



**Metro**

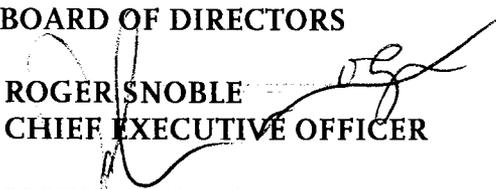
Metropolitan Transportation Authority

One Gateway Plaza  
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**AUGUST 25, 2005**

**TO: BOARD OF DIRECTORS**

**THROUGH: ROGER SNOBLE**   
**CHIEF EXECUTIVE OFFICER**

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

**SUBJECT: UPDATE ON JULY 14, 2005 INCIDENT ON LINE 333**

**ISSUE**

At the July 28, 2005 Board of Directors meeting, staff was directed to follow-up and respond to three separate complaints made during public comment. A board box item dated August 11, 2005 provided the status of staff's response to each of these complaints (Attachment A).

The following provides a further update on the investigation into complaints by Ms. Elda Martinez and Mr. Justin Gomez.

**DISCUSSION**

**COMPLAINT:**

On July 15, 2005 Mr. Justin Gomez filed a complaint with Customer Relations alleging that on July 14 he was mistreated by an operator on Line 333 out of Division 6 (Westside/Central Sector). He stated that the operator became upset and irate because the passengers were speaking Spanish. He stated that he and other passengers were forced to exit the bus, because they were speaking Spanish and the operator did not want to continue driving.

A female passenger, Ms. Elvira Salamanca, also reported the incident to Customer Relations on July 15. Her statement indicated that a disturbance did occur on the bus. More specifically, an argument occurred between Mr. Gomez and the operator prior to the bus pulling over. Ms. Salamanca does not speak or understand English. Consequently, she did not understand what the operator said to the passengers when she stopped the bus.

At the July 28 board meeting, Mr. Gomez submitted a written complaint. At the meeting, he alleged that he and approximately 20 other passengers were thrown off the bus. Ms. Elda Martinez, a representative of Central American Resource Center (CARACEN), also submitted a complaint at that Board meeting.

## STATUS/INVESTIGATION FINDINGS:

During the course of the investigation, interviews were conducted with the coach operator, the Sheriff's Department and with the patrons who filed the complaint. Additionally, audio recordings of the calls to Bus Operations Control (BOC) were reviewed. The Transportation Manufacturing Bus is not equipped with a digital video recorder (DVR) so no video recording of the incident is available.

The investigation has revealed further details and a more specific timeline of the events on Line 333 on July 14:

### Timeline:

- 3:30 pm: Two bus patrons, near the front of the bus, are arguing. The operator requests that they calm down. Mr. Gomez intercedes and translates for the operator. An argument ensues between the operator, Mr. Gomez, and the other two riders. This causes a disturbance on the bus.
- 3:35 p.m. In response to this disturbance, the operator calls BOC for assistance.
- 3:38 pm: BOC directs operator to stop the bus at Venice and Cattaraugus and wait for security to arrive.
- 3:47 pm: Sheriff called and deputies dispatched to Venice and Cattaraugus.
- 3:48 pm: Another bus traveling on the same line arrives. The operator informs the passengers that this bus was available to transport them without the need for a transfer or additional fare, and riders transferred to this second bus.
- 4:10 pm: Sheriff arrives and conducts interview with Mr. Justin Gomez at the scene. No citation issued and Mr. Gomez is released.
- 4:31 pm: Bus is released to re-enter service.
- 9:20 pm: Operator files a written report at the end of the shift and is later interviewed by the Division Manager.

The investigation revealed that the operator took appropriate action and followed Metro's operating procedures by reporting the disturbance on the bus to BOC and stopping the bus to ensure the safety of all patrons. When the bus was stopped, the operator informed the bus patrons that the bus was waiting for security personnel and that the patrons could transfer to another bus.

Several of Mr. Gomez' and Ms. Salamanca's statements are not entirely correct or could not be substantiated. For example, rather than the 20 patrons allegedly reported to be on board the bus, the ATMS passenger counter shows that only eight patrons were on board the bus when the bus pulled over at Venice and Cattaraugus. The allegation of Mr. Justin Gomez that "riders were removed from the bus because they were speaking Spanish" could not be substantiated. Unfortunately, there is no digital recording available for this bus. Consequently, the only information available is from statements of the operator and the two bus patrons who filed complaints. The Sheriff Department's interview with Mr. Gomez was inconclusive.

**FOLLOW-UP:**

- Westside/Central General Manager David Armijo wrote a letter both to Justin Gomez and Elda Martinez on August 1, 2005 apologizing for the incident and assuring them that Metro's policy is to ensure that all customers are treated in a professional and courteous manner.
- Deputy Chief Executive Officer John Catoe issued a memorandum to all Operation employees on August 10, 2005 with a reminder that Metro employees must always "be sensitive to the cultural and language differences . . . of our customers." The memo further stressed the Metro would "not put up with even a hint of any form or racial intolerance."
- Operations has already begun to evaluate its training programs and will institute changes to improve communications between operators and passengers.
- Operations will continue to monitor customer service and report back to the Board on a monthly basis at the Operations Committee.

**ATTACHMENT:**

A. July 28, 2005 Board of Directors Meeting Public Comment Board Box


**Metro**

Metropolitan Transportation Authority

One Gateway Plaza  
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metro.net

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



# Metro

August 10, 2005

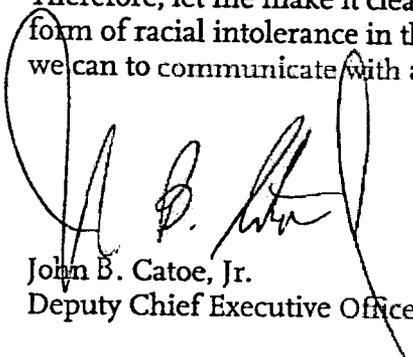
To all Metro Operations staff:

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