



## Board of Directors – Remote Meeting

August 27, 2020 at 4:00 p.m.

114 Valley Street | Portland ME, 04102

Zoom Webinar:

<https://us02web.zoom.us/j/82223967460?pwd=MEVnSXhDK09SSi9TdSt4eWZaMHVHdz09>

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### MEETING AGENDA

AGENDA ITEM	PRESENTER	ACTION or INFORMATION
<b>1. Call Meeting to Order (4:00)</b>	Belinda Ray, Board President	N/A
<b>2. Public Comment (4:05-4:10)</b> The Board of Directors welcomes public comment. For items NOT listed on this agenda, the chair will recognize speakers at this point on the agenda. <b>For items on the agenda, the chair will recognize public comment following the staff presentation.</b> There is a 3-minute time limit per citizen.	Belinda Ray, Board President	Information
<b>3. Meeting Minutes (4:10-4:15)</b> The Board will be asked to approve meeting minutes from the June 25, 2020 meeting of the Board of Directors.	Belinda Ray, Board President	<b>ACTION</b>
<b>4. Recognition of Outgoing Board Member Jim Violette (4:15-4:20)</b> Staff and members will recognize the long and dedicated service to Metro by Westbrook Board Member Jim Violette.	Greg Jordan, METRO General Manager	Information
<b>5. General Manager's Report (4:20-4:35)</b> The General Manager will provide an update on current topics, projects, and initiatives.	Greg Jordan, METRO General Manager	Information
<b>6. Plans for Reinstatement of Full Service and Fares (4:35-4:50)</b> Staff will provide information on plans to reinstate full service effective August 30 and fares effective October 1.	Glenn Fenton, METRO Chief Transp. Officer	<b>ACTION</b>
<b>7. COVID-19 Employee Paid Sick Leave and Pay Benefits (4:50-5:00)</b> Staff will ask the Board to re-authorize Metro's policy for additional supplemental leave benefits while ending the emergency pay element.	Greg Jordan, METRO General Manager	<b>ACTION</b>
<b>8. CARES Act Funding – Phase II Priorities (5:00-5:20)</b> Staff will present information on the PACTS Phase II process for allocating the remaining CARES Act funding and seek input from members. <i>Information will be shared at the Board meeting.</i>	Greg Jordan, METRO General Manager	Information and Possible Action

<p><b>9. Future Agenda Items (5:20-5:25)</b></p> <p>Board members may request future agenda items.</p> <ul style="list-style-type: none"> <li>• Board Review of CBA (Preparing for Sept Exec. Comm.)</li> <li>• Advertising Policy (Preparing for Sept Exec. Comm.)</li> <li>• Organizational Development (Preparing for Sept Exec. Comm.)</li> <li>• Next Steps on Confronting Racism (Preparing for Sept. Exec. Comm.)</li> <li>• Approval of Revised Procurement Policies (Approved by Finance Committee and will be submitted to Board in September)</li> <li>• General Manager’s Contract (Preparing for Sept. Exec. Comm.)</li> </ul>	<p>Belinda Ray, Board President</p>	<p>Information</p>
<p><b>10. Upcoming Meetings (5:25)</b></p> <ul style="list-style-type: none"> <li>• Executive Committee – September 9, 2020 at 4:30 p.m.</li> <li>• Finance Committee – September 16, 2020 at 4:00 p.m.</li> <li>• Ridership Committee – September 17, 2020 at 4:00 p.m.</li> <li>• Board of Directors – September 24, 2020 at 4:00 p.m.</li> </ul>	<p>Belinda Ray, Board President</p>	<p>Information</p>
<p><b>11. Adjournment (5:30)</b></p>	<p>Belinda Ray, Board President</p>	<p>N/A</p>

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**Board of Directors – Remote Meeting**  
**June 25, 2020 at 4:00 p.m.**  
**Draft Meeting Minutes**

**Draft Minutes of the Board of Directors Remote Meeting of Thursday, June 25, 2020 held at 4:00 p.m.**

<https://us02web.zoom.us/j/81904482001?pwd=ZmhnMzZwNUlLZnltTMmVHRld4dllvdz09>

Or call in at: +1 646 558 8656 Webinar ID: 819 0448 2001 Password: 584897

**Board Members Present:**

Belinda Ray – Board President  
Paul Bradbury – Treasurer  
John Thompson - Secretary  
Jeff Levine  
Bill Rixon  
Mike Foley  
Ed Suslovic  
Jim Violette  
Nat Tupper

**Staff and Others Present:**

Greg Jordan  
Denise Beck  
Ellen Sanborn  
Joshua Crooker  
Lauren Shaw  
Ed Knutson

**Board Members Absent:**

Hope Cahan  
Kim Cook  
Ryan Leighton  
Merrill Barter

**Public:**

None

**1. With a quorum in place, the meeting was called to order at 4:01 p.m. by Belinda Ray, Board President.**

**2. Public comment:**

No members of the public were present.

