

ACEC INSIGHTS

American Council of Engineering Companies of Massachusetts

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Encouraging Lasting Service at Your Firm

By David Bohn and Keri Kocur, VHB/Vanasse Hangen Brustlin, Inc.



It's no secret that the engineering industry, particularly in Massachusetts, is continuing to experience a shortage of engineering professionals. Most of our firms have experienced the challenges that result from a limited supply of talented candidates specializing in the civil engineering disciplines.



Engineering firms have had to look inward and recognize the importance of doing everything they can to retain the talent that they already have on board. In this industry our

people and their expertise are our single most important asset. One of the keys to retaining great staff includes providing a challenging, dynamic and rewarding work environment. This type of environment requires a continuous improvement process and is vital to the health of the company. VHB's continuous improvement process includes communicating with our staff on a regular basis. We work hard to understand what is important to our staff and to learn what they really want in a work environment. Data from best places to work surveys, entrance and exit interviews, as well as both formal and informal conversations with staff, can help identify areas where a firm should focus.

Employees Want to be Engaged in Their Work and Develop Professionally

The opportunity to work on a diverse array of interesting and important projects is a priority for employees as most want the challenge of solving problems on a new level. To offer this type of work environment, firms need to achieve both market and financial success. The bottom line is critically important—your company has to be profitable. When employees are satisfied and fully engaged in their work they show a greater commitment and dedication to solving complex challenges for clients. With a steady stream of these types of assignments people will want to continue working with their company. Another way companies can engage their staff is by maintaining and recruiting top notch professionals with strong reputations in their fields and outstanding technical expertise. Learning opportunities that lead to personal and professional growth for junior staff are best

facilitated when these employees are surrounded by strong role models.

Many companies today offer in-house personal and professional development training. At VHB, one of the ways we provide this is through our VHB Center for Education. Accredited by the International Association of Continuing Education & Training (IACET) since 1998, the center provides a wide array of learning opportunities for our staff in business, management, personal development and technical areas.

Employees Need to be Rewarded for Their Work

Many firms provide a comprehensive benefit offering, but not all firms benchmark themselves against other

When employees are satisfied and fully engaged in their work they show a greater commitment and dedication to solving complex challenges for clients.

firms to see how they stack up. Benefits should be reviewed regularly and enhanced annually. Companies that have a high retention rate continuously search for ways to make their benefit offering better for staff. This may include absorbing an increase in

medical costs or adding new benefits to the package such as an adoption benefit, a new scholarship fund for children of employees, or by rolling out a wellness program.

If you are working to increase your retention rate take the time to compare your benefits (and salaries) with other firms participating in national surveys to find out where you stand compared to your competitors. These surveys also demonstrate that most companies with a high retention rate are heavily investing in the future to make sure their company stays healthy. Offering great personal development opportunities, a quality work space and the latest technology are some of the ways VHB invest in our future.

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Business Impacts to Consider During Emergency Response Planning

By Monica Berube, Project Engineer, Shaw Environmental & Infrastructure



Is your company ready in the event of a natural disaster? Do you have a response plan in place if you are directly impacted by such an event? Has this plan been communicated to staff? These questions have become more common since Hurricane Katrina made landfall in 2005 and decimated the Gulf Coast. Since then US and global communities have been devastated by wildfires, tornadoes, tsunamis and earthquakes. These natural disasters have been a wake up call to businesses large and small, resulting in a focus on emergency preparedness planning in the event of a natural disaster.

Now consider, has your company planned for the impact if your firm *responds* to a call for help following a natural disaster? If you are in the business of disaster response and recovery a significant event such as a natural disaster could permanently alter your company.

The best examples of business-altering disaster response are Hurricanes Katrina and Wilma. Teams of emergency response and recovery personnel from companies across the US were deployed, business focus shifted to the Gulf Coast and companies were forever changed. New offices, new clients and new business relationships were created. Emergency response operation centers were staffed with executives, project managers, engineers, scientists, construction personnel and a full compliment of support staff including health and safety, procurement and information technology. In effect, due to the magnitude of the scope of this response and recovery effort, self-sustaining offices were quickly created.

