Finance and Administration, determine whether the compensation (including benefits) for such executives is just and reasonable and report such determination and the basis thereof to the Board.
- (c) Administer executive compensation or incentive compensation arrangements for this Agency, to the extent that the Board of Directors would otherwise be involved in the administration thereof and to review and submit to the Board of Directors' recommendations concerning new executive compensation;
- (d) Establish and periodically review this Agency's policies regarding management prerequisites;
- (e) Establish, when applicable, guidelines for incidental use by Agency personnel and their families of Agency resources that are not otherwise being utilized;
- (f) Periodically review and submit to the full Board of Directors recommendations regarding non-officer employee compensation and benefit policies;
- (g) Function, on an ad hoc basis, as the committee having delegated authority to determine whether or not indemnification should be provided to officers and directors who are also employees;
- (h) Review and submit to the full Board of Directors recommendations concerning long-range planning for executive development and succession; and
- (i) Consult with appropriate management personnel and/or outside consultants periodically concerning levels of executive compensation, emerging trends in the compensation area and other matters which would be relevant in carrying out their duties as set forth above.

**FURTHER RESOLVED**, that the Compensation Committee shall be subject at all times to the control of the Board, which shall have the power to revise or alter any action taken by the Compensation Committee, provided, however, that no rights of third parties that have attached or arisen shall be adversely affected thereby.

**FURTHER RESOLVED**, that each member of the Compensation Committee shall not be compensated for serving on such committee but shall be reimbursed for reasonable expenses incurred in attending meetings of the Compensation Committee.

**ACCESS SERVICES INCORPORATED  
APPOINTMENT OF AUDIT COMMITTEE**

**WHEREAS**, California law (Gov. Code §12586(e)(2)) requires that the Board Directors establish an audit committee, and the Bylaws of the corporation do not limit the Board's authority to do so;

**WHEREAS**, regardless of state law, the Board of Directors notes that the adoption of an audit committee will, among other things, strengthen the independence of this Agency's independent auditors and, if applicable, this Agency's internal auditors thereby helping to assure the objectivity of agency financial statements and the maintenance of appropriate accounting practices and internal accounting controls; and

**WHEREAS**, this Board of Directors has determined that it is in the best interests of this corporation and of its members that an audit committee be appointed, with powers as set forth in these resolutions;

**NOW, THEREFORE, BE IT RESOLVED**, that an audit committee (the "Audit Committee") consisting of \_\_\_\_ persons is hereby created, and the following persons are appointed thereto, none of whom are staff members or the chairman of the finance committee or have any material financial interest in any entity doing business with this Agency: \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ with the Director of Finance and Administration being an ex-officio member of the committee.

**FURTHER RESOLVED**, that to the full extent permitted by applicable law, the Audit Committee shall exercise the following powers and duties:

- (a) To meet with the independent auditors of this corporation at least annually to discuss and review the scope of the annual audit, any open questions as to the choice of acceptable accounting principles to be applied, any matters of difference of opinion or dispute between the independent auditors and the officers or employees of this corporation, and all other matters relating to the auditors' relationship with the corporation;
- (b) If applicable, to meet with internal auditors of this corporation, at intervals selected by the Audit Committee as sufficient to carry out its duties under these resolutions, to raise with, and received from, such auditors questions relating to: internal controls and other matters respecting the corporation, the internal auditors' duties and their relationship to other officers and employees of the corporation, and other matters germane to effective performance by the internal auditors of their duties;
- (c) To advise and assist the Board of Directors in evaluating the auditors; independent performance, including the scope and adequacy of the auditors' review;
- (d) To nominate, for approval of the Board of Directors, the firm of independent auditors to be submitted to the members of the Agency for ratification at the annual meeting thereof if such submission is deemed desirable by the Board and to the extent permitted by law, negotiate the compensation of such auditors and to recommend to the Board of Directors the termination of the auditors;

