



**Metro**

Metropolitan Transportation Authority

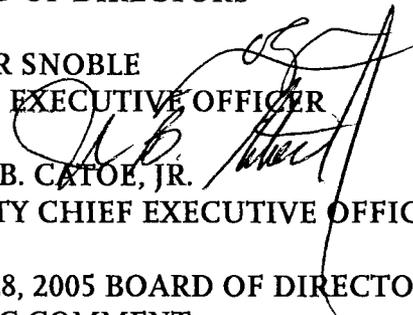
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AUGUST 11, 2005

TO: BOARD OF DIRECTORS

THROUGH: ROGER SNOBLE  
CHIEF EXECUTIVE OFFICER

FROM: JOHN B. CATOE, JR.   
DEPUTY CHIEF EXECUTIVE OFFICER

SUBJECT: JULY 28, 2005 BOARD OF DIRECTORS MEETING  
PUBLIC COMMENT

ISSUE

At the July 28, 2005 Board of Directors meeting, staff was directed to follow-up and respond to three remarks made during public comment.

DISCUSSION

Complaint 1: Denise Cecelia Neal

COMPLAINT: Ms. Neal made a complaint against an Operator at Division 2 (Gateway Cities Service Sector). When Ms. Neal attempted to purchase a day pass for the disabled price (\$1.50) using two tokens, the operator refused to acknowledge her disability, which is not visible and charged her the full day pass fare of \$3.00. She did not have the full fare and obtained the additional \$1.00 from a passenger on the bus. In addition to the operator allegedly accusing her of faking her disability, he was allegedly rude to her as well. Ms. Neal does not have a Los Angeles County Transit Operators Association (LACTOA) Disabled ID (reduced fare program) and is in the process of completing the application process. However, she states that she produced paperwork for the operator to review that clearly reflected her disability.

STATUS: Lucille Coleman from Equal Employment Opportunity interviewed Ms. Neal and received a three-page summary of the incident that occurred on July 28, 2005. The three-page statement was referred to Thom Pelk, Division 2 Transportation Manager, who interviewed the operator. Mr. Pelk has taken appropriate action. On July 28th, General Manager Alex Clifford contacted Metro's Vanessa Smith from the Metro Fare Policy & Programs Department, and on Friday, July 29th, Ms. Smith met with Ms. Neal and assisted her in obtaining the required photo needed for the LACTOA ID. Ms. Neal's application was then submitted and accepted. She was issued a LACTOA ID on the spot.

The Gateway Cities Service Sector General Manager, Alex Clifford, spoke with Ms. Neal on Monday, August 1st. Ms. Neal stated that she was satisfied with Metro's response and that she is extremely pleased. Mr. Clifford did inform her that if there is discipline involved, he couldn't provide her details since that is of a personnel nature. Ms. Neal stated that she understands.

### Complaint 2: Mr. Aldo Garbick

BACKGROUND/COMPLAINT: Mr. Garbick stated to the Board he was a former employee involved in some type of "global settlement" with LACMTA and is not receiving medical benefits. Aldo Garbick's employment with the LACMTA was terminated on February 13, 2001 following the expiration of his maximum leave of absence as provided in the collective bargaining agreement between LACMTA and ATU. An arbitration resulted in a "General and Special Release and Settlement Agreement", which reinstated Mr. Garbick's employment with full seniority and back pay. As part of this agreement, Mr. Garbick was placed on personal leave of absence status until October 9, 2001, at which time he agreed to retire from the LACMTA under the 23-and-out provision of the pension plan.

Effective October 1, 2001, LACMTA began to make the required contributions to the ATU trust fund in order for Mr. Garbick to receive his retiree medical insurance. The period between Mr. Garbick's reinstatement (February 13, 2001) and October 1, 2001 was considered a leave of absence, and the Agreement did not require the LACMTA to make retroactive payments to the Trust Fund. However, as part of the settlement, the LACMTA did reimburse Mr. Garbick for his out-of-pocket COBRA costs during that period. Mr. Garbick, in turn, paid the ATU trust fund all COBRA premiums due except \$783.06.

Beginning in October 2001, Mr. Garbick was required to contribute \$6 per month towards his retiree medical coverage. Despite numerous requests for payment, he did not make any of these payments for the time period January 2002 through June 2004. His coverage was thereby cancelled in July 2004. Mr. Garbick argues that he should not have been required to reimburse the ATU trust fund for all COBRA premiums due, but in fact should have only been required to pay the difference between the COBRA premium and \$533/month LACMTA would have paid the ATU Trust Fund for an active employee (although Mr. Garbick was in fact reimbursed for all his COBRA payments). Additionally, Mr. Garbick claims that since his coverage was cancelled, he should be eligible for \$100 per month reimbursement allowed for those who waive coverage.

Mr. Garbick currently owes \$963.06 to the ATU Trust Fund, consisting of the \$783.06 COBRA amount owed plus \$6/month for the 30-month period (January 2002 through June 2004) he did not submit the employee contribution up to his termination from the plan.

STATUS: Under the collective bargaining agreement with the ATU, the LACMTA-ATU Health and Welfare Board is responsible for the determination of eligibility for coverage for ATU active employees and retirees. Mr. Garbick's concerns were heard by the Board's Executive Committee on July 21, 2005.

