



## King County

Department of Transportation  
 Metro Transit Division  
 201 S. Jackson Street  
 KSC-TR-0415  
 Seattle, WA 98104-3856

December 22, 2014

Shari Russell  
 Industrial Hygiene Compliance Inspector  
 Division of Safety and Health  
 Department of Labor & Industries  
 315 Fifth Ave S, Suite 200  
 Seattle, WA 98104

Re: Update and request for extension of the correction due date for Citation and Notice #317378149

Dear Ms. Russell:

This letter responds to Citation and Notice #317378149, inspection #578037394, issued to King County Metro Transit, P.O. Box 80283, Seattle, WA 98108-9007, phone 206-477-6860 (Metro Transit Safety).

I am writing to give you an update on the actions King County Metro Transit (Metro) is taking to improve our restroom program for bus operators in response to Citation and Notice #317378149, and to request an extension of the correction due date to enable us to more thoroughly develop solutions.

### **Background**

Metro offers fixed-route bus service and other public transportation options in King County, serving a population of 2 million in a service area of more than 2,000 square miles. Metro operates over 200 bus routes, including routes that provide service throughout the day, seven days a week. Metro employs more than 2,700 bus drivers. Due to the nature of bus drivers' work, convenient access to restrooms is sometimes difficult to provide. This is not just a local concern; providing restroom accommodations for bus drivers is a challenge faced by the transit industry.

Metro values our drivers and strives to support them. We have established more than 260 comfort stations (restrooms) across our service area. We are committed to making our restroom program one that meets our drivers' needs. We welcome the opportunity to partner with the Department of Labor & Industries – Division of Safety and Health (DOSH) and Amalgamated Transit Union (ATU) Local 587 to improve driver access to appropriate restroom accommodations.

### **Request for extension**

In order to develop comprehensive plans for achieving long-term solutions, Metro requests an extension of the correction due date for Citation and Notice # 317378149, Violation 1, Item 1, from the current due date of December 22, 2014 to March 2, 2015. The following summarizes the steps Metro has taken to date to correct the hazard, and why more time is needed.

**Violation 1, Item 1 of Citation and Notice # 317378149:** “King County Metro did not provide transit operators with unrestricted access to bathroom facilities when needed to relieve themselves in the following circumstances: bathrooms are not available during all hours of each route service; bathrooms are not located at each route terminal within a distance that can be accessed during the scheduled recovery time; operators have been disciplined for running late due to time spent using a bathroom or search for an available public bathroom.”

*Actions Metro has taken:*

Following receipt of Citation and Notice #317378149, Metro immediately started efforts to improve our restroom program for operators. The following are steps we have taken to date:

- Inspected and evaluated all restrooms in Metro’s comfort station program (more than 260).
- Updated the comfort station data base and supporting maps to help identify gaps in the comfort station network. This information will inform the comprehensive action plan that we will develop.
- Communicated and met with ATU Local 587, enlisting their partnership in improving the restroom program.
- Communicated with employees about Metro’s commitment to rebuilding and sustaining a comfort station program. Metro’s General Manager wrote a message that was emailed to employees and posted in workplaces.
- Improved mechanisms for employees to report problems with restrooms via an improved “Comfort Station Report” form, a new email address (Station.Comfort@kingcounty.gov) and a new dedicated phone line.
- Assigned a member of Operations management team to immediately prioritize and respond to comfort station issues while an Interim Comfort Station Program Coordinator is selected.
- Replaced the portable restroom at South Myrtle Street with one that has running water, soap and paper towels, and additional scheduled maintenance service (see more details under **Violation 2, Item 1** below).

*Actions Metro plans to take:*

- Identify and implement restroom improvements that can be made quickly (Phase 1 – by March 2015).
- Develop and adopt Metro policies and procedures for ensuring access to, and satisfactory condition of, restrooms for bus drivers.
- Communicate broadly to Metro drivers updated information about restroom locations and how to access them.
- Hire a permanent, full-time, dedicated Comfort Station Program Coordinator by March 2015.
- Identify and implement restroom improvements that will take longer to complete because they involve revisions of bus routing, terminal locations, and/or adjustment of bus schedules (Phase 2 – by year-end 2015).
- Identify and implement, where practical and financially prudent, capital construction restroom projects (Phase 3 – 2016-2017).