- (e) To review the audit and the Agency's annual financial statements, including the footnotes, and discuss such statements with the independent auditors prior to release of the corporation's annual reports to members;
- (f) To determine whether to accept the audit;
- (g) To receive and consider the independent auditors' comments and suggestions as to internal audit and control procedures, adequacy of staff, and other matters, and based upon such comments and suggestions, to make such recommendations to the Board as the Audit Committee shall deem necessary and appropriate;
- (h) To periodically consult with the independent auditors as to the result of any internal reviews of this Agency's financial statements performed by them and to review with such independent auditors and the corporation's management from time to time the extent to which changes or improvements in financial and accounting practices recommended by such independent auditors or management personnel, have been implemented; and
- (i) To meet with and request and obtain reports and information from the Agency's officers, employees and others as the Audit Committee, in consultation with the Executive Director and/or Director of Finance and Administration, shall determine to be necessary in carrying out their duties as set forth above.
- (j) To approve the performance of any non-auditing services by the audit firm and to preserve the independence of the auditors.

**FURTHER RESOLVED**, that each member of the Audit Committee shall serve as such until such member's successor shall be appointed by the Board of Directors or until the existence of the Audit Committee is terminated by the Board. In the event that any member of the Audit Committee shall resign, the vacancy so caused shall be filled by the Board.

**FURTHER RESOLVED**, that two (2) members of the Audit Committee shall constitute a quorum for the transaction of business.

**FURTHER RESOLVED**, that meetings of the Audit Committee may be held in any place, and in any manner, permitted by applicable law and the Bylaws of this Agency. The Audit Committee shall adopt rules of procedure and shall meet as provided by those rules or as provided by this resolution and the Bylaws in the absence of a rule duly adopted by the Audit Committee to the contrary. Meetings shall be held when called by any member of the Audit Committee, the Board of Directors, or otherwise as permitted by the Bylaws, the call to be communicated orally or in writing to each member of the Audit Committee at least twenty-four (24) hours before the hour fixed for the meeting; the call shall be directed to each member at his or her business address (if sent for receipt during regular business hours), or residence (if not sent for receipt during regular business hours). All calls and notices and any such waivers, consents, or approvals respecting a meeting shall be made a part of the minutes of the meeting.

**FURTHER RESOLVED**, that each member of the Audit Committee shall not be compensated for serving on such committee but shall be reimbursed for reasonable expenses incurred in attending meetings of the committee.

## BACKGROUND

California Government Code § 12586(e)(2) requires that:

- a. Certain non-profit entities create an audit committee.
- b. That no staff member can be a member of that committee.
- c. The audit committee may include persons who are not members of the Board of Directors.
- d. Members of the Audit Committee shall not receive any compensation from the corporation in excess of the compensation, if any, received by members of the Board of Directors for service on the Board and shall not have a material financial interest in any entity doing business with the entity.
- e. Subject to the supervision of the Board of Directors, the Audit Committee shall be responsible for recommending to the Board of Directors the retention and termination of the independent auditor and may negotiate the independent auditor's compensation, on behalf of the Board of Directors.
- f. The Audit Committee shall confer with the auditor to satisfy its members that the financial affairs of the corporation are in order.
- g. The audit committee shall review and determine whether to accept the audit;
- h. The audit committee shall assure that any non-audit services performed by the auditing firm conform with standards for auditor independence; and
- i. The Audit Committee shall approve performance of non-audit services by the auditing firm.

SEPTEMBER 12, 2008

**TO: BOARD OF DIRECTORS**  
**FROM: ANDRE COLAIACE, DIRECTOR OF GOVERNMENTAL SERVICES**  
**RE: ACCESS SERVICES BYLAW AMENDMENTS**

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**ISSUE:**

Access Services will be proposing some amendments to its by-laws at its Annual Meeting. It is customary that the Board of Directors review and comment on these proposals before the Annual Meeting.

**RECOMMENDATION**

Receive and file.

**IMPACT ON BUDGET**

No impact.

**BACKGROUND**

Recent elections for various Board seats have led staff to take a closer look at how Access Services elections are conducted. Staff is proposing by-law amendments to improve this essential agency process.

A summary of the proposed changes is as follows:

**Clarification of Nominating Committees Role:** Nominating Committees for the local and municipal operator Board seats have typically been used by Access Services to help select candidates for the Board of Directors. The Nominating Committee would ask interested candidates to submit their names for consideration and then recommend a candidate to the membership for a vote.