**3. Meeting Minutes**

Paul Bradbury moved, seconded by Ed Suslovic to approve the minutes of the May 28, 2020 meeting of the Board of Directors as written. A roll call vote was called for by Belinda Ray, Board President. With approval by John Thompson, Jim Violette, Bill Rixon, Nat Tupper, Paul Bradbury, Ed Suslovic, Mike Foley, Jeff Levine, and Belinda Ray, **the motion passed unanimously by all those present.** The email John Thompson read into the record at the 5/28/2020 meeting will be attached to the minutes.

**4. General Manager's Report**

Greg Jordan reviewed the numerous precautions in place at Metro, and highlighted the changes that have more recently been incorporated, including:

- Rear-door boarding until fares have been reinstated
- Passenger load increased from 10 to 20. Another increase may be needed if school resumes. Seat restrictions lifted.
- Installation of protective shields for Bus Operator area
- On-site temperature and symptom checks for all staff.

May ridership showed a 75% decrease over the same time last year. In June, this figure dropped to 63%. Operator compliance with the policy of wearing masks is high, with a few medical exemptions.

**Staffing report:**

- No additional positive cases.
- Last month, 71% of Bus Operators were on active duty; this month it has increased to 88%. Maintenance staff on active duty has increased from 77% to 92%. There is now more than enough staff to maintain the current level of service (Saturday schedule) and the enhanced schedule expected to go into effect on July 5<sup>th</sup>.
- The enhanced service schedule (M-F) involves increasing hours and/or frequency of service on most routes. Also, Route 4 and the Husky Line will have an additional stop at the Rock Row development, with the Husky changing to its originally planned route along Larrabee Road. At a later time, the Route 4 Shaw's stop will be discontinued.
- Anticipate next ramp-up in service in late August or early September, depending on what action Portland schools and USM take.

**Reinstatement of Fares:** Before COVID, Metro had all readers installed and tested. Partner agencies have now completed their installs. Testing of their systems, inter-agency transfers, tablets (DCU), back-end reporting, and cross-agency fare capping will begin in late June. Once complete, a partner meeting will be held to agree on a joint launch date.

Cards will be available at the Pulse, City Hall, and through the mail. Metro is also trying to get cards into other re-sale locations, such as Ocean Gateway.

The availability of the re-load networks has also been delayed with dates ranging from 6/30-9/15. Some re-load locations are: Big Apple, 7-Eleven, Walgreens, CVS, Dollar General, Family Dollar, Walmart, Cumberland Farms, and Circle K. These retailers can load funds onto our TouchPass cards with cash, but will not stock them. These delays will not derail resumption of fares, but having at least some available to customers before launch is preferred.

Launching cashless on a temporary basis (mid-August to mid-September) is being discussed. It has become a national trend for the safety of riders and employees and gives Metro an opportunity to educate and bring-in more people to the card and app system.

**Bus Shelter Art Project:** In 2018, Creative Portland, in partnership with METRO and GPCOG, applied for a National Endowment for the Arts "Our Town" grant award. In May 2019, the project was awarded a matching grant, from the NEA, of \$25,000 to 'support a creative initiative to design artistic bus shelters.' Metro will be contributing \$6,500. Four designs were chosen for Phase One. Metro and Creative Portland are discussing locations. A plaque for each artist will be on-site with an explanation of the piece, either vinyl or a steel-cut design, which will not obstruct the driver's view of waiting passengers.

Artist #1 – Ebenezer Akakpo - shelter on Congress St.

Artist #2 – Molly Brown – no shelter on Eastern Prom, so considering Congress St.

Artist #3 – Orson Horchler - shelter on St John St.

Artist #4 -Justin Levesque – possibly shelter at USM

Shelter installs could begin as soon as August and continue into September. Metro has the space to allow this art to be displayed as several shelters were previously determined to be non-advertising space. The displays are to be permanent and Metro will maintain them, with help from the artist. Creative Portland wants to have events at all of the shelters when they are unveiled.

