

access

**BOARD OF DIRECTORS MEETING
MONDAY, FEBRUARY 25, 2013
Closed Session: None
General Session: 1:00 - 3:00 P.M.
Los Angeles County MTA
One Gateway Plaza, 3rd Floor
729 Vignes Street, Los Angeles CA 90012**

MISSION STATEMENT

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

	<u>DISPOSITION</u>
1. CALL TO ORDER	ACTION
2. PUBLIC COMMENT WITH RESPECT TO CLOSED SESSION ITEMS	
3. CLOSED SESSION [NONE]	DISCUSSION/ POSSIBLE ACTION
4. SUPERIOR SERVICE AWARDS	PRESENTATION
5. REVIEW & APPROVAL OF MINUTES FROM THE BOARD MEETING OF JANUARY 28, 2013 (page 4) [Staff Recommendation: Approve]	ACTION [Vote Required: majority of quorum by voice vote]
6. REPORT FROM EX-OFFICIO BOARD MEMBERS	INFORMATION
7. GENERAL PUBLIC COMMENT	INFORMATION
8. CONSENT CALENDAR	ACTION
a) Approval of Extension of Mobility Device Marking Contract (AS-2853) (page 11)	[Vote Required: majority of quorum by roll call]
b) Approve Extension of Contract with LPM Drug/Alcohol	

Consultant (AS-2793) (page 13)

- c) Revisions to Employee Handbook (page 15)
- d) Authorize American Logistics to Participate in Future Access Procurements (page 19)
- e) Establishment of an Ad Hoc Budget Committee For Fiscal Year 2013/2014 (page 21)
- f) Approve Extension of Contract With Insight Strategies, Inc. (AS-3225) (page 22)

[Staff Recommendation: Approve Consent Calendar]

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| 9. | APPROVE EXTENSION OF CONTRACT WITH CORVEL ENTERPRISES COMP. INC. (AS-2744) (page 24)
[Staff Recommendation: Authorize \$300,000 in funds and an extension in the period of performance. For one year.] | ACTION
[Vote Required: majority of quorum by roll call] |
| 10. | DEMAND/BUDGET FORECASTING | INFORMATION |
| 11. | EXECUTIVE DIRECTOR'S REPORT | INFORMATION |
| 12. | BOARD MEMBER COMMUNICATION | INFORMATION |
| 13. | NEW BUSINESS SUBSEQUENT TO THE POSTING OF THE AGENDA | DISCUSSION/
POSSIBLE ACTION |
| 14. | ADJOURNMENT | 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: Access Services 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 3449 Santa Anita Avenue, El Monte California and on its website at <http://accessla.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
JANUARY 28, 2013**

The Access Services Board of Directors meeting convened at 12:08 p.m. on Monday, January 28, 2013 in the third 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 Doran Barnes, Chairperson. Board Members present included: Dolores Nason, Vice Chair, Joseph Stitche, Treasurer, Jano Baghdanian, Angela Nwokike, and Martin Gombert. Ex-Officio, Michael Arrigo, CAC Chair, Wayne Wassell, TPAC Chair, and Jim Jones, Access Services Legal Counsel. Directors Theresa DeVera, Secretary and James Woodson were excused from the meeting.

Access Services' staff members present included: Shelly Verrinder, F Scott Jewell, Donna Cisco, Araceli Camuy, David Foster, Steve Chang, Brian Selwyn, Alfredo Torales, Geoffrey Okamoto, Rogelio Gomez, Andre Colaiace, Galen Hale, Susanna Cadenas, Linda Ross, Eric Haack, Richard Rodriguez, Kurt Hagen, Matthew Avancena, Jack Garate, and Lora Verarde (intern).

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 Michael Arrigo, Chair of the CAC, and Wayne Wassell, Chair of the TPAC, joined the general session.

Chairperson Barnes asked Mr. Jones, Access Services Legal Counsel, to brief the audience on the outcome of the closed session.

Mr. Jones reported that prior to taking the dais, the Board met in closed session to discuss pending or threatened litigation, no reportable action was taken by the Board with respect to these 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 but due to the amount of public comments submitted for today's meeting the Chairperson would only allow three minutes for public comments.

Mr. Jones also explained that individual speakers may not cede their time to anyone else, if someone else had an issue they would need to speak for themselves or if they are unable to speak for themselves the Board should receive written communications to make them part of the record.

SUPERIOR SERVICE AWARDS

Carol Bravo, the Transit Evaluator Supervisor from C.A.R.E. Evaluators, was the recipient of the Superior Service Award for the month of September 2012.

