



**Rochester-Genesee  
Regional Transportation  
Authority**

# **Employee Handbook**

**Employees of County Area Transit System, Inc.**

**Dated: [INSERT DATE THAT BOTH RATIFICATION  
AND LEGISLATIVE APPROVAL OCCUR]**

# Table of Contents

*Please click a heading below to directly access a section.*

<b>Introductory Statement .....</b>	<b>1</b>
<b>Section 1 Employment .....</b>	<b>2</b>
101 Employee Relations .....	2
102 Equal Employment Opportunity .....	2
103 Business Ethics .....	3
104 Employment of and Contracting with Closely Related Persons .....	3
105 Conflicts of Interest .....	4
106 Outside Employment.....	4
107 Disability Accommodation .....	4
108 Required Training .....	5
109 Travel for Medical Purposes .....	
<b>Section 2 Employment Status and Records .....</b>	<b>6</b>
201 New Hire Introductory Period .....	6
202 Access to Personnel Files .....	6
203- Employment Verifications.....	7
204 Personal Data Changes .....	7
205 Employment Applications .....	7
206 Performance Evaluations.....	7
207 Employment Termination .....	8
<b>Section 3 Employee Benefits Program .....</b>	<b>9</b>
301 Employee Benefits .....	9
302 Holidays.....	10
303 Veterans' Day.....	10
304 Paid Time Off (PTO) .....	11
305 Bereavement Leave .....	14
306 Jury Duty .....	14
307 Witness Duty.....	15
308 Employee Assistance Program .....	15
309 New York State Deferred Compensation.....	15
310 Wellness Program and Center .....	16
311 Health Insurance .....	16
312 Health Reimbursement Account (HRA).....	16
313 Benefits Continuation Coverage (COBRA).....	16
314 Life Insurance .....	17
315 Disability Insurance .....	17
316 Voluntary Short Term Disability Insurance.....	18
317 Workers' Compensation Insurance.....	18
<b>Section 4 Timekeeping and Payroll .....</b>	<b>21</b>
401 Work Week .....	21
402 Timekeeping .....	21
403 Paydays .....	21
404 Pay Period.....	21
405 Administrative Pay Corrections .....	22
406 Pay Deductions and Setoffs.....	22
<b>Section 5 Work Conditions and Hours.....</b>	<b>23</b>
501 Overtime.....	23
502 Smoking .....	23
503 Work Schedules.....	24
504 Visitors in the Workplace.....	24
505 Identification Badges .....	25



506 Mandatory Meetings .....	25
507 Driving Policy .....	25
508 Telephone Use .....	26
509 Communication Devices .....	26
510 Office Space.....	27
<b>Section 6 Leaves of Absence .....</b>	<b>28</b>
601 Family and Medical Leave Act (FMLA) .....	28
602 Personal Leave .....	32
603 Military Leave.....	32
<b>Section 7 Employee Conduct and Disciplinary Action .....</b>	<b>34</b>
701 Employee Conduct and Work Rules.....	34
702 Drug and Alcohol Use .....	34
703 Sexual Harassment .....	35
704 Workplace Violence .....	37
705 Attendance .....	37
706 Personal Appearance and Workplace Attire .....	39
707 Authority Property .....	41
708 Employee Resignation or Reduction .....	42
709 Progressive Discipline .....	42
710 Workplace Etiquette .....	43
711 Media Relations .....	44
<b>Closing Statement .....</b>	<b>45</b>

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## Introductory Statement

This Handbook provides employees with a general understanding of Rochester-Genesee Regional Transportation Authority's personnel policies. Throughout the Handbook, Rochester-Genesee Regional Transportation Authority and County Area Transit System, Inc. will be referred to interchangeably and represented as the "Authority" or "CATS." Employees should familiarize themselves with the Handbook, as it answers many common questions concerning employment with CATS. The Handbook cannot, however, answer every question or anticipate every situation about employment. It is not an employment contract and does not create, and is not intended to create, contractual obligations of any kind.

In order to retain necessary flexibility in the administration of policies and procedures, Rochester-Genesee Regional Transportation Authority reserves the rights to change, revise or eliminate any of the policies and/or benefits described in the Employee Handbook, except for its policy of employment-at-will. The only recognized deviations from the stated policies are those authorized and signed by the Chief Executive Officer of Rochester-Genesee Regional Transportation Authority.

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# Section 1

## Employment

### 101 Employee Relations

The Authority believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in this industry. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice openly and directly these concerns to their supervisors. If the supervisor is unavailable, or if the employee issue involves the supervisor, they are strongly encouraged to direct these concerns to the department head, who will then consult with the People Department. If the employee's supervisor is the department head, the employee may contact the People Department directly.

Experience has shown that when employees openly and directly deal with their respective supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. The Authority aptly demonstrates its commitment to employees by responding effectively to employee concerns.

### 102 Equal Employment Opportunity

The Authority affirms its commitment to treat all applicants for employment and employees equally without regard to race, religion, creed, color, national origin, sex, sexual orientation, age, disability, veteran status, marital status or other class prohibited by local, state or federal law. The Authority is an Equal Employment Opportunity employer. This policy applies to all terms, conditions and privileges of employment, including recruitment, hiring, training, workforce development, job assignment, supervision, promotion, compensation, benefits, layoff, recall and termination.

