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that the new classes of paramedics and EMTs established by the Reconfiguration will be uniformed members of the Department with the same public safety benefits as other Department members.

CONCLUSION

As noted in the original Response, since its inception in 1996, the merger has accomplished a substantial and dramatic improvement in the quality of emergency medical services. The Department is continuing to enhance its provision of emergency medical services through continuous quality improvement and implementation of the EMS Reconfiguration, with monitoring and oversight by the Fire Commission.

Adopted at the Regular Meeting of the San Francisco Fire Commission on July 14, 2005.

Joanne Hayes-White
Chief of Department
Fire Department
August 1, 2005

On behalf of the San Francisco Fire Department, I am submitting the current status of the implementation of the recommendations of the 2003-2004 San Francisco Civil Grand Jury report.

Most of us are all too aware that the Fire Department has faced a number of challenges in the last 18 months. In spite of the current landscape, the Department has made significant progress in almost every area identified by the Grand Jury. Zealous media scrutiny, highly publicized medical and fire incidents, and the worst fiscal climate in San Francisco's recent history serve to make our progress all the more significant.

While swift and dramatic change is never easy on an organization or the people in it, the men and women of the San Francisco Fire Department have continued to serve this City with unwavering professionalism and dedication. I am proud to serve with each and every member of this Department; they are our Department's greatest asset.

It is therefore, with great respect and pride that I submit to you the current status of the implementation of the recommendations of the 2003-2004 San Francisco Civil Grand Jury report.

TERMS

Ambulance - A vehicle equipped to assess, treat and transport medical patients. Also known as Medic Units, they carry some firefighting equipment to provide medical and rescue support. The SFFD has 19 such units that are staffed by one firefighter/paramedic and one firefighter/EMT . The SFFD also staffs one or two ambulances per day with two paramedics. These ambulances provide ALS treatment and medical transport and carry less fire suppression equipment than Medic Units.

BLS - Basic Life Support. Persons trained in BLS can provide Cardio-Pulmonary Resuscitation (CPR), basic first aid and patient transport, and can use an external defibrillator

DPH - Department of Public Health.

EMS - Emergency Medical Services.

EMT - Emergency Medical Technician. A person trained and certified in BLS. SFFD requires that all new firefighters must have EMT-licensure. Currently, 74% of SFFD firefighters are EMT -1 certified.

Emergency Medical Response Times -The San Francisco Emergency Medical Services Agency of the DPH has performance standards governing the maximum allowable elapsed time, from call to arrival of the first responder to medical emergencies. The SFFD responds to two types of calls, Code 2 and Code 3. Code 2 calls are non-life threatening; Code 3 calls are those that are life threatening. The SFFD measures 3 responses to Code 3 calls:

- Responders capable of performing BLS and defibrillation. Response time is 5 minutes.
- Responders capable of performing ALS. Response time is 10 minutes.
- Responders capable of patient transport. Response time is 12 minutes.

Engine -A fire suppression apparatus staffed by an officer and three firefighters and equipped with a pump, hose and a water supply. Each of the 42 fire stations in San Francisco has an engine.

Firefighter -A member trained in fire suppression.

Firefighter-EMT -A member trained in fire suppression and BLS.

Firefighter-Paramedic -A member trained in fire suppression who is also a licensed paramedic capable of delivering ALS emergency medical care as well as BLS.

Heavy Rescue Squad -Staffed by an officer, a driver (firefighter) and two firefighter EMTs, the Department's two rescue squads are first responders on medical calls. The Rescue Trucks are specially equipped with infrared camera, Jaws of Life and scuba gear, as well as medical equipment and defibrillators. Rescue squad members are trained in scuba, surf, hazardous materials, cliff, tunnel and confined space rescue.

Like Work Like Pay -A short-term acting officer assignment, usually for a day at a time. The pay is at the higher rate for time worked only.

Medic Unit -A staff of either two firefighter/paramedics or one firefighter/paramedic and one firefighter-

TERMS (continued)

EMT: medic units provide ALS treatment and transport of ALS and BLS patients suffering in medical emergencies. Medic units also carry firefighting equipment and can provide medical and rescue support at fires and other emergencies. The SFFD has 19 such units. The term “ambulance” is used in this report to mean Medic Unit.

Member- Officers and other personnel of the SFFD.

MOU -Memorandum of Understanding between the City and County of San Francisco and San Francisco Firefighters Union, Local 1798, IAFF, AFL-CIO.

Provisional Officer -A temporary officer who is a step closer to permanent status than an Acting Officer. The member is appointed by the Chief for up to 3 years or more with approval of the Human Resources Director. A physical examination is required for a provisional officer appointment. Provisional officers are paid at the higher level when on duty and on vacation or sick leave. A provisional officer who retires will receive retirement benefits based on the higher salary.

Truck -Called “hook and ladder” by laymen, trucks are staffed with an officer (lieutenant or captain), one driver firefighter, one tiller firefighter, one firefighter-EMT and one firefighter. Trucks carry ladders and other equipment and are used to provide ladder access, rescue and ventilation.

Technical definitions derived from SFFD data and the City and County of San Francisco Office of the Controller's report, “A Review of the San Francisco Fire-EMS System, April 28, 2004.