Antonio Gonzalez, a Driver from California Transit, was the recipient of the Superior Service Award for the month of October 2012. Mr. Gonzalez was also the first driver at CTI to reach 100,000 safe driving miles without any accidents or service complaints and for his accomplishment he was awarded Disneyland tickets for a family of four.

REVIEW & APPROVAL OF THE BOARD MEETING MINUTES FROM OCTOBER 22, 2012

Motion: Director Stitcher moved approval of the October 22, 2012 Board meeting minutes.

Second: Director Nason seconded the motion.

Discussion: None.

Vote: Via Voice Vote.

In Favor: Directors Nason, Baghdanian, Stitcher, Gombert, and Nwokike.

Opposed: None.

Abstention: None.

Pass/Fail: The motion carried.

REPORT FROM EX-OFFICIO BOARD MEMBERS

Wayne Wassell, Chair of the Transportation Professional Advisory Committee (TPAC), began his report by stating that the committee met on December 13, 2012, at which time staff provided a presentation on the 511 project that they started working on last year with four new features which was the Free Fare trip planner, service area lookup, local transit options, and the feedback option. Mr. Wassell stated that the riders were able to access the program by dialing 511 or going online to 511.com, which he felt was actually very impressive.

Mr. Wassell continued to report that staff's presentation also included discussion on the out of service area trips and staff proposed changes. He stated that in the past Access Services provided out of service area trips which were trips beyond the ADA requirements of $\frac{3}{4}$ of a mile from a fixed route or rail route. Mr. Wassell added that the proposed changes were brought up because there was an issue of catching up with bus and rail changes which modified the service area and a lack of consistent

technology and transparency. Mr. Wassell stated that the 511 project with the service area lookup helps staff insure that all trips occur within the service area.

Mr. Wassell concluded his report by stating that the free fare policy for non Los Angeles County residents was implemented to enhance travel options for Access Riders and to save Access money. Access staff was considering no reimbursement for riders that lived outside of the area. Access Services was not saving any money with these trips so staff was proposing to revise the free fare policy to resolve this issue.

Michael Arrigo, Chair of the Community Advisory Committee (CAC), began his report by stating that the committee met on Tuesday, January 8, 2013 and had a very light agenda so the committee utilized the time discussing the out of service area riders. Mr. Arrigo concluded his report by mentioning that there were a few vacancies on the CAC, so if anyone in the audience was interested in becoming a member he recommended that they contact staff and fill out an application to become a member.

GENERAL PUBLIC COMMENT

Jan Johnson stated that the individuals responsible for setting up the shared rides were not separating the service animal user from the regular riders. She added that the service animal user(s) try to keep their service animal on the floor of the vehicle but with other non-service animal users in the vehicle the animal would not fit. Ms. Johnson concluded her public comment by stating that this problem seemed to be happening in the Eastern region where the driver(s) do not want to move the seat up to make room for the service animal, she asked that something be done to resolve this problem.

Ms. Verrinder informed Ms. Johnson that Access Services Customer Care Supervisor, Susanna Cadenas, would follow-up with her after the meeting.

Michael Conrad stated that over a month ago his shared ride was assigned to a Toyota Prius with three other people and two of them were oversized. Mr. Conrad stated that when he booked his ride, he told the reservationist that he was oversized so this should not have occurred. Mr. Conrad added that the driver told him that he tried to explain the situation to the dispatcher because he knew the rider (Mr. Conrad) but they would not listen. Mr. Conrad stated that he felt that they were only concerned about being on-time and no-showing the rider by stating that the rider was refusing the trip.

Mr. Conrad concluded his public comment by stating that the final part to this situation of too many oversized people in a small vehicle was that they make the rider call and rebook their trip, which he felt was unfair because it was not the riders fault, he asked that staff, the Executive Director, and the Board of Directors stop this from happening in the future.

Ms. Verrinder informed Mr. Conrad that Access Services Deputy Executive Director of Operations, Steve Chang, would follow-up with him after the meeting.

Rochelle Goeman stated that she was also experiencing the same problem that Mr. Conrad mentioned regarding the small vehicle (Toyota Prius) and riders with service

animals. She stated that she was a very petite person but she had to keep her service animal between her feet to protect her animal from other riders but with other people in the vehicle especially if they are oversized she was unable to do that.

Ms. Goeman concluded her public comment by stating that the minivans need floor mats for riders with service animals not only for the heat but when the vehicle makes hard or sudden stops their service animal ends up sliding around in the vehicle, she asked that something be done about these two issues.

Ms. Verrinder informed Ms. Goeman that Access Services Deputy Executive Director of Operations, Steve Chang, would follow-up with her after the meeting.

