

**TOMPKINS CONSOLIDATED AREA TRANSIT, INC.**  
**SPECIAL BOARD OF DIRECTORS MEETING**

Friday, October 9, 2015  
1:00 PM TCAT Conference Room  
737 Willow Avenue, Ithaca, NY

Attendees: F. Proto, P. Stein, D. Howe  
B. Brady, J. Dotson, B. Gray by telephone

S. Brock- by telephone, A. Eccleston, R. Andrascik, N. Oltz, P. Poist, D. Tome,  
T. Wright, S. Douglas, R. Davis and S. Persons Recording Secretary

**Agenda**

**I. Call to Order**

F. Proto called the meeting to order at 1:07 PM, and welcomed everyone to the October 9, 2015 TCAT, Inc. Special Board of Directors Meeting.

**II. Action Items**

F. Proto stated he was going to open the meeting with the one item on the agenda to discuss the movement on addressing the shortage of drivers and how we can help that situation rectify itself. He stated he is going to have A. Eccleston walk us through the proposals; we have a total of two expressions of interest that we are going to consider with regard to the temporary relief of the driver shortage.

B. Gray stated there was an indication that there might be as many as four, did we tell them not to bother if they didn't get them in by last night or are we still expecting two more.

D. Tome stated no he has not told them not to bother but in order to proceed here we took the two that we have as being most responsive.

B. Gray stated I wasn't sure if there was a chance that there could be two more by Monday, Alice you started a conversation with your memo from last night and you can certainly go back to that, the first reaction that I have before we actually get into the contract discussions, if the union doesn't want this to work then we don't even need to go down this road, this could be a huge headache and my reaction after reading Alice's note from last night I would want something from the union that they actually want to work with us.

F. Proto stated why don't we let Alice address what she needs to and then perhaps tackle what you just outlined.

A. Eccleston stated since the board meeting on Wednesday I did notify the UAW, I tried to get ahold of the International Rep Mark Barbee, the local president Terry Sharpe, and Frank Howells the local chair of the union here to let them know that the Board of Directors met on Wednesday and what direction the Board of Directors were moving towards so that they were notified prior to any notification that goes out of TCAT as a courtesy so that they at least understood. Immediately after I got that communication out Mr. Howells came to my office with contract in hand and said you realize that these contractors get whatever is left over membership gets by seniority the best work and whatever work they decide and whatever falls to the bottom that's what the contractors are going to get and I just want to make sure that you have an understanding of that. Alice stated I did not acknowledge I just listened to him, that's the direction that he

has taken. What I did at Labor Management this morning at 10:00 I wanted to give the labor management meeting the same presentation I gave to the Board of Directors, where we are, why we are here what happened, and what recommendations were made. I did that presentation but I was held off because we had to wait for Mr. Howells to come, Mr. Howells arrived shortly after 11:00 and I was able then to present that information. Basically what we talked about was the contract bus operators, certainly they have concerns about what job assignments the contractors are going to get, certainly it is going to affect the membership, I did not get into any negotiation as to how we are going to do it because now is not the appropriate time to do that. She stated she closed the meeting because she needed to go but she wanted them to have a clear understanding of where we are today. Mr. Howells biggest issue he had was retention, we did have the federal mediator there, Scott Montani, and he asked what are you proposing right now, were 10 operators down what are you proposing, he said retention. Alice stated retention is after the fact what are you proposing.

P. Stein asked what is retention again.

A. Eccleston stated retention is keeping the employees you have, changing the work assignments so that the employees feel that their work assignments are better, more palatable. She stated she left the meeting, she did not make any commitments she did not open up any negotiations, there were ideas that were presented but beyond that nothing, that's how the meeting was ended. So having said that, it is going to be a challenge as I wrote last night, it is going to be a challenge to figure out how we're going to delegate to the contract operators because it could be a double edged sword for us especially if our bus operators are feeling disadvantaged.