The Authority supports affirmative action consistent with federal laws, court decisions, Executive Orders and regulations including goals and timetables in order to close any identified gaps in underutilization of minorities and women.

The responsibility for the implementation of the EEO program is assigned to the Chief Executive Officer, as EEO Director. The regular management of the EEO program on a day-to-day basis is the responsibility of the Vice President of People, as EEO Officer. The Director of Staffing and Workforce Development is the designee for the EEO Officer.

All Authority Officers, Leadership Team members, Vice Presidents, Directors, Managers and first-line Supervisors, including those of all subsidiary operations, share in the responsibility of ensuring compliance. Compliance is achieved through understanding and communicating as well as demonstrating support for this program on a day-to-day basis when deploying human resources to fulfill our commitment to the public for safe and efficient public transportation.

All applicants and employees have the right to file complaints alleging discrimination with the Chief People Officer, the Director of Staffing and Workforce Development or Authority officials.

Applicants and employees also have the right to file complaints with the Federal Equal Employment Opportunity Commission and/or the New York State Division of Human Rights.

All Authority Officers, Leadership Team members, Vice Presidents, Directors, Managers and first-line Supervisors will be evaluated annually on the success of the EEO Program and their contribution to a fuller utilization of previously underutilized human resources.

The Authority reports all EEO information to the U.S. Equal Employment Opportunity Commission.

The successful achievement of the Authority's EEO goals will serve to enhance and improve the Authority's ability to achieve our vision to attract the community to our high quality and economically sustainable transportation choice.

### 103 Business Ethics

The successful business operation and reputation of the Authority is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance to the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The Authority will comply with all applicable laws and regulations, and expects its officers, vice presidents, directors, managers, supervisors and employees to conduct business in accordance with the letter, spirit and intent of all relevant laws, and to refrain from any illegal, dishonest or unethical conduct.

### 104 Employment of and Contracting with Closely Related Persons

The Authority wants to ensure that favoritism, or the mere perception of favoritism, is absent from the work environment, in an effort to avoid problems with employee morale. Persons who are closely related to or have romantic relationships with the Authority's Commissioners, officers, managers and/or employees will be considered for employment solely based upon their qualifications. Closely related persons and persons involved in a romantic relationship will not be considered for employment, re-assignment, transfer, or promotion if doing so would:

- Create a supervisor/subordinate relationship with a closely related person or a person with whom the applicant has a romantic relationship;
- Create the potential of an adverse impact on work performance because of the relationship of the applicant with a closely related person or a person with whom the applicant has a romantic relationship; or
- Create a conflict of interest or the appearance of a conflict of interest.

Commissioners, officers, managers, and employees who become closely related to or establish romantic relationships with others at the Authority will not be asked to leave the Authority on that basis as long as none of the above conditions arises. The Authority's In-House Counsel will review any potential conflicts of interest and issue an opinion on whether a conflict of interest exists and whether it violates this Policy. Should any of the above conditions arise, the ~~Chief People and Brand Officer~~ will make a reasonable effort to adjust the duties and/or reassign one or both of the individuals to resolve the situation and, if unable to do so, will request that one or both of the individuals resign to resolve the concern (the individual who is to resign being determined by the individuals involved), or terminate one or both of the individuals' employment. It is the responsibility and obligation of the supervisor involved in the relationship to disclose the existence of the relationship to the Vice President of People.

No employee may take part in any hiring or employment decision relating to a family member or person with whom the employee has a romantic relationship. If a hiring or employment matter arises relating to such a person, then the employee must advise his/her supervisor of the relationship, and must be recused from any and all discussions or decisions relating to the matter.

No employee may take part in any contracting decision: (i) relating to a family member or person with whom the employee has a romantic relationship; or (ii) relating to any entity in which such person is an officer, director or partner, or in which such person owns or controls 10% or more of the voting rights of such entity. If a contracting matter arises relating to such a person, then the employee must advise his/her supervisor of the relationship, and must be recused from any and all discussions or decisions relating to the matter. For the purposes of this paragraph, the term "family member" means any person living in the same household as the employee, and any person related to the employee within the third degree of consanguinity or affinity.

## **105 Conflicts of Interest**

All employees are required to disclose interests or relationships that may, through their employment with the Authority, result in personal gain for the employee or relative, or give the appearance of a conflict of interest. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to persons related by blood or marriage.

Personal gain is defined as a bribe, kickback, incentive, inducement, substantial gift, or special consideration resulting from transactions or business dealings involving the Authority. Personal gain may also occur in cases where an employee or relative has an ownership interest in an organization with which the Authority does business.

## **106 Outside Employment**

Since your position will command much of your time, energy and attention, you should carefully consider whether additional employment would present a conflict or interfere with your effectiveness and performance.

An employee may hold a job with another company as long as he or she satisfactorily performs his or her job responsibilities with the Authority. It is recommended that any secondary employment be discussed with your supervisor so that it may be pre-determined whether or not there is a conflict. If the Authority determines that an employee's outside work is a conflict of interest or interferes with performance or the ability to meet the requirements of employment, the employee may be asked to terminate the outside employment if he or she wishes to remain with the Authority.

