

RESOLUTION NO. 2009-24

AUTHORIZING AND APPROVING REVISIONS TO THE PERSONNEL
POLICIES OF THE GREATER CLEVELAND REGIONAL TRANSIT
AUTHORITY TO AMEND THE FAMILY AND MEDICAL LEAVE (FMLA) AND
AMERICANS WITH DISABILITIES ACT (ADA) POLICIES

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 has from time to time adopted and amended the Personnel Policies of the Greater Cleveland Regional Transit Authority; and

WHEREAS, on August 21, 2001, the Board of Trustees of the Greater Cleveland Regional Transit Authority adopted the Family and Medical Leave and Americans with Disabilities Act policies for the Authority (Resolution No. 2001-119), which was amended on May 21, 2002 (Resolution No. 2002-096); and

WHEREAS, the Board of Trustees has determined that revision to the Personnel Policies may be necessary to assure compliance with federal or state laws and the Bylaws of the Greater Cleveland Regional Transit Authority; and

WHEREAS, the General Manager/Secretary-Treasurer has the overall responsibility for overseeing the implementation of the Family and Medical Leave and Americans with Disabilities Act policies; and

WHEREAS, the General Manager/Secretary-Treasurer delegates the day-to-day responsibility of implementation to the Deputy General Manager of Human Resources; and

WHEREAS, pursuant to revisions of the Family and Medical Leave and Americans with Disabilities Act policies, the General Manager/Secretary-Treasurer has met with executive staff to determine that the revisions are in accordance with federal, state and local laws, rules and regulations.

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

Section 1. That the Family and Medical Leave and Americans with Disabilities Act policies for the Authority, as set forth in the Attachments, which are fully incorporated herein and further identified by the certificate of the General Manager/Secretary-Treasurer, be and are hereby adopted.

Section 2. That all other provisions of the Personnel Policies and Procedures not expressly related herein shall remain in full force and effect.

Section 3. That this resolution shall become effective immediately upon its adoption.

Attachment: A. Revised Family and Medical Leave Policy
B. Revised Americans with Disabilities Act Policy

Adopted: April 21, 2009



President

Attest: 

CEO, General Manager/Secretary-Treasurer

ATTACHMENT A

500.09 FAMILY AND MEDICAL LEAVE

It is the policy of the Authority to grant **the legally required** 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 leave depending on the circumstances.

In accordance with the Family and Medical Leave Act amendments, the Authority will grant the legally required weeks of military caregiver leave in a single 12-month period. The Authority will also grant the legally required weeks of leave in any 12-month period due to a qualifying military exigency leave. These leaves may be paid, unpaid or a combination of paid and unpaid leave depending on the circumstances.

ATTACHMENT B

200.04 AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act Amendments Act of 2008 (ADAAA), 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 Equal Opportunity or Medical Services. Requests for accommodation will be considered in light of the legal standards set forth in the ADA and ADAAA, as well as all other applicable laws and statutes.



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: AUTHORIZING REVISIONS TO RTA FAMILY AND MEDICAL LEAVE AND AMERICANS WITH DISABILITIES POLICIES	Resolution No.: 2009-24
	Date: April 16, 2009
	Initiator: Human Resources & Legal Affairs Divisions
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 **PURPOSE/SCOPE:** This action will approve a revision to the Family & Medical Leave and Americans with Disabilities Act policies of the Greater Cleveland Regional Transit Authority.
- 2.0 **DESCRIPTION/JUSTIFICATION:** The Family & Medical Leave Policy is being revised to include reference to the amendments of the Family & Medical Leave Act of 1993. Specifically, the Act has added leave requirements for military caregiver leave and military exigency leave. The amended Act also made some modifications to the processing and requesting of medical leave. The Americans with Disabilities Act Policy is being revised to include reference to the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). This Act makes important changes to the definition of the term "disability," it changes the way that the statutory terms of the definition should be interpreted.
- 3.0 **PROCUREMENT BACKGROUND:** Does not apply.
- 4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** Does not apply.
- 5.0 **POLICY IMPACT:** This action will revise Section 500.09, Family & Medical Leave Policy and Section 200.04, Americans with Disabilities Act Policy of the Personnel Policies and Procedures Manual. Staff has evaluated the impact of this policy on GCRTA procedures and has determined that it is necessary to update the Family & Medical Leave and Americans with Disabilities Act policies and to provide management with updated procedures, posting and forms and ADA training.
- 6.0 **ECONOMIC IMPACT:** Does not apply.
- 7.0 **ALTERNATIVES:** Disapprove the revision to the Family & Medical Leave and Americans with Disabilities Act policies as proposed. This option would not allow the General Manager/Secretary-Treasurer to revise the Family & Medical Leave and Americans with Disabilities Act policies relative to federal, state and local laws, rules and regulations.

- 8.0 RECOMMENDATION: These revisions were reviewed by the Committee of the Whole at their April 7, 2009 meeting and recommended to the Board of Trustees for approval. It is recommended that the Board of Trustees approve the revisions to RTA Family and Medical Leave and Americans with Disabilities Act policies.
- 9.0 ATTACHMENTS: None

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



CEO, General Manager/Secretary-Treasurer