Sammy Shipman stated that she concurred with Mr. Conrad and Ms. Goeman public comments regarding riders with service animals and small vehicles. Ms. Shipman stated that a month ago she was in a Toyota Prius with two other people and there was no room on the floor for her service animal. She concluded her public comment by stating that rider service animals do a great job for the rider and should be treated with respect. She asks that something be done about this problem.

Ms. Verrinder informed Ms. Shipman that Access Services Deputy Executive Director of Operations, Steve Chang, and David Foster, Manager of Customer Support Services would follow-up with her after the meeting.

Mary Griffieth stated that she was concerned about the blind rider that rode the train and got off at the El Monte train station. She stated that she had seen this man stranded four times and on Friday, January 25th she noticed that he was at the train station at 9:00 p.m. stranded once again. Ms. Griffieth also stated that she was experiencing problems with scheduling her shared rides. She added that she could never get the trips that she wanted so she would use public transportation and once Access Services found out that she could use public transportation they cut her service.

Ms. Griffieth concluded her public comment by stating that Access Services was a wonderful service and a blessing to the disabled riders which allowed them to keep their independence, she thanked the staff and the Board of Directors for a wonderful service.

Ms. Verrinder informed Ms. Griffieth that Access Services Customer Care Supervisor, Susanna Cadenas, would follow-up with her after the meeting.

Tonni Yee Hemphill stated that she had a pick-up in the City of La Habra in a senior trailer court community and she specifically requested that she be picked up at space 84. She added that she received a courtesy call 20 minutes before her pick-up but decided to call and find out what the vehicle number was and discovered that the driver was at the front of the trailer court, which meant that she had to walk five blocks to get to the vehicle. Ms. Hemphill asked how are the riders going to be sure that they will be picked up at the correct location, she added that it was cold and raining that day and it was an inconvenience. She requested a resolution to this incident.

Ms. Hemphill concluded her public comment by stating that the reservation times have not improved they just got worse.

Ms. Verrinder informed Ms. Hemphill that Access Services Customer Care Supervisor, Susanna Cadenas, would follow-up with her after the meeting.

CONSENT CALENDAR

- Motion:** Director Stitcher moved approval of all the items on the Consent Calendar.
- Second:** Director Gombert seconded the motion.
- Discussion:** None.
- Roll Call:** Chairperson Barnes asked for a roll call.
- In Favor:** Directors Baghdanian, Stitcher, Gombert, Nwokike, and Nason.
- Opposed:** None.
- Abstention:** None.
- Pass/Fail:** The motion carried.

APPROVE CHANGES RELATED TO THE FREE FARE PROGRAM

Access Services Manager of Planning and Coordination, Matthew Avancena provided a brief presentation on the proposed changes related to the free fare program.

Board Questions &

Comments: None.

- Motion:** Director Baghdanian moved approval of staff's recommendations.
- Second:** Director Nason seconded the motion.
- Discussion:** None.
- Roll Call:** Chairperson Barnes asked for a roll call.
- In Favor:** Directors Stitcher, Gombert, Nwokike, Nason, and Baghdanian.
- Opposed:** None.
- Abstention:** None.
- Pass/Fail:** The motion carried.

CHANGES RELATED TO OUT OF SERVICE AREA TRIPS

Access Services Deputy Executive Director of Operations, Steve Chang provided a brief presentation on the changes related to the out of service area trips.

Board Questions &

Comments: None.

Chairperson Barnes thanked Mr. Chang for his detailed presentation and reminded the Board that this was an information item only and no action was needed.

MV/STRATAGEN TRANSITION UPDATE

Access Services Project Administrator for the Eastern and Northern Regions, Rogelio Gomez provided a brief presentation on the MV/StrataGen transition update.

Board Questions &

Comments: None.

Chairperson Barnes thanked Mr. Gomez for his detailed presentation and reminded the Board that this was an information item only and no action was needed.

EXECUTIVE DIRECTOR'S REPORT

Ms. Verrinder reported the operations statistics for the month of December 2012 by stating that total trips for December were at 6 percent under budget which brings us year to date to .6% over budget which helped out with the overall number. On-time performance was slightly below standard at 89.6 percent, average initial hold time was a little higher at 90 seconds, and cost per trip was steady at \$36.00 and eligible riders increased 3 percent from the last meeting to 132,489.

Ms. Verrinder announced that on Monday, February 4, 2013 TAP card calls would be transferred from Access Services Customer Support Center to Southland Transits call center. Ms. Verrinder stated that Southland Transit currently helps Access Services with some of the customer service calls so staff could manage their call volume, she added that TAP card calls represents about 600 calls per day from riders that had questions regarding their TAP cards. Ms. Verrinder also mentioned that staff had implemented a phone tree at the main line 213-270-6000 because a lot of the customer service calls were being routed to the front desk and staff had to hire additional help to answer those calls, she asked if anyone had any questions or feedback regarding the phone tree on the main line to please contact herself or Donna Cisco.