All employees will be judged by the same performance standards and will be subject to scheduling demands, regardless of any existing outside work requirements. Outside employment will present a conflict of interest if it has an adverse impact on work performance. Employees must inform their supervisor if they engage in paid or volunteer work that could be considered an extension of the Authority's services.

## **107 Disability Accommodation**

The Authority is committed to fully complying with the Americans with Disabilities Act (ADA) and New York State Human Rights Law, and to ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual. Employees should read and

familiarize themselves with the Authority's Reasonable Accommodation Policy.

The Authority does not discriminate against any qualified employees or applicants because they are related to or associated with a person with a disability. The Authority will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

This policy is neither exhaustive nor exclusive. The Authority is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

## **108 Required Training**

All employees are required to complete the following training at hire and on an annual basis, where noted below:

- Code of Ethics and Conduct ( annually)
- Safety Compliance, including
  - Blood borne Pathogens (annual)
  - Hazardous Communications (one time)
  - Hazardous Energy Control (one time)
- Terrorism (one time)
- Drug and Alcohol Policy (one time)
- Workplace Violence Prevention (annual)
- Sexual Harassment (annual)
- Emergency Evacuation Procedure (one time)
- In-Service (as scheduled by the Company)

Training may be scheduled by the Company on overtime. Failure to complete required training will result in a suspension of work duties until the training is completed. Repeated failures to complete training will result in progressive discipline.

## **109 Travel for Medical Purposes**

Employees will be expected to travel to the RTS location at 1372 E. Main Street, Rochester, NY 14609 for medical appointments such as 19-A Physicals, follow-up appointments and return to work physicals.

If the employee does not use a RTS vehicle for the trip the employee will be reimbursed for mileage at the IRS mileage rate.



## Section 2

### Employment Status and Records

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#### 201 New Hire Introductory Period

For all new employees, the Introductory Period consists of the first 39 weeks of employment. This period is used to determine if performance meets the expectations of the position and if continued employment is warranted. The purpose of the New Hire Introductory Period is to provide supervisors with an opportunity to evaluate new employees and to determine whether an employee can effectively perform the essential functions of the position, with or without accommodation. An employee's New Hire Introductory Period may be extended for an additional period upon the request of the supervisor and approval of the People Department. If, after the Introductory Period, it is determined by the supervisor that the employee is unable to meet the essential functions of the position, the offer of employment can be rescinded. An employee's performance continues to be evaluated on a regular basis after the New Hire Introductory Period. Employees who have had a job change within the agency (promotion, demotion, or transfer) are also subject to a six (6) month probationary period in the new position without their benefits being affected. Because employment is based on mutual consent, the right of the employee or the Authority to terminate the employment relationship "at will" is recognized and affirmed as a condition of employment.

#### 202 Access to Personnel Files

The Authority maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, training records, performance including appraisals and discipline, salary increases, payroll forms and other employment records.

Personnel files are the property of the Authority, and access to the information they contain is restricted. Generally, only supervisors and management personnel who have a legitimate reason to review information in a file are allowed to do so.

Employees may request copies ONLY of the following documents housed in the personnel files:

- a. Resumes, offer letters, and school transcripts;
- b. Records of benefit enrollments, including beneficiary designations;
- c. Payroll forms, including tax forms and direct deposit forms;
- d. Licenses or identification; and
- e. Training certificates or records
- f. Performance Appraisals.

Employees may have single photocopies of any documents requested. The Authority may charge a reasonable fee for copies if a large number of copies are requested.

The Authority will retain employee files permanently.



## **203 Employment Verifications**

It is the policy of the Authority to respond to employment verifications and reference requests from other organizations regarding current or former employees when requested for employment or financial purposes. Only the People Department may respond to employment verifications and reference requests. The People Department will accept verifications or requests in writing or over the telephone; however, the People Department must receive a written authorization signed by the current or former employee with each verification or request. The People Department may also request the name and type of the requesting organization (financial institution, credit institution, prospective employer, prospective landlord, etc.) to determine whether providing the requested information is appropriate. In general, the People Department will only verify an individual's current or former employment and provide dates of employment and job title. The Department will also process requests from lending institutions for an individual's earnings data.

All written and telephone employment verifications and reference requests should be forwarded to the People Department as soon as administratively possible. Employees, including supervisors, are not permitted to verify employment or provide references on behalf of the Authority. If an employee is contacted for a reference, the employee must refer that request to the People Department. Employees who violate this policy and verify employment or provide references on behalf of the Authority are subject to disciplinary action, up to and including termination.

## **204 Personal Data Changes**

It is the responsibility of each employee to promptly notify the Authority of any changes in personal data. Mailing addresses, telephone numbers, names and telephone numbers of emergency contacts, names of dependents, beneficiary designations, educational accomplishments, and other such status reports should be accurate and current at all times. Employees should notify the Authority of any personal data changes by completing and submitting the appropriate forms and/or documentation to the People Department.

## **205 Employment Applications**

The Authority relies upon the accuracy of information contained in the employment application as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

## **206 Performance Evaluations**

Performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, plan professional development and training, and discuss positive, purposeful approaches for meeting goals. These evaluations enter into such considerations as continuance of employment, salary increases, promotions, transfers and dismissals.

