

## COMMENT & RESPONSE MEMORANDUM

**TO:** Employer Outreach Committee Members  
**FROM:** COG/TPB Staff  
**DATE:** Tuesday, January 15, 2019  
**RE:** Comment and Response Summary: Regional Coordination with WMATA and Access to Regional Employer Outreach Database

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### BACKGROUND

The Commuter Connections Employer Outreach Committee began discussing the possibility of granting WMATA access to the COG-maintained Commuter Connections ACT! Regional Employer Outreach Database during the July quarterly meeting. The intention behind WMATA's request is to coordinate efforts in reaching more employers in tandem with TDM sales representatives with the release of the revamped SmartBenefits application portal. The Committee concluded some type of communications policy would be needed between WMATA and the Local Jurisdictions if access were to be granted and tasked COG/TPB staff with developing such a policy.

The draft policy was developed by COG/TPB staff and presented at the October Committee meeting as a draft memorandum titled *Regional Coordination with WMATA and Access to Regional Employer Outreach Database*. The memo outlined potential benefits to coordination, established a three-month pilot period for WMATA, and listed database policies and procedures (Attachment A). Committee members requested an opportunity to review and comment on the memo in more detail. A comment period was subsequently held.

### COMMENTS & RESPONSES

#### District of Columbia

Can we be provided a more detailed plan from WMATA on how they will incorporate the Employer Outreach Sales teams in their outreach and report back findings? Will this be done through email communications? Tracked in a spreadsheet, or just put into the Act database?

*Response: WMATA will follow the Commuter Connections Lead Processing Procedures (Attachment B). Pursuant to these Procedures, WMATA sales representatives will log all applicable data directly into the ACT! Database. WMATA will subsequently alert the respective local jurisdiction of any new information reported.*

When WMATA meets with businesses, can they give them our Employer Services Folder with our business card in it? If so, please let us know and we can ship a small inventory.

*Response: This is a question that your assigned WMATA sales representative would need to work out with you.*

#### Virginia Department of Rail and Public Transit

It starts with WMATA assigning SmartBenefits sales representatives to the local employer outreach representatives.

*Response: This should already be in place. However, it would be good to have in a table to distribute to the committee members and we will ask WMATA to provide one.*

Next, the local employer outreach representatives develop a list of employers that do not have SmartBenefits and WMATA verifies the list, adding any of their employers to the list.

*Response: This is a good idea and would need to occur between WMATA's sales representatives and Employer Outreach representatives.*

Then the local employer outreach representatives contact the employers and set up sales calls that will be attended by both the local employer outreach representative and WMATA's SmartBenefits sales associate.

*Response: This is already in Commuter Connections Lead Processing Procedures and should be followed by WMATA.*

Regarding the database, read-only access seems acceptable to Arlington and Fairfax.

*Response: WMATA will inherently need more than read-only access to the database in order to fully collaborate with TDM sales representatives. Read-only access would prevent WMATA from documenting WMATA's experiences with employers, and this can be valuable information to the jurisdictions, as well as to COG.*

#### Arlington County

The Metropolitan Washington Council of Government's (COG) intention is to allow Washington Metropolitan Area Transit Authority (WMATA) access to the regional ACT database so WMATA can directly solicit all regional jurisdictional clients to promote and sell their SmartBenefits program.

*Response: The intent of COG's recommendation for allowing WMATA access to the Commuter Connections Regional ACT! Employer Database is to collaborate with all the Commuter Connections Employer Outreach sales teams to promote employer-based commute benefits alongside SmartBenefits at employer worksites.*

At last week's Commuter Connections Employer Outreach Committee meeting, Commuter Connections seemed adamant on directing regional members to approve WMATA's use of the regional ACT database.

Arlington Transportation Partners (ATP) Business Development Manager, Marie Cox, attended this meeting on Arlington County Commuter Services' (ACCS) behalf and pushed back knowing ATP's strong stance on client confidentiality. Marie stated that she and Marina Budimir, from District Department of Transportation (DDoT), were the two jurisdictional members that voiced

their concerns and reservations. Representatives from Alexandria and the Tri-County Council of Southern Maryland had questions and a representative from Fairfax County was not present for the discussion. Per Marie, the representative from Bethesda was the only jurisdiction that approved on the spot. COG has since decided to open this agenda item for comments through November 2, 2018.