Metro is requesting an extension of the correction due date because preparation for the comprehensive improvements we plan to make will take longer than 30 days. Metro also requests that DOSH certify that criteria for abatement and/or partial abatement has been met as milestones are accomplished.

For more details about Metro's actions in response to Violation 1, Item 1, please see the following attachments:

1. A table summarizing the preliminary Driver Comfort Station Abatement Plan dated December 19, 2014.
2. A copy of the posting and announcement for the interim Comfort Station Program Coordinator position.
3. A copy of the email sent to all Metro Transit employees by the General Manager regarding the Comfort Station Program.
4. A copy of the letter to ATU 587 from the General Manager regarding the Comfort Station Program.
5. A copy of the Service Quality Bulletin reminding employees of Metro policy regarding restroom use.
6. A summary of Metro's investigation into the DOSH finding that operators were disciplined for running late due to time spent using or searching for a restroom.

**Violation 2, Item 1 of Citation and Notice # 317378149:** "The employer did not provide a compliant clean washing facility with paper towels and hot and cold water or lukewarm (tepid) running water, and handsoap at the Porta-Potty provided as the Othello Terminal restroom for over 6 years. Cited for not providing paper towels and hot and cold water or lukewarm (tepid) running water in each bathroom or comfort station."

*Actions Metro has taken:*

- Installed a new portable restroom that is equipped with a sink, running water, soap and hand towels at the Othello location on December 15, 2014.
- Increased maintenance service to this location to at least three times a week, and will provide additional maintenance service as necessary.
- Increased oversight of this restroom and reporting of any problems that arise.

*Actions Metro plans to take:*

- Develop a long-term solution to this location as part of the implementation plan for improving the comfort station program.

Metro requests that DOSH accept these corrections and consider Violation 2, Item 1 to be abated.

**Conclusion**

Metro is actively transforming its approach to providing bus drivers restrooms and ensuring bus drivers' access to them. We appreciate your assistance and support during this endeavor as well as your consideration of our request for an extension of abatement.

If you have questions or concerns related to the requested extension or our preliminary response described in the attachments, please contact me or Darryl Russell, Transit Safety Officer, by email at [Darryl.Russell@kingcounty.gov](mailto:Darryl.Russell@kingcounty.gov) or by telephone at 206 477-6860.

Sincerely,



Rob Gannon, Deputy General Manager  
King County Metro Transit

Enclosures

cc: John Stebbins, IH Compliance Supervisor, Washington State Department of Labor & Industries  
Harold S. Taniguchi, Director, King County Department of Transportation (DOT)  
Kevin Desmond, General Manager, Metro Transit Division, DOT

## Driver Comfort Station Abatement Plan Summary

December 19, 2014

*How Metro will make satisfactory restrooms available to all bus drivers*

Actions Taken or Planned	Completion Date
1. Inspected and evaluated all restrooms in Metro's comfort station program. For each restroom, the reviewer noted the times of day it is available and its condition, and how far it is from the bus terminal where drivers take their breaks.	12/5/14 (complete)
2. Assigned a member of the Operations management team to immediately prioritize and respond to comfort station issues until an Interim Comfort Station Program Coordinator is selected.	12/10/14 (complete)
3. Developed a database and maps to help identify gaps in the comfort station network—where restrooms are not available or are too far from terminals for drivers to reach during their breaks. Metro will use this information along with adopted policies and procedures (policy adoption scheduled for February 2015) to determine what Metro must do to provide unrestricted access to bathroom facilities during all hours of service within an acceptable walking distance.	12/11/14 (complete)
4. Communicated with employees about Metro's commitment to rebuilding and sustaining a comfort station program that really works for bus drivers, and informed them about specific steps being taken. Metro's General Manager wrote a message that was emailed to employees and posted in all workplaces.	12/15/14 (complete)
5. Replaced the portable restroom at South Myrtle Street (Othello Terminal) with one that has running water and towels, and increased the minimum cleaning frequency to at least three times per week, and additional maintenance as necessary.	12/15/14 (complete)
6. Will appoint an Interim Comfort Station Program Coordinator to serve until a permanent, full-time coordinator is hired (planned for March 2015).	1/16/15
7. Will give Metro bus drivers an updated list of restroom locations when they select their work assignments between January 10 and January 23, 2015 for Metro's February 2015 service change.	1/23/15
8. Will develop a prioritized list of restrooms where improvements will be made. The L&I Report will be the basis for this list. Phase 1 will include improvements that can be made quickly (by March 2015), Phase 2 will include those that can be made by year-end 2015, and Phase 3 will include those that require construction and will be completed in 2016 and 2017.	1/30/15
9. Will adopt Metro policies and procedures for ensuring access to, and satisfactory condition of, restrooms for	2/2/15