New employees will receive an initial review after six (6) months of employment. Regular employees are generally evaluated according to an ongoing twelve (12) month cycle beginning at the fiscal-year end. Supervisors are responsible for ensuring that performance evaluations are

## Section 3

### Employee Benefits Program

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#### 301 Employee Benefits

Eligible employees qualify for benefits on the first day of the month following their date of employment. A number of the Authority's benefit programs (including Social Security, Workers' Compensation, State Disability and Unemployment Insurance) cover all employees in the manner prescribed by law.

The following benefit programs are available to eligible full-time employees:

- Paid Holidays
- Paid Time Off (PTO)
- Bereavement Leave
- Jury Duty Leave
- Military Leave
- Medical Leave
- Employee Assistance Program
- New York State Deferred Compensation\*
- Wellness Program \*
- Medical Insurance\*
- Health Reimbursement Account\*
- Dental Insurance\*
- Life Insurance, including Accidental Death and Dismemberment Insurance
- Voluntary Life Insurance\*
- Voluntary Short-Term Disability Insurance\*

The following benefit programs are available to eligible part-time employees:

Jury Duty Leave  
Military Leave  
Employee Assistance Program  
Wellness Program

Some benefit programs are Authority-assigned benefits provided at no or some cost to the employee, while others are employee-elected benefits (designated with an \*) and may require employee contributions.

The Authority's health insurance benefits operate on a plan year of April 1<sup>st</sup> to March 31<sup>st</sup>. In general, changes to such benefits may only be made during open enrollment or when the employee experiences a qualifying event as defined in the plan documents.

conducted on time.

## 207 Employment Termination

Below are examples of some of the most common circumstances under which employment is terminated:

- Resignation - voluntary termination initiated by an employee
- Discharge - involuntary termination initiated by the Authority

The Authority will generally schedule an exit interview at the time of employment termination. The exit interview will afford the employee an opportunity to discuss such issues as final paycheck, benefits, conversion privileges, repayment of outstanding debts to the Authority, or the return of Authority-owned property. Suggestions, complaints, and questions can also be voiced.

Separating employees will receive their final paycheck on the next scheduled pay date. In cases when the People Department is notified after the payroll deadline, the final check will be issued at the nearest pay date administratively possible.

Employee benefits will be affected by termination of employment. If eligible, and subject to the Authority's Paid Time Off Policy, an employee will be paid his/her accrued but unused PTO in his/her final paycheck or as soon as administratively possible. If the employee is involuntarily terminated, he/she will not be eligible for payment of any of his/her accrued but unused PTO balance. An employee's health insurance will cease at midnight on the last day of the month in which employment was terminated. At termination, the employee must pay any balance due on premiums. Certain benefits, as defined by COBRA laws and regulations, may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

Since employment with the Authority is based on mutual consent, both the employee and the Authority have the right to terminate employment at will, with or without cause, at any time.

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## 302 Holidays

The Authority grants six (6) paid holidays to all eligible employees immediately upon assignment to an eligible employment classification.

Full-time employees are eligible for paid holiday time off.

Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

If an employee is scheduled to work the day before or after a holiday and he/she is absent, the employee will not be paid for the holiday. To be eligible for holiday pay, employees must work the last scheduled day immediately preceding and the first scheduled day immediately following the holiday. The only exceptions to this rule are: a) when the employee submits a physician's note that confirms the medical reason for the unscheduled absence, or b) if the holiday falls before or after pre-approved PTO. PTO may not be used in exchange for holiday pay.

Paid holidays will not be counted as hours worked for the purposes of determining overtime.

The Authority currently observes the following holidays:

- New Year's Day;
- Memorial Day (last Monday in May);
- Independence Day;
- Labor Day (first Monday in September);
- Thanksgiving (fourth Thursday in November);
- Christmas Day.

In the event that a holiday falls on a weekend, the Authority may designate an alternative day for observance.

Due to operational needs, an employee may be required to work on a holiday. Non-exempt employees will be paid for the holiday, in addition to any hourly wages earned for working on the holiday. Exempt employees will be paid for the holiday only.

When an employee has a religious observance that does not align with an Authority-designated holiday, the employee may request an exchange of an Authority-designated holiday for the day required for his/her religious observance. Requests must be made to the employee's supervisor, and approval to exchange a day will be based on whether or not there is work available and/or whether or not the employee can perform his/her job when the Authority is closed. If an exchange is not possible, the employee may use PTO.

## 303 Veterans' Day

The Authority recognizes and appreciates its employees who served in the United States Armed Forces, and will grant eligible employees one (1) day of holiday leave with pay on Veterans' Day each year. If Veterans' Day falls on a Saturday or Sunday, and the eligible employee is not regularly scheduled to work on that day, the employee may observe Veterans' Day on the day designated by New York State.

To be eligible for this benefit, an employee must be a veteran who was honorably discharged or who was discharged under honorable conditions and who:

- served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States (including reservists who served on active duty in these branches) at any time; or
- served in the Armed Forces of the United States or its allies in time of war, including the National Guard.

The employee must submit to the Company a copy of his/her DD-214 to be eligible for this benefit.

An eligible employee should submit his/her request for Veterans' Day leave with pay to his/her supervisor as far in advance of Veterans' Day as possible. If the employee's supervisor is unable to grant the request due to operational necessity, the employee will receive one (1) day of holiday pay in addition to the pay earned for the hours worked on Veterans' Day.