**New buses:** Seven 2020 New Flyer buses will be delivered later this summer to replace the 2005 35' CNG Orion buses. The new buses are 40' long, diesel, and have a slightly larger seating capacity.

## 5. **Condemning Racism**

This is a resolution – a statement – by Metro to be a productive force to against systemic racism. It was adapted from the City of Portland's resolution and has not yet been to committee.

Jeff Levine moved, second by John Thompson, to adopt Resolution 2020.1, entitled, **RESOLUTION BY THE BOARD OF THE DIRECTORS OF THE GREATER PORTLAND TRANSIT DISTRICT (“GPTD”), CONDEMNING RACISM AND HONORING AHMAUD ARBERY, RAYSHARD BROOKS, GEORGE FLOYD AND BREONNA TAYLOR AND COMMITTING GPTD TO CONFRONTING AND ROOTING OUT INSTITUTIONAL RACISM,”** as presented.

Following discussion about specific wording, and capitalization that might focus on the Black Lives Matter movement, Jeff Levine moved to amend the motion, seconded by Belinda Ray, to add wording before the first “Now, therefore, be it resolved,” that’ the staff and board of Metro believe that black lives matter.’ – in lower case letters.

Regarding the amendment to the motion, a roll call vote was called for by Belinda Ray, Board President. John Thompson – no; Jim Violette – no; Bill Rixon – yes; Nat Tupper – yes; Paul Bradbury – yes; Ed Suslovic – yes; Mike Foley – yes; Jeff Levine – yes; and Belinda Ray – yes. With a vote of seven (7) members in favor and two (2) opposed, the motion to amend the resolution as presented to add wording before the first “Now, therefore, be it resolved,” that’ the staff and board of Metro believe that black lives matter.’ – in lower case letters, passed.

The motion to adopt Resolution 2020.1, entitled, **RESOLUTION BY THE BOARD OF THE DIRECTORS OF THE GREATER PORTLAND TRANSIT DISTRICT (“GPTD”), CONDEMNING RACISM AND HONORING AHMAUD ARBERY, RAYSHARD BROOKS, GEORGE FLOYD AND BREONNA TAYLOR AND COMMITTING GPTD TO CONFRONTING AND ROOTING OUT INSTITUTIONAL RACISM,”** as amended, was again brought before the Board for a vote. A roll call vote was called for by Belinda Ray, Board President. With approval by John Thompson, Jim Violette, Bill Rixon, Nat Tupper, Paul Bradbury, Ed Suslovic, Mike Foley, Jeff Levine, and Belinda Ray, **the motion passed unanimously by all those present.** Greg Jordan will discuss with the Executive Committee how to advance this action at its meeting in August.

## 6. **COVID-19 Employee Paid Sick Leave and Pay Benefits**

The Board has been approving changes to Metro's COVID-19 Employee Paid Sick Leave and Pay Benefits policy on a month-to-month basis. The changes made in June to pull back on some of supplemental leave benefits were phased out in June. The updated policy being discussed at this meeting, in part, is just to recognize that those benefits no longer exist in this new version. It also allows hazard pay to continue through August 1 (the end of a pay period). At this time, all precautionary leave employees have returned.

John Thompson moved to approve the extension of benefits, with modifications, through August 1, 2020, as presented, seconded by Ed Suslovic. A roll call vote was called for by Belinda Ray, Board President. With approval by John Thompson, Jim Violette, Bill Rixon, Nat Tupper, Paul Bradbury, Ed Suslovic, Mike Foley, Jeff Levine, and Belinda Ray, **the motion passed unanimously by all those present.**

#### **7. CARES Act Funding – Phase II Priorities**

Phase I allocated \$13.4m to the seven agencies in the PACTS region and the Board voted on how to use any funds remaining from Metro's initial \$3.9m allocation. The remaining balance of funding for the PACTS region is approximately \$40 million and PACTS has made the following distribution recommendation for Phase II. Allocations are divided into 6-month periods (July-December; January-June). Beyond item #1, the allocation recommendations are not in any specific priority order.

1. Maintain Regional Transit Service (2020-2023) – amount presented by agencies (estimated) = \$32.3 m of remaining \$40m. May drop as 6-month actuals are realized vs. current estimates.
2. Pandemic Recovery & Resiliency - \$2.7m
3. Transit System Innovation - \$3.135m
4. Municipal Budget Assistance - \$954k (applicable to only 3 agencies) – 75% would go to Metro

All numbers are subject to change. This recommendation is going to PACTS Transit committee next week and then to PACTS for action in July. Greg will inform the Board of PACTS' July action.

