

RESOLUTION NO. 2001-119

A RESOLUTION ADOPTING AND APPROVING PERSONNEL  
POLICIES FOR THE GREATER CLEVELAND REGIONAL  
TRANSIT AUTHORITY

WHEREAS, the Board of Trustees has been granted the power and authority, pursuant to Chapter 306 of the Ohio Revised Code, to manage and conduct the affairs of the Greater Cleveland Regional Transit Authority; and

WHEREAS, the Board of Trustees of the Greater Cleveland Regional Transit Authority approved a revised Personnel Policies and Procedures Manual for the Authority pursuant to Resolution 1992-31, adopted on February 18, 1992, and

WHEREAS, The Board of Trustees has determined that revisions to the Personnel Policies and Procedures Manual will result in the more efficient administration of the Authority's Human Resources Department.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority:

Section 1. That the Personnel Policies, a copy of which is attached hereto and fully incorporated herein, is hereby adopted and approved by the Board of Trustees of the Greater Cleveland Regional Transit Authority.

Section 2. That the Personnel Policies and Procedures Manual adopted pursuant to Resolution 1992-31 and all subsequent affected approved Personnel Policies are hereby repealed.

Section 3. That the General Manager/Secretary-Treasurer is hereby authorized, pursuant to the authority granted to him by the Greater Cleveland Regional Transit Authority Bylaws, to issue all necessary administrative procedures to implement the policies approved by this resolution without further action by the Board.

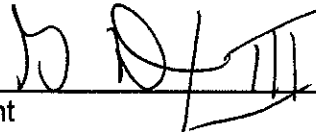
Section 4. That all other provisions of Resolution 1992-31 not expressly related herein shall remain in full force and effect.

Section 5. That this resolution shall be effective immediately upon its' adoption.

Attachment: Greater Cleveland Regional Transit Authority Revised Personnel Policies dated August 21, 2001.

Adopted: August 21, 2001

President



Attest:



Secretary -Treasurer

**RECOMMENDED**  
**PERSONNEL POLICIES**

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## **Section 1-- Introduction**

### **100.01       DISCLAIMER**

The policies set forth and adopted within this Manual (i.e. Title Four of Part Six of these Policies and Procedures of the Greater Cleveland Regional Transit Authority) supersede all previous written and unwritten Greater Cleveland Regional Transit Authority personnel policies. In the event of a conflict between the policies and procedures set forth in this Manual and the provisions set forth in the Authority's Collective Bargaining Agreements, the provisions set forth in the Collective Bargaining Agreements shall prevail for those employees covered under such Agreements. In the event of any conflict between the GCRTA Bylaws and the policies set forth in this Manual, the Bylaws shall prevail.

This Manual covers only those policies relating to personnel management. The policies in this Manual are not intended to replace other operating manual policies issued to direct, organize, or implement specific business operations.

The policies and procedures in this Manual are not intended to be and shall not be considered contractual commitments of any kind by the Authority. They are intended to be guidelines to managers. The Authority expressly reserves the right to modify, suspend, revoke, change or supplement these policies at any time and issue new policies that are in the interest of the Authority. No policy is intended as a guarantee of continuity of benefits or rights. All non-bargaining employees at GCRTA are at will, and may be terminated without cause.

In the event of any conflicts between applicable federal, state or local laws, rules and regulations applicable to the GCRTA, the federal, state and local laws, rules and regulations shall prevail.

Anywhere within this Policy & Procedure Manual the terms "GCRTA" and the "Authority" are interchangeable.

### **100.02       CODE OF ETHICS**

The Greater Cleveland Regional Transit Authority Code of Ethics adopted by the Board of Trustees on March 6, 1990 is applicable to all employees. The Code prescribes essential restrictions against conflicts of interest and other conduct not consistent with good ethical practices.

Employees shall not engage in any outside enterprise, be involved in any activities or employment which is detrimental to the operation of the Authority, or which create a conflict of interest or the appearance of impropriety.

The primary responsibility of an Authority employee is the performance of the duties of his or her position with the Authority. An employee's behavior must be above reproach.

Employees are not to use Authority facilities for an outside business purpose or conduct outside business while on duty or on Authority property or in an Authority vehicle or uniform.

Employees are not to have any kind of financial interest in any Authority contract, sale or transaction, or allow family members to bid on Authority property sold at public auction.

Employees who come in contact with vendors or representatives of businesses who solicit service contracts from the Authority shall not solicit or accept gratuities, favors, or anything of monetary value from contractors, consultants, vendors, or other representatives.

Any employee having doubt as to the applicability of a provision of the Code to a particular situation should consult his or her department director. Violations of the Code constitute a cause for disciplinary action up to and including termination.

### **100.03 POLITICAL ACTIVITY**

Employees are prohibited from engaging in partisan political activities which may interfere with various regulations governing agencies with programs financed by Federal grants. These activities include a candidacy for public office in a partisan election, using official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office and directly or indirectly soliciting contributions from subordinates in support of a political party or candidate.

Authority employees may be a candidate for public office in a non-partisan election, campaign for and hold elective office in political clubs and organizations and campaign for candidates for public office in political fund-raising functions, provided that these activities are not conducted on Authority property and do not interfere with the employment activity of the employee or interfere in any way with related Authority activities.

The CEO/General Manager may, at his or her discretion, review the political activities of any Authority employee. When these activities are found to interfere or to be incompatible with Authority employment and present a conflict of interest, the CEO/General Manager shall limit or request the employee to terminate such activities.

### **100.04 EMPLOYEE RESPONSIBILITY FOR GCRTA PROPERTY**

GCRTA property and facilities are public property purchased with public funds and are intended solely for use in furtherance of the Authority's operations. No GCRTA employee is authorized to lend, borrow, take, use, sell, or otherwise dispose of GCRTA property or facilities for personal or private benefit or gain. GCRTA property or facilities include but are not limited to: all equipment, both revenue and non-revenue; tools; machinery; materials and supplies, palm pilots, office supplies, tools, furniture; computers; fax machines; copy machines; phones; offices; mail room and mail services; and scrapped items.