Ms. Verrinder also announced that Access Services will be having their Annual meeting on Wednesday, March 27, 2013 from 11:00 a.m. to 1:30 p.m. at the California Endowment Center, in Downtown Los Angeles. She stated that focus of the meeting would be on technology, technology changes that Access Services had planned for the future such as Web based reservations, interactive voice response system and where staff was with some of those projects that have already been approved by the Board.

Mr. Verrinder concluded her report by encouraging everyone to submit a nomination for the Spirit of Accessibility Award that Access Services gives out at the Annual meeting. She added that the award was for an individual or an agency that promotes accessibility within the community and improving accessibility, she added that the applications were due on January 31st and if anyone was interested to contact Matthew Avancena for an application.

BOARD MEMBER COMMUNICATION

Director Nwokike stated that since there was no Board meeting in December, she wished everyone a Happy New Year.

Chairperson Barnes also wished everyone a Happy New Year and stated that it had been a while since the Board had been together but he looked forward to a very exciting 2013.

NEW BUSINESS SUBSEQUENT TO THE POSTING OF THE AGENDA

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

ADJOURNMENT

Motion: Director Nason moved to adjourn the meeting.

Second: Director Nwokike seconded the motion.

Vote: Via Voice Vote.

Pass/Fail: All were in favor and the meeting adjourned at 2:02 p.m.

Approval

Theresa DeVera, Secretary

Date

FEBRUARY 15, 2013

TO: BOARD OF DIRECTORS
 FROM: KURT HAGEN, MANAGER OF ELIGIBILITY
 RE: APPROVAL OF EXTENSION OF MOBILITY DEVICE MARKING CONTRACT (AS-2853)

ISSUE:

Board approval is necessary to increase funds and to exercise the third of five possible option years for the mobility device marking services (AS-2853) contract with C.A.R.E. Evaluators, LLC (CARE).

RECOMMENDATION:

Authorize an extension in the period of performance for one year, from July 1, 2013 through June 30, 2014 and an additional \$233,621 in funds for the one year extension. Also authorize an increase in the rates of compensation, per the terms of the contract, as follows:

HOURLY RATES (FULLY LOADED)

Option Year 2 Option Year 3
 (Current Year) (July 13-June 14)

Lead Installer	\$26.91	\$28.25
Installer A	\$21.77	\$22.86
Installer B	\$21.77	\$22.86
Installer C	\$21.77	\$22.86
Annual Non- Labor NTE	\$31,988	\$33,294

IMPACT ON BUDGET:

This action will result in an increase in the contract amount of \$659,174 to \$892,795. The proposed increase in the contract amount will be accommodated by the Access budget for FY 2013-2014. Access was awarded a New Freedom Grant, which provides 50% of the funding for this project annually, effective July 1, 2011. Given the scope of the project and the terms of the grant, if this action is approved, Access would utilize this grant funding for the proposed third option year.

ALTERNATIVES CONSIDERED:

No alternatives were considered since staff deemed that the services provided have met the contractual terms of the agreement.

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 amend the written contract with C.A.R.E. Evaluators, LLC for mobility device marking services on terms and conditions set forth in the existing contract and modified as in this item proposed. Access Services would not be legally bound to the revised terms of the contract unless and until they are incorporated into formal written amendments to the contract executed by all parties thereto and approved as to form by this entity's legal counsel.

BACKGROUND:

CARE has retained the staff it inherited on July 1, 2010, the date when the company took over the Wheelchair Marking and Tethering Program. Over the past 32 months, CARE has actively participated in Access's Community Outreach meetings, while also visiting a number of community agencies. Audits and refresher training are conducted to ensure that this program operates at the highest level possible, realizing that this process is a very important part of Access' overall safety initiative. Access staff is confident that CARE has done an outstanding job of managing the process and endorses their continued involvement in the program.

FEBRURY 15, 2013

TO: BOARD OF DIRECTORS

FROM: GILBERT GARZA, GRANTS ANALYST
BRIAN SELWYN, MANAGER OF PROCUREMENT AND CONTRACTS

RE: APPROVE EXTENSION OF CONTRACT WITH LPM CONSULTING INC. (AS-2793)

ISSUE:

Board approval is necessary to exercise the first option year and add funds to contract AS-2793 with LPM Consulting Inc. (LPM), Access' drug and alcohol monitoring and compliance consultant.

RECOMMENDATION:

Authorize \$29,509 in funds and an extension in the period of performance for one year, from July 1, 2013 through June 30, 2014.