*Response: COG/TPB staff recommended this approach to coordinate regional efforts between WMATA and local Employer Outreach representatives through a three-month pilot program to explore the benefits and challenges of regional collaboration within the ACT! Employer Database. Many questions were asked during the October 16<sup>th</sup> meeting regarding the recommendations outlined in the memo presentation. The Committee recommended to allow for further comments on the recommendations and this comment & response process is being used to compile input for the next meeting.*

#### ATP's Concerns

First- Arlington Client Confidentiality and Privacy.

ATP has a verbal and written policy (ATP Website, Terms and Conditions) that is backed by an Arlington County policy (<https://www.arlingtonva.us/terms-conditions/> "Arlington County Government will not sell, rent or lease or otherwise disclose your personally identifiable information. Information may be shared with entities who are contractually acting on behalf of the County. Such entities are governed by this privacy policy with respect to the use of this data and are bound by the appropriate confidentiality agreements.")

*Response: As the owner of the regional Commuter Connections ACT! Database, COG is bound to its own Rules of Procedures which include confidentiality provisions similar to those mentioned by Arlington. In this instance, local jurisdiction policies do not apply to the proposed approach because the data is owned by COG.*

*COG will secure a written commitment from WMATA to comply with COG's confidentiality provisions.*

- ATP client information is proprietary and communicated to all clients via a verbal and written understanding that information is NOT SHARED WITH OTHERS FOR SOLICITATION PURPOSES.

*Response: COG owns the database which, therefore, is not subject to local jurisdictional confidentiality rules. The database will not be used for any commercial purposes other than expanding the use of Commuter Connections program services by employers.*

- Failing to provide client confidentiality will lead to ATP's and Arlington County's loss of clients and loss of trust with the business community.

*Response: We do not expect this to occur because confidentiality of COG's database is protected by COG's Rules of Procedure which WMATA will commit to follow.*

- The purpose of sharing extremely limited client information related to transportation demand management (TDM) program adoption into a regional database that COG is responsible for, is tied to TERM and Air Quality reporting and subsequent regional funding of TDM programs. The information is not for distribution to other vendors or partners as the regional members are currently aware.

*Response: COG recognizes WMATA as part of the Employer Outreach program sales team and has done so since the program's inception (Attachment B Flow Chart from 12/96).*

- ATP supports COG by its co-promotion of regional COG sanctioned events such as the Commuter Connections Employer Recognition Awards, Car Free Day, and Bike to Work Day.

*Response: COG appreciates this support. However, this bullet has no bearing on the subject recommendations being made by COG/TPB staff.*

#### Second – WMATA Rider and SmartBenefits User Confidentiality and Privacy

- For nearly two decades, WMATA Metrocheks and SmartBenefits' rider and user information has not been shared with regional COG members stating confidentiality and privacy concerns.

*Response: This statement is not correct. Under the auspices of the Commuter Connections Employer Outreach Program, WMATA has supplied COG with employer data and records for inclusion in the Regional ACT! Employer Database and the database has been accessible by the jurisdictions.*

- For the same two decades, ATP has acted as an auxiliary sales force for WMATA's Metrochek and Smartbenefits programs. SmartBenefits data is readily available, yet held hostage by WMATA even though this data could be used more effectively. The region is continually left with manual and laborious processes to identify quantitative data regarding enrollment, increases or decreases in user participation rates, and other strategic data points that would be integral to increasing TDM and transit funding and resiliency in both Arlington County and the region.

*Response: This appears to be an issue between Arlington County and WMATA and has no bearing on the recommendations being made. COG would be glad to consult with Arlington and WMATA on how to resolve Arlington's concerns.*

#### Third – Confusion

- ATP has been integral in the education and promotion of client enrollment in the WMATA SmartBenefits system since its inception.
- Already, clients are confused with WMATA offerings and lack of efficient follow-through related to SmartBenefits inquiries and website ease-of-use operations. WMATA's actions could lead to increased confusion as clients will not know whom to work with and to whom to share data.