Any employee found loaning, borrowing, taking, or using GCRTA property, equipment, or facilities for his/her own personal or other private use will be subject to disciplinary action, up to and including termination.

GCRTA property and facilities are public property purchased with public funds and are intended solely for use in furtherance of the Authority's operations.

Any employee found misappropriating or misusing GCRTA property will be subject to disciplinary action.

**100.05 EMPLOYEE COMMUNICATIONS WITH THE MEDIA**

Any media request of an employee (e.g. on-camera interview or interview by a newspaper reporter) shall be referred to the Office of Media Relations for an official response.

## **Section 2-- Equal Employment Opportunity**

### **200.01 EQUAL OPPORTUNITY/AFFIRMATIVE ACTION**

The Authority's program for equal employment opportunity is the written commitment to ensure equality of opportunity in its own employment practices as well as for its vendors, contractors and suppliers.

Specifically, it is the policy of the Authority that all terms and conditions of employment, including, but not necessarily limited to, recruitment, appointments, promotion, compensation, benefits, transfers, training, and educational opportunities, will be administered without regard to race, color, religion, sex, national origin or ancestry, age, or handicap, provided said handicap does not inhibit essential job performance. Further, it is the Authority's intent to comply with appropriate Federal and State laws, rules and regulations pertaining to the treatment of minorities, women, handicapped persons, and Vietnam-era veterans in all facets of the Authority's activities.

Direct responsibility for development and implementation of the Authority's Equal Opportunity Program lies with the Deputy General Manager, Human Resources and Business Development, who reports to the CEO, General Manager/Secretary-Treasurer. However, all administrative personnel and supervisors are expected to cooperate in this effort, and their performance relative to ensuring equal employment opportunity will be evaluated just as their performance is in other areas of responsibility.

### **200.02 NON-HARASSMENT & RETALIATION**

GCRTA is committed to providing a professional work environment free from all forms of discrimination and conduct that can be considered harassing, coercive or disruptive. GCRTA will not tolerate any form of harassment in the workplace, including acts by or on non-employees.

All GCRTA employees are expected to avoid any behavior or conduct toward any other employee that could be interpreted as unlawful harassment. The use by employees of disparaging or insulting references due to age, race, gender, color, creed, sex or physical impairment is prohibited. Such comments will be considered injurious to the well being of affected employees and disparaging to all employees in our workforce. Disciplinary action, up to and including discharge, may be taken against any and all employees engaging in unlawful harassment.

All management and/or supervisory personnel shall notify the Authority's Office of Equal Opportunity immediately upon becoming aware of unlawful harassment or discrimination.

Employees should contact the Office of Equal Opportunity at (216) 566-5044 should they have any questions related to harassment and/or discrimination or wish to confidentially discuss a situation related to harassment and/or discrimination. The Office of Equal Opportunity will formally investigate all allegations.

## **200.03        SEXUAL HARASSMENT**

Federal and State laws prohibit employers from discriminating against employees because of race, color, religion, sex, national origin, handicap, age, or ancestry. No employee is to be retaliated against for filing a complaint based on a belief that they have been discriminated against or harassed in some manner.

It is the policy of the Greater Cleveland Regional Transit Authority that sexual harassment in the workplace is unacceptable and will not be tolerated.

To help clarify what sexual harassment is, the Federal Equal Employment Opportunity Commission has issued guidelines on the subject. Those guidelines state that unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature will constitute sexual harassment when:

- (1) Submission to sexual conduct is an explicit or implicit term or condition of an individual's employment;
- (2) Submission to or rejection of sexual conduct by an individual is the basis for any employment decision affecting that individual; or
- (3) Sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment. Sexual harassment can be committed by a person of either sex against a person of the opposite or same sex, can occur in any workplace relationship and can occur during or outside of work hours. Sexual harassment can include, but is not limited to, sexually oriented jokes or comments and verbal "kidding" or "teasing", gender biased comments, subtle pressure for sexual activity, physical contact such as patting, pinching or brushing against another's body, and sexually explicit or suggestive posters, calendars electronic communications, or other publications in the workplace.

The Authority will not tolerate any form of sexual harassment or gender discrimination in the workplace, including acts of non-employees. Disciplinary action shall be taken promptly against any and all employees, including all employees with supervisory responsibilities, engaging in sexual harassment and/or gender discrimination.

All employees of the Authority (management and non-management) are expected to avoid any behavior or conduct toward any other employee that could be interpreted as sexual harassment and/or gender discrimination.

All management and/or supervisory personnel shall notify the Authority's Office of Equal Opportunity immediately upon becoming aware of sexual harassment or gender discrimination.

Employees should contact the Office of Equal Opportunity at (216) 566-5044 should they have any questions related to sexual harassment and/or gender discrimination or wish to confidentially discuss a situation related to sexual harassment and/or gender discrimination. The Office of Equal Opportunity will formally investigate all allegations.

## **200.04        AMERICANS WITH DISABILITIES ACT**

The Americans with Disabilities Act (ADA) of 1990, and the Rehabilitation Act of 1973 prohibit discrimination against a qualified individual with a disability in regards to terms, conditions and



privileges of employment. The prohibition covers all aspects of the employment process, including but not limited to, application, testing, hiring, evaluation, training, promotion, termination, and benefits.

The Authority will provide reasonable accommodations to any qualified applicant or employee with a disability unless the accommodation would impose an undue hardship on the Authority. A reasonable accommodation is any modification or adjustment to a job, an employment practice or the work environment that makes it possible for an individual with a disability to enjoy equal employment opportunity.

Generally, it is the responsibility of the individual with a disability to inform the Authority that an accommodation is needed. In compliance with the Americans with Disabilities Act, an employee can request accommodation through either the Office of Employment Opportunity or Medical services. Requests for accommodation will be considered in light of the legal standards set forth in the ADA, as well as all other applicable laws and statutes.

## **Section 3-- Employment & Separation**

### **300.01 EMPLOYMENT AT WILL**

Employment at GCRTA for all non-bargaining employees is at-will. That is, either you or the Authority may terminate the employment relationship at any time, with or without cause. The at-will relationship remains in full force and effect notwithstanding any statement to the contrary made by company employees or set forth in any documents.