For the purposes of this policy, one (1) day of holiday pay will be equal to the employee's normal hourly rate times the number of hours the employee is regularly scheduled to work on Veterans' Day.

If an eligible employee does not work on Veterans' Day because he/she was pre-approved for time off, and he/she is using Paid Time Off, the employee will not be required to report Paid Time Off for Veterans' Day. Rather, the employee will receive one (1) day of holiday pay, and the applicable hours of Paid Time Off will be returned to the employee's Paid Time Off or bank.

This Policy complies with Section 63 of New York Public Officers Law.

### **304 Paid Time Off (PTO)**

The Authority recognizes that employees have diverse needs and reasons for time off from work and believes that employees should have opportunities to enjoy time away from work to balance their lives. The Authority has established this paid time off (PTO) policy for full time employees to meet those needs. PTO promotes a flexible approach to time off. The employee is accountable and responsible for managing his/her own PTO hours, allowing for adequate reserves to cover vacation, illness, disabilities, appointments, emergencies, and other needs that may require time off from work.

To be eligible to accrue PTO, an employee must be scheduled to work at least 40 hours per week on a regular basis. Employees regularly scheduled to work less than 40 hours per week, part time, on-call and temporary employees are not eligible to accrue PTO.

All accrued hours become available for use in the pay period following the pay period in which they are accrued.

Accruals for Non-Exempt employees are based on the employee's years of service and "paid hours" up to 2080 paid hours per year. "Paid hours" include PTO hours used as well as hours actually worked, but do not include overtime hours. Accruals for Exempt employees are based on the employee's years of service and the number of pay periods during which the Exempt employee is employed.

PTO does not accrue during unpaid leaves of absence (such as leave under the Family Medical Leave Act) or when the employee is receiving workers' compensation or disability benefits.

**Non-Exempt Employees PTO Accrual Schedule**

Years of Service	Accrual Per Paid Hour Worked or Paid PTO Hour Used*	Annual PTO Accrual for a Non-Exempt Employee Scheduled to Work 40 Hours
Less than 1 year		136 hours
1 year – less than 6 years	0.125 hours	260 hours
6 years – less than 13 years	0.137 hours	285.12 hours
13 years – less than 20 years	0.15 hours	312 hours
20 years – less than 26 years	0.1625 hours	338 hours
26 years +	0.175	364 hours

**Exempt Employees PTO Accrual Schedule**

Years of Service	Accrual Per 2-Week Pay Period	Annual PTO Accrual for an Exempt Employee Scheduled to Work 40 Hours per Week
Less than 1 year		136 hours
1 year – less than 6 years	10 hours	260 hours
6 years – less than 13 years	10.96 hours	285.12 hours
13 years – less than 20 years	12 hours	312 hours
20 years – less than 26 years	13 hours	338 hours
26 years +	14 hours	364 hours

In addition to the foregoing, on each January 1st, 16 hours of PTO will be added to the PTO banks of all Exempt employees and all Non-Exempt employees regularly scheduled to work 40 hours per week to replace the former floating holidays of Good Friday and Martin Luther King Day (employees hired after January 1st will not receive these hours in their PTO banks until the following January).

\* If an employee is not "paid" (either by working and being paid or by taking PTO and being paid), no PTO will accrue for the period of non-payment. Employees receiving workers' compensation for all or a portion of a pay period will not be considered to have been "paid" for any portion of the period that the employee received workers' compensation and, therefore, will not accrue any PTO during that pay period. Unlike employees who are out on workers' compensation, employees receiving New York State Disability payments for just a portion of a pay period will be considered to have been "paid" during the pay period in which they receive those payments and: (i) Exempt employees will accrue PTO as if they worked and were paid the entire pay period; and (ii) Non-Exempt employees will accrue PTO based the number of hours they actually worked (excluding overtime) or took as PTO during that pay period on the days they were not out on disability.

A minimum of 80 PTO hours must be used each calendar year, or will be forfeited. All earned but unused PTO beyond the 80 hour minimum can be carried over to future years to a maximum aggregate carryover allowance of 1440 hours. (The minimum hours that must be used and the maximum aggregate carryover will be prorated for employees working less than full time.)

Bus Drivers and Maintenance Staff will choose their vacation (PTO) weeks by badge number in December for the following year. The Company shall establish how many employees can be off per week by category.

*Vice President of People*

All use of PTO is subject to supervisory approval. Before an employee may use hours from his/her carryover bank to take more PTO hours than the employee is expected to accrue in the current calendar year (assuming the employee works for the entire year without any unpaid leaves of absence or days out due to disability or workers compensation), the employee must request and receive the approval of the employee's department head and the ~~Chief People and Brand Officer~~ in addition to the employee's supervisor. [For example, a full time, non-exempt employee with more than 1 year but less than 6 years of service credit is expected to accrue 260 hours of PTO during the calendar year (provided the employee does not have any unpaid leaves of absence or days out due to disability or workers compensation). The employee may take up to 260 PTO hours during that calendar year with the approval of only his/her supervisor. However, the employee will need the approval of the department head and the ~~Chief People and Brand Officer~~ in order to take the 261<sup>st</sup> hour of PTO and each additional hour thereafter in that calendar year.] If the employee fails to obtain such approval, each such hour in excess of 260 would constitute an unpaid leave of absence for a non-exempt employee and either an unpaid leave of absence or a violation of this Policy for an exempt employee (depending on the number of hours actually worked in the day/week by the exempt employee). Nothing in this paragraph shall be interpreted to mean that an employee may use PTO hours that he/she has not yet actually accrued but not used in the current and prior years. Employees may not borrow against their PTO banks; therefore, no advance leave will be granted. [For example, if the employee has a carryover bank of 20 hours and has accrued 20 hours in the current year, the employee may not use more than 40 hours of PTO regardless of how many hours he is expected to accrue that calendar year.]