*Response: We believe the Commuter Connections Lead Processing Procedures already in place, which provide a roadmap for clear collaboration, will minimize this confusion. Conversely, withholding information from WMATA (and vice-versa) will inhibit collaboration and likely cause greater confusion among employers.*

#### Lastly – Database Efficiency

- As with any database, it is only as good as its data. ATP has spent copious amounts of time to ensure our client data is updated and correct to the best of our knowledge. Database management best practices have revealed the difficulty and inherent issues when a database is in use by multiple or disparate users. Unless data entry rules and protocols are enforced, data becomes "dirty" and unreliable.

*Response: Commuter Connections has specific Lead Processing Procedures which all jurisdictions (including WMATA) are expected to follow. These procedures exist to ensure data within the database is, and remains, at a high quality.*

- Arlington County has on multiple occasions identified issues regarding the changing/deleting of Arlington County employer data by Commuter Connections representatives. These concerns have remained unaddressed even though this concern was elevated to both Fatemeh Allahdoust of the Virginia Department of Transportation (VDOT) and Nicholas Ramfos of COG.

*Response: These issues were addressed by COG/TPB staff when these situations were brought to COG's attention in FY2018. The employers removed were those that had moved out of the county, closed, or expressed interest to not be part of the program. We would be glad to assist with resolution of any lingering concerns in this regard.*

- From what ATP has experienced over many years of TDM practice is that Commuter Connections does not have procedures, protocols, or enforcement policies in place for communicating with jurisdictions for data changes.

*Response: This statement is incorrect; please see the Commuter Connections Lead Processing Procedures (Attachment B). We would be glad to review these procedures with ATP or other jurisdictions.*

#### Recommendations

- ATP strongly advises that ACCS not allow WMATA or any other interested organization access to Arlington County employer data.
- We strongly suggest that the ACCS Bureau Chief, Jim Larsen, contact other COG regional members Walter Daniel (Fairfax County), Thomas Hamed (City of Alexandria), Sharon Affinito (Loudoun County) and Marina Budimir (District Department of Transportation), to have a larger discussion about the short and long term impacts of COG's willingness to hand over the entire regional ACT database to WMATA.
- A response to COG on ACCS's position about this issue is requested no later than COB, November 2, 2018.

#### Conclusion

- COG's plan is a bad idea. If this decision is undertaken by COG, it will negatively impact all Commuter Connections members as well as their TDM clients.

*Response: We disagree. This effort will allow WMATA and the region to reinvigorate the SmartBenefits program through Employer Outreach. This is important, particularly given the recent losses of transit ridership as well as the recently TPB-adopted LRP initiatives.*

ATP remains poised to support WMATA's SmartBenefits system as an auxiliary sales force and we will continue to ensure the trust of the Arlington business community by protecting client confidentiality and privacy related to TDM programming.

## Fairfax County

Fairfax County Commuter Services (FCCS) would like to respond to the Metropolitan Washington Council of Government's (MWCOC) proposal to allow Washington Metropolitan Area Transit Authority (WMATA) access the regional ACT database so that WMATA can directly solicit all regional jurisdictional clients to promote and sell their SmartBenefits program.

FCCS has discussed this proposal internally and has been made aware of the concerns by other jurisdictions in Northern Virginia as well. FCCS specifically agrees with the concerns expressed by Arlington Transportation Partners (ATP). The comments below describe the reasons why FCCS would suggest MWCOC not move forward with this proposal:

- Undermining Existing Client Relationships (Confidentiality and Privacy) - Employer outreach staff throughout the region interact with businesses in the same fashion and face challenges with acquiring direct contact information for prospects. Securing this information is difficult, time consuming and absolutely vital in building fruitful relationships with prospects. Sharing these contacts with any other organization would reflect negatively on this process and on any existing relationships.