Civil Grand Jury Recommendations and Department Responses		Fire Commission	Fire Chief	Department of Public Health	Civil Service Commission	Health Commission
1a	SFFD and DPH should establish specific criteria for measuring the success of the merger. They should determine the steps necessary to complete the merger. Steps to be taken and the establishment of timelines should be delineated and agreed upon as soon as possible.	Agree	Disagree in Part. As of 6/05, Portions of the recommendations have been implemented.	Agree		Agree
1b	Once criteria and timelines are established, the Chief and the Fire Commission should be held accountable by the Mayor for achieving them.	Agree	Disagree. See Note 1a.	Agree		Agree
1c	The Mayor should appoint a health professional, preferably one with Emergency Medical Services experience, to the Fire Commission.	Not Applicable	Implemented	Not Applicable		Not Applicable
1d	The Fire and Health Commissions should meet jointly at least quarterly for better oversight of SFFD EMS.	Disagrees	Not Applicable	Agree		Agree
1e	Department leadership should define and communicate the values of the department so that EMS IS seen to be at least as important as fire suppression, as stated in the SFFD's mission statement. The Fire Commission, the Chief and Department leadership should promote and support EMS by communicating the value of its mission throughout the Department.	Agree/ Implemented	Agree/ Implemented	Not Applicable		Not Applicable
1f	Given that most alarms are false and those that are not are medical in nature, SFFD should respond with appropriate staff and equipment.	Implemented	Disagree	Not Applicable		Not Applicable
2	Department leadership should confront the commonly held perception that Local 798, rather than the Chief, is "running the department."		Disagree			
3a	Resource allocation and staffing should reflect the Department's change in workload from fire suppression to EMS.	Agree	Disagree			
3b	The Mayor, Board of Supervisors and the Fire Commission should direct and support the Chief in making resource allocation changes that properly support the EMS mission.	Agree	Agree			

Civil Grand Jury Recommendations and Department Responses		Fire Commission	Fire Chief	Department of Public Health	Civil Service Commission	Health Commission
3c	The Board of Supervisors mandated the review of SFFD recently conducted by the Controller's Office. The Board should now act on and direct the Chief to implement the recommendations.	Not Applicable	Partially Implemented			
4a	Recruitment and retention of firefighter/paramedics is a critical problem that needs immediate attention. The Department should hire additional firefighter/paramedics and/or cross-train more existing personnel to be firefighter/paramedics as soon as possible.		Agree/In Process			
4b	Officers should be cross-trained as well as rank and file firefighters. Officers who are already cross-trained should continue their paramedic licensure and use their paramedic skills in their command positions.		Agree/In Process			
4c	Alleviation of heavy ambulance workloads should be addressed as soon as possible. The necessity for a 24-hour ambulance shift should be reviewed as well as other options for transporting patients.		Agree/In Process			
5a	Department leadership should identify the stations where harassment is occurring. Those engaging in harassing behavior should be appropriately disciplined. The range of discipline should include suspension with or without pay and/or firing, depending on the degree of harassment. Harassers who are not fired should be reassigned to different stations.	Agree/ Implemented	Implemented			
5b	Ranking officers should be held accountable for their actions or inaction related to harassment. Officers who participate in or allow those under their supervision to participate in harassment should be disciplined. The range of discipline should include suspension without pay, demotion and/or firing, depending on the severity of the offense.	Agree/ Implemented	Implemented			
5c	The Fire Commission should hold Department leadership accountable for eliminating harassment.	Agree	Implemented			

Civil Grand Jury Recommendations and Department Responses		Fire Commission	Fire Chief	Department of Public Health	Civil Service Commission	Health Commission
6	The Department should provide comprehensive leadership and command training for all officers prior to their assumption of command. Periodic training should emphasize professionalism, responsibility and accountability and be given on a regular, ongoing basis. Training should include conflict resolution and team building.		Implemented			
7a	Department leadership should develop and submit secondary promotional criteria to the Civil Service Commission for approval as soon as possible. Although there is a legal appeal in process and the Department will not be able to act until this appeal is resolved, it is imperative that the Department be ready to proceed with examinations and selections after the appeal is adjudicated.		Will be Implemented		Agree	
7b	The Mayor should investigate why promotional examinations have not been given in the SFFD and determine what the financial ramifications are.		Not Applicable		Exams ready, waiting for Chief w/ secondary criteria	
7c	The Mayor should investigate why the Civil Service Commission implemented a new certification rule that neither management nor labor want.		Not Applicable		CSC has the authority	
8a	The Department needs to determine the extent of on-duty alcohol consumption and substance abuse among Department personnel as soon as possible.		Agree/ Implemented			
8b	The Department should negotiate for expanded and random drug and alcohol testing as soon as possible.		Implemented			
8c	The Department should establish an Internal Investigative Unit that reports directly to the Chief. Investigators trained in identifying people who are under the influence should staff this Unit. The investigators should have complete authority to make unannounced visits to fire stations and to conduct drug and alcohol tests. They should have access to lockers used by firefighters for storage of personal items.		Implemented			

Civil Grand Jury Recommendations and Department Responses		Fire Commission	Fire Chief	Department of Public Health	Civil Service Commission	Health Commission
8d	The Department needs to implement a strong, clear, and effective drug policy.		Agree/ Implemented			
8e	The Department should institute an outreach program to help identify and refer for treatment those members with alcohol and substance abuse problems.		Agree /Implemented			

For each recommendation, the Civil Grand Jury did not require responses from all departments. The table only identifies those departments that responded to specific recommendations.

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CHAPTER 2

ON-TIME PERFORMANCE AND SERVICE GOALS REMAIN A FICTION: MUNI'S MISMANAGEMENT AND WORKER PROBLEM

BACKGROUND

The 2003-04 Civil Grand Jury investigated the operations of the Municipal Railway (MUNI) with respect to progress in meeting the goals mandated in Proposition E.⁷ This year, the MUNI administration will not meet on time performance and service delivery goals as set out in Proposition E. The Civil Grand Jury was unable to obtain from MUNI a timeframe in which they plan to achieve the original goals.

The Civil Grand Jury concluded that these failings result from management's lack of effective leadership--by not making the necessary changes and failing to develop new plans to meet goals, either through lack of competence or lack of will to do so.

The Civil Grand Jury also looked into the administration's control over the light-duty and battery-pay plans, training program and effectiveness of overall management. It was determined that light-duty and battery-pay plans are not effectively managed and are subject to abuse. Management is aware of the situation but has done nothing to eliminate infractions. The Civil Grand Jury also questioned the effectiveness of the existing training program, in light of the significant number and costs of claims that have occurred over the years.