### **300.02 EMPLOYEE SELECTION**

It is the policy of the Authority to fill positions with the most qualified applicants internally and externally.

### **300.03 EMPLOYMENT OF RELATIVES**

The Authority extends equal consideration to all applicants and candidates for employment. Neither positive nor negative weight shall be considered when a relationship exists with another Authority employee. For this policy, "relationship" includes members of the employee's immediate family.

To preclude actual favoritism or the appearance of favoritism in the employment relationship, no employee shall take any part in the selection process for a position for which a relative is an applicant. Employees shall not be assigned to a position where the employee shall be working for a member of the immediate family at any time of supervision. Employees shall not work in a position where relatives are in the fiduciary chain of approval for accounting of property or expending money.

For purposes of this policy, "immediate family" shall mean spouse, children, parents, grandparents, brothers, sisters, grandchildren or any person related by blood or marriage, or relative residing in the same household.

### **300.04 EMPLOYMENT ELIGIBILITY VERIFICATION**

In accordance with the Immigration Reform and Control Act of 1986, the Authority is committed to employ only United States citizens and aliens lawfully authorized to work in the United States.

### **300.05 RELOCATION ASSISTANCE**

It is the policy of the GCRTA to reimburse newly-hired professional and managerial exempt salaried employees for certain covered expenses resulting from relocation of the employee's household in order to accept a job assignment.

Such payments are made in order to minimize the financial impact of the relocation on the new employee and ensure that the Authority maintains a competitive position in the employment market.

The Deputy General Manager of Finance and Administration will review all expenses and documentation submitted and will approve the final reimbursement of submitted expenses.

A new employee must meet the guidelines established by the Internal Revenue Service for the deduction of moving expenses on annual income taxes to be eligible for relocation assistance. Applicable taxes will be deducted from the employees wages for any reimbursements made by the Authority that are not entitled to deduction based on the Internal Revenue Service Code.

### **300.06            REDUCTION IN WORKFORCE**

The CEO/General Manager is responsible for ensuring the efficient management and financial well being of the Authority. Accordingly, the CEO/General Manager is authorized to recommend and/or initiate a reduction in force.

A reduction in force means a permanent loss of employment due to a layoff from the position held by an employee or the abolishment of a position held by an employee.

The CEO/General Manager or his/ her designee shall execute the necessary actions in the implementation of this policy that are related to non-bargaining personnel practices.

### **300.07            WORKFORCE ACCOMMODATION**

As a part of its vision to provide outstanding transit services and make an important contribution to the community, the Authority is committed to its employees. We strive to create a culture that encourages employees to actively engage in process improvements and perform at their highest capacity. As our vision becomes our way of doing business at the Authority, implementing process improvements will change our organization's structure. In the event job duties are eliminated as a result of process improvements or new technology, the Authority is committed to making its best efforts to provide continued employment for affected employees. These employees are expected to be partners with the Authority in developing new skills and performing new job duties.

This policy is not intended to address the needs of employees with performance deficiencies or to apply to any reduction in workforce or realignment due to adverse economic conditions.

### **300.08            TRANSITIONAL / ALTERNATIVE WORK**

A transitional/alternative work placement program is offered to all full-time employees who have become disabled from employment with the Authority as a result of an industrial or non-industrial injury or illness.

When an employee is unable to return to his or her regular job classification and the condition is temporary, a transitional work assignment may be available for a limited period of time with the intent of returning the employee to his or her regular job classification.

When an employee is permanently unable to return to his or her regular job classification, an alternative job search is conducted for any other position that may be available and the

employee is qualified to perform. Termination may be necessary when an alternative placement is not feasible or available. If the employee meets the service requirements for a disability retirement, the employee may make an application to PERS for disability retirement.

### **300.09        PRE-TERMINATION MEETING**

In an effort to be fair and impartial when an employee is involved in misconduct that may result in termination, the employee may present information relative to the alleged misconduct at a pre-termination meeting. Management will hold this meeting prior to the issuance of any action that results in termination.

Please contact the Labor and Employees Relations Department if you have any questions on conducting a pre-termination meeting.

## Section 4--Compensation & Benefits

### A. Employee Compensation

#### 400.01 WORK WEEK AND HOURS

The normal work week for full-time non-bargaining Authority employees is 40 hours, generally five days per week, eight hours per day with an unpaid lunch period of uniform duration established by the department director.

A Flextime program allows an employee to choose, within specified limits, the daily hours of work preferred. Thus, employees in a particular department or section may have different starting and finishing times, but will work the same required number of hours per week.

A department head shall not approve flextime for employees in any department where it is determined that the normal operation of the Authority cannot be maintained.

#### 400.02 COMPENSATION

Compensation practices shall comply with sound personnel management principles. Efforts shall be made to compensate employees fairly and equitably in accordance with applicable laws and regulations.

#### 400.03 PAYROLL CHECKS

The annual salary received by an employee is divided into twenty-six equal parts. Payroll checks, therefore, cover a full two-week period, starting on Sunday morning of the first week and terminating on Saturday of the second week. This period, for purposes of payment for service rendered, is concerned only with the actual ten working days therein, or hours of worked time.

The GCRTA utilizes a direct deposit program and all employees are encouraged to avail themselves of this service.

#### 400.04 PAYROLL DEDUCTIONS

There are two types of payroll deductions that the Authority shall be authorized to make from employee wages:

- (a) **Mandatory.** Mandatory payroll deductions are made for Federal, State and local withholding taxes; the Public Employees Retirement System (PERS); and all court-mandated deductions. Social Security tax is deducted for Medicare for employees hired after April 1, 1986.
- (b) **Voluntary.** Employees may authorize deductions from wages for such items as hospitalization insurance, life insurance, U.S. Savings Bonds, charity choice contributions, agency fee/union dues, credit union deductions, and deferred compensation contributions

For those employees subject to withholding payments mandated by the Court or the Child Support Enforcement Agency, the Authority is mandated by law to notify the Court or CSEA of any lump sum payment of one hundred fifty dollars (\$150.00) or more. The Authority is further mandated by law to hold said lump sum payment for thirty (30) days after the payment date and upon order of the Court or CSEA, to pay any specified amount of the lump sum payment to the Division of Child Support.