In all cases, PTO requests which result in being away from work for more than fourteen (14) consecutive calendar days must be pre-approved by the employee's supervisor, department head and the ~~Chief People and Brand Officer~~. The Authority may limit or deny the use of time off beyond fourteen (14) consecutive calendar days.

Employees may only take PTO in increments of 8 hours or one full day. Exempt employees who work at least 4 hours on a work day shall not be required to take PTO for that day. Exempt employees who work less than 4 hours on a work day must take that entire day as PTO.

When PTO is used, an employee is required to request payment of PTO hours according to his/her regularly scheduled workday. For example, if an employee works a 6-hour day, he/she would request 6 hours of PTO when taking that day off.

In the following situations, employees will be entitled to receive a lump sum payment equal to their current hourly pay rate multiplied by the number of accrued, unused hours in their PTO bank, up to a maximum of 400 hours.

- In the event of an employee's death, the employee's estate will be paid the employee's PTO bank (max 400 hours) in a lump sum payment.
- Non-exempt full time employees who have worked at the Authority at least one year and give at least two (2) weeks advance notice of their intent to resign or retire to their Supervisor and the People Department will be paid their PTO bank (max 400 hours) in a lump sum payment. Exempt employees who give at least four (4) weeks advance notice of their intent to resign or retire to their Supervisor and the People Department will be paid their PTO bank (max 400 hours) in a lump sum payment.



Employees who are involuntarily terminated will not be paid any unused PTO.

### **305 Bereavement Leave**

The Authority provides regular full-time and part-time employees with a bereavement leave of absence to arrange and attend a funeral and to manage the affairs of a deceased member of his or her immediate family. The Authority defines "immediate family" as the employee's spouse, partner, significant other, grandparent, parent, step-parent, child, step-child, sibling or step-sibling; the employee's spouse's, partner's or significant other's parent, step-parent, child, step-child, sibling or step-sibling; the employee's child's spouse or child. For the purposes of this policy, partners are those who are of the same or opposite sex and are financially and emotionally interdependent in a manner commonly presumed of spouses.

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately. Employees may request up to three (3) working days off. Employees are required to take these three (3) working days consecutively.

A bereavement leave of absence is a leave with pay and maintains all aspects of the employment relationship during the regularly scheduled days of work when the employee is absent, including PTO accruals. An employee on bereavement leave should return to work on the first regularly scheduled day of work following the end of the leave.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions or shift differentials.

Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Employees may, with their supervisors' approval, use any available paid leave for additional time off as necessary.

### **306 Jury Duty**

The Authority encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees who have completed a minimum of ninety (90) calendar days of service in an eligible classification may request up to two (2) weeks of paid jury duty leave over any five (5) year period.

Regular full-time and part-time employees qualify for paid jury duty leave. Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence.

If employees are required to serve jury duty beyond the period of paid jury duty leave, they may use any available Paid Time Off or may request an unpaid jury duty leave of absence.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits. Employees must provide to their supervisor an Attendance Verification Form from the court showing the dates the employee reported and served for jury duty.

Either the Authority or the employee may request an excuse from jury duty if, in the Authority's

judgment, the employee's absence would create serious operational difficulties.

The Authority will continue to provide benefits and PTO accruals for the full term of the jury duty absence.

### **307 Witness Duty**

If employees have been subpoenaed or otherwise requested to testify as witnesses by the Authority, they will receive paid regular time for the entire period of witness duty. Employees will be granted unpaid time off to appear in court as a witness when requested by a party other than the Authority. All aspects of employment will continue, including PTO accruals.

### **308 Employee Assistance Program**

The Authority recognizes that, at times, employees may need assistance with various personal issues, including stress, emotional problems, financial difficulties and legal concerns. To assist employees with these needs, the Authority provides an Employee Assistance Program (EAP) to employees and their immediate family members at no cost.

All regular employees and immediate family members residing in the employee's household are eligible for EAP services.

The EAP provides support in four main areas:

1. **Counseling.** Confidential advice and short-term counseling with trained and certified clinical professionals is provided for any employee or immediate family member who requests it, or for any employee referred by the People Department. EAP provides up to eight (8) face-to-face counseling sessions per year, per person, per problem.
2. **Legal Consultation.** The EAP provides one half (½) hour free phone consultation per legal issue with a licensed attorney.
3. **Financial Consultation.** The EAP provides one half (½) hour free phone consultation per financial issue with a professional financial advisor.
4. **Personal Assistant.** The EAP provides a personal assistant to help employees with travel planning, relocation, finding a doctor and/or finding childcare.

Employees may access the Authority's EAP 24 hours a day, 7 days a week via telephone or the internet. Employees have access to unlimited telephone counseling and a comprehensive website with a wide range of tools and resources.