Metro bus drivers.	
10. Will make Phase 1 improvements—those that can be done quickly— by confirming with agencies and businesses that bus drivers are allowed to use their restrooms, and updating information for Metro bus drivers about where restrooms are available and how to access them.	2/27/15
11. Will hire a permanent, full-time, dedicated Comfort Station Program Coordinator.	3/1/15
12. Will develop budget requests to plan, design, and construct restrooms that Metro must build. These will require budget approval from the King County Council. Plan assumes any required budget will be approved in November 2015.	7/1/15
13. Complete Phase 2 improvements—those that will require a combination of revisions to bus routing, terminal locations, and bus schedules. These locations will require some detailed analysis related to bus routing and cost to operate/ adjust the bus service.	12/31/15
14. Make Phase 3 improvements—those that will require additional costs for project design, permitting by cities, and construction.	1/4/16-12/31/17



## King County

## Attachment 2

Department of Transportation  
Metro Transit  
Service Quality  
SVQ-TR-0100  
1270 6th Ave S  
Seattle, WA 98134

December 16, 2014

**TO:** All Transit Employees

**FM:** Jon Bez, Superintendent, Service Quality

**RE:** Request for Letters of Interest for Interim Comfort Station Coordinator  
(Acting Project Program Manager II)

I am soliciting letters of interest for a Project Program Manager II to serve in the Service Quality unit in the Operations section. The assignment will begin in January and is expected to last one to three months. The anticipated body of work may include:

- Monitor/track the status of Metro's comfort stations
- Identify needs for additional comfort stations
- Negotiate contracts with vendors
- Communicate with operators about the program
- Assist in developing the full body of work required of the eventual permanent Comfort Station Coordinator
- Coordinate with supervisory staff or senior management about the Comfort Station Program

Letters of interest should clearly demonstrate how you meet the following required and desired qualifications:

### REQUIRED

- Experience managing and coordinating projects and/or processes.
- Demonstrated project management skills, including ability to prioritize project activities, manage project budgets
- Knowledge and/or experience with performance management strategies
- Knowledge and skills in presenting information in an effective manner
- Demonstrated ability to evaluate options and make recommendations or decisions with minimal guidance on issues where direction and/or policy are general.
- Demonstrated organizational skills
- Experience applying professionalism in an environment that may include ambiguity and sensitivity
- Experience effectively preparing project communications

- Excellent oral and written communication skills
- Microsoft Office skills, including Word, Excel and PowerPoint

#### DESIRED

- Experience with performance management strategies specific to transit agencies or internal groups
- Experience with handling multiple tasks and priorities in a fast-paced environment
- Familiarity with the Transit organization and key partners and stakeholder groups
- Familiarity with the Transit network and its 260+ Comfort Stations

Your response should be as complete as possible as it will be used to make the final selection. Metro is interested in hiring this interim position to quickly get a resource in place.

This position will be designated as interim while a competitive selection process is held to hire a career service Comfort Station Coordinator. Candidates interested in the career service position *should not* apply for this assignment. Interested candidates should view this as a short term and temporary opportunity to build their skills and experience. Depending on the responses received, an interview and/or written examples of past work could be requested.