RESULTS

The Civil Grand Jury made 13 recommendations and required responses from the following:

Board of Supervisors
Office of the Controller
San Francisco Municipal Transportation Agency Board of Directors
San Francisco Municipal Railway

The table at the end of this chapter lists all the recommendations made by the Civil Grand Jury and summarizes department responses. The table only identifies those departments that specifically addressed a recommendation.

⁷ The terms and abbreviations used by the Civil Grand Jury appear at the end of the chapter.

Finding 1: The Municipal Railway Will Not Meet On-Time Performance and Service Delivery Goals

Finding 1.1: Proposition E (1999) specifies that MUNI must achieve an on-time performance of 85% and service delivery of 98.5% by July 2004. MUNI management acknowledged that they will not achieve these standards for 2004, and they were unable to demonstrate a plan that would ultimately achieve these goals.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Partially Disagree.

Muni has made significant progress in this area. On time performance has gone from 48% in 1999 to 71.5% today, an increase of 67%. For the quarter ending March 31, 2004, service delivery (employee and vehicle availability) was at 98.13%, which is .37 of 1% less than the mandated goal of 98.5%. Muni does have a plan for improving on-time performance.

Reference: Service Standards FY04 Third Quarter Report

Finding 1.2: A strong leadership presence is non-existent. Some employees do not take the Executive Director's and General Manager's policies and statements seriously. Some individuals do not respect the Executive Director and General Manager.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Partially Disagree.

The performance of Muni over the last several years confirms the existence of strong leadership. The subjective opinion of a few employees is not representative of all employees. This finding is also inconsistent with official employee surveys. According to a 2003 independent survey of Muni employees conducted by David Binder, employees reported that:

- “Majority of Muni employees (67%) are happy with their relationship with their supervisor”
- “Majority of Muni employees (61%) feels that their work is appreciated by management”.

Reference: 2003 Employee Survey

Finding 1.3: Employees' disrespect of MUNI management has led to morale problems.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Partially Disagree.

A vast majority of Muni employees respect their co-workers. Over 1,500 employees participated in crafting Muni’s Mission, Vision and Values statement, which emphasizes that employees treat each other with respect, trust, mutual understanding and value diversity. This finding is also inconsistent with official employee surveys conducted over the past four years. According to a 2003 independent survey of Muni employees conducted by David Binder, employees reported that:

- “Majority of Muni employees (67%) are happy with their relationship with their supervisor”.
- “Majority of Muni employees (61%) feel that their work is appreciated by management”.
- “The vast majority of Muni employees value their job”.

There are issues that pose a challenge to employee morale. They include significant budget shortfalls for the past two years; employees contributing 7.5% of their paycheck to their retirement fund resulting in a smaller paycheck and layoffs. These issues can affect morale and are impacting employees throughout the City and County of San Francisco.

Reference: Mission Vision Values Statement, 2003 Employee Survey

Finding 1.4: Management has failed to enforce its policies. As a result, many of management's instructions are disregarded.

Response to Finding

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Wholly Disagree.

This is a subjective comment. More information is needed to provide a more in-depth response to this statement.

Finding 1.5: MUNI does not compare the cost/benefits of its light-duty and battery pay plans and workers' compensation benefits with those of other major metropolitan transit agencies.

Response to Finding

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Agree.

Muni management is currently looking at how Muni compares to similar transit properties in the country. It should be noted that Muni is composed of five modes, and should be compared to another multi-modal transit property. Preliminary information indicates that Muni compares favorably with the only other multi-modal transit property subject to the same worker's compensation laws as Muni. Muni management will continue to review, refine and use the best practices used at other transit properties to further strengthen Muni's worker's compensation and light duty program.

Finding 1.6: MUNI employees have stated that management is ignoring or not taking into consideration employee comments about safety, working conditions, and on-time efficiency.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree.

In an audit performed in 2002, the California Public Utilities Commission found that “the Employee Safety Program at Muni is pro-active and addresses safety hazards that are reported by its employees or generated as a result of regularly scheduled facility inspections”. The most recent Triennial Review conducted in 2001 by the Federal Transit Administration reviewed our safety and security practices and found no deficiencies.

Muni has a comprehensive safety program that involves employee-based division safety committees at each operating division and for each work group. Comments, complaints and suggestions from those committees are evaluated by the staff of the Health and Safety section for potential safety hazards. Those that are found to have merit are provided to senior management for corrective action. In addition we regularly audit all areas of Muni operation and administration to insure compliance with appropriate state and federal regulations as well as the standards established by the American Public Transportation Association.

Reference: CPUC 2002 Audit

Recommendation 1a: Prepare Detailed Plans to Meet Performance Goals

MUNI management should prepare detailed plans to attain the on-time performance of 85% and service delivery of 98.5% mandated by Proposition E.

Response

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Implemented.

The on time performance goal of 85% is not being met, however, Muni has made significant progress in this area. On time performance has gone from 48% in 1999 to 71.5% today. Steps are being taken to improve on-time performance, including:

- New technology initiatives (e.g. Nextbus)
- Street Management initiatives
- Further Muni/DPT coordination efforts
- Schedule review to determine feasibility of current schedules

For the quarter ending March 31, 2004, service delivery (employee and vehicle availability) was at 98.13%, which is .37 of 1% less than the mandated goal of 98.5%. The missing .37 of 1 percent represents 4 missed runs out of 1254 runs per weekday 843 and 788 runs on Saturday and Sunday. New technology initiatives should make this goal achievable.

While an on-time performance of 85% may not be achievable, it should be noted that an independent audit concluded that Muni is making excellent progress toward the achievement of Proposition E goals.

Reference: FY2003 Third Quarter Service Standards and Proposition E Municipal Transportation Quality Review Final Report

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
June 30, 2005

During Fiscal Year 2005 MUNI's System Wide Schedule Adherence or On Time Performance (OTP) continued in the 70% range, which is short of the Proposition E required goal of 85%. For the first three quarters of FY 05 OTP was 70.9%, 72.8% and 69.6% respectively. In FY 05 MUNI's efforts to improve OTP were significantly limited by budget constraints.