Staff would like to clarify the role of the nominating committees in the by-laws by stating that they would be required to forward all qualified candidates to their respective memberships for a vote. Currently, there is no such requirement and, under Robert's Rules of Order, nominating committees are only supposed to forward as many candidates to the membership as there are seats available.

**Member Agency Voting Representatives:** Staff also noted during the last Board of Directors elections for Municipal and Fixed Route Operators Board seats that there is no official record memorializing which staff members of a Member Agency are eligible to vote on Access Services matters.

The by-laws currently read:

**B. Member Representatives.**

**1. Member organizations shall designate one individual as its voting representative. Only the officially designated voting member representative shall be permitted to vote.**

This section does not specify who at our Member Agencies should designate a voting representative nor does it specify how they should designate a voting representative (verbally, in writing etc.). Members have commented that, particularly in an election, this process is too loose and should be amended because, in theory, anyone could designate themselves to vote in an Access election or at the Access annual meeting.

The proposed by-law change would:

- State that the Member Agency will be responsible for delegating both a voting representative and an alternate to vote on Access matters.
- This action must be transmitted in writing to Access Services on Agency letterhead.

This change would ensure that anyone voting on Access matters would have been designated in writing. It would also provide for an alternate, which might help improve attendance and participation in various official Access Services meetings.

**Define “Open Public Process”:** The term “open public process,” used in ASI’s bylaws to describe how a person is to be selected for appointment to the ASI board by the LA County Commission on Disabilities and the Los Angeles County Independent Living Centers, is currently not defined. The proposed change would define “open public process” as requiring a process that: a) is one undertaken in the public view and a reasonable effort is made to publicize the opening; b) is open to all qualified candidates; and c) is structured so that the qualifications of the respective candidates are weighed by the appointing agency before it makes its appointment.

**SEPTEMBER 12, 2008**

**TO: BOARD OF DIRECTORS**  
**FROM: BRIAN SELWYN, MANAGER OF PROCUREMENT AND CONTRACTS**  
**RE: APPROVAL OF AMENDED CONTRACT RATES**

**ISSUE:**

The transportation service provider contracts each contain a clause allowing for re-negotiation of contract rates when revenue vehicle miles and/or hours increase or decrease by 20%. Two of the transportation service providers exceeded the 20% threshold and Board approval is needed to approve these negotiated rates.

**RECOMMENDATION:**

Authorize amendments to the transportation service provider contract rates, including the addition of funds increasing the maximum contract value, effective October 1, 2008, as follows:

<b>Contracts Amended and years involved</b>	<b>Negotiated Rates</b>	<b>Revised Maximum Contract Value</b>	<b>Revised Estimated Trip Projections</b>
<b>Global Paratransit Southern Region</b> ASI – 2017 Remaining Contract year ending 9/1/09	Fixed: \$511,918/month Cost per Trip: \$22.70	\$60,012,029	Weekday: 2,296 Weekend: 1,260 Annual: 700,000
<b>Southland Transit West/Central Region</b> ASI – 2864 1 of 2 Remaining Contract years ending 10/31/09	Fixed: \$320,280/month Cost per Trip: \$24.89	\$40,671,225	Weekday: 1,273 Weekend: 606 Annual: 379,000
ASI – 2864 2 of 2 Remaining Contract years ending 10/31/10	Fixed: \$313,713/month Cost per Trip: \$25.56		Weekday: 1,327 Weekend: 632 Annual: 395,000

In addition, authorize the following amendments to each contract:

- Replace the trigger of revenue miles/hours with trips. The new language will read “Access Services reserves the right to increase or decrease passenger trips by up to twenty percent (20%) without any change in compensation rates agreed to be paid to the contractor. If the number of passenger trips decreases or increases in excess of 20% of the estimated number set forth in the Estimated Trip Projections, as measured over a three month period, either

the contractor or Access Services can request a re-negotiation of the proposed rates. If the contractor is entitled to and desires to negotiate rates and mutually agreeable terms cannot be reached, Access Services will release the contractor from this agreement within 60 days of such a determination.”