The location for this assignment will be with the Service Quality group in the Atlantic/Central Ops Building. Work hours will be typical business weekday daytime hours at King Street Center (Start no later than 8am, end no earlier than 4pm). The Project Program Manager II position is a Local 17 FLSA Non-Exempt (Hourly) position.

Wage rate will be calculated based upon the selected employee's base rate and bargaining agreement language regarding acting (special duty) assignments. The 2014 salary range for this job classification is \$33.76 – \$40.81.

If you are interested in this temporary acting assignment, please email your letter of interest to [jon.bez@kingcounty.gov](mailto:jon.bez@kingcounty.gov). Letters need to be received by 4pm on December 30th, 2014 to be considered. Thank you.

Jonathon Bez  
*Superintendent of Service Quality*  
206-477-5791



**From:** Desmond, Kevin  
**Sent:** Monday, December 15, 2014 3:51 PM  
**To:** ZZGrp, TR VAR Transit All  
**Subject:** Comfort station improvements are underway

## Comfort station improvements are underway

Dear Metro Employees:

I want you to know that Metro is taking action to quickly and thoroughly correct problems with our comfort station program for our transit operators.

As you may have heard, the Washington Department of Labor and Industries (L&I) issued a citation to Metro in November. It stated that Metro didn't give transit operators unrestricted access to bathroom facilities, that bathroom facilities weren't available during all hours of each route's service span, and that bathrooms weren't located within a distance that operators could reach during their breaks. The citation also states that the temporary bathroom at the Othello terminal doesn't meet requirements.

These conditions are not acceptable, and I directed staff to take immediate actions to correct the problems L&I found and to set up a permanent program that really works for our operators. These actions are:

1. **Audit the comfort stations immediately.** Two weeks ago, Service Quality supervisors fanned out to evaluate every comfort station—more than 260 of them. We'll use the information they gathered to correct critical issues of availability, poor conditions, and distance from terminals.
2. **Assign an operations chief and an interim comfort station coordinator to the program for the next few months.** I directed Operations to devote an operations chief to conduct more frequent spot-checking of comfort stations. Operations has also appointed a temporary comfort station coordinator, Rob Loer, to work with this operations chief to verify the audit results and coordinate work to correct the problems. Rob will interact directly with operators to learn first-hand about issues and concerns.
3. **Hire a permanent comfort station coordinator by March.** We will staff the comfort station program with a permanent, dedicated employee instead of a temporary rotating detail assignment to make sure the program gets the attention it needs.
4. **Improve communication tools.** We're updating the "Comfort Station Report" form and setting up a phone line that operators can use to report restroom problems. Operators can also send an email to [Station.Comfort@kingcounty.gov](mailto:Station.Comfort@kingcounty.gov). We'll include updated information about the comfort station program in The Book and in the Operations Bulletin.

ATU Local 587 will play an important role in making sure the comfort station program is effective and sustained, and last week we began meeting with union reps to talk about the best ways to address comfort station concerns. These ideas will be incorporated into the improvement plan we will submit to L&I.

I know that operator break time is an equally important related issue. Break times were affected by scheduling changes we made to comply with recommendations of a 2009 performance audit. We've been working with Local 587 to address this issue, and invested about \$4 million annually in 2012 and 2013 to improve service reliability and passenger crowding. As a result of the Seattle transit funding initiative, we'll make additional investments this coming June that will further improve working conditions for our operators. As part of contract negotiations, we have tentatively agreed on language that would give operators additional guarantees that breaks are part of their regular work day.

Metro's operators are the backbone of our service and deserve the best working conditions we can provide. I am fully committed to rebuilding the comfort station program and making sure our operators

have the facilities they need along their routes. I'll keep you informed as the program takes shape in the weeks ahead.