IMPACT ON BUDGET:

The funds necessary to accommodate these changes will be included in the fiscal year 2013-2014 Access Services budget. This action will result in an increase in the total contract amount, from \$88,527 to \$118,036. There are no changes to the current rates of compensation.

ALTERNATIVES CONSIDERED:

No alternatives were considered since staff deems the consultant vital in ensuring that Access' contracted service providers meet federal drug and alcohol compliance requirements.

EFFECT OF APPROVAL OF STAFF RECOMMENDATION:

If this staff recommendation is approved by the board, the staff will be authorized, but not required, to negotiate and enter into an amendment to AS-2793 with LPM under terms that are no less favorable to Access Services than those proposed above. Access Services would not be legally bound to this amendment unless it is incorporated into a formal written amendment executed by all parties thereto and approved as to form by this entity's legal counsel.

BACKGROUND:

Under FTA 49 CFR Part 655 (“Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations”) contractors that perform any safety-sensitive function on behalf of Access Services (grantee) are required to comply with the provisions of Part 655 and follow the procedures prescribed for drug and alcohol testing under DOT 49 CFR Part 40 (“Procedures for Transportation Workplace Drug and Alcohol Testing Programs”). The rule specifically requires the grantee to provide monitoring and oversight to its covered contractors and service agents to ensure that the program they are implementing on behalf of Access Services is consistent with the DOT and FTA rules. Access Services is required to annually certify compliance to the applicable FTA Office.

Access Services has been utilizing the services of a qualified consultant to meet the agency’s monitoring and oversight responsibility to its contractors and their service agents to ensure compliance with the drug and alcohol testing rules. LPM has been the Access Services Alcohol and Substance Abuse Prevention Program consultant since June 2003. The services provided under the previous contracts with LPM have been timely and critical to the success of Access’s compliance program.

FEBRUARY 15, 2013

TO: BOARD OF DIRECTORS
FROM: LINDA ROSS, MANAGER OF HUMAN RESOURCES
RE: REVISIONS TO EMPLOYEE HANDBOOK

ISSUE:

In a periodic review of the Employee Handbook, staff has proposed updates to two policies - "Internet, E-mail, and Electronic Communications", "Policy Against Unlawful Harassment" and "Make-Up Time".

RECOMMENDATIONS:

Approve the following revisions to the Employee Handbook (deletions to policy are represented by struck-out text, additions are represented by highlight) -

4.5 Internet, E-mail, and Electronic Communications

7. The Internet And On-Line Services

Access provides authorized employees access to on-line services such as the Internet. Access expects that employees will use these services in a responsible way and for business-related purposes only. Under no circumstances are employees permitted to use Access' technology resources to access, download, or contribute to Internet sites whose content is inappropriate in the workplace; including but not limited to, gross, indecent, or sexually-oriented materials, gambling, and information related to purchasing or selling illegal drugs. You may not use Access equipment, network or time to write or publish personal content. In addition you may not under any circumstances publish content which:

- a. violates Access policy prohibiting harassment;
- b. discloses Access trade secrets or other confidential information;
- c. makes false statements about Access
- e. makes embarrassing or unkind comments about employees, customers, clients, or other agencies.
- f. bears Access' name, logo and/or your title so as to imply that the content is authorized or approved by Access when it is not.

Access monitors both the amount of time spent using on-line services and the sites visited by individual employees. Access reserves the right to limit such access by any means available to it, including revoking access altogether. Employees may not use Access' technology resources to sign "guest books" at websites or to post information to any websites, including posting messages to Internet news/discussion/listserv groups

or discussion groups. These actions will generate junk electronic mail and may expose Access to liability or unwanted attention because of comments that employees may make. The Deputy Executive Director of Administration may grant specific case by case exceptions to this no-posting policy where the posting is with respect to an industry specific group and is approved in advance by the Deputy. Any postings to these groups made by the employee are subject to review and must adhere to acceptable behavior reflecting the interests of Access Services as outlined in this Employee Handbook. Failure to comply can result in disciplinary action up to, and including, termination. The Internet, while a convenient and useful resources, is not without its drawbacks, especially when confidential information is being transmitted. Employees should avoid sending confidential information over the Internet, except when absolutely necessary. Employees also should verify electronic mail addresses before transmitting any messages.

4.9 Policy Against Unlawful Harassment

Access has the legal obligation to provide a work environment in which all individuals are treated with respect and dignity; free from unlawful discrimination or harassment. All employees are entitled to work in a professional atmosphere which promotes equal opportunity and this policy prohibits all forms of unlawful harassment, including sexual harassment and harassment that is based on race, color, religion, national origin, age or any other characteristic protected by federal or state law. Unlawful harassment may encompass behavior that is verbal, physical, visual or environmental in nature. Unlawful harassment is not tolerated.