#### **8. Future Agenda Items:**

- Create Procedure for full CBA review – Executive Committee
- Mobility needs brought forward at PACTS – Ridership Committee
- Update by GM on METRO's role under MTA's main line assessment – Board & Committees
- TNC & micro transit – Ridership Committee
- Advertising policy – Executive Committee
- Metro 2025 Strategic Plan – Executive Committee
- 2019 Financial Audit – Finance Committee
- PACTS CARES Act Phase II allocation
- Board Attendance policy creation – Belinda has spoken to Kim Cook who stated she does not plan to run again for Portland City Council and would not be a good short-term Board member candidate. Belinda will speak to the City about it and this item will be removed.
- Finalization of General Manager contract – Executive Committee

#### **9. Upcoming Meetings – No meetings in July**

- Finance Committee – August 5, 2020 at 4:00 p.m.
- Executive Committee – August 12, 2020 at 4:30 p.m.
- Ridership Committee – August 20, 2020 at 4:00 p.m.
- Board of Directors – August 27, 2020 at 4:00 p.m.

#### **10. Adjournment**

Motion made by Ed Suslovic, seconded by John Thompson, to adjourn. A roll call vote was called for by Belinda Ray, Board president. With approval by John Thompson, Jim Violette, Bill Rixon, Nat Tupper, Paul Bradbury, Ed Suslovic, Mike Foley, Jeff Levine, and Belinda Ray, **the motion passed unanimously by all those present, and the meeting adjourned at 5:13 p.m.**

## BOARD OF DIRECTORS

## AGENDA ITEM 6

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### DATE

August 27, 2020

### SUBJECT

METRO Service Resumption Plan

### PURPOSE

Provide information on METRO's strategy for returning to full service and reinstating fares.

### BACKGROUND/ANALYSIS

In March 2020, the Board approved staff's plan to reduce service and suspend fares in response to the COVID-19 pandemic. The initial plan was approved through May 2020. The Board re-authorized the service reduction and suspension of fares indefinitely and directed the General Manager to present to the Board target dates and a plan for reinstatement of service and fares at the appropriate time. The Ridership Committee reviewed the proposed plan at its August 26, 2020 meeting and staff are presenting to the full Board for concurrence.

#### ***Returning to Full Service***

On March 20, 2020, METRO reduced service levels to Saturday schedule on weekdays in response to the emergence of COVID-19 in Maine. The onset of the virus brought a sharp decline in ridership due to state and local actions to close down the economy along with steps to move schools to remote learning and many business functions to remote work. Additionally, Metro staff concluded it was prudent to reduce service levels and lower the number of staff needed so that the agency could absorb some number of bus operators being out of work due to being at high risk for complications.

On July 5, 2020, METRO added frequency to Routes 2 and 8 and earlier morning trips on several routes in response to increasing ridership and the implementation of various safety measures. On August 30, 2020, METRO will return to full-service levels in response to increasing ridership and to accommodate Portland Public Schools resuming limited in school instruction and the University of Southern Maine returning to on campus instruction. Over the past several weeks, staff have completed a variety of tasks to prepare for the return to full service including:

- Updating schedules on METRO's website.
- Training bus operators on route changes.
- Preparing equipment that hasn't been in active service.
- Updating customer service staff on schedule/route changes.
- Announcing service changes to the public.
- Continued implementation of COVID-19 safety measures.

Once implemented, the performance of the system will be closely monitored for both overloads and low usage and may need to be adjusted to optimize performance as new travel patterns develop. Additionally, ridership trends developing after the resumption of full service will be used to help develop METRO's recommended budgeted service levels for 2021.

### ***Reinstating Fares***

METRO staff along with its partner agencies (South Portland Bus Service and Biddeford, Saco, Old Orchard Beach Transit) have reached agreement on tentative date for the reinstatement of fares and launch of the TouchPass automated fare collection system. This date is Thursday, October 1, 2020.

In order to come to this decision, staff have been meeting regularly with the other transit agencies to complete system testing, provide training and prepare marketing materials. The focus of these weekly meetings will now shift from testing and evaluation to launch preparation. In order to launch on October 1, 2020 Metro staff have worked with its consultant *Four-Nines Technology* to develop a launch plan. The launch plan contains several tasks that are to be completed on a prescribed timeline to ensure that Metro (and its partners) are ready to launch the new fare collection system.