Just as some of the residents who fled the Gulf Coast never returned to their homes after the storm, many of the employees who deployed to the Gulf Coast never returned to their home office. These new offices and recovery projects represented unanticipated significant business growth opportunities for engineering and construction companies, but also significant business challenges. What began as an emergency response project was transformed into an expanded service offering in the Gulf Coast area. For those companies who pursued and won follow-on contracts to the initial

emergency response activities, they had to find permanent office space at a time and in an area where it was not only in high demand, but also at minimum availability.

Establishing permanent systems and communications infrastructure was also challenging as many local utility service providers were either out of service or not at full capacity. Staffing was challenging as the local resource pool was depleted. Companies focused on employee referral, recruitment, training and local leadership to stand up a permanent local office. At a corporate level, business infrastructure was examined to ensure systems and processes would keep up with the growth pace of the firm.

But who keeps things going at the home office when a significant percentage of the workforce is called to emergency response and recovery?

Though it is impossible to know when disaster will occur or how your firm will be affected, you can prepare.

What about the business that existed before the disaster? In some cases, existing projects and business operations suffered the loss of key personnel to hurricane response projects including business development, project managers, technical and support staff.

When a project manager is called to emergency response duties the remaining project staff must lead the work, communicate with the client, monitor and control project cost and schedule performance, make project decisions and be accountable to the firm. Problems can arise on projects when the person with contractual and financial decision-making authority is unreachable in the field during recovery efforts and no other personnel have authority to commit funds or services for the client. In other cases, new management or staff support may be assigned but may not have an existing relationship with the customer. This may impact the customer relationship and reduce customer confidence and trust. Existing clients, the core business, must not be given the impression they are not important or that delivery cannot be made on commitments during a time of disaster response. During such

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Considerations When Developing an Electronic Record Retention Policy

By *Kenneth V. Nourse, Esq.*, with assistance from *Michele C.S. Lange, Esq.*



Technological innovations have increased the speed and ease with which business transactions can be carried out. Today many employees never have to leave their computers to conduct the majority of their daily responsibilities. With the click of a mouse documents, images, and communication can be transmitted across the country or across the globe via the Internet. However, there are deep-seated differences between e-documents and paper documents, and corporations are bearing the brunt of these differences. For example, 10 years ago corporations tended not to keep many hard copies of documents because paper documents take up physical space. Now companies save nearly every electronic document because it can be stored electronically with relative ease.

Unlike the world of paper documents where data destruction requires an overt act (i.e. putting a document in the shredder,) electronic data is lost every day merely by maintaining the status quo. A great deal of electronic evidence resides on backup tapes, which are frequently recycled, or on individual hard drives where data is altered and overwritten with each use. When litigation ensues corporations are often ill-equipped to stop backup tape recycling, intentional spoliation or unintentional data overwriting. One needs to turn no further than the barrage of today's corporate and even current government scandals to realize that data destruction often goes unchecked!

Organizations can protect themselves against a potential spoliation accusation and its consequences by striking a balance between appropriate destruction of stale documents and adequate preservation of potentially significant documents. Such balance is the key to effective electronic document management and the protection of a company's information assets. Successfully addressing the issue of document retention requires the development and implementation of a thorough and thoughtful electronic document retention policy.

Developing a Document Retention Policy

A document retention policy involves the systematic review, retention and destruction of documents received or created in the course of business. If a corporation intends to implement a document retention policy that policy should be tailored to the corporation's particular needs.

The best place to start is to create an electronic information inventory. This inventory provides a table of contents for the document retention policy, thus supplying an outline of the company's electronic framework.

The document retention inventory should include records of:

- all electronic hardware and software in use throughout the company including cell phones, PDA's, laptops, etc.;
- all locations and storage formats of archived electronic data;
- all methods in which data can be transferred to/from the company.

Next, every company should define specific classifications of business records. Differing types of business records have different purposes and different 'useful life' periods, a period of time when the record is important for business decisions. Setting up record classifications will streamline record keeping decisions after the record retention policy is in place.