The Executive Committee declined his request for reinstatement based on lack of payment of amounts due as required by Board policy. Mr. Garbick owes \$963.06 for over three years of coverage provided prior to the termination of his benefits. The Executive Committee requested that Mr. Garbick make his specific request for exemption from this policy in writing. Upon receipt of such documentation the Committee will re-convene to consider his request for reinstatement.

NEXT STEP: We are awaiting a written response from Mr. Garbick of his formalization for request for reinstatement to the ATU Medical Benefit Plan, including his arguments and facts surrounding the disputed balance. Upon receipt of this submittal, the LACMTA-ATU Health and Welfare Board's Executive Committee will reconvene and consider his request. The Committee's decision will be communicated to Mr. Garbick in writing upon determination.

The LACMTA-ATU Health and Welfare Board has established a policy for reinstatement of retiree benefit enrollment. Retirees whose coverage is cancelled due to non-payment of contributions may re-enroll in the health plans at the next open enrollment period provided all arrearages have been paid off. The next open enrollment period is September 2005. Should the ATU Health and Welfare Board approve his reinstatement of retiree benefits, and should Mr. Garbick pay his account balance of \$963.06 in full, his enrollment could be effective October 1, 2005. We will need to receive Mr. Garbick's written response during August 2005 to ensure an opportunity for him to participate in the September 2005 open enrollment period (assuming approval of his reinstatement of retiree benefits and payment of his account balance).

### Complaint 3: Ms. Elda Martinez and Mr. Justin Gomez

COMPLAINT: Ms. Elda Martinez and Mr. Justin Gomez state they were mistreated by an operator on Line 333, out of Division 6 (Westside/Central Sector). The patrons allege that on July 14, 2005 they were thrown off the bus when approximately 20 people were speaking Spanish.

These patrons submitted written complaints at the July 28 Board meeting which were given to sector General Manager David Armijo. Mr. Gomez and a different female passenger, Elvira Salamanca, had also reported the incident to Customer Relations on July 15.

As required by Metro operating procedures, the operator reported the disturbance on the bus to Bus Operations Control (BOC) at the time of occurrence on July 14. BOC directed the operator to pull over the bus and to wait for security to arrive. Subsequently, the operator informed riders that another bus was available to transport them, and riders transferred to the second bus. The operator filed a written report at the end of the day and was later interviewed by the Division Manager.

STATUS: Since the incident had already been reported to the BOC and complaints had been filed with Customer Relations, it was already under investigation by the Division Manager when it came up at the Board Meeting. Also participating in the ongoing investigation is the General Manager, the Equal Employment Opportunity Department, and the Los Angeles

Sheriff's Department has been involved. Appropriate action, up to and including discipline if warranted, will be taken. The operator has been on leave for the past three weeks.

On July 29, the Division Manager interviewed Ms. Salamanca, the patron who submitted the complaint to Customer Relations. The General Manager replied in writing on August 1 and 2 to Ms. Martinez and Mr. Gomez. He apologized for their experience and assured them that Metro welcomes anyone and everyone on our buses and trains operators that all passengers should be treated in a professional and courteous manner.

Deputy Chief Executive Officer John Catoe released a memo on August 10 to all operations staff reminding them of the agency's policy on diversity and the need to be sensitive to the cultural differences of our customers and fellow employees. In the memo, he stated Metro will not tolerate a hint of any kind of racial intolerance.

**ATTACHMENT:**

A. Letter dated August 10, 2005 to all Metro Employees



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August 10, 2005

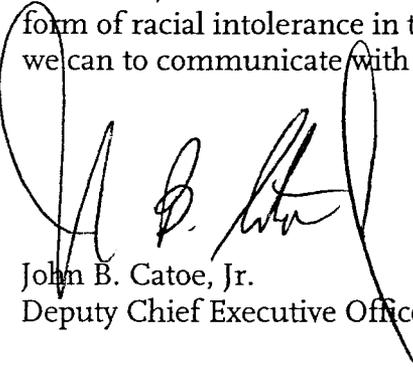
To all Metro Operations staff:

Metro prides itself on promoting diversity in the workplace, in the service contracts we award with various vendors, and in our customer training. Los Angeles County is a true melting pot. People from virtually every corner of the world have settled here to pursue a better quality of life. Dozens of languages are spoken on our buses and rail. It is a symphony of diversity, which is reflected here at Metro.

Against that backdrop, I am reminding all of you that we at Metro must always be sensitive to the cultural and language differences of our fellow employees and our customers. It is a point we emphasize in our operator training but periodic reminders are important, as well.

You are the face of Metro and serve as our goodwill ambassadors. The vast majority of you do an outstanding job handling this important responsibility, and I am proud of you. However, it only takes one incident to give us a bad reputation. That's unfortunate and unfair but it's reality.

Therefore, let me make it clear, as a policy, Metro will not put up with even a hint of any form of racial intolerance in the workplace or on our service. We must and will do the best we can to communicate with all of our customers and be patient and sensitive always.



John B. Catoe, Jr.  
Deputy Chief Executive Officer