### ***Current tasks***

- Reach out to senior centers, housing developments, etc. for "train the trainer" sessions. These can be conducted on site or virtually.
- Post How To (create an account, enter a payment method, set up autoloading) videos online.
- Create fare capping explanation video and marketing materials.
- Create on-board advertising materials.
- Prepare media outreach materials (online & print).
- Complete bus operator training for new fare policy.
- Begin trainings for social service agencies administering multi-user accounts.

### ***T minus 4 weeks***

- Launch mail out DiriGo smartcard campaign.
- Produce and place on-board advertising materials with actual launch date.
- Evaluate status of retail load locations. Once confirmed post reload locations on DiriGo TouchPass website.
- Send out media materials to local outlets advertising new launch date, contactless system = safer.
- Reach out to pass program partners to alert them of the new launch date.
- Reach out to reduced fare riders to alert them of the new launch date.

### ***T minus 3 weeks***

- Prepare to handle very limited calls about legacy media.
- Refresh training for agency frontline staff on how to use the customer service and sales modules.
- Staff customer service lines to help people get accounts and payment loads set up.
- Pulse opens (sidewalk sales only) to help riders load value onto their accounts and answer questions.



### ***T minus 2 weeks***

- Customer service staff begin handing out cards, helping with mobile and web sign ups through “pop up” events at various locations throughout Metro’s service area.
- Staff customer service lines to help people get accounts and payment loads set up (continue through launch).
- Put the DiriGo TouchPass information video back up in the operator lounge to refresh operators’ memory about how the system works.

### ***T minus 1 week***

- Big marketing push to make sure people are signed up and ready
- Have General Manager conduct earned media interviews.

### ***T = Launch***

- New, higher fares implemented alongside TouchPass system.
- No paper media accepted.
- All Customer Service and Operations Staff on hand to assist customers.

Concurrent to the launch preparations listed in the plan above, staff continue to coordinate with institutional partners to transition them to the TouchPass system. Below is an overview of the status of each pass program.

- UNE – Initial testing complete, bulk card export testing next
- USM – Initial testing scheduled for this week
- PPS – Working with schools to begin app download and card distribution
- Baxter Academy – On hold while Baxter Students remote learn this semester
- SMCC – Waiting for SMCC to upgrade their card technology to be compatible with TouchPass system (this is expected to take place during the fall semester)
- MMC – Waiting for MMC to upgrade their card technology to be compatible with TouchPass system (no timeline for this upgrade at this time)

### **FISCAL IMPACT**

The full-service levels to be implemented are at levels within METRO’s current budget. The loss of fare revenue since March will be fully offset by funding from the federal CARES Act program.

### **RECOMMENDATION**

Approve the proposed plan.

### **CONTACT**

Glenn Fenton  
Chief Transportation Officer  
207-517-3029  
[gfenton@gpmetro.org](mailto:gfenton@gpmetro.org)

### **ATTACHMENTS**

None.

## BOARD OF DIRECTORS

## AGENDA ITEM 7

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### DATE

August 27, 2020

### SUBJECT

COVID-19 Related Employee Paid Sick Leave and Pay Benefits

### PURPOSE

Staff is requesting the Board approve the continuation of certain supplemental leave benefits related to the COVID-19 pandemic thru October 3, 2020, as well as end the emergency pay provision effective September 6, 2020.

### BACKGROUND/ANALYSIS

The federal government passed in March the Families First Coronavirus Response Act (FFCRA) in response to the COVID-19 pandemic. This federal law and associated benefits formally commence on April 1 and are effective through December 31, 2020. The FFCRA establishes variable amounts of employee paid sick leave for six (6) categories of leave related to COVID-19.

Additionally, at the start of the crisis, the General Manager instituted additional leave benefits and additional pay for hourly workers who continue to perform duties on site, including bus operators, maintenance staff, and dispatchers. In consultation with ATU Local 714, these supplemental benefits were made effective on an emergency basis beginning March 22, 2020. Management and union leadership agreed to, and the Board approved, several extensions.

The agreement was structured to be approved monthly so we could update for actual conditions.

- Agreement 1: March 22-May 2: Implemented FFCRA; added Metro enhanced leave benefits; implemented emergency pay.
- Agreement 2: May 3-May 30: No changes.
- Agreement 3: May 31-July 4: Made modifications to align certain enhanced leave benefits with the FFCRA; extended leave for workers who contract virus.
- Agreement 4: July 4-August 1: No changes
- Agreement 5: August 2-September 5: No changes
- Agreement 6: September 6-October 3: End emergency pay provision.