Access' policy also prohibits retaliation of any kind against individuals who, in good faith, file complaints or who assist in an investigation regarding claims of harassment. Any employee who retaliates in such manner will be subject to disciplinary action, up to and including termination, as well as possible civil remedies available under federal or state law.

This policy covers all employees at Access, including associated, contract or temporary employees, managers, volunteer workers, support staff and independent contractors. Access will not tolerate, condone or allow unlawful harassment by or of any worker. To the extent that Access can influence or control such behavior consistent with its duties to customers, neither will Access tolerate, condone or allow unlawful harassment by outside customers, vendors, independent contractors, personnel or other non-employees who conduct business with Access. Access encourages all employees to report all incidents of unlawful harassment, regardless of the offender's relationship to Access, to the employee's supervisor and/or the Human Resources Manager. Unlawful harassment is unacceptable in the workplace and in other occupational settings such as business trips, and business-related social events. In evaluating behavior, the standard to be applied is that of a reasonable person. This policy applies to both unlawful harassment in general and sexual harassment in particular. Unlawful harassment is defined as harassment that is based on any characteristic that is protected by federal or state law, including

- Race
- Ancestry

- National Origin
- Color
- Sex
- Sexual Orientation
- Religion
- Veteran Status
- Disability (including AIDS and HIV diagnosis)
- Marital Status
- Age (age 40 and over)
- Medical Condition (rehabilitated cancer and genetic characteristics)
- Refusal of Family Care Leave
- Refusal of Leave for an employee's own serious health condition
- Denial of Pregnancy Disability Leave
- Retaliation for Reporting Patient Abuse in Tax Supported Institutions
- Sexual harassment
- Genetic Information
- Political Activities or affiliations

5.8 Make-Up Time Policy

Access Services does not offer Make-Up Time. Non-exempt employees are allowed to utilize accrued Personal Time Off (PTO), subject to supervisor approval, to offset missed scheduled work hours.

~~Non-exempt employees who miss scheduled work as a result of personal obligations may request approval to make up the amount of time missed on another day(s) in the same workweek. To request such approval, the employee must fill out the Make-Up Time Request form in advance and receive approval from the supervisor for each occurrence of make-up time. Make-up time may be worked in advance of the missed time, as long as prior approval was given by the supervisor. Make-up time is compensated at the regular rate of pay. Make-up time cannot cause the employee to work more than 11 hours in any workday or 40 hours in the workweek. Make-up time forms must be submitted to payroll at the end of the pay period. Access does not encourage employees to use make-up time to offset time missed for personal obligations. This policy allows make-up time only when it is sought by the employee and found to be consistent with the employee's desires and Access' business and staffing needs. This policy is offered as a courtesy to employees when circumstances make such approval appropriate, but supervisors may deny such request~~

IMPACT ON BUDGET:

There is no immediate impact on the budget.

BACKGROUND:

The change in the Internet, E-mail, and Electronic Communications reflects the acceptable use of the internet as a resource tool for the collaboration of work-related issues.

Both Genetic Information and Political Activities or affiliations are now protected characteristics that need to be reflected in the current policy.

In staff's review on past use of Make-Up time it was found that adherence to the somewhat onerous legal reporting requirements was not effectively followed. As the use of Make-Up time is minimal and in the fact that non-exempt staff has the ability to use PTO to offset missed scheduled work hours, it is recommended to remove the policy from the Employee Handbook.

FEBRUARY 15, 2013

TO: BOARD OF DIRECTORS

FROM: BRIAN SELWYN, MANAGER OF PROCUREMENT AND CONTRACTS

RE: AUTHORIZE AMERICAN LOGISTICS TO PARTICIPATE IN FUTURE ACCESS PROCUREMENTS

ISSUE:

Board approval is needed to lift the voluntary exclusion agreement between Access Services and Mitchell S. Rouse and, in so far as Mr. Rouse is a share holder in American Logistics Company (ALC), to permit ALC to bid on future Access projects as a prime contractor.

RECOMMENDATION:

Staff recommends that the board authorize an amendment to the Voluntary Exclusion Agreement and General Release dated March 31, 2004 by and between Access Services and Mitchell S. Rouse, et. al. so as to exclude American Logistics Company (“ALC”) from the effect of it’s debarment provisions subject to the conditions that as to any contract which ALC may be successful in procuring from Access in the future: (i) there must be an organizational, physical and personnel division up to the highest possible level between ALC and Mitchell S. Rouse, including, without limitation, reporting of employees, information, other than financial information, and supervisory and decision making processes; (ii) as to any such contract, ALC employees shall treat contact with Mitchell S. Rouse as if a contact with an unrelated business entity where such contact concerns the communication of confidential information with the exception of mandatory reports pursuant to statutory requirements or as otherwise required by law; and (iii) except as modified, the Voluntary Exclusion Agreement and General Release would continue to be effective as to all parties thereto in accordance with its terms.