#### **400.05 OVERTIME**

Overtime is defined as hours worked beyond the normal work week. In accordance with the Fair Labor Standards Act, positions are classified as exempt or non-exempt from the wage and hour provisions based on the nature of the duties. Non-exempt positions are subject to a minimum wage and time and one-half rates of pay for hours worked beyond forty in one week. Typically, this includes clerical, technical, and unskilled positions. Exempt positions are not subject to the wage and hour provisions if the nature of the duties meets defined criteria. Typically, this includes executive, administrative, and professional positions. For those employees designated as eligible for overtime (non-exempt), additional time worked beyond the normal work week must be authorized by the immediate supervisor and approved by the department director.

For purposes of this section, the number of hours worked shall be deemed to include only hours actually worked.

Supervisors shall not authorize work in excess of forty hours for non-exempt employees unless an appropriation in the department budget is available for payment.

In lieu of overtime payment and for non-bargaining employees, a supervisor and a non-exempt employee may agree in advance to accrue compensatory time on a time and one-half basis. At no time will any non-exempt employee accrue more than forty hours of compensatory time. Accrued compensatory time off may be granted to the employee by his or her supervisor at a mutually convenient time.

Payment for accrued compensatory time not used upon termination of employment shall be calculated at the average regular rate of pay for the final three years of employment, or the final regular rate received by the employee, whichever is higher.

Employees in exempt positions, as defined in the Fair Labor Standards Act, will not receive compensation, either by payment of overtime or by compensatory time off, for additional time worked beyond the normal work week, except as stated in the Call-Out Policy.

### **B. Employee Benefits**

#### **400.06 HEALTH CARE COVERAGE**

Health care benefits are available to all full-time Authority employees. Health care plans include medical, dental, vision, and life insurance coverage. These plans are provided by a number of insurance providers. Employees have an opportunity to select a plan that meets the medical needs of the employee and the employee's family where applicable.

In the event that two GCRTA employees are married to one another, one of the employees must select family medical and dental coverage. In this instance, single coverage for medical and dental is prohibited.

Non-bargaining employees may enroll annually during the open enrollment period. Coverage for new non-bargaining employees commences at the beginning of the month following the effective date of employment.

#### **400.07 PRIOR SERVICE CREDIT**

A person employed by the Authority who is eligible under Ohio R.C. 9.44 shall have his or her prior service credit with a State or county agency and/or political subdivision within the State of Ohio counted for purposes of computing the accrual rate of vacation leave. For purposes of determining eligibility, the employee is responsible for obtaining written verification of the length of his or her service from the agency or municipality of former employment and to verify the completeness and accuracy of same. Prior service credit will be granted in one-year increments for a minimum of one or more years of employment with the former agency or political subdivision. This information shall then be submitted to the Human Resources Department.

Employees requesting prior service credit from institutions and authorities not within the scope of this definition of the State Code are subject to the approval of the CEO/General Manager on a case-by-case basis.

Employees must meet the minimum vacation eligibility requirements to use earned hours, including those from prior service credit.

Questions concerning Prior Service Credit eligibility should be addressed to the Benefits Section of the Human Resources Department.

#### **400.08 PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)**

All employees of the Authority are required by State law to participate in the Public Employees Retirement System (PERS) instead of the Social Security System. Any employee hired after June 30, 1986, will also be subject to 1.45 percent Medicare Tax. All PERS contributions and Medicare tax withholding will be automatically deducted from the employees wages.

##### **PERS PICK-UP PLAN:**

The Authority has adopted the PERS Pick-Up Plan that is authorized by the Internal Revenue Code, Section 401(a) and 501(a) to obtain tax deferred status for the employee contributions. Essentially, this means that the employee pension contribution of 8.5 percent will not be included in gross taxable income when calculating Federal and State income tax withholding. The amount of pension contribution that is "picked up" will be subject to Federal taxation when it is withdrawn either at retirement or upon refund. This plan has no impact on municipal income tax. City taxes will continue to be deducted on the employee's portion of the PERS contribution.

Deductions from an employee's bi-weekly pay equaling 8.5 percent of gross wages are added to the Authority's contributions of 13.95 percent of gross wages. This combined amount is then deposited to the employee's individual retirement account with PERS.

## 400.09 WORKERS' COMPENSATION

The State of Ohio Worker's Compensation Laws cover authority employees. If an employee suffers a job-related injury or illness while employed by the Authority the employee may qualify for benefits through workers' compensation. Employees cannot, however, receive workers' compensation and salary continuation or other time off benefits at the same time.

Should the employee suffer a job-related illness or injury that meets the requirements of the Ohio Workers' Compensation laws, the employee will be eligible for reasonable medical, surgical, and hospital, medication and equipment expenses required for treatment. There is a death benefit payable to beneficiaries of employees whose death is the direct result of a job-related accident or illness.

Compensation is paid according to the laws in effect as of the date of the work-related injury, disability or death.

Effective April 1, 2001, Section 4123.54 of the Ohio Revised Code has been amended so that an employee's refusal to submit to any chemical test described under that division may affect the employee's eligibility for Workers' Compensation benefits pursuant to Chapters 4121 and 4123 of the Ohio Revised Code. There is also a rebuttable presumption that an employee is intoxicated or under the influence of a controlled substance not prescribed by a physician and that being intoxicated or under the influence of a controlled substance not prescribed by a physician is the proximate cause of an injury when any more of the following is true:

(1) The employee, through a chemical test administered within eight hours of an injury, is determined to have an alcohol concentration level equal to or in excess of the levels established in divisions (A)(2) to (7) of section 4511.19 of the Revised Code;

(2) The employee, through a chemical test administered within thirty-two hours of an injury, is determined to have one of the following controlled substances not prescribed by the employee's physician in the employee's system that tests above the following levels in an enzyme multiplied immunoassay technique screening test and above the levels established in division (B)(3) of this section in a gas chromatography mass spectrometry test:

- (a) For amphetamines, one thousand nanograms per milliliter of urine;
- (b) For cannabinoids, fifty nanograms per milliliter of urine;
- (c) For cocaine, including crack cocaine, three hundred nanograms per milliliter of urine;
- (d) For opiates, two thousand nanograms per milliliter of urine;
- (e) For phencyclidine, twenty-five nanograms per milliliter of urine.