Successfully addressing the issue of document retention requires the development and implementation of a thorough and thoughtful electronic document retention policy.

The bulk of the retention policy should include a method for determining retention periods, the retention schedule, the retention procedures and a records custodian. The policy should create an index of active and inactive records and implement log books in which all destroyed documents are recorded.

Finally, the policy should include a delegation of record keeping authority amongst the different departments, a reporting structure and the delegation of a discovery response team in the event of pending or impending litigation. Such litigation response teams should be comprised of outside counsel, corporate counsel, human resource supervisors, managers and IT staff. This team should be officially authorized to quickly alter any document retention policy in the event of an emergency.

In determining appropriate retention periods, there are two guidelines. First many records, such as tax documents, have state or Federal statutory/regulatory retention requirements.

These vary by jurisdiction and can differ for each company. Keeping in mind jurisdiction-specific statute of limitations for both contract and tort actions, as well as contract-specified record retention terms, the standard for all other records is based on reasonableness. What is reasonable is determined according to individual business practices and industry standards. It is important to note that all categories of records do not have to be treated equally. Data such as email can be retained for relatively short time periods (i.e., 45-90 days), whereas other categories of data such as financial records or legal documents should be permanently preserved, depending on their contents. The majority of routine business correspondence and project files can be retained anywhere from one to seven years depending on the document's useful life period as defined above (i.e., purchase orders, human resource files, vendor reports, sales reports, etc.). For sample document retention guidelines reference the American Corporate Counsel Association's Model Corporate Records Retention Guidelines, available at www.acc.com.

Most important, a corporation must retain all relevant documents when they know, or should have reason to know, that the documents will become relevant at some point in the future. Willful destruction of documents is a serious offense, and courts tend to issue severe sanctions for intentional spoliation. In the wake of pending or impending litigation the following action-items should be considered:

1. Company executives should give a preservation notice to all employees who may come in contact with potentially relevant data.
2. Litigation response teams should be called into action to enforce document preservation.
3. If the company uses automated software to destroy records these programs should be halted.

Electronic data management should garner top-priority for corporate leadership and corporate counsel. It should not be seen as a once-a-year 'spring cleaning,' but rather as a business initiative that is continually reviewed, updated, and audited. A company's records are its information assets. Managing such electronic assets through a reasonable and recorded document retention policy can help reduce the risks associated with today's high-tech corporate culture. Make a practice of conducting routine internal audits of your policies and enforcing violations.

Dealing with Conflict in the Workplace

By Diane Kelly, Human Resources Manager, Stantec



Some thrive on conflict and confrontation and others run from it. Conflict is always a part of our world, including in the workplace, so we should better understand both the effects of conflict as well as our reaction to it.

Most people have negative associations with conflict and those aspects are often witnessed on a daily basis. Conflict can lead to decreased productivity and rote or 'in-the-box' thinking. It can create decision-making paralysis and reduce the flow of effective communication. And conflict can create distrust and polarize groups.

In spite of these common negative side effects, there can be positive effects of conflict as well, particularly for a business. Conflict can increase motivation and creativity, act as an incentive for growth and a realization to review the status quo. It can bring a group closer together and build cohesiveness towards a goal. These positive aspects of conflict and confrontation can only be achieved, however, if the conflict is acknowledged and managed accordingly.

How can you embrace conflict and use it to your advantage? Let's say, for example, someone on your staff (we'll call her Sue) is irritated with the frequent criticisms from her coworker John. Sue comes to you, her supervisor, to help resolve the issue. What steps do you take to help Sue?

1. Recognize the problem. First, understand that the conflict will not go away quietly. If you simply assume Sue just needs to vent and that the situation will eventually fizzle out, remember that it could get worse. Conflict needs to be addressed.

Second, remember that confronting an issue or a person does not need to be an unpleasant task but rather one that addresses specific issues or concerns, honestly and as objectively as possible. In Sue's situation, ask Sue, John and your office Human Resources manager to join you for a meeting to discuss the situation in a professional manner. These kinds of issues or concerns can sometimes be emotionally charged but that's ok. Emotions show that those involved care about the topic

and that it's of consequence to them. For those people who think emotion has no place in business be aware that such thinking will be your hurdle in dealing with conflict in your workplace.

