

**FEDERAL TRANSIT  
ADMINISTRATION  
COMPLIANCE REVIEW  
MV TRANSPORTATION, INC.**  
*Program Evaluation and Audit*



**METROPOLITAN  
C O U N C I L**

November 2017

### *Americans with Disability Act (ADA)*

None.

### *Drug and Alcohol*

***Finding: MV Transportation failed to properly secure and control access to their Drug and Alcohol Program records on two visits from council auditors.***

#### ***Standard affected:***

49 CFR 655.71:

- An employer shall maintain records of its anti-drug and alcohol misuse program as provided in this section. The records shall be maintained in a secure location with controlled access.

FTA Comprehensive Review Guide 2017 (p. 284):

- Grantees, subrecipients, contractors, subcontractors, and lessees must maintain records on program administration and the test results of individuals for whom it has testing responsibility.
- The records must be maintained by the grantee in a secure location with controlled access.
- As an example, program records should be maintained in locked file cabinets and a locked file room, with a limited number of keys that cannot be duplicated without proper authorization.
- In addition, only the program manager and his/her designee(s) should have access to the keys. If a consortium is used to administer the testing program, the consortium can maintain some or all of the records.

During both visits to the facility, the logs from 2015 through 2017 were kept in a windowed, unlocked cabinet above the safety supervisor's desk. The contents of the cabinet were clearly visible.

Furthermore, even if the logs were stored in the proper location, MV would have failed to secure the documents. The key to the filing cabinet was in the cabinet's lock.

As a subrecipient of federal funds, MV must maintain records on program administration and the test results of individuals for whom it has testing responsibility. The records must be maintained by the grantee in a secure location with controlled access. For example, a "secure" location would be a locked file cabinet or file room with a limited number of keys, only available to the general manager or their selected designees. These documents contain sensitive information, such as Social Security Numbers and test results and must be secured.

#### ***Recommendation:***

Drug and Alcohol program records must be kept in the locked cabinet when they are not being worked on. This includes when the supervisors leave the room for any reason, including close of

business, transfer, or performing other duties. Keeping sensitive employee information in an unlocked, transparent cabinet is unacceptable.

There should only be a maximum of two keys to the filing cabinet. Only the general manager and other employees with a need to regularly access the material should have a copy of this key or access to it.

***MV response:***

*During the audit process our drug and alcohol books were being updated by the safety supervisor, after they were updated we have secured the books in a locked cabinet and a key placed in a secure place.*

***Finding: MV Transportation Maintenance Manager reasonable suspicion testing certification (RST) was not submitted. He is a critical part of their post-accident evaluation procedures, manager, and one of 5 people capable of making the determination.***

***Standard affected:***

49 CFR 655.14

- (b) Training -
  - (1) Covered employees. Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.
  - (2) Supervisors. Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

49 CFR 655.43

- (b) An employer's determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. A supervisor(s), or other company official(s) who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations.

FTA Comprehensive Review Guide 2017 (p. 283)

- Obtain a list of supervisors and other officials who are assigned the responsibility for making reasonable suspicion testing decisions. Review the grantee's training records to ensure that the supervisors and officials have received the required training.
- The grantee is deficient if supervisors or other officials who make reasonable suspicion determinations have not received the required training.

No documentation of the maintenance manager's reasonable suspicion testing certification was submitted. Conversations with the safety supervisor and maintenance manager led to the determination that the maintenance manager is a critical member of MV's post-accident evaluation procedures and is authorized to make RST decisions.

***Recommendation:***

Maintenance manager must attend training and certify as soon as possible. Given his importance when evaluating an accident site and status within the command structure of MV, certification is imperative. For dispatchers and managers, reasonable suspicion testing training must be a regular part of both the on-boarding and on-going training practices.

***MV response:***

*Our Maintenance Manager will be going through reasonable suspicion training on November 15<sup>th</sup> when our director of safety will be coming to our facility.*

***Equal Employment Opportunity***

***Finding: MV Transportation's utilization analysis lacks the following required criteria:***

- ***Short-term goals are only stated in actual numbers, do not include percentage increases, and do not use the whole-person rule.***
- ***Long-term goals are only stated as percentages, and do not include actual numbers stated using the whole-person rule.***
- ***There is no narrative summation of goals, nor a comparison (statistical or narrative) to previous goals.***
- ***Tables provided in the areas of hiring, terminations, and promotions are only partially filled out, lending the spreadsheet a messy appearance and implying that care and attention to detail were not taken in preparing these figures.***

***Standard affected:***

FTA Triennial Workbook, Question 15:

"Generally, long-range goals (to be obtained in four to five years) are usually stated as percentages. Qualitatively, short-term goals should be set and pursued to ensure accomplishment of long-range goals. Quantitatively, short-term goals represent the net increase in minority and/or women's employment in a particular job category within the next 12 months. Short-term goals should be stated as both actual numbers and percentages and should be based on anticipated job openings, job group availability, and the long-range goals. If the goals that were set in the previous submission were not met, there is an obligation to explain what efforts were taken to meet the goal and fully explain and justify why the goal was not met."