- The rate of reimbursement for taxicabs/independent contractors will be set at \$2.70 per mile and the gasoline price adjustment for independent contractors approved by the Board in May 2008 will be void.
- To perform driver performance evaluations annually and maintain the evaluations in the driver personnel file for periodic review by Access Services staff.

### **IMPACT ON BUDGET:**

The increases in the total costs of each contract is in large part due to volume increases in ridership, not in the proposed rate increases. Ridership has been running 10% over budget projections since March 2008. The rate increases can be accommodated within the existing budget, whereas the volume increases in ridership are trending toward a multimillion-dollar deficit.

Ridership may decrease after the first quarter of the fiscal year, as it did last year. Staff is closely monitoring the ridership and financial data. HDR, the third party contractor responsible for the Access Paratransit demand projections, is preparing revised ridership projections based upon the last six months of operating data and staff is seeking out alternative funding sources to cover the potential budget shortfall due to this increase. Staff will prepare a report for the Board after the completion of the first quarter of the fiscal year.

### **BACKGROUND:**

The ridership increases experienced by Southland Transit and Global Paratransit have resulted in increases in revenue hours and/or revenue miles that exceed the 20% threshold contained in the contracts. As per the terms of the contract, the contractor is entitled to negotiate new rates and/or terms.

Over the last few years, the cost structure has moved from a fixed monthly fee with a rate per revenue mile to a fixed monthly fee with a cost per trip. Moving to a cost per trip has incentivized the contractors to operate more efficiently, such as increasing shared rides. The move to cost per trip has also rendered the current contract provision that triggers renegotiation based upon revenue miles and hours obsolete. Staff is recommending changing the trigger to trips versus hours or miles. Trips would be a more accurate gauge of growth when using a cost per trip model.

Part of the cost increase relates to the increase in August 2008 of the City of Los Angeles Taximeter rate increase to \$2.70 per mile. Approximately 40% of all Access Paratransit trips are performed by non-dedicated independent contractors using taxicabs. In order for the independent contractors to continue to participate in the program, Access Services has offered a financial incentive in the form of a fuel subsidy. Though the fuel subsidy helped with the rapidly increasing price of gasoline, the overall reimbursement for independent contractors still fell short of the City of Los Angeles Taximeter rates. When the taximeter rate increased in August this difference grew to as much as \$ .30 per mile.

The recommendation sets the reimbursement at the City of Los Angeles Taximeter rate, stops the fuel subsidy, and will remove the financial disincentive of participating in the Access Paratransit program.

The Metro Office of Inspector General's Audit of Access Services contained a recommendation to improve the management and oversight of paratransit services providers by requiring all service providers to perform driver performance evaluations annually and to maintain the evaluations in the driver personnel file for period review by ASI. As part of this negotiation, this recommendation will be incorporated into the existing contracts.

SEPTEMBER 12, 2008

**TO: BOARD OF DIRECTORS**

**FROM: JOE KING, DIRECTOR OF CONTRACT SERVICES**

**RE: STATUS UPDATE OFFICE OF THE INSPECTOR GENERAL'S AUDIT RECOMMENDATIONS**

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**ISSUE:**

The recent audit of Access Services Incorporated conducted on behalf of the Metro Office of Inspector General (OIG) confirmed Access Services system design and operational compliance with the ADA and funding requirements and the general satisfaction of Access Services riders with that service. The audit contained no negative findings, but the auditors did make sixteen recommendations and the audit report contains Access Services affirmative responses to these recommendations.

This item comprises the monthly update for July 2008. Of the sixteen recommendations, eleven have been completed as shown in the attached update.

**RECOMMENDATION:**

Receive and file the attached status report on the implementation of the audit recommendations from the "Report on the Evaluation of the Paratransit Eligibility Process; Administration, Performance, and Management of Paratransit Operations; and Compliance with Memorandum of Understanding."

**BACKGROUND:**

One of the early recommendations from the OIG was for Access to develop a procedure to periodically update the Board of Directors on the status of recommendations contained within audit reports performed on Access Services. Reporting on the status of audit recommendations through the Board Agenda should provide the Board and the general public assurance that recommendations/findings contained in audit reports were being addressed.