2. Assess the situation. Once you've identified that there is a conflict situation and that the parties involved are ready to acknowledge and address it, ask yourself some questions to assess the situation. Who is involved? What is the overt issue? Is there an underlying issue? Remember to focus on the facts of the issue not the person or people involved.

In the meeting with Sue and John, for instance, you find out that Sue has been

Most people have negative associations with conflict and those aspects are often witnessed on a daily basis.

frustrated by John's management and communication style on a particular project. As the discipline leader, Sue feels that she should be consulted if John, the project manager, has quality of work issues with her employees. Sue has had this conversation with John in the past yet John continues to go directly to the engineer to discuss his concerns, which often causes further delays and tensions in the project. John's view is that the engineers do not understand the company's quality standards and he would not have to keep addressing these if Sue were doing her job effectively.

3. Dig to the bottom. Clarify the position of each person involved in the conflict. Why do they think the conflict has developed? Were there quality review hours budgeted into the project? Has John thought about approaching Sue for assistance in solving the overall quality issue? Has Sue ever approached John about his perceived management style after hearing from the engineers? Do Sue and John recognize that they have the same end goals? Help the parties involved dig down to the true issues. Actively listen and watch their body language as this can quickly identify cues to underlying causes in this discussion.

4. Evaluate the options. What could Sue and John do differently? What recommendations do they have for resolving this issue today? Would saving resolution for a later time make it better or worse? Who needs to assist to resolve the issue? Discuss the answers to these questions with Sue and John to devise some solutions. Requiring those involved in the conflict to be a part of the resolution can create cohesiveness in a team. It can also reduce conflict in the future as the individuals know that they will be required to participate in discussion and assist in resolving the conflict.

5. Shake on it. Once all of the cards are on the table, you are 80 percent of the way to a resolution. Now obtain engagement and agreement on the resolution with all parties involved. In Sue and John's case, perhaps John can agree to approach Sue when he has an issue with an engineer's work, thus allowing Sue to have the quality discussions with the staff. Sue can then follow up with John to let him know that the issue has been addressed and what the resolution may be. Sue and John can work together to create realistic budgets on future projects, and agree that if/when they disagree in the future they will meet in a private area to discuss the issue. If they are unable to come to a resolution, they can request another meeting with you to help come to an agreement.

Even if the consensus is more limited in scope or duration than this example, a decision must be reached and agreed to so that the conflict is addressed. This resolution process will set the tone for all involved to know that conflicts will be addressed as they arise.

Coworkers like Sue and John will have a more effective working relationship when issues creating conflict have been discussed and a process for addressing them has been developed. A healthier working relationship makes for a healthier team and, in the end, a better project and stronger company.

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Transportation Strategies for Massachusetts—II

By David Chappell, PE, President, Chappell Engineering Associates, LLC



The priority and level of capital investment being assigned to construction, operation and maintenance of our transportation assets has again captured the attention of the public. In Massachusetts meaningful progress is being made towards defining the scope of problem and creating strategies to reverse the declining condition of our aging infrastructure.

Findings of the Massachusetts Transportation Finance Commission

The Massachusetts Transportation Finance Commission was established by Chapter 196 of the Acts of 2004 as, "An Act Restructuring the Transportation System of the Commonwealth." The Commission was charged with defining the extent of the infrastructure problem and developing a long range surface transportation finance plan. In 2007 the Commission issued a two volume report which evaluates the present state of capital and operating needs and offers recommendations on financing. At that time, the Commission estimated a funding gap of \$15 to \$19 billion which would be needed *over and above* current levels of expenditures to maintain the highway and transit systems in good repair over the next 20 years.

This \$15 to \$19 billion estimate does not include revenue for highway and transit system expansions needed to foster economic growth except for those transit projects which are already mandated as environmental mitigation for the Central Artery/Tunnel project. These include the Fairmount Commuter Rail improvements, the extension of the Green Line to Medford, creation of 1000 additional parking spaces near transit stations and the design of a Red Line/Blue Line connector. The cost of these projects is estimated at \$750 million.