Sincerely,

Kevin Desmond  
General Manager  
Metro



## King County

Department of Transportation  
Metro Transit Division  
General Manager's Office  
201 S. Jackson Street  
KSC-TR-0415  
Seattle, WA 98104-3856

December 12, 2014

Paul Bachtel  
President  
Amalgamated Transit Union, Local 587  
2815 Second Avenue, Suite 230  
Seattle, WA 98121

Dear Paul:

I am writing to follow-up on a number of issues related to King County Metro Transit's (Metro) comfort station program. As you are aware, the Washington Department of Labor and Industries, Division of Occupational Safety and Health (L&I) issued a citation to Metro on November 19, 2014 following their investigation of complaints made by some operators. The citation states that Metro did not provide transit operators with unrestricted access to bathroom facilities; that bathroom facilities were not available during all hours of each route's service span; and that bathrooms were not located within a distance that can be accessed during recovery time. The citation also states a second violation for the non-compliant condition of the temporary bathroom at the Othello terminal.

The state of our comfort station program is not acceptable. I have directed that we take immediate steps to address the findings of the L&I review and otherwise re-invigorate the program. I want to lay out our initial response for you and also suggest a path forward whereby Metro and the ATU can assure Metro employees that the concerns related to comfort stations are comprehensively addressed. Our abatement plan must be submitted no later than December 22, 2014. Please be aware that we will not be able to resolve all issues by that date. As a result, our response to L&I will include a request for additional time to correct certain issues.

Since receiving the citation and the full report issued by L&I, I have directed that the following actions occur:

- 1) **Immediate audit of the comfort station roster.** Last week, district supervisors in our Service Quality unit fanned out across the route network to evaluate the status of all of the more than 260 comfort stations. We have also completed a preliminary GIS analysis of the placement of comfort stations. We will now use this up-to-date information to address critical issues of availability, unsatisfactory or unsafe conditions,

and distance from terminals. This survey will provide the baseline for our abatement plan.

- 2) **Appoint an interim comfort station coordinator.** I have directed Operations to devote an Operations Chief to begin conducting a more frequent spot-checking of comfort stations, beyond what our first line supervisors do. Specifically, we will investigate all locations that were called out in the L&I report. In addition, we will post for and select a temporary Comfort Station Coordinator to work in partnership with the chief by the end of December. The temporary Comfort Station Coordinator will interact directly with operators to gather first-hand feedback on known issues and other suggestions or concerns. These two special duty assignments should last between 1 and 3 months and will be tasked with verifying the audit results and coordinating the redress of problem issues.
- 3) **Hire a permanent position to oversee the comfort station program.** Ultimately, we will staff the comfort station coordination program with a permanent, dedicated employee. For your information, I have attached a proposed job description listing the anticipated duties and responsibilities. As you can see, we expect the successful candidate to perform a comprehensive scope of work to assure that the program receives the attention it deserves. By making it a permanent assignment rather than a temporary rotating detail assignment, I fully expect we will avoid the missteps that led to the current and unacceptable state. I welcome your feedback on the position description. We will post this position in January with the goal of hiring a permanent Comfort Station Coordinator no later than March 1.
- 4) **Develop improved communication tools in support of the program.** One of the most distressing aspects of this series of events is our failure to communicate effectively within the organization. The staff in Operations will immediately look at ways to improve how information on comfort stations is shared with operators. This will include an update to The Book, a bulletin on the procedures regarding use of comfort stations, and improved handling of Comfort Stations Reports (the form operators currently use to bring forward issues). In addition, I expect our management staff to take ownership of this issue. No matter the forum, whether direct conversations, labor-management committee engagements, or base safety committee meetings, addressing the issues must be given due urgency and resolved when and where possible within the framework of a newly structured program.

Along with these actions, we will schedule more time with you and other representatives from ATU 587 to incorporate your ideas on how we can most effectively address these important concerns. As you are aware, an ad hoc labor management committee met separately on

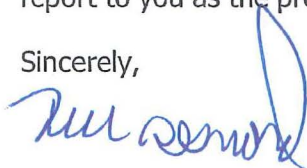
Paul Bachtel  
December 12, 2014  
Page 3 of 3

Wednesday, December 10 to immediately address the state of the comfort station program. I understand this committee will meet again next week and continue to work collaboratively until these issues are fully resolved. Whether in that committee or in some other venue, it is clear to me that we need to work together to find an appropriate remedy. The L&I investigator notes that while the comfort station program is ultimately the responsibility of the employer, the union nonetheless plays an important role in assuring it is both adequate and successfully sustained.