The majority of the recommendations will be implemented by July 1, 2008 and the remaining few will be addressed by the implementation of the new reservations/scheduling software, beginning in the fall of 2008. A written status report on the recommendations will be on the Board, CAC and TPAC monthly agendas until all recommendations have been implemented.

## STATUS REPORT ON THE IMPLEMENTATION OF THE AUDIT RECOMMENDATIONS

### **Recommendation 1 – CLOSED in July 2008**

**ASI should reassess its recertification policy and consider a) periodically reviewing its criteria for determining individuals that are allowed to renew without in-person reevaluations, b) increasing the recertification period on a case-by-case basis, and c) adopting a tiered approach for recertifying riders. The tiered eligibility determination approach should include an option to recertify a rider without the need for a face-to-face interview or functional test.**

Apr - 08	A modification to the recertification policy to allow for a tiered approach to eligibility without the need for an in person interview or functional test requires a change in the adopted Paratransit Plan Update. The proposed revision will be presented to the Transportation Professionals Advisory Committee (TPAC) on April 10, 2008 and the Quality Services Subcommittee (QSS) on April 17, 2008. A public hearing has been scheduled for April 22, 2008. The Community Advisory Committee (CAC) will discuss the revision at their May 13, 2008 meeting and member agencies will provide their input via electronic mail during the month of May. The final approval for the revision will be placed on the May 19, 2008 Board of Directors Agenda. Assuming Board approval, the revision will be implemented on July 1, 2008.
May - 08	Staff prepared a recommendation for the Board to approve an updated to the Coordinated ADA Paratransit Plan specifying changes to the recertification process, which address Recommendation 1. If approved, the changes will be effective July 1, 2008.
June - 08	At the regular ASI Board of Directors meeting on May 19, 2008, the Board of Directors approved Agenda Item 10 - REVISION OF PARATRANSIT PLAN UPDATE which modified the recertification process to include a tiered approach versus a mandatory in person evaluation. The updated Plan will be mailed to FTA in June 2008.
July - 08	The revised recertification process has been implemented. This item is now considered to be closed.

### **Recommendation 2**

**ASI should a) review the narrative comments included on the Eligibility Survey and initiate any appropriate actions or changes, b) consider client comments/concerns when making any future changes or improvements to the eligibility evaluation process or the evaluation facility, and c) evaluate whether ASI can offer more evaluation locations through the use of mobile evaluation units.**

Apr - 08	All of the narrative comments from the surveys have been organized into categories of service. ASI staff is in the process of reviewing the comments to identify areas of concern. The narrative comments will be presented at the May 2008 QSS meeting. Any potential recommendations will be forwarded to the CAC and TPAC prior to being presented to the Board of Directors for approval.
May - 08	Narrative comments from the eligibility survey were placed on the May QSS meeting agenda.

June - 08	QSS reviewed the narrative comments at the May QSS meeting and the top concerns raised in the survey will be used as a blueprint for discussion at future meetings.
July - 08	QSS will review the narrative comments from the eligibility survey in August 2008 and include them in the prioritization discussion topics established in July 2008. Any recommendations will be presented to the CAC as appropriate.
Aug - 08	The narrative comments on eligibility were presented to QSS at the August 2008 meeting. Due to a full agenda the committee tabled the item until the September 2008 meeting.

### **Recommendation 3**

**ASI should evaluate the process for informing individuals who complete the eligibility evaluations of their right to appeal and the process on how to make an appeal.**

Apr - 08	ASI will re-evaluate the eligibility determination packet with the help of TPAC and CAC to ensure that appeal information is presented in a manner most likely to be understood by applicants. Staff is anticipating a new brochure to be available in July of 2008.
May - 08	ASI will work with communications professionals and small focus groups to re-evaluate the eligibility determination packet. This will be implemented in July 2008.
Jun - 08	No update to report.
July - 08	On July 17, 2008, the QSS reviewed recommended changes to the eligibility fact sheets. New information sheets detailing the eligibility and appeal process are being formatted by Metro Design Center and will be available in September 2008. Per ASI Policy, alternative accessible formats will be available upon request.
Aug - 08	The formatted fact sheets are expected to be ready for distribution in the near future.