The Commission's recommendations are presented in two categories; Reform and Revitalization. Suggested reforms focus on how the Commonwealth can more effectively deliver transportation services. The Revitalization portion of the study addresses ways to raise the revenues required to meet the needs of our transportation systems. There were 22 specific reform recommendations, summarized as follows:

- Greater transparency in project planning and delivery utilizing asset management systems and performance criteria to prioritize projects;
- Reduce agency overlap and operating costs;
- Prioritize maintenance and rehabilitation over new systems;
- Improve inter-agency coordination;
- Improve the predictability of funding streams;
- Consider alternative methods of procurement such as design-build.

Revitalization or revenue enhancement recommendations include raising the gas tax and indexing with inflation, implementing regular and predictable fare and toll increases, consideration of public/private partnerships to build and/or operate transportation systems, and moving toward user fees with automated revenue collection technology to replace or supplement the gas tax.

Administration Initiatives

In the wake of the Transportation Commission's findings, the Patrick Administration's detailed strategy for reform is expected to be released later this year. Other efforts have been underway since 2004 to facilitate communication and information sharing between transportation agencies. Secretary of Transportation Bernard Cohen, who traditionally had overseen MassHighway, the Massachusetts Aeronautical Commission and the Registry of Motor Vehicles, and who chairs the MBTA Board of Directors now, is seated as Chairman of the MassPike Board of Directors and has assumed a seat on the Massport Board of Directors. In July of 2007 Governor Patrick issued an executive order called the "Mobility Compact." The purpose of this order was to improve inter-agency coordination by creating working groups and holding monthly meetings.

On the revenue side, the Five Year Capital Investment Plan, proposed by Governor Patrick in August 2007, reveals how the state would intend to address the transportation infrastructure gap, at least in the short term.

Capital spending on transportation proposed in FY08 to FY12 is approximately \$5.7 billion. Allocations for FY '08 were 12.5 percent greater than FY07, and by FY12, the annual allocation is projected to be 37 percent greater than FY07 (not adjusted for inflation). By the Patrick Administration's own admission, however, the five-year plan falls far short of adequately providing the \$15 to \$19 billion of additional spending required over the next twenty years to maintain the system (not including system expansions). The Administration's proposals are contingent upon raising the bond cap, which is to be evaluated annually. The five-year plan also includes substantial revenues from the Governor's casino proposal, considered by many to be speculative particularly since the Governor's casino plan has not yet been enacted by the legislature.

Highways and Bridges

The recent I-35 bridge collapse in Minneapolis and the collapse of a portion of the I-90 Tunnel in Boston have raised public concerns about the safety of our highways and bridges. Statistics compiled by the Federal Highway Administration (FHWA) indicate Massachusetts is ranked 35th in the nation in the percentage of interstate roads rated in 'good' or 'excellent' condition. The percentage of 'functionally obsolete' or 'structurally deficient' bridges in Massachusetts, according to the National Bridge Inventory, is about 52 percent, third worst in the nation and twice the national average. As a result the 20 year funding gap for MassHighway facilities alone is estimated at \$6 billion. An additional \$800 million is needed for road, bridge and tunnel facilities owned by the Department of Conservation and Recreation (DCR), most notably the Longfellow Bridge and Storrow Drive tunnel.

The annual Statewide Transportation Improvement Plan (STIP), which identifies specific road and bridge projects for funding, was released in October 2007. This version of the STIP covers FY08 to FY11. Proposed expenditures on highways and bridges for FY08 (which started October 1, 2007) is approximately \$400 million in State funds plus about \$600 million in Federal matching funds. This level of spending is consistent with previous years. In

The Commission was charged with defining the extent of the infrastructure problem and developing a long range surface transportation finance plan.