*Response: We concur about the critical nature of securing valuable data. Data in the Regional ACT! Employer Outreach Database is owned by COG and protected under COG's existing Rules of Procedure, which must be followed by all parties using the database. Furthermore, given our mutual goals, COG recognizes WMATA as part of the Employer Outreach program sales team and has done so since the program's inception.*

- Jeopardizing Successful Transit Incentive Model - FCCS staff has collaborated with WMATA's SmartBenefits staff over the last four years in promoting a \$50 incentive to encourage the implementation of transit subsidies. This has been a mutually beneficial relationship and has not required any exchange of contacts aside from referrals. FCCS sees no benefit in altering this process and feels that it best serves our role to continue being the original point of contact with employers in Fairfax County.

*Response: Recommendations do not suggest that this process be altered.*

- Generating Confusion and Diminishing Return on Effort - Working within jurisdictional lines preserves the integrity of the sales efforts made with various prospects. Having multiple layers of outreach staff engaging the same employers in selling same benefits programs would create confusion and diminish the return on effort for everyone involved. This would more than likely also sever existing relationships and limit the number of new, successful ones from being formed.

*Response: We agree, which is why the recommendations put forth by COG/TPB staff are needed now more than ever.*

- Compromising Database Accuracy and Efficiency - In order to protect the integrity of the data in the ACT database, each jurisdiction maintains the content of their own prospects. The work put into making sure that the data is accurate can be at risk if multiple users, especially those that are not familiar with the processes and data, are working on this content.

*Response: All agencies using the database, including WMATA, must adhere to the Commuter Connections Lead Processing Procedures and database maintenance processes in place.*

### Montgomery County

Montgomery County supports the three month pilot project of granting WMATA access to the ACT! database for the purpose of marketing SmartBenefits® to employers with 100+ employees.

In addition to the policies outlined in the October 16, 2018 memorandum, Montgomery County requests:

- WMATA staff be permitted ONLY to create Notes in ACT! to record their interactions with employers including sales calls, meetings, SmartBenefits® enrollments, etc. The creation of any Notes on employer records are to be communicated to the responsible jurisdiction.

*Response: We agree, per the Commuter Connections Lead Processing Procedures.*

- WMATA staff be prohibited from making edits or changes to the primary employer record or any of its fields. Any and all such changes that are necessary are to be communicated to the responsible jurisdiction.

*Response: We agree, per the Commuter Connections Lead Processing Procedures.*

- WMATA communicate to the responsible jurisdiction for approval any employer records that they believe warrant deletion. Each jurisdiction will advise Commuter Connections (as is current policy) of records that should be deleted. It would be helpful for Commuter Connections to reiterate and communicate the policy and procedures for deleting employer records from the ACT! database.

*Response: We agree, per the Commuter Connections Lead Processing Procedures.*

- WMATA coordinate and communicate with the responsible jurisdictions any and all contacts made with employers with fewer than 100 employees as well as those with 100 or more employees.

*Response: We agree, per the Commuter Connections Lead Processing Procedures.*

- WMATA provide a listing (by organizational name only) of current and prospective SmartBenefits® employers in the County.

*Response: This would be up to WMATA, but COG/TPB staff feel that this would be beneficial for all jurisdictions and so recommends that WMATA provide such listings to the respective jurisdiction.*

cc: J. Galen (Chair)  
M. Hersey (COG/TPB Staff)  
N. Ramfos (COG/TPB Staff)  
D. Sheehan (COG/TPB Staff)

Attachments



**M E M O R A N D U M**

**To:** Employer Outreach Committee Members  
Contracts and Purchasing manager

**From:** Mark Hersey  
TDM Specialist II

**Date:** 10/16/18

**Re:** **Regional Coordination with WMATA and Access to Regional Employer Outreach Database**

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The intent of this correspondence is to inform the committee of the efforts to coordinate outreach to employers in the Washington region.

Throughout the history of the Employer Outreach program, WMATA has been an invaluable partner in raising awareness and increasing participation in alternative commuting options for the area's commuters. Much of WMATA's outreach efforts focus on promoting SmartBenefits to employers. Their efforts alongside local TDM sales teams have helped SmartBenefits become one of the most widely used commuter assistance services in the region with 59% of workers reported they had access to a transit or vanpool subsidy through their employer (State of the Commute, 2016).