(3) The employee, through a chemical test administered within thirty-two hours of an injury, is determined to have one of the following controlled substances not prescribed by the employee's physician in the employee's system that tests above the following levels by a gas chromatography mass spectrometry test:

- (a) For amphetamines, five hundred nanograms per milliliter of urine;
- (b) For cannabinoids, fifteen nanograms per milliliter of urine;
- (c) For cocaine, including crack cocaine, one hundred fifty nanograms per milliliter of urine;



- (d) For opiates, two thousand nanograms per milliliter of urine;
- (e) For phencyclidine, twenty-five nanograms per milliliter of urine.

(4) The employee, through a chemical test administered within thirty-two hours of an injury, is determined to have barbiturates, benzodiazepine, methadone, or propoxyphene in the employee's system that tests above levels established by laboratories certified by the United States Department of Health and Human Services.

#### **400.10 UNEMPLOYMENT COMPENSATION**

Under Ohio law, when an Authority employee is laid off for lack of work or is otherwise separated from employment, the employee may be eligible for unemployment compensation. Such eligibility shall be determined solely by the Ohio Bureau of Employment Services (OBES). To determine eligibility an application must be filed with OBES.

The Labor and Employee Relations Department or its vendor will provide employee separation information to OBES. The Labor and Employee Relations Department may appeal an OBES benefit eligibility determination.

#### **400.11 TUITION REIMBURSEMENT**

Tuition reimbursement shall be available to all Authority employees who meet the following requirements and subject to the following conditions:

- Successful completion of twelve months of continuous employment with GCRTA.
- Classification as a full-time employee.
- Courses must be job-related and/or prepare the prospective applicant for a potential reasonable promotional opportunity at GCRTA.
- Courses must be taken during non-working hours.
- Courses must be taken at accredited schools, including technical, professional, and business schools, and/or relevant distance learning (e.g., Internet, Correspondence, Video, etc.) courses

Employees may not participate in the TRP if they are under any active level of formal discipline

#### **400.12 PROFESSIONAL SOCIETY MEMBERSHIP**

The Authority encourages those employees who are employed in a professional capacity and who provide professional services to the Authority to become members of and participate in professional societies. To the extent that the Authority is legally permitted to do so, the Authority will reimburse payment of dues or membership fees in professional organizations for individual staff members upon prior approval by the employee's Deputy General Manager. Payment for professional memberships shall not exceed three hundred dollars (\$300.00) per employee annually and shall be reimbursed to the employee upon submission of proof of payment by the employee.

This policy shall be applicable to those employees whose job descriptions require that they are licensed or registered by the State of Ohio, or others whose membership in such organizations is work-related and in the best interests of the Authority, as determined by the Deputy General Manager of Human Resources and Business Development and the CEO/General Manager.

**400.13 SERVICE RECOGNITION PROGRAM**

To commemorate an employee's anniversary date with a token of thanks for their service and commitment to the Authority, The Greater Cleveland Regional Transit Authority presents distinctive graduating lapel pins to its employees for years of service at five year increments (5, 10, 15, 20, 25, 30 and 35). In those special cases where employees reach beyond 35 years, special service pins will be made to recognize their years of service.

## Section 5-- Paid & Unpaid Leaves of Absences

### A. Paid Leaves

#### 500.01 HOLIDAYS

All non-bargaining, regular full-time employees shall receive holiday pay for the following holidays: January 1, Martin Luther King Day; Presidents Day, Memorial Day, July 4, Labor Day, Thanksgiving Day, December 24 and December 25. In addition, all non-bargaining employees shall receive three personal days each calendar year after six months from their date of hire. Personal days and holidays must be used prior to the end of the calendar year and may not be carried beyond December 31. Generally, holidays falling on Saturday shall be observed on the Friday before and those holidays following on Sunday shall be observed on the Monday following.

#### 500.02 VACATION

Full time eligible regular non-bargaining employees shall accrue vacation according to the applicable accrual rates specified in the Per Pay Vacation Accrual Rate Schedule, below, beginning with their first pay after their date of hire. Vacation accrual credit shall be given when an employee is on active pay status, excluding overtime.

#### Per Pay Vacation Accrual Rate Schedule:

Total Years of Active Service with GCRTA <u>+ Prior Service Credit</u>	Vacation Accrual Rate Per <u>Pay-Ending Period</u>	Maximum Number of Weeks Earned for 26 Pay <u>Periods</u>
Less than 1 year to 4 years	3.08 Hours	2 Weeks
5 years to 12 years	4.616 Hours	3 Weeks
13 years to 20 years	6.16 Hours	4 Weeks
21 years to 29 years	7.696 Hours	5 Weeks
30 years or more	9.232 Hours	6 Weeks

#### 500.03 BEREAVEMENT

A full-time employee absent from work because of the death of the employee's spouse, son, daughter, father, mother, stepfather, stepmother, brother, sister, father-in-law, mother-in-law, stepson or stepdaughter shall be entitled to receive payment for three (3) working days, provided the employee was absent for purposes of bereavement. The death of a grandparent shall entitle the eligible employee to receive one day of bereavement pay.

When additional time off is needed for bereavement or when a full-time employee is absent from work because of the death of an individual not listed above, the employee may utilize compensable time (vacation, personal or sick) as approved by the supervisor.

Bereavement pay shall not be paid for any period of time that an employee is receiving vacation pay, holiday/personal pay, or sick-time pay.

#### **500.04 SICK**

For non-bargaining employees, the Authority extends sick time when it is necessary for an employee to be away from work as specified in the attached procedure. Granting sick leave is a privilege. It shall be understood that sick time cannot be construed to be a paid leave for which employees have a right, whether ill or not, and may be used solely for those purposes as set forth in the procedures. Supervisors and Department Directors shall exercise discretion to ensure that sick time is properly used and not abused.