IMPACT ON BUDGET:

Board action will have no specific impact on the budget.

ALTERNATIVES CONSIDERED:

Staff considered the alternative to the proposed action, which would be to keep the voluntary exclusion in place. It is important to note that ALC has performed well as a Back-Up provider for Access since 2011. From both an operational and management standpoint, ALC differs significantly from the taxi cooperative named in the exclusion

agreement. (Mr. Rouse was an officer in the cooperative.) Staff is confident that the risk of lifting the exclusion and allowing ALC to bid is minimal.

EFFECT OF APPROVAL OF STAFF RECOMMENDATION:

If this staff recommendation is approved by the Board, American Logistics Company would be permitted to compete for future Access procurements.

BACKGROUND:

In December 2003, following a competitive bidding process, Administrative Services Cooperative, Inc. (A.S.C.) began its tenure as the Access service provider in the West Central area. It became apparent almost immediately that A.S.C. was struggling to provide the level of service expected by both Access riders and the agency itself. Soon after commencement of service, the A.S.C. leadership, realizing that it would not be able to improve service in any significant way, requested that Access release it from its contract. On March 31, 2004, representatives of A.S.C. and the taxi companies that constituted the cooperative, including Mitchell Rouse, signed a “Voluntary Exclusion Agreement and General Release” which, in effect, allowed for the cessation of Access’s contract with A.S.C. and the assumption of the contract by *ASC Paratransit, Inc.* (a company unaffiliated with A.S.C.). As a condition of its release, A.S.C. and its members and officers, including Mitchell Rouse, agreed to “voluntary exclusion from bidding and/or contracting” with Access for a period of “unlimited duration”.

It has been over eight years since the exclusion agreement was signed. ALC employs an operating model that is very different from that utilized by A.S.C. or its constituent taxi companies. ALC has established itself as a company with experience in providing paratransit service, using a unique existing direct driver and vehicle relationship to efficiently meet the majority of service needs and a smaller dedicated vehicle operation, which has resulted in a significant savings in capital expenses. The company operates a centralized call center that has the flexibility to handle changes in service demands across contractors. North County Transit District (in San Diego), Orange County Transportation Authority, and Antelope Valley Transit Authority are local agencies which have and continue successful contracted operations with ALC. Staff believes that ALC should be allowed to bring this experience to the table as a proposer on future contracts.

FEBRUARY 15, 2013

TO: BOARD OF DIRECTORS

FROM: F SCOTT JEWELL, DEPUTY EXECUTIVE DIRECTOR
ADMINISTRATION

RE: ESTABLISHMENT OF AN AD HOC BUDGET COMMITTEE FOR FISCAL YEAR
2013/2014

ISSUE:

In past years, the Board has established an Ad Hoc Budget Committee to provide input and advise staff on the draft budget to be presented in June. Staff requests that the Board again authorize the appointment of up to four of its members to meet with staff to review and advise on the draft budget that will be presented to the full Board in June.

RECOMMENDATION:

Appoint Martin Gombert, Jano Baghdanian, and Joseph Stitcher to serve on the Ad-Hoc Budget Committee to review the draft FY2013/14 Access Services operating budget.

BUDGET IMPACT:

There is no impact on the budget.

BACKGROUND

In order to provide for more Board involvement and to facilitate the review of the operating budget, an ad hoc committee of the Board should be established to review and advise staff on a proposed budget in preparation for the draft budget approval. This process has been helpful in the past and staff requests that the Board once again establish this ad hoc committee. In a slight change from last year, staff is suggesting to hold 2 to 3 working sessions of the ad-hoc committee in March and April via conference call to discuss major cost centers of the budget. It is then anticipated that the ad hoc committee would meet once for full budget review in May. Staff will subsequently present a final budget for approval during the June 2013 Board meeting, by which time the Metro Memo of Understanding (MOU) regarding funding for FY2013/2014 will have been agreed to.

FEBRUARY 15, 2013

TO: BOARD OF DIRECTORS
FROM: SHELLY VERRINDER, EXECUTIVE DIRECTOR
RE: APPROVE EXTENSION OF CONTRACT WITH INSIGHT STRATEGIES (AS-3225)

ISSUE:

Board approval is necessary to increase funds and to exercise the first of two possible option years for the employee development services contract with Insight Strategies, Inc. (Insight).