Due to continuing uncertainty about how the crisis begins to resolve and timelines for re-opening state and local economies, staff believes it is prudent to extend these supplemental benefits thru October 3, but with elimination of the emergency pay provision. After considering several factors, staff have concluded that the emergency pay provision should not continue as part of the next agreement (Agreement 6). These factors include:

1. **Status of Virus in Maine:** The emergency pay provision was put into place during a period of state-wide lockdown. Although some restrictions/requirements remain in place, the Governor has largely followed the re-opening plan released in May and most of the Maine economy is up and running. The Governor's office [reports](#) the following: "As of August 3rd, adjusted for population, Maine ranks 3rd lowest in the nation in terms of positive cases; 8th lowest in the nation in terms of deaths; 4th lowest in terms of patients ever-hospitalized out of the 36 states reporting; and 5th highest in the percentage of people who have recovered out of the 42 states reporting."
2. **Safety Measures Under a New Normal:** It is likely that as a community and society we will be living with the virus to greater/lesser transmissibility rates for the foreseeable future. Over the last several months, the agency has put into place numerous safety enhancements/practices to protect our staff and passengers. These will continue and we will be continually working to add additional reasonable measures and improve on the ones already in place. For example, we are in the process of recruiting for a 4<sup>th</sup> Fleet Care Worker so we can sustain enhanced fleet activities as we increase service levels.
3. **Financial Constraints:** Through September 5, the emergency pay provision will cost approximately \$350,000, which was never included in the agency's 2020 budget. The additional funding provided to our region by the April federal stimulus legislation ("CARES Act") will cover this cost, but this additional federal support is not unlimited and is shared among the 7 transit agencies in our region. As a region we have determined that the major priorities for the CARES Act funding must be: 1) to offset the current and near-term major reduction in fare revenue and anticipated declines in local funding from our member municipalities, and 2) invest in pandemic recovery strategies and transit system improvements that will draw riders back to the service. If we fail to accomplish both these critical objectives, then we will face a financial crisis.

The proposed changes are outlined below (highlighted in yellow) with comparisons to the current policy. Attachment A provides the proposed replacement MOU.

<b>Federal and Metro Benefits</b>	<b><u>Aug 2-Sep 5</u></b>	<b><u>Sep 6-Oct 3</u></b>
<b>Emergency Pay (Section 1 in MOU)</b>		
1. Emergency Pay for On-duty Hourly Employees	Regular Pay Rate + \$5/hr.	Return to normal pay rates.
<b>Paid Leave (Section 2 in MOU)</b>		
a. The employee is subject to a federal, state, local or Metro directed quarantine or isolation order related to COVID 19.	FFCRA Benefit: 80 hours thru 12/31/2020. Metro Supplement: Once FFCRA used, 32 hours per week thru 7/4. 40 hours for confirmed COVID-19 cases.	FFCRA Benefit: 80 hours thru 12/31/2020. Metro Supplement: Once FFCRA used, 32 hours per week thru 7/4. 40 hours for confirmed COVID-19 cases.
b. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.	FFCRA Benefit: 80 hours thru 12/31/2020 Metro Supplement: N/A	FFCRA Benefit: 80 hours thru 12/31/2020. Metro Supplement: N/A
c. The employee has exhibited symptoms of COVID-19 and is seeking a medical diagnosis.	FFCRA Benefit: 80 hours thru 12/31/2020 Metro Supplement: N/A	FFCRA Benefit: 80 hours thru 12/31/2020. Metro Supplement: N/A
d. The employee is caring for an individual subject to quarantine for the reasons stated in a, b or c above.	FFCRA Benefit: 80 hours at 2/3 pay thru 12/31/2020. Metro Supplement: N/A	FFCRA Benefit: 80 hours at 2/3 pay thru 12/31/2020. Metro Supplement: N/A
e. The employee is caring for a child (under age 18) whose school or daycare has closed.	FFCRA Benefit: 12 weeks at 2/3 pay thru 12/31/2020. Metro Supplement: N/A	FFCRA Benefit: 12 weeks at 2/3 pay thru 12/31/2020. Metro Supplement: N/A
f. The employee is experiencing any other substantially similar conditions specified by the United States Secretary of Health and Human Services.	FFCRA Benefit: 80 hours at 2/3 pay thru 12/31/2020. Metro Supplement: N/A	FFCRA Benefit: 80 hours at 2/3 pay thru 12/31/2020. Metro Supplement: N/A