Update on the ACEC Life Health Trust

The American Council of Engineering Companies Life/Health Trust (L/HIT) recently named United HealthCare Insurance Company (UnitedHealthcare) as its exclusive national health care insurer. The three-year agreement, effective August 1, 2007, enables Trust member companies to access UnitedHealthcare, and its affiliated insurers, health benefit plans for their employees and dependents.

All ACEC (L/HIT) groups and over 44,000 members were transitioned to UnitedHealthcare with an effective date of August 1, 2007.

The Trust selected UnitedHealthcare to be its benefits provider through a competitive request for proposal (RFP) process. The Trust looked for a

carrier that could offer a more integrated solutions experience, provide a clear strategy for health and well being and help the Trust manage its medical costs more effectively. UnitedHealthcare offers many solutions that the Trust will be able to leverage and value going forward.

UnitedHealthcare's consumer Web site, myuhc.com(r), helps members make the best decisions they can related to their health and well-being. Once members have completed the online Health Assessment, their online experience is customized based on their health needs. Quick, easy access to:

- Accurate benefits description
- Medical history for members and their dependents

- Authoritative research for conditions, procedures and treatments
- Search for the best physicians and facilities
- Understand costs
- Enroll in health coaching programs

In addition, UnitedHealthcare is working closely with provider organizations like the American Cardiology Association to improve the efficiency of health care delivery. The ACEC Life/Health Trust hopes to continue to build confidence in UnitedHealthcare's commitment to your health and well being.

For more information, call 800-573-0415 or go to www.uhctoday.com/ACEC.

TEC and TECET FY-2007 Annual Report

The Board of Directors of The Engineering Center in Boston, Inc. (TEC) and the Board of Trustees of The Engineering Center Education Trust (TECET) are pleased to present the Fiscal Year 2007 Annual Report for each organization. The report identifies major activities and challenges of the past year as well as the focus for FY-2008.

Now Available Online

The TEC & TECET FY2007 Annual Report is now available online at www.engineers.org/whatshot/index.htm.

This Includes Links to the Following

- FY-2007 Annual Report
- Feeley & Driscoll 2007 Annual Financial Review of TEC
- Feeley & Driscoll 2007 Annual Financial Review of TECET
- TEC and TECET 2008 Goals
- Infrastructure Status Reports on Bridges, Roads, Water and Wastewater produced by

the Massachusetts Infrastructure Investment Coalition.

The Engineering Center, a not-for-profit association management company, provides association services, educational programs and information to engineers, land surveyors, related professionals and the public. TEC's Sponsoring Societies are:

- American Council of Engineering Companies of Massachusetts (ACEC/MA)
- Boston Society of Civil Engineers Section of the American Society of Civil Engineers (BSCES)
- Massachusetts Association of Land Surveyors and Civil Engineers (MALSCE)

Other associations join TEC as Affiliate members. TEC manages databases, publications and meetings, and provides a permanent address for engineering-related, transportation or environmental societies.

The Engineering Center Education Trust (TECET) is an educational and charitable nonprofit trust and owner of One Walnut Street in Boston. Since October 1989, TECET has fostered education of engineers, surveyors, and allied professionals with emphasis on life-long learning. TECET provides a home for professional and technical meetings, public outreach, and society management. TECET also:

- Cultivates an atmosphere for learning and professional camaraderie through technical meetings, educational and professional development programs, a library, web site, grants, and events to inspire increased public awareness of our profession, and
- Provides a permanent home for our engineering and land surveying societies.

For more information about TEC and TECET, please go to www.engineers.org or call The Engineering Center at 617/227-5551.

Encouraging Lasting Service at Your Firm *continued from page 1*

People Want to Know Where the Company is Headed

To foster a trusting environment VHB makes it a priority to be open and honest about how the company is performing and what our plans for the future are. At VHB, we maintain a climate of transparency because we believe staff at all levels need and deserve frequent communications. Closely tied to this issue is practicing what you preach-maintaining an alignment between what the firm says it wants to do and the firm's day-to-day operational business practices. This open communication helps create an environment

where staff feels valued and appreciated. At VHB we've always placed a very high priority on communications with our staff.