RECOMMENDATION:

Authorize an extension in the period of performance for one year, from July 1, 2013 through June 30, 2014 and an additional \$100,000 in funds for the one year extension.

IMPACT ON BUDGET:

This action will result in an increase in the contract amount of \$100,000 to \$200,000. The proposed increase in the contract amount will be accommodated by the Access budget for FY 2013-2014. The current rates of compensation will not change if the contract is extended.

ALTERNATIVES CONSIDERED:

No alternatives were considered.

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 amend the written contract with Insight Strategies, Inc. for employee development services on terms and conditions set forth in the existing contract and modified as in this item proposed. Access Services would not be legally bound to the revised terms of the contract unless and until they are incorporated into formal written amendments to the contract executed by all parties thereto and approved as to form by this entity's legal counsel.

BACKGROUND:

Insight began working with Access in July 2007. Over the past six years, Insight has provided consultation and advisory services to Access's Executive Director, senior management team, individual teams throughout the agency and individual staff members. Under its current contract, which was approved by the Board in January 2012, Insight is focusing on the following tasks:

- (1) Building leadership and employee development
 - a. On-site coaching
 - b. Organization leadership readiness (re: succession planning)
 - c. Executive leadership development.
- (2) Training
 - a. Agency-wide training
 - b. Targeted training by department or line of responsibility
- (3) Organizational Consulting Services
 - a. Best practices
 - b. Business plan alignment
 - c. Process improvement
 - d. Conflict resolution

Access is confident that Insight provides a valuable service to the agency and its constituent staff members and endorses the company's continued involvement for another year.

FEBRUARY 15, 2013

TO: BOARD OF DIRECTORS

FROM: ANDRE COLAIACE, DEPUTY EXECUTIVE DIRECTOR, PLANNING AND GOVERNMENTAL AFFAIRS

RE: APPROVE EXTENSION OF CONTRACT WITH CORVEL ENTERPRISES COMP. INC. (AS-2744)

ISSUE:

Board approval is necessary to exercise the fourth option year and add funds to contract AS-2744 with CorVel Enterprises Comp. Inc. (CorVel), Access' Third Party Administrator (TPA).

RECOMMENDATION:

Authorize \$300,000 in funds and an extension in the period of performance for one year, from July 1, 2013 through June 30, 2014.

IMPACT ON BUDGET:

The funds necessary to accommodate these changes will be included in the fiscal year 2013-2014 Access Services budget. This action will result in an increase in the total contract amount, from \$1,220,000 to \$1,520,000. There are no changes to the current rates of compensation.

ALTERNATIVES CONSIDERED:

No alternatives were considered since the use of a TPA is essential to the revised Agency self-insured retention (SIR) program that was approved in concept by the Board at its May, 2009 meeting.

EFFECT OF APPROVAL OF STAFF RECOMMENDATION:

If this staff recommendation is approved by the board, the staff will be authorized, but not required, to negotiate and enter into an amendment to AS-2744 with CorVel under terms that are no less favorable to Access Services than those proposed above. Access Services would not be legally bound to this amendment unless it is incorporated into a formal written amendment executed by all parties thereto and approved as to form by this entity's legal counsel.

BACKGROUND:

In order to administer its liability insurance policies for all Access-owned and provider-owned Access dedicated vehicles, Access contracted with CorVel in 2009 to quickly evaluate and settle insurance claims under our new insurance program.

To date, CorVel continues to do an excellent job investigating and resolving claims in an expeditious and fair manner and also protecting the agency against numerous false or exaggerated claims. In addition, as claims have entered litigation, CorVel has done a superb job of managing the litigation process and settling litigated claims for reasonable amounts.

- In the first year of the SIR, CorVel investigated 363 claims against the Agency and has closed 347 of them.
- In the second year, CorVel has investigated 295 claims against the Agency (a 19% decrease from the previous year) and has closed 265 of them.
- In the third year, CorVel has investigated 275 claims against the Agency (a 7% decrease from the previous year) and has closed 218 of them.
- In the current year, CorVel has investigated 125 claims against the Agency through January 1st and 75 have been closed.

As mentioned previously, the Agency has implemented an internal process to respond to accidents and incidents that occur in the field:

- First, the contractors are required to call the Customer Support Center to report any accident or incident;
- Using Rider360, a Customer Service Representative sorts the incidents by severity and type (property damage, injury, theft etc);
- Staff then collects information about the incident and forwards it to CorVel for further investigation and resolution if it is determined that the incident likely falls under the Agency's self-insurance plan. (Taxicab incidents, for example, fall under insurance that is obtained by the contractor for coverage of up to \$1,000,000 per incident.)
- The aggregate accident/incident data is then collected and analyzed to improve safety throughout the system at large.