#### **500.05 EXTENDED DISABILITY COVERAGE**

Extended disability coverage is a paid leave benefit provided to non-bargaining employees in the event of an extended absence that results from a disability or illness. To qualify for this coverage, an employee must have completed one-year of continuous service with GCRTA, the disability or illness must be medically certified and all sick, vacation and compensatory time balances must first be exhausted. The maximum eligibility period for this coverage is twenty-six weeks.

#### **500.06 JURY DUTY**

Court Leave with full pay shall be granted to any employee who is summoned for jury duty by a court of competent jurisdiction.

#### **500.07 MILITARY RESERVE**

All employees of the Authority who are members of the Ohio National Guard, the Ohio Defense Corps, the Naval Militia, or members of other reserve components of the Armed Forces of the United States, shall be entitled to a leave of absence from their respective duties without loss of pay for such time as they are in the military service on field training or active duty for a period not to exceed thirty-one days in any one calendar year.

### **B. Unpaid Leaves**

#### **500.08 UNPAID LEAVES OF ABSENCE**

All non-bargaining employees may be eligible for an authorized unpaid leave of absence after one year of full-time employment.

An authorized leave of absence is a temporary separation from active pay status, authorized by the appropriate Department Director, and the affected Deputy General Manager, with the approval of the CEO/General Manager. An authorized unpaid leave of absence will not be granted to any employee seeking or engaging in other employment.

The leaves outlined below are covered by this policy:

<u>LEAVE</u>	<u>DURATION</u>
Disability Leave	Up to 180 Days
Educational Leave	One (1) Academic Year
Family and Medical Leave	Up to 12 Weeks per 12 Month Period
General Leave	30 Days
Religious Leave	30 Days

#### **500.09 FAMILY AND MEDICAL LEAVE**

It is the policy of the Authority to grant up to 12 weeks of Family and Medical leave during any 12-month period to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid, unpaid or a combination of paid and unpaid depending on the circumstances.

## **Section 6-- Medical & Safety**

### **600.01 SMOKE-FREE WORKPLACE**

It is the policy of the Board of Trustees to create a tobacco smoke free workplace for employees of the Authority.

Smoking is prohibited in buses, rapid transit vehicles and the enclosed public areas of rapid transit stations. Smoking is also prohibited in all employee work areas, conference rooms, indoor public meeting rooms, health care facilities, elevators, escalators, hallways, public restrooms, waiting areas and lobbies. Smoking is prohibited in all buildings that are owned, leased or rented by the Authority. Smoking is strictly prohibited in areas where flammable or combustible materials are used or stored.

No-Smoking area signs for interior use may be obtained from the Safety Office. Any employee who has questions about this policy may contact his/ her supervisor or the Safety Office of the Risk Management Department.

It is the responsibility of all Deputy General Managers, Department Directors and all other supervisory personnel within the Authority to enforce this policy. Any violation of this policy may result in disciplinary action up to and including termination.

### **600.02 DRUG FREE WORKPLACE**

The Drug Free Workplace Act requires that grantees of Federal agencies certify that they will provide a drug free workplace. It applies to all employees within the Authority engaged in the performance of a grant or a cooperative agreement regardless if the functions are safety-sensitive or non-safety sensitive in nature. Accordingly, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on Greater Cleveland Regional Transit Authority property. Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.

Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace is required to notify his/her supervisor in writing no later than five (5) working days following his/her conviction. Compliance is required of all recipients of federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.

### **600.03 SUBSTANCE ABUSE**

It is the policy of the Greater Cleveland Regional Transit Authority (GCRTA) to provide the safest possible transportation for the riding public and work environment for its employees. Toward that end the GCRTA has two substance abuse policies. One policy is for safety sensitive employees and one is for non-safety sensitive employees.

For Safety Sensitive employees the policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program in accordance with FTA

requirements. Based on these requirements, the Authority requires all safety sensitive employees to submit to specific testing for the presence of drugs and/or alcohol. All employees must be free of drugs and/or alcohol when performing a safety sensitive function.

For Non-Safety Sensitive employees the policy requires such employees to submit to testing for the presence of drugs and/or alcohol at the time of a post-employment offer physical exam; any work related physical exam; when there is reasonable suspicion; and as a condition of discipline for previous offenses under the policy.

The Authority encourages participation in the Employee Assistance Program (EAP) for those employees who are plagued by problems associated with drugs or alcohol. Voluntary employee participation is confidential and will not adversely affect an employee's employment with the Authority.

#### **600.04 EMPLOYEE ASSISTANCE PROGRAM**

The Authority provides an Employee Assistance Program (EAP) to all Authority employees. The EAP is a confidential, voluntary program, available to all employees, their family members and retirees for the purpose of helping to resolve personal and family problems that adversely affect life and work. The EAP is available twenty-four hours per day, seven days a week.

Participation in the EAP does not exempt employees from the standard administrative policies and procedures applicable to job performance requirements, or established disciplinary procedures. The voluntary participation in any offerings of the EAP program will not adversely affect an employee's employment.

Administrative oversight of the EAP Program is performed by Medical Services and program effectiveness is monitored through the EAP/Wellness Committee comprised of management and labor representatives.

Information regarding EAP services may be obtained from Medical Services.

#### **600.05 INFECTIOUS DISEASE**

The Authority recognizes the impact of infectious diseases, including, but not limited to, Acquired Immune Deficiency Syndrome (AIDS), tuberculosis, and hepatitis. Infectious diseases pose significant legal, medical and social challenges. Consistent with State and Federal laws and requirements, the Authority will make every effort to educate, train and protect employees who may encounter the devastating effect of an infectious disease.

#### **600.06 BIENNIAL PHYSICAL EXAMINATION REQUIREMENTS**

It is the policy of Greater Cleveland Regional Transit Authority (GCRTA) to perform biennial physical examinations in accordance with current Department of Transportation (DOT) regulations for all personnel required by GCRTA to maintain a Commercial Drivers License (CDL) and all rail operators to assure that each vehicle operator is physically qualified to operate the rail, bus or commercial vehicle.

