

## MINUTES

### WORK SESSION OF THE BOARD OF DIRECTORS

### METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY

August 6, 2015

12:00 p.m.

#### **Board Members Present**

Roberta Abdul-Salaam  
Robert L. Ashe III  
Harold Buckley, Sr.  
Robert F. Dallas  
Frederick L. Daniels, Jr.  
Jim Durrett  
Freda B. Hardage  
Barbara Babbit Kaufman  
Russell McMurry, P.E.\*  
Christopher Tomlinson

#### **Staff Members Present**

Keith T. Parker, AICP  
Richard Krisak  
Rukiya Thomas  
Elizabeth O'Neill  
Edward Johnson  
Gordon Hutchinson  
Wanda Dunham  
Robin Henry  
Ming Hsi  
Reginald Mason  
Ryland McClendon  
Terry Thompson  
Donald Williams (Acting)  
Ferdinand Risco  
LaShanda Dawkins  
Davis Allen  
Lyle Harris  
Abebe Girmay

Also in attendance was Charles Pursley, Jr. of Pursley Friese Torgrimson, LLP; Daniel White; Andria Simmons.

#### **Chairman's Report**

---

#### *Upcoming Meetings*

Thursday, August 27, 2015

- Operations & Safety Committee – 10:00 a.m.
- Business Management Committee

Thursday, September 3, 2015

- Planning & External Relations Committee – 10:30 a.m.
- Board – 1:30 p.m.

\* Russell McMurry, P.E. is GDOT Commissioner, and is therefore a non-voting member of the MARTA Board of Directors

**Acknowledgment**

Chairman Ashe recognized and welcomed Daniel H. White, Intern to Commissioner Liz Hausmann.

**Approval of the July 8, 2015 Work Session Minutes**

On motion by Mr. Durrett seconded by Mrs. Hardage the minutes were unanimously approved by a vote of 7 to 0, with 7 members present.

**Request To Staff Regarding Interactions With Elected Officials Regarding Pending Proposals**

A MARTA Board member received a routine inquiry from a jurisdictional partner regarding a MARTA pending TOD project. The Board member wanted to know how Board members are permitted to respond. Given the fact that it was a pending procurement, MARTA has fairly strong guidance in that area. The issue is, it is totally legitimate for jurisdictional partners to have an interest in development(s) going on in their jurisdictions. Board members must follow code when responding to such inquiries – i.e., ‘this is a pending proposal, I can’t say anything further’.

Chairman Ashe asked the Board to consider if there should be any amendments to the Code.

**MARTA’s Expansion Push (Board Discussion)**

Chairman Ashe said at the end of the 2015 General Assembly and over the past several months, staff and Board members have asked member jurisdictions to ask their voters for an additional ½ penny sales tax to fund capital expansion. Chairman Ashe asked the Board what are they hearing – comments, questions, feedback, etc.

Mr. Dallas said everyone did a good job of getting this out to the press and the public. He said it would have been good to know what was coming, so that he could start speaking to his jurisdiction beforehand. For the first time in a long time, MARTA is partnering well with the market in trying to develop a systematic approach to jobs that will help the region and what MARTA will build in the future.

## **Work Session**

**8/6/15**

**Page 3**

Mr. Buckley said he has serious concern if this should pass. The three corridors – Clifton Corridor, I-20 Corridor and 400 Corridor. There is a lot of support behind the Clifton Corridor and the 400 Corridor. He said he is concerned about what will happen to the I-20 Corridor. It has been MARTA's number one priority for the last 15 years. He said the explanation he received was that a lot of this would be dictated by the Federal government. He said his major concern if this passes is what happens to the I-20 Corridor.

Chairman Ashe said the intention is to give counties an option to use up to ½ of the penny that they have already been given. Instead of lasting five years, it would last to the duration of the existing penny. The benefit is it would not be an increase on the cap rate on the tax rate. We would not add on top of that, but rather work within that. One of things that we must figure out in structuring the proposal, is to find a way to give politicians and voters the assurance to build as we say we would. The good news about the ½ penny is you would have enough money left over after the expansion projects to have other robust projects. The possible 'new' ½ penny would simply go into the escrow account.

Mr. Parker said all the financial scenarios assume Federal participation. The Board would order the sequence of what will be built - 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>.

Mr. Daniels said it appears there is still a compete-factor as a region as you look at Streetcar, Beltline, City of Atlanta, Cobb, BRT, etc. It is still not a unified vision.

Mr. Parker said several years ago, the FTA changed from using a project-specific driven analysis to a program of projects. The MARTA Board will still have to prioritize the projects.

Ms. Abdul-Salaam said the Board has not had conversation on making a decision. She said it's a matter of how the information is disseminated and explained.

Mr. Parker said a half-day Work Session will be scheduled to discuss Ethics, Procurement and TOD.

## **General Manager/CEO Report**

---

### **Leave of Absence Administration Program – R. Thomas/R. Henry/G. Hutchinson**

---

#### **Background**

In 2012, KPMG was commissioned to find out if there were opportunities to improve inefficiencies and reduce cost. Paid Time Off (PTO) and attendance were at the top of the list.