J. Dotson stated did you get any feedback from Terry or Mark.

A. Eccleston stated she was not able to make connection with the International Rep as he is involved in the stuff going on in Detroit so she was not able to connect with him so she does not have a perspective from him, Terry she understands the situation and again her concern is what we are giving the contract operators and what effect that will have on the membership. She stated I do believe that this will be a challenge for us to segment out work assignments for contract drivers because there are some nuances in the contract that say they want similar hours because they're sharing rides so they want similar start times and end times so we have to really critically look at our service and figure out what can we really pull out of that and the things that we pull out how is that going to affect our operators. Whatever decisions we make today, just know that these are not going to be easy.

F. Proto asked if there was anyone else on the phone that would like to ask a question.

B. Gray stated he didn't want to ask a question but he has a thought, the thought is that if we agree that hiring contract drivers would be a good fix to at least relieve the demands on the drivers, the drivers have to want that, and it's not going to come as we get the best they get the worst, it's going to come in the form of we can group these jobs together and make it work, what we get is relief for our drivers, if they don't want that then we have to do it internally, we know the length of time it takes to hire qualified drivers, we'll have to cut service and then you're going to get a different problem because this is going to shuffle routes and do all sorts of things and you'll get whatever is left over, and it won't be bad but it just seems to me that the union has to want what we are trying to accomplish and if they only want it on their terms then we can't do it.

P. Stein stated I can see the concern of the drivers and it seems to me the position we ought to take is that to the extent possible we will give them the best routes, but there may be situations where we can't but they have to understand what those situations are and beyond that we are trying to give them the best that we can.

B. Gray stated I think we need to look at the contract and then look at what the outside contractors want and look at a way of segmenting routes and still have reasonable idea of what stays in house and then present it to the union and say we can go with outside work and this is what happens and if you don't accept that the only way that we can give you relief is worse and that means cutting work.

B. Brady I have a question for A. Eccleston, in your conversation with Frank did you have a conversation about alternatives.

A. Eccleston stated he didn't have any, he would not give any solutions, he just kept saying that we need to retain the employees. The federal mediator kept questioning him on that. Discussion followed.

S. Brock stated as TCAT runs open to the public I don't know that we could provide service to a small subset of people that may want to use it, but if we come back to the underlying issue with the contract drivers having roughly the same starting and ending times maybe that's what we should focus on and see if there is a way to eliminate the need for that. If it's because they are all traveling together and we can figure out a way to get them to and from TCAT when they have different shifts that start and end, then they could take whatever is left over after the bidding, are they going to be housed locally.

A. Eccleston stated yes they will be in the Ithaca area.

S. Brock stated if they are at the Super 8 we could pay for taxi's or we could shuttle them, I'm just trying to figure out is there a way to get rid of the requirement that they have the same start and end times so that they could be integrated in a way that could be palatable to the union. Another thought I'm having is maybe it is too soon for the board to make a decision today; maybe we need to have further discussions with the Union.

F. Proto stated Susan I think you are on to something there, particularly going back to F. Howells personal statement at the board meeting last month; I think it would be important to draw out if he does have any other suggestions. He made quite a point that there should be other options on the table but I'm a little disappointed to hear that he didn't have anything to offer this morning, so I think you're idea of meeting with whoever the Union representation is and finding out if in addition to this particular item which is not a small one, are there any other issues because I think at that point we would have to go back to whoever the outside contractor might be to see if those items could be addressed. So you may be absolutely right we may not be in a position to make a decision today. Are there any other comments.

B. Gray stated I thought along the same lines as Susan, the travel distance in Ithaca is not that great so it would seem like we could address that all shifts start and stop at the same time, there might be a way around that, whether it's a taxi or some other method of getting them back and forth. In fact if they have a van maybe they can shuttle each other if that's the way it works out.

A. Eccleston stated just remember they are professional drivers they have on duty time and off duty time, they have to meet the requirements so the shuttle driver has to be considered and whether they get enough time off, they need sleep time too so that's a factor.

S. Brock stated maybe Gadabout or TCAT staff could also be an option.

F. Proto asked D. Howe and P. Stein if they had anything to add.

D. Howe asked is there a recommendation.

A. Eccleston stated our staff all feel strongly and are recommending discontinuing Sunday service, and the second option was the contract drivers, that's how we all felt.