MUNI Management remains committed to improving On Time Performance. Efforts currently underway to accomplish this are: 1) Developing and publishing new schedules which better match the budgeted number of operators with the number of runs being scheduled; 2) Increasing the utilization of GPS Technology to better monitor, control and coordinate service on the street and in the subway; 3) Filling street supervisory vacancies; and 4) Continue cooperative efforts between Management, Supervisors and Union Officials.

Recommendation 1b: Adopt Proactive and Highly Visible Leadership Roles

The Executive Director of MTA, the General Manager of MUNI, and other senior management personnel should adopt proactive and highly visible leadership roles, establish accountability at all levels of management, ensure that all policies are enforced, and inform all employees of policies and the consequences of failing to adhere to them. In order to enhance morale and job satisfaction, the administration should encourage open communication between workers and management.

Response

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Implemented.

Below are examples of how this has already been implemented:

- Yearly employee surveys
- Annual establishment of MTA-wide and division goals for senior managers
- Monthly letters from the Executive Director attached to each employees paycheck encouraging open communication.
- Posters placed at all work locations about MTA-wide goals, Muni's Mission, Vision and Values Statement and congratulating employees on strong rider survey results.
- Monthly, Quarterly and Annual Employee Recognition Program at all operating divisions
- Monthly Special Recognition Award Program at MTA Board meetings
- Annual Safe Driver Award Program
- Executive Director and GM regularly visit all divisions (most recently to discuss the current FY budget)
- Establishment of an "intra web" for the dissemination of information to employees.
- Provide a wide variety of training programs including: new operator training, accident retraining, refresher courses, passenger relations and conflict training, Violence in the Workplace, Maintenance Training (including new revenue vehicle training), Ambassador Training, Supervisory Skills Training, Management Skills Training, Theories of Discrimination and the ADA, Preventing and Responding to Workplace Harassment, Preventing Violence in the Transit Workplace, Valuing and Managing Workplace Diversity, Rapport Building, Prohibited Employment Practices Under the Immigration Reform Control Act of 1986, Equal Employment Opportunity Programs After Prop 209 and New Employee Orientation to MUNI's EEO Programs and Services.
- Annual Retiree lunch
- Personal Bereavement letters sent to the family of employees who have passed.
- Bulletins issued to Muni Operations Professionals to inform them about safety regulations, "sign-ups", special event route changes and compliance with traffic laws.
- Biannual MTA Senior Management meetings to discuss plans to achieve MTA-wide goals; provide status updates on significant initiatives and projects; engage in team building exercises; and discuss how to improve communication within the organization.

In 2000 and 2001, Muni partnered with TWU, Local 250-A in hosting a Muni-wide "Family Day and Health Fair". Muni also published monthly newsletters for all employees that highlighted internal activities and accomplishments. Due to budgetary constraints, these activities have been temporarily halted.

Over the past four years, Muni has been involved in a cultural change initiative designed to improve customer service, enhance communications, improve labor-management relations, and

strengthen the overall quality and character of management throughout the organization. A key element of this initiative was the crafting and distribution of a new Mission Statement in 2002.

This Mission Statement represents the collective input of over 1,500 employees who directly participated in a series of 23 “interactive” workshops around the organization, and reflects a broad consensus of employee ideas and opinions about Muni’s mission, vision and values. This “mission” initiative continues today and is coordinated by a joint union-management committee - the Mission Action Center (MAC). MAC’s primary goal is to develop, promote, and coordinate implementation of programs that encourage a common understanding of Muni’s mission, and to ensure the daily practice of the values embodied in the Mission Statement. MAC looks for ways to empower employees in living our mission daily, and works directly with division managers, unions and employees in identifying current practices inconsistent with “living-the-mission,” and uses collaborative efforts to find solutions to these roadblocks.

The General Manager, along with the Assistant General Managers for Human Resources and Transportation and the Division Superintendents formally meet once a month with the Executive Officers of Local 250A and Chairperson of all seven of MUNI's operating divisions. The meetings usually last two to three hours. They are not grievance handling meetings but cover topics of concern to any participant. Issues such as operator comfort, uniforms, operator performance, safety, system performance and others are routinely discussed. These meetings have consistently occurred for the past 18 months.

The General Manager holds a monthly Communication Meeting with 40 to 60 mid level managers. The expressed purpose of these meetings is networking among various departments in MUNI operations. Guest speakers are usually featured and have ranged from the FTA Administrator, to Southwest Airlines Customer Service Representatives. An ongoing emphasis of the meetings is emergency preparedness.

In addition to meetings and site visits within the organization, the Executive Director of Transportation and senior staff participate in community meetings in all San Francisco neighborhoods, regularly attends meetings of and represents Muni’s interests to the Board of Supervisors and Transportation Authority. The Executive Director and senior management serve in a leadership capacity in a number of regional forums including serving with the Metropolitan Transportation Commission’s Partnership Board; Chairman of a regional subcommittee to implement Translink; serving on the CalTrain Joint Powers Board and the Transbay Terminal Joint Powers Board. At the regional and State level meetings include the Bay Area Air Quality Management District and California Air Resources Board, serving on the California Transit Association Executive Committee. At the federal level, the Executive Director serves on the ENO Transportation Foundation Board and, along with the Chairman of the MTA Board of Directors, also serves on the American Public Transportation Association Board of Directors.

Reference: Mission, Vision, Values Statement, MTA Goals, paycheck letters, Operator Bulletins, Employee Surveys.

Recommendation 1c: Compare the Costs and Benefits of Its Light-Duty and Battery-Pay Plans and Workers’ Compensation Benefits to Other Agencies

Management should determine where MUNI ranks, *vis-a-vis* other agencies, in terms of the cost/benefits of its light-duty and battery-pay plans and workers' compensation benefits.

Responses

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Not Yet Implemented. It will be complete by December 2004.