The L&I review of the comfort station program comes as well in the context of cuts to operator break time. Since the 2009 performance audit and resulting set of scheduling efficiencies we were directed to find, layovers and operator break times have been among the most important issues that 587 and management have been working on together. Working with the Scheduling unit, at the bases, and the Union/Management Scheduling committee, Metro identified and implemented schedule adjustments and trip adds to address passenger crowding and inadequate running time at a cost of about \$4 million annually in 2012-13. With the new Seattle transit funding initiative, an additional \$3 million annually will be invested this coming June and September to further address these issues that affect the quality of our service and the working conditions of our operators. Further, the contract language we have tentatively agreed upon also provides additional guarantees and certainty for operators that breaks are part of their regular work day.

I will ensure that Metro management works closely with ATU 587 to rebuild this program and provide our transit operators with the facilities they need along their routes. I will continue to report to you as the program takes shape in the weeks ahead.

Sincerely,



Kevin Desmond  
General Manager

cc: Officers of the Amalgamated Transit Union, Local 587  
Neal Safrin, 1<sup>st</sup> Vice President/ Assistant Business Agent  
Clint DeVoss, 2<sup>nd</sup> Vice President/ Assistant Business Agent  
Paul B. Neil, Financial Secretary  
Judy Young, Recording Secretary  
Harold S. Taniguchi, Director, King County Department of Transportation (DOT)  
Rob Gannon, Deputy General Manager, Metro Transit Division, DOT  
Michael List, Interim Manager, Transit Operations, Metro Transit Division, DOT  
Jon Bez, Acting Superintendent, Service Quality, Metro Transit Division, DOT







### **Comfort Station Coordination Job Description**

The Comfort Station Coordinator is the point person for all aspects of King County Metro's Comfort Station Program. This position will handle many tasks independently, performing both routine and complex tasks. Routine work is performed with minimal direction and guidance, while more complex tasks and projects will be performed under the supervision of the Superintendent of Service Quality. The Comfort Station Coordinator will be responsible for managing program budgets, communications, responses, action plans, and coordination with stakeholders.

### **Comfort Station Coordinator Duties**

1. Monitor the status of every comfort station in the Metro system by coordinating with and collecting this information from 1<sup>st</sup> Line staff in the field.
2. Develop and maintain databases for all comfort station information (i.e. status, location, availability, cost, etc.)
3. Coordinate with Service Development and Design and Construction staff to establish the priority and scope of need for new Metro owned/operated Comfort Stations.
4. Establish an operating budget for leases/agreements, and track and report on expenses against that budget.
5. Work with Service Development to identify gaps in restroom access for future/planned changes to the service network.
6. Locate potential new comfort station facilities and conduct an evaluation process for considering a business for the comfort station program
7. Negotiate contracts with vendors.
8. Respond to concerns, comments and suggestions from operators, first-line supervisors and other county employees and business owners/managers that participate in the comfort station program.
9. Field and respond to Operator complaints about inadequate/unavailable restroom facilities. Prioritize and respond quickly to urgent issues.
10. Maintain a log of outstanding issues and record the dates when issues were resolved.
11. Initiate work order requests for repairs (i.e. replace/fix locks, replace t-key cylinders, and repair heaters, fans, toilet, sinks, repair vandalism, etc.)
12. Identify comfort station locations that have changed their hours of operations.
13. Identify comfort station locations that are no longer needed
14. Produce monthly/quarterly program reports, as needed, to help others understand the status of Metro's comfort station program.
15. Produce and distribute Comfort Station Program Newsletter/Bulletins.
16. Manage relationships (financially and operationally) with external providers of restroom facilities for Operators.
17. Identify that payments for comfort stations are going to the appropriate comfort station providers.

18. Maintain and use step-by-step instructions to pay for services
19. Draft external correspondence about the Comfort Station Program for supervisory staff or senior management.
20. Provide accurate information for Service Quality's Geographical Information System (GIS) and transit service planners.
21. Develop program recommendations as needed.
22. Perform other duties as assigned.