### **Recommendation 4 – CLOSED in July 2008**

**ASI should continue to critically evaluate its eligibility determination policies, general approach, and specific processes to ensure that reasonable eligibility determinations are being made, that the impact on and inconvenience for those seeking eligibility is reasonable, and that the total costs of the eligibility determination process are consistent with the value of the process.**

Apr - 08	ASI will continue to evaluate the eligibility processes and policies used in Los Angeles County. ASI will continue to monitor the best practices used in the industry by participating in various forums and seeking out documents and reports published by organizations such as, but not limited to, Easter Seals Project Action, Transportation Research Board Synthesis Studies, National Transit Institute, as well as from advocacy groups like the Disability Rights Education and Defense Fund. In addition, on a local level the eligibility contractor, under the new contract, will form a Community Council as an advisory group to provide feedback. ASI will be a part of that Council. This Council will begin in July 2008.
May - 08	No update to report.
Jun - 08	CARE held its first Customer Care Committee on Thursday June 29, 2008. The group had seven riders attend and discuss their experience with the evaluation process. CARE will use those comments to train staff and modify customer service procedures. The

	Committee will be meeting once a month.
July - 08	With the implementation of the revised recertification process and the opening of the new eligibility evaluation center in July, this item is now considered closed.

**Recommendation 5 – CLOSED in August 2008**

**ASI should review the narrative comments on the Rider Survey and initiate any appropriate actions or changes.**

Apr - 08	All of the narrative comments from the surveys have been organized into categories of service. For instance, comments regarding the order taking process have all been grouped together. ASI staff is in the process of reviewing the comments to identify areas of concern. The narrative comments will be presented at the May 2008 meetings of the transportation service providers and the QSS. Any potential recommendations will be forwarded to the CAC and TPAC prior to being presented to the Board of Directors for approval.
May - 08	Narrative comments from the rider survey were placed on the May QSS meeting agenda, and the May Provider meeting agenda.
Jun - 08	In May 2008, the QSS and Provider groups reviewed the narrative comments from the Rider Survey. Each group agreed that the top concerns would be discussed at future meetings to determine how to improve the service.
July - 08	On July 17, 2008 QSS prioritized the narrative comments from the rider survey into four groups with subtopics to be discussed at future meetings beginning in August 2008. Any recommendations will be presented to the CAC as appropriate.
Aug -08	At the August 2008 QSS meeting, the committee began discussion on one of the four groups of comments. The committee has agreed to have the narrative comments as a standing item on their agenda until all of the groups have been discussed and the appropriate action taken. This item is now considered closed.

**Recommendation 6**

**ASI should evaluate whether the service providers are using the most efficient methodology for scheduling vehicles and drivers and whether there are opportunities to shift resources from low demand to peak demand periods.**

Apr - 08	Prior to the audit in January 2006, ASI retained the services of the IBI Group to perform a Needs Analysis on ASI's Access Paratransit service. The recommendations from the analysis were presented to the Access Services Board of Directors in March 2007. One of the principal recommendations was the design and implementation of a centralized reservation/scheduling software to be used by all of ASI providers. The Board approved the award for that reservation/scheduling software in November 2007. The first phase of the implementation of this recommendation is scheduled to begin in August 2008. The implementation of the first service region, with phase--in to other regions as contracts renew, is scheduled for fall of 2008.
May - 08	The centralized reservation/scheduling software will be implemented within the first

	service region in September 2008 and will be phased in by region as contracts are renewed. Staff is anticipating system wide implementation will be completed in 2010.
Jun - 08	A notice to proceed was issued to the software contractor on June 9, 2008 and a kick off meeting was held with Global Paratransit.
July - 08	The project team has begun the implementation period for the software installation in the Southern Region. As the system is implemented relevant ride statistics such as travel times, will be reported monthly in the Operations Report contained in the Board Box.
Aug - 08	No status update to report.