Muni management is currently looking at how Muni compares to similar transit properties in the country. It should be noted that Muni is composed of five modes, and should be compared to another multi modal transit property. Preliminary information indicates that Muni compares favorably with the only other large multi- modal transit property subject to the same worker's compensation laws as Muni. Muni management will continue to review, refine and use the best practices used at other transit properties to further strengthen Muni's worker's compensation and light duty program.

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
June 30, 2005

San Francisco MTA's Workers' Compensation costs; battery and assault pay and light duty programs are comparable to those of similar transit agencies. We continue to monitor both the light duty and battery/assault pay issues on a quarterly and annual basis.

Recommendation 1d: Ensure That Its Training and Accident Prevention Programs are Consistent With Industry Standards

Management should ensure that MUNI's training and accident prevention programs are consistent with current industry standards.

Response

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Implemented.

Muni's new operator training program is based on the Federal Transit Administration's Bus Operator Training program and the our accident prevention training is based on the Smith System's Five Keys To Space Cushion Driving which is the recognized industry standard in both the transit and trucking industries.

Recommendation 1e: Consider Employee Comments and Recommendations

Management should consider employee comments and recommendations at all levels. Such action can lead to improved working conditions and morale and, ultimately, to improved service.

Response

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Implemented.

Muni has actively sought input from every employee and considers all comments and recommendations. Not all suggestions can be implemented for a variety of reasons including budget, labor agreements or other physical constraints.

In the monthly letter sent to all employees, Muni asks for and encourages employee input. The MTA will continue to work to improve communications with employees.

Reference: Paycheck Letters

Finding 2: Muni’s Light-Duty and Battery Pay Plans, and Workers’ Compensation Benefits Are Being Abused

Finding 2.1: The light-duty program at MUNI allows an employee to be on this status for up to 180 days at full pay--regardless of hours actually worked. After an elapsed period of one year, some employees apply again for light-duty. According to *Sec. 1.04 of the Transitional Work Program Manual*: “Transitional Work assignments will not adversely affect the employee's normal bi-weekly gross wages or retirement benefits.”

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree.

The following statement is incorrect “employees get 180 days at full pay, regardless of hours worked”. When the department has knowledge of an employee missing time from Transitional Work due to illness, vacation, medical appointments or unscheduled absences, his/her timecard is adjusted appropriately.

Section 1.04 of the Transitional Work Program Manual was intended to address employee concerns that they would be paid less and their benefits would be impacted, while working transitional work. It is not a guarantee of full wages and benefits as interpreted by the Grand Jury. It is in fact a verification that employees will be paid appropriately.

Finding 2.2: Some MUNI employees have been known to be on light duty in excess of 90 days. This is contrary to MUNI's policy as stated in the “*Transitional Work Personnel Procedures Guide*, “*Sec. 1.02 (1)*: “Transitional Work assignments will terminate on the date the employee is released for full duty. Under no circumstances will Transitional Work assignments exceed 90 days per injury.”

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree.

As noted in section 2.1 above, the current policy is that employees can work Transitional Work for up to 180 days. The 90-day limit was part of the original program construction as implemented in 1999, however, in early 2003, due to the state-mandated increases in Temporary Disability rates, it was decided to add the “up to 180 days” policy to offset the increases in benefits. The policy and procedure manual is being updated to reflect this change.

NOTE: for the recently completed fiscal year, ending 6/30/2004, the average number of days worked in Transitional Work by Muni employees is 52.

Finding 2.3: A comparison of MUNI to other major transit agencies in the San Francisco Bay Area shows a higher percentage of MUNI workers are on light duty; the following table was prepared with information acquired from Human Resource Departments.

	MUNI	AC Transit	VTA No Such Plan	Sam Trans No Such Plan
Employees on Light- Duty	145	18		
Percentage of total workers	3.3% 4,400	0.8% 2,200		
Percentage of Operators	6% 2,400	1% 1,300		
Approximate Cost	\$10 million	\$800,000		
Time Limit	180 days Every other year	30 days Per year		

Response to Finding

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Agree.

There are no other major transit agencies in the San Francisco Bay area that can reasonably be compared to Muni due to the size of the agency, the number of modes of transportation it provides and San Francisco’s unique geographic configuration.

AC Transit, while close, is still 50% smaller, and has fewer transportation modes, serves a lower population density, and operates in a different geography and traffic density. It would be more appropriate to compare Muni to transit agencies in Los Angeles, Chicago, New York, Atlanta, etc. to obtain a more legitimate assessment. Muni is undertaking that analysis.

Finally, the chart appended to section 2.3 assumes that all transitional work employees are transit operators, which is not the case.

Finding 2.4: Representatives from VTA stated that they have no immediate plan to institute such a program. Officials at Sam Trans have expressed views that such a program is subject to abuse if not properly managed, and they also stated that they have no immediate plan to create a light-duty program.

Response to Finding

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Agree.

Muni agrees that programs of this type are open to abuse if not properly managed. Muni has managed the program properly and has continued to adjust the program as weaknesses have been identified.

Finding 2.5: MUNI management officials are aware that some employees have filed questionable battery pay claims. These employees, who make fictional claims, do so in order to collect compensation under the battery pay plan.

Response to Finding

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Agree.

Muni management is aware that some employees have filed questionable battery pay claims. Over three years ago, Muni assigned a full time staff investigator to the Workers' Compensation section to investigate all claims for battery pay. As a result, claims for battery pay have decreased dramatically, from a high of 163 in FY 1996, to a low of 43 for FY 2004. Currently four people are receiving battery pay. Muni is confident that we are effectively managing this program.

The chart below illustrates the costs and claims trends for the past three fiscal years.

Fiscal Year	Number of Battery Claims	Battery Pay Paid
FY 2002	52	\$446,788.96
FY 2003	58	\$324,108.03
FY 2004	45	\$305,585.00*

Source: MTA Payroll, (As of 6/18/2004) and Muni Workers' Comp Section

Finding 2.6: AC Transit is the only transit agency other than MUNI to have a battery pay plan in the San Francisco Bay Area. AC Transit's program is limited to a maximum of three days. After the third day, a worker may be eligible for workers' compensation.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Agree.