A Flexible Work Environment

Employees appreciate and respect a work place that is flexible and supports a work/life balance. At VHB, we also put a lot of emphasis on this balance. In fact, our generational company philosophy focuses on maintaining a balance between people and business issues. For some companies this means offering job sharing or telecommuting alternatives, for others it is promoting flexible work hours and alternative

work schedules. Achieving balance is not easy and requires constant attention and focus.

Encourage Lasting Service

Work to create a culture and environment that other firms try to emulate. Being open and honest about what drives your business, and remaining committed to your culture while delivering market and financial success, are all critical to encouraging lasting service. Professional development, delivering exceptional client service and creating a challenging, fun working environment are equally as important.

Business Impacts During Emergency Response Planning *continued from page 2*

periods it becomes very important to implement succession planning on projects and introduce key staff to customers to avoid this consequence.

Impacts to existing business are also felt from the loss of support staff to disaster response activities. Key to any project are cost and scheduling, contracts and procurement, estimating, human resources and information technology. When these support personnel are pulled into disaster response project performance may suffer. Once a disaster occurs there is no time to plan and no time to prepare, so plan now to avoid some of these problems. While this is challenging, it is critical for the firm to stay focused on its core business and maintain the level of service to existing projects and clients during disaster recovery.

In the highly emotional times of a natural disaster it is especially difficult yet particularly important that response is pre-planned and organized to provide solutions that will make recovery a reality as quickly and as effectively as possible while minimizing the impact to existing operations. Though it is impossible to know when disaster will occur or how your firm will be affected, you can prepare. Here are a few things you can do now to maximize operational continuity in the event your firm is called to respond:

- Put a response plan in place and communicate it to your staff in case your firm is directly impacted by a disaster event;
- Review business policies and procedures for applicability in an emergency response situation. If necessary, develop a set of Emergency Management Policies and Procedures to ensure business integrity during disaster response efforts;
- Consider a process for transfer of decision-making authority including financial and contractual needs. When the person authorized responds, those who are left behind need authority to make informed decisions in his absence without undue delay;
- Work with your HR staff to put together a plan to fill the gaps in the event of a need to quickly respond or backfill home office personnel. Be ready to implement it. Do you have a bench? Do you need to recruit? Do you have the mechanisms in place to access additional staff;
- Have PMs and project teams work on succession planning. Make sure individuals with key roles have their successor identified. Make sure the successor is aware and ready to step in. Naming a successor is great, but communication is paramount;
- Introduce your successor to your client. Bring her to a meeting or to the client's office. Try to extend your client's comfort zone to include your successor. If you disappear they're still

confident in your firm's commitment and ability to deliver;

- Make sure that support staff including finance, IT, legal, HR, health and safety have succession plans and communicate these plans;
- Clean up your project files. Project documentation should be complete and organized with critical project information (client contacts, deliverable schedules, etc.) readily accessible and easily understood. This will insure someone unfamiliar with the ins and outs of the project can step in and keep it going smoothly.

Whether you are on the front lines, working behind the scenes to support the efforts or simply concentrating on your job at the office to maintain existing operations while others focus on the recovery efforts, everyone in the company plays a role in disaster response and recovery. It is only after considering both response to an event and continuity of, and impact on, existing business operations that your firm will be prepared.

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Developing an Electronic Record Retention Policy *continued from page 3*

Top Ten Tips for Effective Electronic Data Management

Kroll Ontrack has created the following ten tips that should be considered when developing and maintaining rules for electronic record retention:

1. Make electronic data management a business initiative, supported by corporate leadership.
2. Keep records of all types of hardware/software in use and the locations of all electronic data.
3. Create a document review, retention and destruction policy that includes consideration of: backup and archival procedures, any online storage repositories, record custodians and a destroyed documents log book.
4. Create an employee technology use program that includes procedures for written communication protocols, data security, employee electronic data storage and termination/transfer.