#### **Recommended actions:**

- One of the first goals was to promote an organizational performance culture. This resulted in an online performance tool, *Halogen*.
- Restructure Work Rules with a focus on improving attendance rates
- Negotiate Labor Policies:
  - For attendance that includes disciplinary action
  - That enable alternative duty and help reduce workers' compensation claims
- Refine time and attendance technology systems and reports

#### **Absence Rates**

##### **Lack of integration and manual processes contributes to:**

- Compliance issues
- Administrative inefficiencies and duplication
- Leave stacking and lack of benefit coordination
- Operational and staffing concerns
- Increased costs associated with absences
- Poor communication between departments
- Employees not having access to maximum benefits such as EAP to aid in RTW efforts
- No meaningful reporting or metrics to make management decision

The 78% of short-term unplanned absence metric was based on grouping the payroll element names by paid versus not paid and incorporating paid Short Term Disability from outside the payroll system. Overtime increased as unplanned absence increased. The group driving Unplanned Absence is the Operations group. Groups driving intermittent FMLA are Bus Transportation, Police, Mobility, Rail, Bus Maintenance, Facilities, Rail Car Maintenance and

Maintenance of Way. Unplanned absence cost: \$13.6M. There is an opportunity for ongoing net savings of \$625K.

Key Recommendations

Centralize the Leave of Absence Program

- Centralizing intake for sick leave, FMLA and STD
- Automate tracking for leave types
- Improve accuracy of data and centrally house leave data
- Create a sense of accountability among employees
- Alleviate administrative burdens from HR, supervisors, directors and managers
- Generate useful and meaningful reporting
- Integrated return to work coordination with all leave benefits
- Ensure compliance with state and federal regulations
- Aggressive management of claims & clinical intervention on a real time basis
- Introduce nationally recognized disability duration guidelines into absence management practices
- Create a mechanism to ensure concurrent tracking of FMLA with STD and WC claims
- Establish denials to appropriate levels

Recommendation for Board Approval

MARTA recommends UPMC Work Partners to implement its Leave of Absence Administration Program and request Board approval for the following reasons:

- UPMC Work Partners demonstrates the capabilities to meet and exceed MARTA's requirements for a centralized leave of Absence Administration Program
- Through their integrated absence management services, UPMC Work Partners is capable of administering to MARTA's policies and in compliance with federal and state regulations, FMLA, Sick/LTS and STD benefits for MARTA
- UPMC Work Partners demonstrated a high propensity for customer service and offers a general comfort level that employees will be treated fairly, professionally and courteously regardless of claim decision

Mr. Daniels said this is the right approach to moving forward. He asked if Management had this conversation with the Union.

Mr. Parker said throughout labor negotiations, Management stressed meaningful wages with reform in attendance.

**Request for Waiver from the Code of Ethics – E. O'Neill**

Mr. Buckley stated it is important for the Board to make a decision as to why a waiver should be granted. He said the Board needs to determine what is in the best interest of MARTA. It has to be something that is beneficial to MARTA.

Mrs. O'Neill noted there are two requests for Waivers. Both have gone to MARTA's Board of Ethics on which Board member Kaufman serves as a Board representative:

- Elaine Berry is serving as the Interim Director of Quality Assurance and Configuration Management. Her employment will end with MARTA on August 14, 2015. She is interested in working for CH2M, a vendor that recently responded to MARTA's request for Expressions of Interest for three Architectural & Engineering service contracts (safety management services, vehicle consultant, system engineering).

Ms. Berry's request to MARTA's Board of Ethics was a unique request that the Ethics Board had never addressed before in that she is serving in the role of a MARTA Direct Contract Employee. There is a one-year restriction that prohibits MARTA from doing business with a vendor who employs a MARTA employee within 12-months of their leaving MARTA employment. The question of whether a contract employee was covered by that provision had not been address by the Board of Ethics previously. The Ethics Board determined, based on the definition of 'employee' by the Code, that Ms. Berry was an employee of the Authority and the one-year time restriction would apply to CH2M. The Code says the MARTA Board of Directors is the only entity that is able to grant a waiver from the provisions of the Code of Ethics.

Mrs. Kaufman said the Ethics Board discussed this request in great detail. It was determined that Ms. Berry was an employee because she received a W2.

**Work Session**

**8/6/15**

**Page 7**

- Fran Millar acts as a broker for an entity known as Purchasing Power. Purchasing Power is interested in responding to a Request for Proposals on employee voluntary benefits program. Section 12 of the Code prohibits MARTA from doing business with employees. Also in the Code, Section 19, the definition of public employee includes any person, officer or employee holding a position by election ... includes any member of the Congress of the United States or the Georgia State Legislature. The Board of Ethics found that MARTA would be prohibited from doing business with Purchasing Power while Fran Millar is acting as a broker for that entity. Mr. Millar is requesting a waiver.

**Other Matters**

---

Mr. Parker called the Board's attention to a note received from Interim CEO of DeKalb County Lee May of possible TOD opportunities at Kensington Station. He informed Board members that staff has not yet analyzed, but will come back with a recommended course of action.

**Adjournment**

---

The meeting of the MARTA Board of Directors adjourned at 1:37 p.m.