Pursuant to City Administrative Code Section 16.170, all City and County employees who are battered in the course of their employment are eligible to receive battery pay. As part of the City and County of San Francisco, Muni is required to adhere to the city's established policies and programs.

Public transit operation by its very nature requires a high degree of physical exposure to the public. For this reason, Muni experiences a higher degree of physical attacks than other CCSF departments. As mentioned in the previous section, Muni aggressively investigates all claims for battery to insure that there are as few abuses of the system as possible. Currently, four employees are receiving battery pay.

Reference: Administrative Code Section 16.170

Finding 2.7: Currently, the individuals who are responsible for verifying that light-duty personnel are present and performing their assigned duties are themselves, on light-duty; this monitoring process gives rise to a possible conflict of interest.

Response to Finding

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Wholly Disagree.

A small percent of the employees in the Transitional Work program have their timesheets delivered to their work location by another person in the Transitional Work program. This has been done as a logistical solution to the reality that certain positions are geographically dispersed throughout the City. Once returned, the Program Coordinator for the Transitional Work Program carefully reviews the timesheets.

Employees on other transitional work jobs are assigned to individual locations throughout Muni. The requesting supervisor of these specific locations is responsible for and in fact does monitor employees assigned to them.

Finding 2.8: Some department managers of employees on light-duty have not supervised employees on light-duty assignments, and they do nothing about light-duty workers who are absent and not performing assigned tasks.

Response to Finding

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Wholly Disagree.

Our time card records reflect that adjustments to timecards are routinely made for sick leave, vacation, medical appointments and time without pay.

When an employee is assigned to a Transitional Work job, they sign an agreement regarding their duties and responsibilities, which includes information on their Transitional Work hours, location, supervisor, work restrictions, job duties etc. This agreement is then signed by the requesting supervisor and returned to the Transitional Work Program Coordinator and made part of the permanent record.

Finding 2.9: MUNI management agrees that the current light-duty procedures can lead to various forms of abuse.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree.

Muni has appropriate controls in place to monitor and correct potential abuses of the light duty program. A Transitional Work Program Coordinator as well as the supervisors and superintendents to whom transitional work employees are assigned monitors the work performed. Random spot checks are conducted by Worker's Compensation Staff. In the event that a potential abuse is validated, the appropriate steps are taken that may include docked pay, counseling or re-assignment.

Finding 2.10: Neither the Office of the Controller nor the Budget Analyst's Office has ever conducted any audits of MUNI's light-duty and battery pay plans and/or workers' compensation program.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Agree.

Muni welcomes additional audits at any time.

Finding 2.11: MUNI employees who are on light-duty, battery pay, absent without leave, or on sick leave are, for payroll purposes, categorized as being assigned to the "Geary Division," (a paper designation that is relatively unknown inside or outside of the MUNI organization).

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree.

During the interview process, department representatives repeatedly explained to Grand Jury representatives that the Geary Division had been eliminated.

Muni currently uses an “In and Out” process, initiated in August 2003. This electronic database allows us to monitor the work status and location of all employees from the first day of hire to retirement.

Finding 2.12: The payroll cost of the “Geary Division” is unknown; this information, though specifically requested, could not be provided to the Grand Jury. It was stated that such information has never been compiled, and doing so could involve considerable time and effort.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree.

As stated in our response to Section 2.11, the Geary Division no longer exists. Additionally, the Grand Jury report assumes that all employees tracked in the Geary Division were due to workers’ compensation claims. This is not the case. The Geary Division consisted of operations personnel who missed more than 30 days from work. The list of reasons that a person would have been placed in the Geary Division included:

- Occupational Injury/Illness
- Non-occupational injury/illness
- Sick Leave with pay
- Sick Leave without pay
- Personal Leave
- Suspension

- ADA accommodation
- Labor related assignments (Union Chairman, Vice President, etc.)
- Transitional/Light duty
- Administrative reasons (license suspension, etc.)
- Retirement
- FMLA (Family Medical Leave Act)
- Educational Leave
- Maternity Leave
- Catastrophic Illness
- Compulsory Sick Leave

The information requested by the CGJ could not be provided because it doesn't exist. As explained to the CGJ, providing information about the former Geary Division payroll costs would have required significant time and effort by staff, as they would have had to reinvent a division that no longer exists.

Finding 2.13: Approximately 12% percent of all MUNI employees are under the “Geary Division” designation.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree.

The Geary Division does not exist. Also, Geary Division only represented absences incurred by operations personnel and did not account for non-operations personnel. Muni has an electronic database that tracks the status of all employees.

Currently less than 8% percent of all Muni employees are on leave due to the reasons listed in 2.12

Finding 2.14: AN employee who suffers a temporary and partial disability due to an industrial or non-industrial injury or illness can be placed on light-duty. The employee must get a written medical diagnosis stating that s/he is only able to work in a reduced capacity. It is management's position that some employees have been able to obtain a medical professional's release form, certifying that the employee can work only with restrictions, over the phone and without the employee ever being examined by a medical professional.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree.

A physician must diagnose all industrially injured employees in writing, before they are eligible for Workers' Compensation benefits or Transitional Work. The guidelines established by the State of California for Workers' Compensation requires physicians to personally examine the patient. Although there have always been rumors of this type of activity, Muni has never been able to prove that a physician provided disability verification without first examining the employee.

There are instances however, where subsequent to the initial office visit, an employee will contact the doctor by phone and ask to have their disability extended due to ongoing pain. Workers' Comp doctors routinely do this type of medical certification, but it is only subsequent to the initial physical evaluation.

Under the Workers' Compensation reform legislation enacted on April 19, 2004, physicians will have less discretion to make arbitrary decisions due to the establishment of guidelines for disability determinations.

Finding 2.15: The cost to MUNI of employees on light-duty or battery pay is greater than if these individuals were placed on workers' compensation. In the state of California, benefits under workers' compensation plans are generally designed to replace two-thirds of lost wages, up to the current maximum of \$728 per week.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Agree.