## **600.07 SAFETY POLICY**

The Greater Cleveland Regional Transit Authority (GCRTA) was organized with the mission to provide safe, secure, reliable and effective transportation services to all users. Safety is a primary concern that affects all levels of GCRTA activities including operations, maintenance, planning, design, construction, procurement, testing and training for all modes of transportation. Therefore, all GCRTA personnel are charged with the responsibility of promoting the safety and security of passengers, employees, and the general public who come in contact with GCRTA transportation systems.

All employees and contractors of the GCRTA are expected to conduct their duties in a safe manner, aimed at preventing or minimizing injuries and property damage, throughout GCRTA's operations. The safety and security of our customers and our employees are GCRTA's greatest responsibility.

Each employee must operate safely, use equipment, tools and materials properly and be totally familiar with work rules and procedures for his/her areas of responsibility. Each employee shall take active part in the identification and reporting of hazards. Supervisors shall actively participate in the assessment and resolution of hazards and shall fully cooperate with the Safety Staff to eliminate or control hazards in all areas of GCRTA transportation systems.

GCRTA Management will provide leadership in promoting safety throughout the organization. The CEO/General Manager and the executive staff will be continually and directly involved in formulating, reviewing and revising the Safety Policy and safety goals and objectives. GCRTA Management will provide the authority, support and resources to establish and maintain high safety standards in operations, maintenance and training throughout the GCRTA.

Every GCRTA employee and contractor shall comply with the provisions of the System Safety Program Plan and shall fully cooperate with the Safety Office staff in achieving GCRTA's safety goals and objectives.

For more information, refer to Safety Manual.

## **600.08 DRIVER'S LICENSE REQUIREMENTS**

It is the policy of GCRTA to require employees who operate Authority vehicles, both revenue and non-revenue, to maintain a valid Ohio Driver's License. Certain job classifications require employees to obtain and maintain a Commercial Driver's License (CDL) with endorsements as established by the State of Ohio and the Commercial Motor Vehicle Safety Act of 1986.

Any employee required to have a valid driver's license, whether operating, chauffeur, or CDL, must maintain that license as a condition of employment. Failure to do so and/or failure to have said license in his/her possession while operating an Authority vehicle will result in disciplinary action up to and including termination.

## **600.09 SAFETY BELT USAGE**



The management of the Authority recognizes that safety belts are an important item of personal protective equipment and that safety belts save lives and reduce the severity of injuries to those who wear them. It is Management's commitment to do everything reasonable to prevent injuries to employees; to prevent damage to property; and to protect the Authority, its employees, and general public from the results of accidents.

This policy applies to all employees and to all occupants of vehicles driven by employees on Authority business. It is especially important that all managers and supervisors demonstrate their commitment to and support of this policy by their strict adherence to it.

Occupants shall use the available safety belts in Authority-owned vehicles at all times when the vehicle is being operated.

Any employee who is cited by a law enforcement agency for not wearing a safety belt will be responsible for any fines or other actions that may result as a part of the citation.

Employees who violate this policy will be subject to disciplinary action up to and including termination.

#### **600.10 HAZARDOUS WASTE**

The Authority has established a Hazardous Waste policy in accordance with the Resource Conservation Recovery Act for Small Quantity Generators such as the GCRTA. A SQG is one that generates from 100 to 1,000 kilograms (220 to 2,200 pounds) of hazardous waste per month (100 kg is about one-half barrel). This policy requires procedures be in place at GCRTA to ensure the Authority is in compliance with hazardous waste regulations set forth by Federal, State and Local agencies.

Any GCRTA employee who generates, handles, stores or in any way comes in contact with a hazardous waste while in the employ of the GCRTA shall comply with the hazardous waste procedures. The employee positions specified throughout the Hazardous Waste Procedures are responsible for ensuring these procedures are followed within their respective areas. Department Managers are to make special note of their duties as established herein. Failure to comply with the respective environmental regulation could result in personal civil and criminal liability as well as disciplinary action up to and including termination.

For more information, refer to Safety Manual.

#### **600.11 WORKPLACE VIOLENCE**

The Greater Cleveland Regional Transit Authority is concerned and committed to providing our employees with a safe and secure work environment. GCRTA will not tolerate any form of workplace violence by its employees to person or property. Workplace violence is any act of aggression or any statement that could be perceived by a reasonable person as intent to cause harm to an employee, property of the Authority, a GCRTA customer or any person in the public.

Any and all acts of workplace violence will be fully investigated in accordance with procedures developed by the GCRTA. Employees involved in incidents of workplace violence may be removed from the premises until a review of the occurrence is performed. Employees who

violate this policy will be subject to disciplinary action, up to and including discharge.  
Employees may also be subject to criminal prosecution by the victim and/or the Authority.

The Workplace Violence policy applies to all employees of the GCRTA.

## **Section 7-- Records Retention & Release**

### **700.01 PERSONNEL RECORDS**

A personnel file on each employee is maintained in the Human Resources Department. This file may include, but is not limited to, information regarding previous training, experience and employment as well as the work history of the employee while with the Authority.

The Authority is subject to the Ohio Open Records Act (Ohio R.C. Chapter 149) and certain portions of an employee's personnel file must be made available for public inspection upon request.

### **700.02 ATTENDANCE RECORDS**

All departments will maintain daily attendance records. Included will be time recorded for leaves, both paid and unpaid, compensatory time off and additional time worked.

All departments will maintain such attendance records on the Greater Cleveland Regional Transit Authority's Time & Attendance System.

### **700.03 ELECTRONIC MAIL RECORDS**

The GCRTA has established a policy that electronic mail messages are records of the GCRTA and that they are subject to all established rules concerning our Records Management Program.

The GCRTA reserves the right to access an employee's electronic mail account to satisfy public records requests, and business and legal requirements.

### **700.04 COMPLIANCE WITH RECORDS RETENTION SCHEDULE**

The GCRTA has established a policy to ensure that all GCRTA records are retained in compliance with all known local, state, and federal laws and regulations; with the historical requirements of the Ohio Historical Society; and with the internal operating needs of the Authority.