<p>g. Instances in which Metro has temporarily reduced or eliminated a business function.</p>	<p>FFCRA Benefit: None</p> <p>Metro Supplement:</p> <ul style="list-style-type: none"> <li>i. 80 hours at full pay for first 2 weeks following change in business.</li> <li>ii. Once initial 80 hours, 32 hours per week in the event of a temporary suspension of business function is needed.</li> </ul>	<p>FFCRA Benefit: None</p> <p>Metro Supplement:</p> <ul style="list-style-type: none"> <li>i. 80 hours at full pay for first 2 weeks following change in business.</li> <li>ii. Once initial 80 hours, 32 hours per week in the event of a temporary suspension of business function is needed.</li> </ul>
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**FISCAL IMPACT**

The estimated cost of emergency pay effective March 22 thru September 5 is approximately \$350,000-\$375,000. While this is an unbudgeted expense, this cost will be covered by as a result of the Phase I CARES Act funding supplanting Metro’s regular 5307 operating support.

**RECOMMENDATION**

Approve the proposed MOU with ATU Local 714.

**CONTACT**

Greg Jordan  
 General Manager  
 207-517-3025  
[gjordan@gpmetro.org](mailto:gjordan@gpmetro.org)

**ATTACHMENTS**

Attachment A – MOU between Metro and ATU on Supplemental Leave and Emergency Pay

**MEMORANDUM OF UNDERSTANDING  
BETWEEN GREATER PORTLAND TRANSIT DISTRICT  
AND  
LOCAL UNION #714  
AMALGAMATED TRANSIT UNION**

The unprecedented nature of the COVID-19 pandemic present challenges to METRO in continuing to provide its essential public services. In order to comply with state and federal orders and guidelines to mitigate the pandemic; comply with recent state and federal statutes and regulations in response to the pandemic; and to protect the safety of METRO’s employees, the following temporary changes have been agreed to by METRO and the ATU Local 714.

Each temporary change is in effect for the time frame specified, with the understanding that should Governor Mills extend the public health emergency past the currently specified deadline, or institute a subsequent public health emergency period, METRO and the ATU Local 714 may agree to observe these temporary changes to coincide with the emergency period. METRO and ATU Local 714 commit to mutually agree on further revisions to the temporary changes to comply with any changes in Governor Mills’ order and/or changes in federal and/or state legislation in response to the COVID-19 pandemic.

It is understood between the parties that these temporary changes have been implemented to address the extreme emergency of the COVID-19 pandemic, and shall not serve as precedent of any kind or for any purpose by either party.

Except as otherwise required by the *Families First Coronavirus Response Act* (FFCRA), the ***Metro Supplemental Benefits*** and timeframes outlined in this MOU are effective from September 6, 2020 thru October 3, 2020.

**This MOU replaces the previous MOU effective August 2, 2020 thru September 5, 2020.**

All benefits otherwise required by the FFCRA are effective through December 31, 2020.

- 1. Paid Sick Leave in Response to COVID-19 Pandemic: Section A “leave” categories have different effective dates, except as otherwise required by the *Families First Coronavirus Response Act* (FFCRA).**

The federal government recently passed the *Families First Coronavirus Response Act* (FFCRA) in response to the COVID-19 pandemic. This federal law and associated benefits formally commence on April 1 and terminate on December 31, 2020.

**A. Beginning August 2, 2020 (with end dates varying by category)**

The temporary change includes leave required by FFCRA (80 hours total, not 80 hours for each category). In addition, METRO, itself, will provide added leave benefits in recognition of the hardships the COVID-19 pandemic is creating for affected employees. Leave is paid based on the employee's regular rate of pay. The General Manager shall make the decision regarding employee eligibility for such leave.

**1. Eligibility/Leave Amounts.** Employees are eligible to utilize EPSL for the following reasons and in the following amounts:

**a. The employee is subject to a federal, state, local or Metro directed quarantine or isolation order related to COVID 19.** The employee must self-certify in writing to the General Manager that they are eligible for this category of EPSL.

**Amount of paid leave:**

- FFCRA Benefit: Up to 80 hours available thru December 31, 2020.
- **Metro Supplemental Benefit until October 3, 2020:** If an employee is medically unable to return to work after 80 hours of leave has been exhausted, METRO will provide up to 32 hours of paid leave per week (up to 40 hours for confirmed positive tests for COVID-19), upon receipt of appropriate documentation from a healthcare provider, until the employee is cleared to return. The employee may use existing PTO and/or vacation leave to supplement their weekly pay (up to the amount of their regular weekly pay).
- The Metro augmented benefit is not available to employees who voluntarily leave the state and who are then subject to a state mandated 14-day quarantine upon return. Exceptions may be made if the employee can demonstrate that leaving the state was due to a personal emergency.