The cost of the Transitional Work program is approximately \$6 million annually. The cost of workers' compensation and battery pay benefits for the same period is approximately \$5 million

annually. Employees in the Transitional Work program are performing useful tasks in exchange for a paycheck. It should be noted that the majority of employees participating in the Transitional Work program would receive worker's compensation benefits if the Transitional Work program were eliminated

Earlier this year, management undertook a holistic review of the Transitional Work program and is examining both the direct cost of the program and other potential tangible benefits. This review is comparing the differences between the light duty program, worker's compensation, ADA and FMLA, the civil service system, requirements of the City's Administrative Code and various employee bargaining unit memorandums of understanding. When this review is complete, management expects to implement any recommended changes to these programs (as allowed by the law) Management also wishes to implement a program that protects the best interests of Muni and its employees.

Finding 2.16: The following table compares the battery pay plans of the following transit agencies in the San Francisco Bay Area.

	MUNI (Average of two years)	AC Transit (As of 3/26/04)	VT A No Such Plan	SamTrans No Such Plan
Approximate percentage of employees	3.3%	Less than half of 1%		
Number of employees	56	2		
Length of Program	365 days	3 days		
Approximate cost of program as stated by their respective Human Resources Department	\$ 1 to \$2 million	Not known		

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree.

We disagree about the information presented about Muni. The table indicates that the approximate costs of the battery pay program for San Francisco Muni is \$1 to \$2 million dollars annually. As indicated in Section 2.5 above, Muni has averaged \$357,795.00 per year in battery pay over the past 3 years.

Fifty-six battery claims only represents 1.2% of all employees.

We question the usefulness of comparing Muni's battery pay plan with two agencies that have no plan and one where the costs are unknown.

The number of employees who currently receive battery pay is four.

Finding 2.17: The table below compares workers' compensation costs of the major local transit agencies in the San Francisco Bay Area for fiscal year 2003.

	MUNI	SamTrans	VTA	AC Transit
Approximate Incurred Cost	\$20 million	\$1 million	\$4 million	\$9 million
Open Claims	2,167	115	1,269	1,070
Total Drivers	2,400	500	1,400	1,345
Total Employees	4,400	800	2,275	2,262

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Agree.

Workers' Compensation benefits have been on the increase statewide for the past 5 years. Based on statistics provided by the Workers' Compensation Insurance Rating Bureau of California, medical costs over the past 5 years have increased an average of 17.2%, while indemnity costs have increased an average of 15% during the same period for employers.

By comparison, during the same time frame, Muni's costs have increased an average of 6.3% combined. This is a result of the strict oversight of Muni's Workers' Compensation programs.

For the past 3 fiscal years, Muni workers' compensation expenditures were \$19.4 million for FY02, \$20.7 million for FY03 and \$21.2 million for FY04. Costs increased from FY02 to FY03 by 6.5%, while costs increased only 2.7% from FY03 to FY04. It should be noted that the costs identified for the Worker's Compensation program include: benefit costs, medical costs, legal fees, and costs associated with a fraud reduction program.

Additionally, claims for Workers Compensation over the past four years are on a steep decline. The table below shows the number of new claims reported.

Fiscal Year	Number of New Claims	Difference (reduction)	Percent Change (reduction)
FY 2001	1,140	N/A	N/A
FY 2002	1,083	(57)	(5.0%)
FY 2003	960	(123)	(11%)
FY 2004	845	(115)	(12%)

Source: MTA Workers' Compensation Section

Lost days from work associated with Workers' Compensation claims over the past few fiscal years have seen a similar decline.

Fiscal Year	Number of Lost Days	Difference (reduction)	Percent Change (reduction)
FY 2001	96,102	N/A	N/A
FY 2002	89,857	(6,245)	(6%)
FY 2003	74,144	(15,713)	(17%)
FY2004	68,000	(6,144)	(8%)

It is Muni management's position that recent changes to the Workers' Compensation law will only improve these numbers.

Recommendation 2a: Determine and Control the Cost of Its Benefits Plans and Prevent Abuses

Management should determine and control the cost of its benefit plans and act to prevent abuses.

Response

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Implemented.

Muni is controlling the costs of benefit plans and is actively routing out and eliminating abuse. The Municipal Railway is part of the City and County of San Francisco and strictly adheres to its established policies and procedures.

The three benefit plans mentioned in the Grand Jury report: Battery Pay, Transitional Work and Workers' Compensation, each have specific components for preventing abuse.

All claims for battery pay are investigated by a full-time staff investigator who reviews the incident report and the video tape on-board the vehicle, interviews witnesses, takes a recorded statements from battery pay applicants, reviews all medical evidence and reviews the appropriate City and County laws prior to accepting or denying a claim. As mentioned in section 2.5, there are currently 4 employees who are receiving battery pay at this time

A Transitional Work Program Coordinator as well as supervisors and superintendents to whom transitional work employees are assigned monitors the work performed. Workers' Compensation staff conducts random spot checks. In the event that an abuse of the program is validated, the appropriate steps are taken that may include docked pay, counseling or re-assignment.

Benefit rates and increases for the Workers' Compensation program are set by the State of California. Muni's role is to monitor acceptance and denial of claims, ensure appropriate benefit distribution and insure contract compliance by our Third Party Administrator (TPA). All claims for Workers' Compensation are investigated to determine the validity of the claim. Once the validity has been established, the TPA is contractually required to review each claim every 14, 30, 60 and 90 days, depending on the type of benefit paid or the seriousness of the claim. Workers' Compensation staff reviews claims-related issues with the TPA on a daily basis.

Muni investigates allegations of fraud or abuse in cooperation with other city or regional agencies such as the San Francisco Police Department, BART, and the District Attorney. Muni also has a telephone "tip hotline" to encourage the reporting of any abuse.

Recommendation 2b: Base Pay for the Light-Duty Plan on Hours Actually Worked

Management should consider basing pay under the light-duty plan on hours actually worked.

Response

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Implemented.