5. Clearly document all company data retention policies.
6. Document all ways in which data can be transferred to/from the company.
7. Regularly train employees on your data retention policies.
8. Implement a litigation response team comprised of outside counsel, corporate counsel, human resources department, business line managers and IT staff who can quickly alter any document destruction policy.
9. Be aware of electronic 'footprints'—delete does not always mean delete, and metadata is a fertile source of information and evidence.
10. Cease document destruction policies at first notice of suit or reasonable anticipation of suit.

In closing, a well drafted and implemented electronic record retention policy helps your organization better manage ever-increasing volumes of information on hand. This brings many benefits

including the reduction of document administration and storage costs, and legitimate minimizing of the universe of potential documents requiring collection, review and production should your organization become involved in litigation or a government investigation. Finally, it will put your organization in a position of relative strength if, before your organization is under a duty to preserve documents, potentially relevant information concerning a dispute or investigation is no longer available due to the good faith, routine implementation of your electronic record retention policy.

Kenneth V. Nourse, Esq. is a Legal Consultant and Michele C.S. Lange, Esq. is Director, Legal Technologies, with Kroll Ontrack. Kroll Ontrack is the leading electronic discovery, computer forensics and data recovery company assisting both corporations and law firms to handle electronic evidence related to litigation as well as internal and external investigations. Ken can be reached at knourse@krollontrack.com.

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Transportation Strategies for Massachusetts—II *continued from page 5*

order to make the most of limited funds MassHighway is re-evaluating the 2008 STIP in accordance with the following priorities:

- According to FHWA, the amount of funding presently allocated to the STIP is, "...significantly less than the amounts needed to reduce the number of structurally deficient bridges," particularly when construction costs have been rising rapidly. MassHighway will revisit their bridge needs analysis and look to increase allocations to the Bridge Program;
- Fully fund the safety program to provide matching funds for \$15 million in federal allotments per year for eligible safety projects. Selected projects should be consistent with the objectives and priorities of the Massachusetts Strategic Highway Safety Plan;
- Increase allocations to the Interstate Maintenance Program in FY09 through FY11 in order to maintain current pavement conditions on interstate highways;
- Ensure that congressionally earmarked projects be programmed only when funding for the entire cost of the project is available over the anticipated time frame for implementation.

In addition to the STIP, the Administration proposes approximately \$150 million in Chapter 90 funding for municipal road projects in FY08, an increase of approximately \$25 million over FY07.

The timing for release of State funds has added to the overall problem of a general shortage of funds. The transportation bond legislation filed in November of 2007 that funds the state portion of the STIP has not yet been enacted. Until this legislation passes most of the state matching funds required for the release of federal dollars will be unavailable. This puts MassHighway in a position of spending the bulk of the matching funds in the last two quarters of the Federal fiscal year which ends on September 30, 2008.

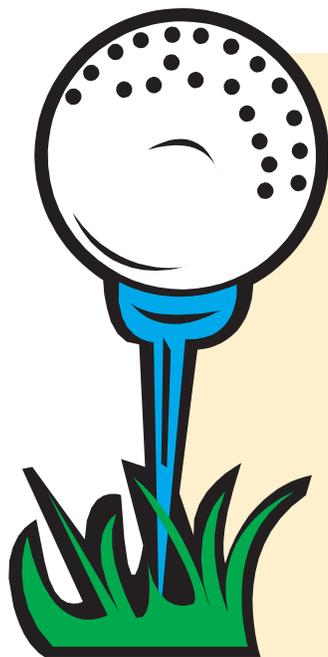
Summary

There are many in the Commonwealth who believe reforms should be implemented to instill public confidence that their dollars are being spent wisely before asking the public to pay more. Although most agree reforms are needed,

these may take years to implement and some may not be enacted at all. Further, the projected cost savings of the reform measures outlined in the Transportation Finance Commission report would only cover about 10 percent of the total gap—the rest would have to come from additional revenue sources. It seems logical then that the State would need to pursue reform and revenue enhancement in parallel. Each year of delay will only exacerbate the problem.

Fortunately, the governor, legislature and federal and state transportation officials have taken the first steps required to define the condition of the transportation infrastructure and what it will take to reverse the decline. The more difficult task of implementing reforms and finding new revenue sources lies ahead.

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