### **Knowledge/Skills**

Knowledge of research methods

Knowledge of negotiation principles

Knowledge of project cost accounting principles

Knowledge of project management principles

Knowledge of general government principles and procedures

Knowledge of Metro Transit's network of routes

Basic quantitative skills

Written and oral communications skills

Analytical and problem-solving skills

Budget development and monitoring skills

Skills in gathering, manipulating and using data utilizing a computer and other tools

Skill in working effectively as a team member to coordinate accomplishment of specific tasks

### **Licensing/Certification Requirements**

Washington State Driver's License

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**FLSA Designation**

**Non-Exempt / Hourly**



#3809

December 16, 2014

Attachment 5

## Comfort Stations

Metro is taking action to quickly and thoroughly correct problems with the comfort stations we make available for transit operators.

The Washington Department of Labor and Industries (L&I) issued a citation to Metro in November after investigating operators' complaints about comfort stations. The citation states that Metro did not provide transit operators with unrestricted access to bathroom facilities; that bathroom facilities were not available during all hours of each route's service span; and that bathrooms were not located within a distance that operators can reach during recovery time. The citation also states that the temporary bathroom at the Othello terminal doesn't comply with requirements.

We immediately began taking steps to correct these findings and make sure the concerns are comprehensively addressed. Service Quality supervisors conducted an audit of the more than 260 comfort stations, and I assigned a staff member to investigate all the locations called out in the L&I report. This combined survey will provide the baseline for our plan to correct issues of availability, unsatisfactory conditions, and distance from terminals. We're also updating the "Comfort Station Report" form and setting up a phone line that operators can use to tell us about specific problems that need to be addressed. Operators can also send an email to [Station.Comfort@kingcounty.gov](mailto:Station.Comfort@kingcounty.gov).

We're moving quickly to appoint a short-term comfort station coordinator by the end of December. This special duty assignment will last between one and three months and will be tasked with verifying the audit results and coordinating work to correct problems. The interim coordinator will interact directly with operators to gather first-hand feedback on issues and concerns.

By March, we'll hire a permanent, dedicated employee to serve as the comfort station coordinator. By making this a permanent position rather than a temporary rotating detail assignment, we'll assure that the program gets the attention it deserves.

Operations staff have begun looking at ways to improve how information on comfort stations is shared with operators. This will include an update to The Route Book, a bulletin on the procedures for using comfort stations, and improved handling of issues raised through the Comfort Station Report, emails to the address above, and other communications.

Along with these actions, Kevin Desmond, General Manager of Metro Transit, has pulled together an ad hoc labor/management committee to immediately address the comfort station program. Metro will continue to work collaboratively with Local 587 leaders until the issues are fully resolved. The union plays an important role in assuring that the comfort station program is both adequate and successfully sustained.

Operator break time is a related issue. Ever since the 2009 performance audit led to schedule changes, layovers and operator break times have been among the most important issues that 587 and management have been working on together. Working with the Scheduling unit, the bases, and the 587/Management Scheduling committee, Metro invested about \$4 million in 2012-2013 to adjust schedules and add trips to reduce passenger crowding. As a result of the Seattle transit funding initiative, about \$3 million more will be invested annually, starting this coming June, to further address issues that affect the quality of our service and the working conditions of our operators.

Watch for more information about the comfort station program in the months ahead.





## King County

Department of Transportation

Metro Transit Division

201 S. Jackson Street

KSC-TR-0415

Seattle, WA 98104-3856

Attachment 6

### **A summary of Metro's investigation into the finding as stated Citation and Notice # 317378149 that operators were disciplined for running late due to time spent using or searching for a restroom**

Metro's policy permits transit operators to use restrooms as needed. Whether operators are in the middle or at the end of their route, they are allowed unrestricted access to restrooms. Metro understands that operators work difficult jobs, so they are afforded great discretion in making decisions as to when and where to use restroom facilities. Operators are permitted to run off schedule in order to use the restroom. If an operator's restroom break creates a significant schedule delay, they are merely required to notify the Transit Control Center. They are not disciplined for taking the restroom break. The pressure that operators may feel from passengers not to stop and use the restroom is a social pressure; Metro does not expect operators to refrain from stopping for this reason.