**Recommendation 7 – CLOSED in July 2008**

**ASI should reinforce to contractor call takers the goal of providing courteous and helpful service to clients. In this regard, ASI should provide call takers with a written document that reinforces the policies and rules of conduct and service to paratransit customers, and ASI’s commitment to quality service.**

Apr - 08	A draft of an Order Taker Code of Conduct is scheduled to be presented to the Transportation Service Providers at their meeting in May of 2008. Staff anticipates distribution of an Order Taker Code of Conduct in June of 2008.
May - 08	A draft of the Order Taker Code of Conduct was placed on the May Provider Meeting Agenda.
Jun - 08	The Order Taker Code of Conduct was reviewed at the Provider meeting in May. The Contractors will begin distribution and the document will be posted on the ASI website by June 23, 2008.
July - 08	The Order Taker Code of Conduct has been distributed and can be viewed on the ASI website. This item is now considered closed.

**Recommendation 8**

**ASI should evaluate the scheduling system to minimize or eliminate circuitous routing of share rides and to ensure that the routing/dispatching methodology minimizes wait times and trip times.**

See Recommendation 6 above.

**Recommendation 9 – CLOSED in July 2008**

**ASI should reinforce to contractor staff ASI’s policy on call-outs, and the importance of making all call outs that are requested.**

Apr - 08	<p>ASI is in the process of redesigning new employee training tests for drivers, call takers, and dispatchers. Questions regarding call out procedures will be included in these tests. The driver, call taker, or dispatcher will be required to pass this test with a score of 90% or greater before they are allowed to work on the ASI contract. This test will be completed no later than July 2008.</p> <p>ASI Road Supervisors and Dispatch Coordinators monitor compliance with currently required continuous training for each contractor. The call-out procedures are a part of that training. Immediately, ASI will instruct the service providers to include this topic in the next rotation of training beginning in May 2008.</p>
May - 08	Service providers were instructed to include “call out procedures” in the rotation of training beginning in May 2008.
Jun - 08	Providers are in the process of updating the tests and training materials.
July - 08	All materials have been updated and the new materials have been implemented. A copy of the revised test is available upon request. This item is now considered closed.

**Recommendation 10 – CLOSED in May 2008**

**ASI should reinforce to service provider contractors ASI’s goal of providing courteous and quality service to clients. In this regard, ASI should provide contractor drivers and call takers with a written document, which reinforces the policies and rules of conduct and service to paratransit customers, and ASI’s commitment to quality service.**

Apr - 08	The Driver Code of Conduct will be distributed to all certified drivers by May 1, 2008. The Order Taker Code of Conduct is scheduled for distribution in June 2008.
May - 08	Driver Code of Conduct was delivered to contractors on May 1, for distribution to drivers; it can be viewed at <a href="http://www.asila.org">www.asila.org</a> . This item is now considered closed.

**Recommendation 11**

**ASI should reinforce to paratransit applicants and riders that the primary purpose of using Access Paratransit Services is that the individual is unable to use the regular bus and rail service.**

Apr - 08	ASI will work with TPAC and CAC to ensure that information on eligibility is consistent with the recommendation and presented in a manner most likely to be understood by applicants. Staff is anticipating new brochures to be available in July of 2008.
May - 08	Staff is anticipating new brochures to be available in July of 2008.
Jun - 08	No update to report.
July – 08	In addition to the information sheets discussed in Recommendation 3, the new eligibility center’s transit theme and presentation should reinforce the connection between Access Paratransit and regular bus and rail service.
Aug – 08	See item 3 above.