Employees may refer to their original benefits packet or contact the People Department for more information.

### **309 New York State Deferred Compensation**

Employees may elect to participate in the Employer's 457 Deferred Compensation Plan. If the Employee elects to participate, the Employer match will be fifty (50) percent of the first two (2) percent of employee deferrals after one year of full-time employment. Employer deferrals to the plan will be made on a quarterly basis.

If an employee who participates in the Deferred Compensation Plan separates from service prior

to the end of the quarter, the appropriate match of funds for that quarter will be made at the time the employee separates from service.

Employees who separate from service and elect to have any pay-offs of accrued time directed to the deferred compensation plan will not receive an employer match on these payments.

### **310 Wellness Program**

The Authority has established a Wellness Program for the health and well-being of its employees. The Authority seeks to reduce absenteeism, improve productivity and engagement, control health care costs, reduce injuries and improve morale and retention. All employees are eligible and encouraged to participate in Wellness Program activities.

### **311 Health Insurance**

The Authority's health insurance plan provides fulltime employees with access to medical, dental and health insurance benefits on the first of the month following their employment. Regular full-time employees are eligible to participate in the health insurance plans subject to all terms and conditions of the agreement between the Authority and the insurance carrier. Information on the cost and level of coverage will be provided to eligible employees during annual open enrollment.

A change in employment classification that results in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

### **312 Health Reimbursement Account (HRA)**

The Authority provides a health reimbursement account to eligible fulltime employees who are enrolled in medical insurance through the Authority. The Authority funds the HRA on April 1<sup>st</sup> of each year; the amount funded depends on the type and size of an employee's medical insurance plan, and may vary year to year. Employees should refer to their current Benefit Summary to determine the amount of funding. Benefit Summaries are available on the Authority's intranet and from the People Department.

Amounts funded will be prorated for employees enrolling after Open Enrollment of each year. Any amounts not used by the end of the plan year will roll over to the following plan year.

Employees will receive an HRA debit card for their health expenses. Employees are required to pay a nominal fee, through automatic payroll deduction, for this debit card.

### **313 Benefits Continuation Coverage (COBRA)**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) provides employees and their qualified beneficiaries the opportunity to continue medical, dental and/or vision insurance coverage under the Authority's plans when a "qualifying event" results in the loss of eligibility for such coverage. Some common qualifying events are:

- Reduction in an employee's hours
- Leave of absence
- Employee's divorce or legal separation
- Dependent child ceases to meet eligibility requirements
- Employee's entitlement to Medicare
- Resignation
- Termination
- Retirement

Under COBRA, the employee or beneficiary pays the full cost of coverage at the Authority's group rates plus a two percent (2%) administration fee. The Authority will provide each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for COBRA coverage under the Authority's medical, dental and/or vision insurance plans. The notice contains important information about the employee's rights and obligations.

### **314 Life Insurance**

The Authority provides a basic life insurance plan for eligible full time employees on the first of the month following employment. Accidental Death and Dismemberment (AD&D) insurance provides protection in cases of serious injury or death resulting from an accident, and is provided as part of the basic life insurance plan.

Regular full-time employees are eligible to participate in the life insurance plan. For Ontario employees, the basic life benefit is equal to \$25,000.

Employees may purchase additional life insurance coverage for themselves and their dependents, and pay for this coverage through payroll deduction.

Information on benefits and coverage levels will be provided to eligible employees annually during open enrollment.

### **315 Disability Insurance**

New York Statutory Disability Benefits Law (DBL) is a no-fault insurance program covering employees with a qualifying disability due to an off-the-job injury or illness lasting up to six (6) months. The DBL provides weekly cash benefits to replace, in part, wages lost due to injuries or illnesses that do not arise out of or in the course of employment.

Any regular part time or full-time employee who is working or has worked for the Authority for at least four consecutive weeks is eligible.

Disabilities arising from pregnancy or pregnancy-related illnesses are treated the same as any other disability that prevents an employee from working. Disabilities covered by workers' compensation are excluded from DBL coverage. Eligible employees who participate in the DBL program are subject to all terms and conditions as established by the Authority and the New York State Workers' Compensation Board.

To file a claim, a *Notice and Proof of Claim for Disability Benefits* form (DB-450) must be completed and submitted to the Medical Department. The following process must be followed:

1. The employee completes *Part A - Claimant's Statements* along with the other employee

sections.

2. The employee takes *Part B - Health Care Provider's Statement* to his/her attending physician to complete.
3. The employee returns Parts A and B to the Medical Department
4. The Medical Department completes *Part C - Employer's Statement* and reviews Parts A and B for accuracy and completeness.

Employees are responsible for completing and returning all paperwork required for the processing of their disability claims, and must submit such paperwork to the Medical Department within 30 days of the date of their disability, unless extenuating circumstances prevent them from doing so. Employees who file a disability claim must also apply for leave under the Family Medical Leave Act.

While out of work on disability, employees are required to call and check in with the Medical Department every seven (7) days.

DBL benefits are equal to 50% of the disabled employee's average weekly wages (based on the last eight weeks of employment). The maximum benefit is \$170/week. Benefits begin on the eighth (8<sup>th</sup>) day of disability. Benefits are payable for a maximum of twenty-six (26) weeks throughout any period of fifty-two (52) consecutive weeks. Benefits are subject to Social Security and withholding taxes, as prescribed by law.