"The grantee is deficient if there is no justification for prior EEO goals that were not met."

FTA Circular C 4704.1A:

“FTA requires agencies to provide percentage and numerical goals (using the whole-person rule), along with timetables for the next four-year period, for any categories of underutilization identified in the utilization table.”

MV provides a utilization analysis in each of the required areas. For the most part, these meet many of the criteria needed. An analysis of minorities is broken down into subcategories. Goals are stated in numeric form as percentages.

There are a few points in which MV fails to meet the required criteria:

- Short-term goals are only stated in actual numbers, do not include percentage increases, and do not use the whole-person rule.
- Long-term goals are only stated as percentages, and do not include actual numbers stated using the whole-person rule.
- There is no narrative summation of goals, nor a comparison (statistical or narrative) to previous goals.

Tables provided in the areas of hiring, terminations, and promotions are only partially filled out. More than likely, the missing numbers in these areas should be zero, however, in failing to fill out the spreadsheet fully, it is left as a patchwork of error messages from a failure to input data. This lends the spreadsheet a messy appearance and implies that care and attention to detail were not taken in preparing these figures.

#### ***Recommendations:***

MV should revise its practices to include all necessary information listed above, and greater attention to detail should be taken when preparing the analysis.

#### ***MV response:***

*Area Vice President Andrew Steed sent a revised FTA/EEO program for Washington County.*

#### ***Auditor Notes:***

Audit is currently reviewing the revised FTA/EEO program to determine whether it meets the recommendations.

### ***Financial Management and Capacity***

None

### ***Legal***

None

### ***Maintenance***

***Finding: MV Oakdale’s maintenance staffing is not sufficient to address ongoing upkeep and maintenance. Although bus maintenance intervals were completed on time, bus cleaning was not completed according to the specifications laid out in Agreement No. 14P008, MV’s operating contract with the Metropolitan Council.***

#### ***Standard affected:***

Agreement No. 14P008, page 10-11:

- “The Contractor shall be responsible at its cost for maintaining all Council-provided vehicles in a neat and clean appearance (page 10)
- Daily - interior: Sweep interior of vehicles...spot-clean floors and interior side of windows (page10)
- Every 45 Days - interior; Vacuum cloth passenger seats, wipe vinyl cushions...Clean inside walls, side panels, modesty panels, wheel wells, back wall, rear window ledge and baggage racks if equipped...Mop floor with soapy water and rinse thoroughly. (page 10)
- The vehicle exterior shall be washed once every two days the vehicle is in revenue service under this Agreement, with more frequent washing as required during periods of inclement weather. (page 11)”

MV Oakdale has a maintenance and utility staff of 1.5 workers. Although maintenance has been completed on time, a visual inspection of a sample of the fleet showed issues with cleanliness. Buses surveyed had debris on the floor and multiple buses had areas of dirt on the floor, indicating a need for sweeping and spot mopping. One bus had a brown liquid splattered on interior paneling. These issues indicate basic upkeep that should be performed daily is not being completed.

Per conversations with the maintenance manager, bus exteriors are only washed twice weekly, rather than once every two days as indicated by the operating agreement. MV’s part-time worker appeared to be tasked with washing bus exteriors. That employee only appears to work about twice a week.

As a result of staffing levels, MV does not appear to be able to maintain the cleanliness of council-owned vehicles to the standards laid out in its operating agreement. MV operates a service on behalf of the Metropolitan Council. As such, it is imperative that buses in service be maintained to the best physical appearance. Operating buses that appear dirty or neglected reflects poorly on the council in a public arena.

Overall, staffing appears thin in additional areas as well. At multiple points during the audit, MV staff took approved absences of a week or more. In a shop where the staff is already small, extended absences can prove to disrupt operations and place unneeded strain on the staff left in the office.

***Recommendation:***

MV should increase their maintenance staffing to be better equipped to perform daily and weekly bus cleaning. Additional staffing would also help with coverage when key staff in any area are out on leave, vacation, or due to illness. This allows service operations to continue without impact when extended absences do occur.

It would also be helpful for MV to revise their cleaning schedule to formally indicate exterior bus washing once every two days of revenue service, or more frequently in the event of inclement weather. This will bring MV’s policy in line with the language of their operating contract agreement with the council.

***MV response:***

*MV management plans to set up a maintenance and cleaning schedule each week for the fleet and work with a PT Mechanic to make sure this is executed.*

*Procurement*

None

*Satisfactory Continuing Control*

None

*Security*

None

*Technical Capacity*

None

*Title VI*

None



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