**b. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.** The employee must provide appropriate medical documentation for this category of EPSL.

**Amount of paid leave:**

- FFCRA Benefit: Up to 80 hours available thru December 31, 2020.
- After 80 hours of leave is exhausted, the employee may use existing PTO and/or vacation leave.

- c. The employee has exhibited symptoms of COVID-19 and is seeking a medical diagnosis.** The employee must self-certify in writing to the General Manager that they are eligible for this category of EPSL.

**Amount of paid leave:**

- FFCRA Benefit: Up to 80 hours available thru December 31, 2020.
- After 80 hours of leave is exhausted, the employee may use existing PTO and/or vacation leave.

- d. The employee is caring for an individual subject to quarantine for the reasons stated in 1.a, 1b. or 1.c above.** The employee must self-certify in writing to the General Manager that they are eligible for this category of EPSL.

**Amount of paid leave:**

- FFCRA Benefit: Up to 80 hours at 2/3 pay available thru December 31, 2020.
- After 80 hours of leave is exhausted, the employee may use existing PTO and/or vacation leave.

- e. The employee is caring for a child (under age 18) whose school or daycare has closed.** The employee must self-certify in writing to the General Manager that they are eligible for this category of EPSL.

**Amount of paid leave:**

- FFCRA Benefit: Up to 80 hours at 2/3 pay in accordance with the federal law thru December 31, 2020. In addition, the Family and Medical Leave Act (FMLA) was also expanded in response to the COVID-19 pandemic to provide up to 10 additional weeks of leave when an employee is unable to work because their children's school or daycare has closed, at 2/3 pay in accordance with the federal law. In all, the maximum possible benefit under this category is up to 12 weeks of leave at 2/3 pay.
- Employees who wish to utilize this category of leave should discuss the details with Human Resources.
- We encourage employees to explore childcare arrangements which would allow them to work some number of hours per week.

- f. The employee is experiencing any other substantially similar conditions specified by the United States Secretary of Health and Human Services.**



**Amount of paid leave:**

- FFCRA Benefit: 80 hours at 2/3 pay in accordance with the federal law.
- After exhaustion of 80 hours, the employee may use existing PTO and/or vacation leave.

- g. In addition to the FFCRA-required categories above, METRO is providing an additional category of leave for staff whose work hours are temporarily eliminated due to reduced or eliminated business functions during the COVID-19 pandemic.**

**Amount of paid leave:**

- 80 hours paid leave for the first two weeks following elimination or reduction of business function hours.
- After two weeks, METRO will pay 32 hours per week until the date when the business function is restored. During the period when METRO is paying 32 hours per week, the employee may use existing PTO and/or vacation leave to supplement their weekly pay (up to the amount of their regular weekly pay).

**B. Requesting EPSL and Other Relevant Information**

- a. Employees should contact their Supervisor to request EPSL and complete any applicable paperwork.
- b. METRO reserves the discretion to request additional information to determine an employee's eligibility for leave.
- c. METRO may request medical documentation before an employee returns to work in certain circumstances.
- d. Human Resources will work with employees regarding the use of EPSL in conjunction with other existing types of leave.
- e. Employees will not be paid for unused EPSL in the event of separation of employment, whether voluntary or involuntary.
- f. METRO will not discharge, discipline, discriminate or retaliate against an employee who requests or takes EPSL, files a complaint or testifies in a proceeding concerning FFCRA.
- g. Employees are advised that once any federal and/or Metro augmented leave benefits are exhausted, then normal Collective Bargaining Agreement rules apply for the use of PTO and vacation time.

**C. Further Information on Duration of Temporary Changes**

- The FFCRA-required provisions in this policy (including leave categories a through f; the 80 hours of leave across these categories; and the provision for FMLA in paragraph e) expires on December 31, 2020.
- The additional benefits provided by METRO (including on-call/working hour schedules; paid leave amounts over the FFCRA-provided 80 hours; grossing up to regular weekly pay; and leave category g) are in effect based on the dates indicated under each category. We will continue to monitor this continuously changing situation.
- If METRO decides to extend or revise the additional benefits provided after **October 3, 2020**, employees will be notified.

**FOR GREATER PORTLAND TRANSIT DISTRICT:**

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Date: \_\_\_\_\_

**FOR ATU LOCAL 714:**

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Date: \_\_\_\_\_