B. Gray stated I think that's a fine direction but I don't think it's a complete recommendation and I don't know how it would be implemented if we agreed today and voted on entering into a contract with National I don't know how you would go about implementing that. It seems to me that you would have to have a sit down with the union or talk to National about the idea of having a little more flexibility and we can cover taxi's however we get them shuffled around.

D. Howe stated the recommendation was stopping service on Sunday.

S. Brock asked is that based on any information that came to light after Wednesday's Board meeting or was that the recommendation that was coming in to the first board meeting.

A. Eccleston stated the first board meeting that was our recommendation and then secondarily we talked about contract.

B. Gray stated if we gave up Sunday service are we using fewer drivers.

A. Eccleston stated if we gave up Sunday service which would be the beginning of November, we would have the 4 trainees on board and we would save 4 FTE's and that would give us 8, so not the 10 but it would give us 8.

P. Stein stated I'm a little bit confused because at our previous meeting I voted for that option and everyone else said no we can't do that because of everyone that needs to go to work. It seems to me we are not in a position to sign a contract.

F. Proto stated I think at this point if we are going to go back to any one of the proposed contractors we need to go back to them with a list of questions or concerns some of which have been brought out here and I think that includes going back to the union representation and asking them what else besides this one item is of concern. We can't drag out going back and forth to the individual organizations that have expressed an interest and make this a two year discussion, so I would suggest with all due respect because I know that A. Eccleston has put a lot of time in this already, but I think we need to go back to the union and ask them for a list of what their concerns are and then go back to the contract proposers and ask them how we can address these items. There may be some items in there that we may not be able to abide, we just might not be able to make an accommodation and then it's a case of finding out if the union is willing to compromise on whatever it happens to be but I don't think we are at that point yet because we don't know what else is on the table, and it can't be open ended. Discussion followed.

B. Brady stated I thought that the last meeting we had cutting Sunday service was off the table and putting it in the direction of these are the things we have to work through, you're right we can't continue to talk about recommendations, we have one and I think we need to move forward with it.

F. Proto stated we didn't really have a vote, I think we set a direction but with current information and that direction is not possible and we simply don't know at this point, I don't think anything is carved in stone that we can't go back and revisit any one of the other options and I think we have to respect whatever is brought forward.

J. Dotson stated I guess I was under the same impression as Bridgette I was under the impression on Wednesday that two, minimally, viable options were presented by staff and that the board had a clear sense that we were not interested in cutting Sunday service and the other concern I have about that is the fact of the cost of contract drivers and the issues with the union, it doesn't go as far as giving the breathing room to really solve the problem in an ongoing way. So if we are talking about filling 10 spots and cutting Sunday service you could kind of get to 8 whereas with the contract drivers we could spend some money and have the 10 for a temporary period. There are a lot of other concerns that I have with cutting Sunday

service. To be honest, I expect some bumpiness in the road with the union, I wish it weren't so but that is what we have right now, I'm not surprised that we have this and I think we need to work this out but I think the board set a pretty clear direction even though there technically wasn't a vote.

F. Proto stated Jennifer I agree with what you are saying but as new information comes forward that doesn't mean that we can't revisit what was said before and I don't want to close the door on anything right now and we don't know what else the union representation has as a concern except this one item.

J. Dotson stated that's a good point and I hear those concerns and I expected that would be part of the work that we would have to undertake and what you're describing about investigating what the issues might be and what other union representatives in addition to Frank and trying to address and we have known that this has been an issue for years about mandated overtime and if this is a way we can address it right now while also addressing recruitment issues, which again has been an ongoing issue, so far has not changed my view.

F. Proto stated let me ask you one question Jenn, are you ready to vote today on pursuing a contract.

J. Dotson stated to be blunt I really am because I think we have to act quickly and I think that these will be difficult issues to handle but I don't think they are insurmountable. Discussion followed.

F. Proto stated those that are interested in proceeding with a contract would you like to do a motion.

D. Howe made the motion that the Board approves TCAT to negotiate a contract with National Tours not to exceed the cost of \$400,000 for up to ten contract bus operators for a length of time of three months with an additional option of extension of the contract for up to three months; seconded by B. Gray. The motion passed unanimously.

### **III. Adjournment**

The motion to adjourn the meeting was made by D. Howe and seconded by P. Stein. The meeting adjourned at 2:14 PM.