## **Recommendation 12 – CLOSED in April 2008**

**ASI should:**

- a) Develop a written manual or procedures for processing and inputting complaints, and ensure that the list of complaint type codes and definitions are kept up-to-date.**
  - b) Institute a formal training program for the employees who handle complaints, for both new employees and periodic refresher training for current employees.**
  - c) Record all complaints relevant to the eligibility determination process so that any underlying problems can be trended and solved.**
  - d) Conduct a periodic trend analysis of complaints to identify problem areas to improve customer service.**
  - e) Develop a specific process to mark closed complaints, and incorporate this process into the policy and the staff training materials.**
  - f) Re-evaluate the complaint types used in the performance measure of Complaints per 1,000 Trips.**
  - g) Assure that no sequential complaint numbers are deleted from the database.**
- a) The Complaints and Customer Service departments have developed a procedures manual with input from the Complaints Process Modification Subcommittee of the CAC. The manual was completed in April 2008. This item is considered closed.
  - b) As of January 12, 2008, formal training now includes Customer Service workshops, as well as follow up and refresher trainings, one-on-one review with all Customer Support Supervisors and management, side-by-side training, and review of completed procedures manual. The Complaint Specialists now attend regular monthly meetings to address any observations and/or needed training refreshers to ensure that procedures remain standardized. New staff members are now required to train with both Customer Service and Complaints and are provided a copy of the procedural manual. This item is considered closed.
  - c) As of February 25, 2008, all complaints related to eligibility have been entered into the complaint database as well as the relevant eligibility or appeal record. This item is considered closed.
  - d) More intense trend analysis of complaints has been in place since January 29, 2008. New complaint procedures have freed up additional time so that staff can dedicate more of their resources to the analysis of information. This item is considered closed.
  - e) The procedures manual has been completed. See item (a) above. This item is considered closed.
  - f) Additional complaint categories have been added to the service complaints per 1,000: Animal, Booking, Conduct, Discourtesy, Routing, Service, Travel time, Urgent and Vehicle. These additional categories will be reflected in the April 2008 operations report to the Board of Directors.

- g) Sequential complaint numbers were deleted by ASI's Information Technology department in order to avoid combining real complaints with system tests. All complaints that are either duplicated or entered incorrectly are voided out but remain recorded in the database. To ensure that there are no duplications of complaint numbers, and as a security measure, as of January 29, 2008, the current system and Rider 360 does not recycle unused complaint numbers or complaints used for system testing. This item is considered closed.

**Recommendation 13 – CLOSED in July 2008**

**To improve its management and oversight of paratransit service providers, we recommend that ASI a) require all paratransit service providers to perform driver performance evaluations annually and maintain the evaluations in the driver personnel file for periodic ASI review, and b) develop a standard driver code of conduct and require each driver to sign and agree to such conduct.**

Apr - 08	<p>a) ASI required an annual driver performance evaluation to be maintained in the driver training record in the most recent transportation service provider scope of work. Staff is in the process of negotiating with our existing contractors in order to implement the recommended change system wide effective July 1, 2008.</p> <p>b) See recommendation 10 response.</p>
May - 08	<p>a) ongoing</p> <p>b) Driver Code of Conduct was delivered to contractors on May 1, for distribution to drivers; it can be viewed at <a href="http://www.asila.org">www.asila.org</a>. This item is now considered <b>closed</b>.</p>
Jun - 08	No update to report.
July – 08	All contractors have agreed to implement an annual driver performance evaluation beginning in July of 2008. This item is now considered closed.

**Recommendation 14 – CLOSED in April 2008**

**ASI management should increase its monitoring of average daily phone hold times to ensure compliance with the contractual performance requirement. Increased monitoring should identify the reasons why there are certain instances when daily phone hold times per hour exceed 4 minutes.**

The audit recommendations were based upon operating statistics from fiscal year 2007. Average initial hold times after the audit period had dropped considerably and have been less than 1 minute for the last year. This recommendation is considered closed.

**Recommendation 15 – CLOSED in April 2008**

**ASI should consider requesting that back-up providers submit their invoices semi-monthly to be consistent with other paratransit providers. ASI then will be able to concurrently review invoices and supporting documentation from both paratransit providers and back-up providers to determine if payments due are for actual services.**

ASI has requested that back up providers submit invoices semi-monthly. The majority cannot comply with the request. This recommendation is considered closed.

**Recommendation 16 – CLOSED in April 2008**

**We recommend that the Accounting Manual, General Accounting Desk Manuals, and other accounting policies and procedures be approved by ASI Senior Management. In addition, the effective dates of the Accounting Manual, General Accounting Desk Manuals, and other accounting policies and procedures should be properly determined. Furthermore, the pages of these accounting documents should be properly numbered and cross-referenced. For accounting procedures that are still in handwritten editing mode, ASI should finalize the procedures as soon as possible.**

Updated Accounting Manual and General Accounting Desk Manuals have been approved by ASI Senior Management. Each Manual includes an effective date and is properly numbered and cross referenced. Copies of these manuals are available upon request. This recommendation is considered closed.