Metro has scanned disciplinary "Performance Reports" (PRs) dating back to 2008, and cannot find any instances in which an operator was disciplined solely for running late because of time spent using or searching for an available restroom. Metro would appreciate an opportunity to meet with L&I and clarify the official record on the matter of operator discipline and restroom use.

The documentation in the Enforcement Case File cites two specific examples of operator discipline related to restroom use. Neither of the mentioned operators was disciplined for running late because of time spent using or searching for a bathroom.

#### **Operator 1:**

Operator 1 asserts a Chief disciplined him for running late on January 17, 2014, because of time spent using and/or searching for an available public restroom. Metro has no record of discipline for this reason on that date. Operator 1 was given refresher training to assist him in time management, but this was not a disciplinary action per the collective bargaining agreement between Metro and ATU Local 587. Retraining is designed to clarify expectations and improve performance and is not considered a disciplinary action. Operator 1 received training on March 3, 2014, and was instructed by the instructor that it would be prudent to use a restroom in route, rather than use comfort stations that are far away or unsuitable. Time management is critical for Metro's transit service and its employees, and the tools this operator was given during training were designed to supplement the Operator's time management strategies.

#### **Operator 2:**

Metro has not restricted Operator 2's access to restrooms or disciplined this operator for running late because of time spent using a bathroom. Operator 2 was told clearly that he is permitted to use a restroom during revenue service; however, per contract, if he waits until after his last revenue run,

that time is not considered paid time. Therefore, restroom breaks should not be included after completing the last revenue run in any unscheduled overtime requests.

Operator 2 consistently added approximately 12 minutes of paid time to the end of the shift by using the restroom after the last revenue run. Operators are supposed to return to their base after their last revenue run. Per contract, operators cannot stop on paid time to attend to personal issues after the last revenue run and before returning to base. Operator 2, like all operators, understood that he was given unrestricted access to restrooms. During the L&I Comfort Station questionnaire interview, Operator 2 stated an understanding of Metro's bathroom/comfort station use policy. This policy allows operators to use a bathroom regardless of whether the bus is full or empty; and states that it is acceptable to pull over and find a restroom without restriction. The letter of expectation issued to Operator 2 was not a disciplinary action. Per the contract, it was an advisory notification.

The collective bargaining agreement between King County Metro Transit and ATU Local 587 defines what constitutes discipline. Article 4, Section 2, paragraph A states, "Types of discipline shall include oral reminders, written reminders, disciplinary probation, decision-making leave, suspension and discharge."



**Employer Certification of  
Abatement Form**  
Inspection: 317378149

**UBI:** 578037394  
**Legal Name:** KING COUNTY  
**Site Address:** 1500 6th Ave, Bldg 2A, Seattle, WA, 98134

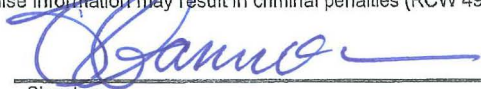
**Issued:** November 19, 2014  
**DBA Name:** King County Metro Transit

You must complete this form and return it to: **SHARI RUSSELL**, Department of Labor & Industries  
315 5th Ave S, Suite 200, Seattle, WA 98104  
Or Fax to:

Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-1	Serious	296-800-23020	12/22/2014
Violation Summary: Provide bathrooms when needed			
How you corrected the hazard → See attached			
<b>Date you corrected the hazard →</b>		Requesting extension of correction date to March 2, 2015	
2-1	General	296-800-23025	12/22/2014
Violation Summary: Provide wash facilities with running water			
How you corrected the hazard → See attached			
<b>Date you corrected the hazard →</b>		12/15/14	

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

  
Signature \_\_\_\_\_ Name **Rob Gannon**  
Deputy General Manager **12/22/14** 206-477-5911  
Title \_\_\_\_\_ Date \_\_\_\_\_ Phone No. \_\_\_\_\_

DOSH USE ONLY

\_\_\_\_\_  
DOSH Reviewer's Signature \_\_\_\_\_ Date \_\_\_\_\_