Muni employees in the Transitional Work Program are paid based on hours worked. In 1996, pursuant to Proposition J, the Budget Analyst performed a full management audit of the Public Transportation Department. One of his recommendations was to "discontinue the practice of paying overtime to Special Duty Operators in MUNI Headquarters, for time not actually worked". A review of the Action Plan prepared by Muni in response to the Audit shows that a policy was established in September 1996, and continues today, that Operators in the Transitional Work Program would be paid on an hourly basis and that staff would monitor compliance with this policy on an ongoing basis.

(In 1996, the terms “Special Duty” and “Light Duty” were used interchangeably. Today, the program is called the Transitional Work Program.)

Recommendation 2c: Ensure Employees Are Eligible for Light-Duty and That They Actually Perform Assigned Tasks.

Management must establish controls to ensure that those employees assigned to light-duty are eligible under the conditions of the plan and are actually performing their assigned tasks.

Response

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Implemented.

A physician must diagnose all industrially injured employees in writing, before they are eligible for transitional work. A Transitional Work Program Coordinator as well as the supervisors and superintendents to whom transitional work employees are assigned monitors the work performed. In addition, Workers’ Compensation staff conducts random spot checks. Employees assigned to the Transitional Work program are performing their assigned tasks.

Recommendation 2d: Managers Should Be Responsible for Employees’ Performance of Light-Duty Assignments.

The managers of the departments to which light-duty personnel are assigned should be responsible for their presence and performance.

Response

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Implemented.

Muni agrees with this recommendation and is confident that all transitional work employees are under supervisory control. A Transitional Work Program Coordinator as well as the supervisors

and superintendents to whom transitional work employees are assigned monitors the work performed. Worker's Compensation staff also performs random checks.

Recommendation 2e: The Controller and Budget Analyst Should Audit the Light-Duty and Battery Pay Plans and the Workers' Compensation Benefit Program.

The Office of the Controller and the Budget Analyst's Office should conduct independent audits of the light-duty and battery pay plans and workers' compensation benefit programs to determine the actual costs of the plans and benefits and the feasibility of determining ways to reduce the overall costs of those programs.

Responses

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Not yet Implemented

The MTA welcomes audits by any agency.

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
June 30, 2005

We continue to welcome audits by any agency.

Ed Harrington
Controller
Office of the Controller
July 29, 2005

The recommendation has not yet been implemented, but will be implemented in the City Services Auditor Division's audit plan for fiscal year 2005-06. The City Services Auditor Division will work with Muni to determine the priority for conducting audits of the light-duty and battery pay plans and workers' compensation benefit programs.

Recommendation 2f: Examine Plans to Ensure They Do Not Duplicate Benefits.

Compensatory plans should be examined to ensure that, although they may provide similar assistance, they do not duplicate the benefits.

Response

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Implemented.

Muni has examined their plans and we are not aware of any compensatory plans that duplicate benefits to injured employees. Some employees may have obtained individual long-term or short-term disability policies that may be used to supplement Workers' Compensation benefits. Those plans are entirely outside of Muni's control.

Finding 3: The Municipal Railway Needs to Improve Its Training and Safety Programs

Finding 3.1: MUNI eliminated the position of statistician in 2003.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Agree.

This position was redundant and unnecessary. Muni personnel in the following classifications possess the skills, education, and professional experience in statistical analysis, hazard analysis, and accident investigation:

6130 Safety Analysts
6137 Industrial Hygienist
6138 Assistant Industrial Hygienist
9173 System Safety Inspector
6141 Manager of Health and Safety

Finding 3.2: MUNI has a problem with multiple accident entries or accident duplication in its current method of tracking accidents.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Partially Agree.

While Muni did have a problem in the past, in April 2004, the Health and Safety Unit took over entry of accident/incident data into the TransitSafe computer system. Health and Safety personnel determined that misuse of the software was creating duplicate entries unintentionally. The problem no longer exists.

Finding 3.3: MUNI does not have a computer-based program to categorize each incident/accident by type, operator, transit line, division, claims and/or settlement costs and to establish whether incidents/accidents were avoidable or unavoidable.

Response to Finding

Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency

Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004

Wholly Disagree

This is not true. In 2002, Muni installed TransitSafe, an oracle-based, relational database system, categorizes each accident by type, operator, line, division, and avoidability. The City Attorney's Office uses the system to enter claims data. Health and Safety reviews each and every accident report and records data concerning cause and categorization in the system.

Finding 3.4: In the MUNI program, bus drivers receive 6 weeks training. Sam Trans, VTA and AC Transit bus drivers receive 8 weeks training.

Response to Finding

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Wholly Disagree

Muni's Training Program is a minimum of 8 weeks. The Training Program is consistent with other transit properties and exceeds most in Northern California. Our most recent operator training was completed in 42 business days, which equals 8 weeks of training. Additional training is also provided depending upon the division (mode) to which the operator is assigned.

Finding 3.5: MUNI employees claim that the current training is inadequate. An improved training program could lead to a reduction of incidents/accidents.

Response to Finding

**Cleopatra Vaughns
Chair
Board of Directors
Municipal Transportation Agency**

**Michael T. Burns
Executive Director of Transportation
Municipal Transportation Agency
August 25, 2004**

Partially Disagree

Muni's New Operator Training Program follows industry best practices as well as state and federal guidelines. The Training Managers and staff consistently review, and when appropriate, improve and update the training program. The Deputy General Manager of Transportation, and the Training and Safety Managers work jointly to develop approaches that will improve safety and reduce accidents on an ongoing basis.

Under Proposition E service standards, the training goal set for FY03 was to provide 50,000 hours of operator training. Muni provided a total of 82,099 training hours, including new operator training, accident retraining, refresher courses, passenger relations and conflict training.

In addition, Muni conducts accident retraining, annual Verification of Transit Training, and recertification programs for its operators. Muni operational and safety managers regard training as only one avenue to reduction of accidents. They improve safety through reengineering of unsafe conditions, changes in policy, and discipline of unsafe employees in addition to training.