The Records Retention Schedule was developed for the specific needs of the Authority and to eliminate the cost of maintaining and storing records that are no longer required; to identify and retain all Office of Record (official) copies of our records according to the established retention period; and to maintain consistent and effective record-keeping practices throughout the Authority. Before disposing of any RTA records, employees should determine that their destruction is in accordance with the established Records Retention Policy adopted by the Board. The GCRTA Records Manager can provide assistance with any questions regarding the maintenance and destruction of records.

For more information, refer to Records Management Manual.

**700.05            DISPOSITION OF RECORDS-SEPARATIONS FROM EMPLOYMENT**

It is the hope of the Authority that all employees enjoy continuous and uninterrupted employment during their tenure as Authority employees. However, at the time of separation from employment, whether voluntary, retirement, as a result of disciplinary action, or reduction in workforce, the employee is not permitted to remove any GCRTA records that were created in conjunction with their employment without the expressed written consent of the Authority. This includes working copies, drafts, manuals, computer disks and software.

**700.06            CONFIDENTIAL INFORMATION (COMPLYING WITH REQUESTS TO INSPECT AND COPY GCRTA RECORDS)**

The GCRTA Code of Ethics prohibits the release of confidential information or records of GCRTA employees. "Confidential information" means any information concerning the GCRTA that is:

- (a) Not a matter of public knowledge;
- (b) Exempt from public inspection and copying;
- (c) Legally required to be kept confidential by the GCRTA.

All public record requests should be referred to the Legal Department for handling in accordance with their internal procedures.

## **Section 8-- Use of Computer**

### **800.01 COPYING COMPUTER SOFTWARE**

It is the policy of GCRTA to ensure that its employees understand and adhere to the Federal Copyright Law, which states that software cannot be copied without the express written permission of the copyright holder.

Unless the license agreement explicitly states otherwise, software can be moved from one personal computer to another, but it cannot run on two computers at one time without purchasing a second license. No GCRTA employee or agent is to run any software on any computer owned by the GCRTA or on GCRTA premises unless a valid license exists to do so. No GCRTA employee or agent is to copy any copyrighted software currently running on any such computer for the purpose of running that software on another computer. No employee shall load any software on a network server for the purpose of running the software simultaneously on more than one computer unless the software license explicitly indicates that it is permissible to do so.

Any employee who is found to have violated Federal Copyright Law will be subject to disciplinary action up to and including termination.

### **800.02 USE OF ELECTRONIC MAIL MESSAGE SYSTEM (E-MAIL), BULLETIN BOARDS, SHARED FOLDERS AND WEB PAGES**

The Electronic Mail Message System (E-Mail) is public property purchased with public funds and is intended solely for use in furtherance of GCRTA business. The Electronic Mail Message System may not be used for personal, non-business related communication in a manner that is inconsistent with the policies, procedures and guidelines established by this policy. Employees may be subject to discipline up to and including discharge for improper use of the Electronic Mail Message System (E-Mail).

### **800.03 USE OF INTERNET AND THE GCRTA INTRANET**

It is the policy of the GCRTA to allow employees use of and access to the Internet for purposes related to and in the furtherance of their work duties and responsibilities. All such users must be familiar with and comply with guidelines established in this policy.

GCRTA resources include, but are not limited to GCRTA computers, telephone lines, the GCRTA local area network, and all equipment thereto. These resources are public property purchased with public funds and are intended solely for use in furtherance of GCRTA business. These resources may not be used in a manner that is inconsistent with this policy.

Employees may be subject to disciplinary action up to and including termination for improper use of these resources.

## Section 9-- Legal

### 900.01      **COMPLYING WITH SUBPOENAS AND SUMMONS SERVED UPON THE GCRTA**

It is the policy of GCRTA to instruct any employee, upon receipt of any Subpoenas or Summons involving the Greater Cleveland Regional Transit Authority's business, either by U.S. mail or messenger, to deliver the same directly to the DGM-Legal Affairs or his/her designee. This policy is to assure timely and complete compliance with all Subpoenas and Summons and to protect the interests of the Authority and its employees.

All subpoenas should be referred to the Legal Department for handling in accordance with their internal procedures.

### 900.02      **INDEMNIFICATION POLICIES**

(a). The CEO/General Manager is authorized by Resolution of the Board of Trustees to prepare and to implement indemnification policies and procedures for the Authority in conformity with the Bylaws and to make such changes thereafter as may be necessary from time to time to conform to the policies and programs of the Board of Trustees.

(b). The CEO/General Manager is authorized by Resolution of the Board of Trustees to conduct an investigation and review of each indemnification claim submitted to the Authority and to communicate with the Board of Trustees or issue such report and make such recommendations to the Board of Trustees as may be necessary for its action.

(c). The Board of Trustees shall make the final determination of all indemnification claims submitted to the Authority.

Refer to procedures set forth in Section 629.02 of the Board of Trustees Manual.

### 900.03      **LEGAL DEFENSE AND INDEMNIFICATION OF EMPLOYEES INVOLVED IN COLLISIONS**

The GCRTA has established a policy for addressing the issues of use of non-Authority-owned vehicles by Authority employees, accident reporting, legal defense, legal liability, insurance requirements, and insurance cost.

This policy is to assure employees who use their vehicles for Authority business of the legal protection afforded them by the Authority.

The Authority shall provide counsel for the legal defense of an employee who is sued for damages for alleged negligence as the result of his/her use of a non-Authority-owned vehicle, provided that the General Manager/Secretary-Treasurer in his/her sole discretion, determines that such use was within the scope of employment and was not wanton, reckless, or intentional. By such use, the employee consents to the Authority's selecting legal counsel of its choice for any such litigation.

The Authority shall indemnify an employee for any settlement that its legal counsel negotiates on behalf of the employee in such litigation and/or for any judgment rendered against the employee in such litigation in which it provides a defense, unless the finder of fact in such actions determines that the employee acted wantonly, recklessly, or intentionally.