WMATA recently enhanced the SmartBenefits program by upgrading the Employer Portal for client enrollment. WMATA is seeking to leverage this upgrade by actively canvassing employers in the region.

COG/TPB staff believe WMATA's proactive approach in reaching out to employers can be mutually beneficial for local Employer Outreach sales teams. Potential coordination benefits could include:

- Collaborative opportunities to promote employer-based commute benefit options alongside SmartBenefits at employer worksites
- Opening of worksites to commute benefit options that may have previously been uninterested



- Avoidance of confusion on behalf of employers due to multiple parties working independently to promote a similar message
- Prevent oversaturating the roster of potential clients with requests for contact

To achieve these benefits, COG/TPB staff recommends creating a three-month pilot period where WMATA may have full access to the ACT! Employer Database. Sharing the database will build upon existing collaboration efforts, such as WMATA's standard practice of WMATA sharing information on employers who have workforces of 100 or more employees with COG each quarter.

COG/TPB and WMATA staff believe initiating this pilot effort during the months of January, February, and March will help explore the benefits and/or drawbacks of ongoing collaboration within the ACT! Employer Database. The Committee may then discuss the pilot's outcomes during the April quarterly meeting and decide how to proceed.

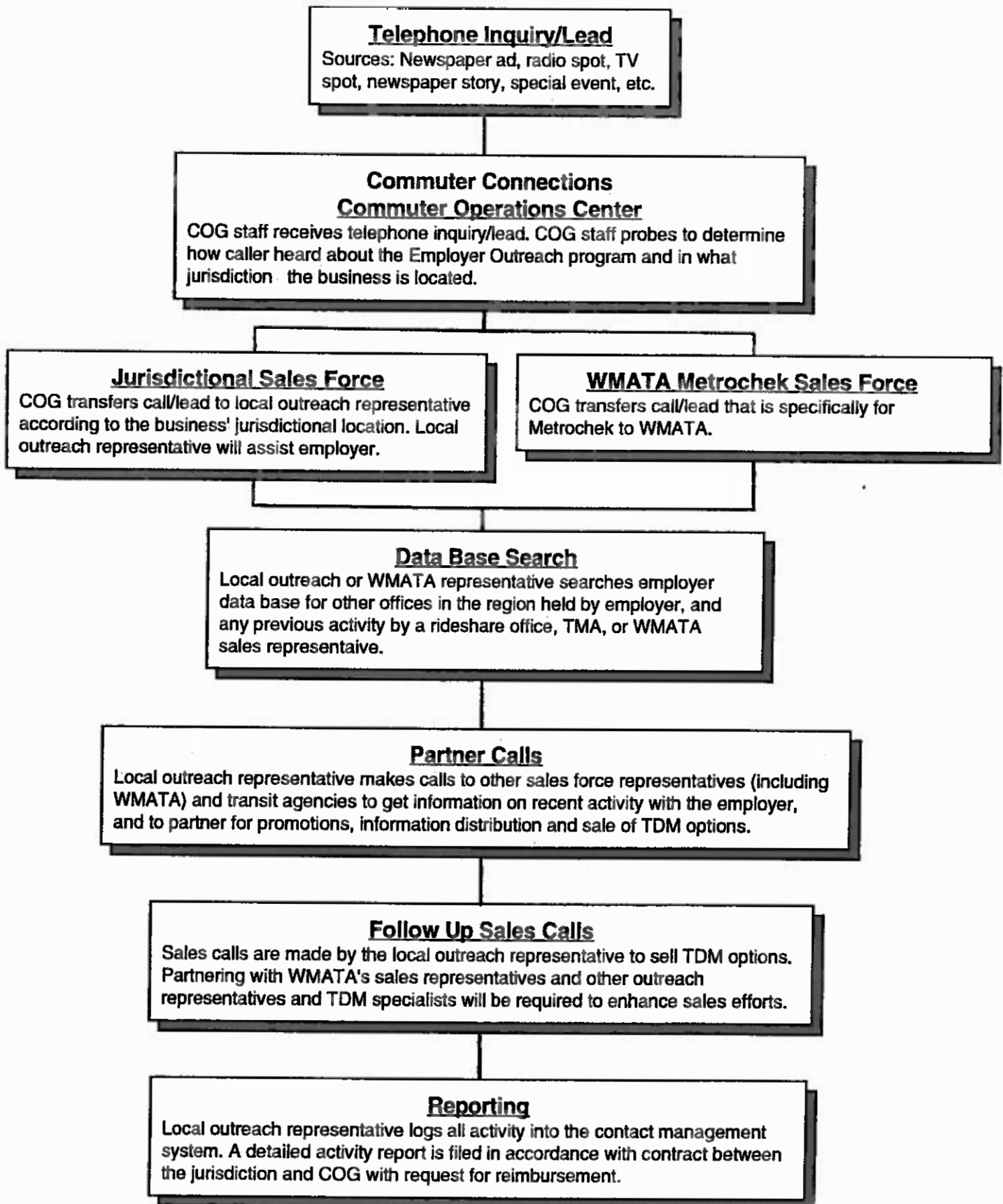
To protect the interests of TDM sales staff, WMATA has agreed to the following policies during the three-month pilot:

- WMATA staff will alert local jurisdictions' Employer Outreach sales teams of canvassing opportunities at worksites containing 100+ employees.
- WMATA staff agree to acknowledge the open partnership with Employer Outreach sales teams and SmartBenefits when meeting with prospects with 100+ employees. This includes inviting Employer Outreach sales representatives to join in on meetings held with employers and/or providing literature on commute benefit options that may supplement SmartBenefits for the employer.
- WMATA staff will provide detailed documentation of sales outcomes for prospects with 100+ employees within the ACT! Database.

COG/TPB staff invites the Committee to consider the above proposal and supporting policies. Next steps will be contingent upon the Committee's suggestions.

cc: N. Ramfos  
D. Sheehan  
J. Bongiorno

## Employer Outreach Telephone Inquiry/Lead Response Process



# Commuter Connections Employer Outreach

Lead Processing  
And other Procedures

# General Guidelines

- Calls to COG will be referred to caller's employer's jurisdiction sales representative or program
- Lead will be from employer's site jurisdiction
- Contact COG for employers not currently in, moving to, or moving from your jurisdiction
- Calls to COG from individual commuters are transferred to operations

\*\*\*\*affected parties should make every effort to resolve possible conflicts. COG can facilitate resolutions as necessary.

# Multi-Site Employers

- Check ACT! Database for prior activities
- Contact neighbor jurisdictions' representative (s) before calling other employer site
- Coordination between jurisdictional representatives in contacting other employer sites

# Relocating Employers

- Contact and coordinate with current jurisdictional representative for incoming employers
- For employers leaving your jurisdiction, contact and coordinate with the destination jurisdictional representative.

# Telecommuting

- Employers can contact COG
- Representatives are responsible for outreach with support from COG.



# Clustered Employers

- COG's baseline for employers are those with 100 or more employees
- A collection of companies at a building site (i.e. industrial park) can be submitted as one employer, or under the umbrella of one employer.
- Requires a higher level of maintenance to ensure accuracy of tenants and membership

# ACT! Contact Assignment

- WMATA Accounts: Contact WMATA representative as shown on database prior to contact with employer
- Assignment of employer contact is with the jurisdiction where the employer is located
- Call employer outreach representative assigned to the record of interest.

# How data is collected

- The user entry fields in ACT! Are there for evaluation and sales monitoring
- If fields are empty there is no way for analysis to occur
- Notes and history are supporting documentation, not primary

# Reporting

- Employers that have been added by your jurisdictional efforts are valid entries. Employers that have been working with Metro and not with the representatives are not counted towards that jurisdiction's sales totals.
- Any joint efforts will be counted towards that Jurisdiction's sales totals

# Commuters

- From the 100+ employee employer promotion: Jurisdictional representative(s) hosting promotion(s) will enter any commuter requests received through employer outreach, including the Commuter Connections employer survey
- If stated in writing by host jurisdictional representative, invited participants may enter commuters only from their home jurisdiction.