The employee may request payment of earned PTO during the disability period. This will be paid in the applicable payroll period.

Employees remain responsible for paying their monthly contributions for Authority-assigned and employee-elected benefits during their disability period.

Upon returning to work after a disability period, an employee must submit a return-to-work release from his/her physician to the Medical Department, except when the employee's disability was due to pregnancy. If an employee is employed in a safety-sensitive position, that employee must be cleared by the Medical Department and the Authority-contracted physician prior to returning to work.

### **316 Voluntary Short Term Disability Insurance**

Regular full-time and employees working a minimum of 20 hours per week are eligible to purchase additional short-term disability insurance. If an employee is unable to work due to illness or injury, this insurance provides cash benefits to the employee for up to twenty-six (26) weeks. Premiums are based on the employee's age and salary as well as the benefit and waiting periods elected by the employee. Premiums are paid by the employee through payroll deduction. Employees may opt in or out of this insurance at any time.

### **317 Workers' Compensation Insurance**

The Authority provides a comprehensive Workers' Compensation insurance program at no cost to employees. This program covers any injury or illness sustained within the course and scope of employment, as required by the New York State Workers' Compensation Board.

All on-the-job injuries are reportable if they result in an injury requiring treatment in excess of basic first aid.

Everyone involved in a claim for a work-related accident or occupational disease shares responsibility for prompt and complete claim handling, including the injured employee, the treating physician(s), and the Authority-designated workers' compensation personnel. It is crucial that all parties involved take responsibility for his/her parts of the process to ensure an employee's successful and prompt return to work and good health.

### **Employee Responsibilities:**

1. Immediately report the injury to the supervisor.
2. Complete the entire workers' compensation packet, which will be provided by the employee's supervisor at the time an injury is reported. Failure to complete the entire workers' compensation packet will delay the handling of an employee's claim, and an employee's cooperation is essential. Failure to notify the employer, in writing, within 30 days after the accident date can result in denial of benefits. In the event of an occupational disease, the disabled employee must give notice to the employer within two (2) years of the disablement or within two (2) years after the claimant knew or should have known that the disease was work related.
3. Obtain necessary medical treatment as soon as necessary. Employees not requiring immediate attention, and who live within a 25-mile radius, are required to seek medical treatment for the first 30 days of care at one of these three facilities:
  - a. Concentra Occupational Health Center, located at 687 Lee Road in Rochester, NY. Concentra's hours of operation are Monday-Friday, 8am-5pm. Concentra offers onsite x-ray and physical therapy, as well as physicians specialized in occupational injuries. No appointments are necessary. Upon arrival, the employee should inform the receptionist that he/she is an RGRTA employee and would like to be seen in relation to a work-related injury.
  - b. Eastside Urgent Care, located at 2226 Penfield Road, Penfield, NY 14526. Eastside Urgent Care's hours of operation are Monday-Friday, 10am-10pm as well as weekends and holidays, from 9am-6pm. Eastside also offers physicians specialized in occupational medicine and x-ray services. No appointment is necessary. Upon arrival, the employee should inform the receptionist that he/she is an RGRTA employee and would like to be seen in relation to a work-related injury.
  - c. Healthworks, located at 1160 Corporate Drive, Farmington, NY.
4. After 30 days of treatment, the employee is not required to continue seeking treatment at one of these two facilities. In the event the employee decides to seek medical treatment with another provider, the employee should advise that provider that he/she is seeking treatment in relation to a work-related injury with RGRTA. The physician's office may contact RGRTA at (585) 654-0200 with any questions that they may have pertaining to the employee's workers' compensation claim. The employee should follow doctor's instructions to ensure a complete and speedy recovery.
5. Comply with the workers' compensation investigation process. The designated workers' compensation personnel will contact the employee to complete the initial workers' compensation investigation. The employee must cooperate with the investigation process to ensure appropriate handling of his/her workers' compensation case.
6. Continue to communicate with the designated workers' compensation personnel. In the event that the employee requires time out of work to recover from his/her work-related injury, the employee must call the Medicate Department every 7 days. This communication ensures the employee is getting the treatment required, is headed in the right direction for recovery, and keeps the Authority apprised of your return to work status.
7. Return to work when cleared by the treating physician and the Medical Department. Once the employee has received clearance to return to work with or without restrictions from the treating physician, the employee should contact the Medical Department immediately to

schedule a return to work evaluation. The Authority does offer its employees transitional duty work up to 45 days, for employees who are partially disabled and when work within those physical limitations is available. An employee must receive clearance to perform transitional or full duty work from both his/her treating physician as well as the contracted physician prior to returning to work.

#### **People Department Responsibilities:**

1. Record all injuries or occupational illness by employee in the course of employment. Maintain these records for at least eighteen (18) years.
2. Provide for immediate and necessary medical treatment in the event that an employee requires immediate medical attention. The employee can determine which hospital he/she wishes to be transported to.
3. File the appropriate workers' compensation forms with the Workers' Compensation Board and the injured employee, as well as any other applicable party, within the timeframes mandated by the New York State Workers' Compensation Law.
4. Complete a thorough investigation of the reported injury prior to making a determination with regard to compensability.
5. In the event the Authority feels that a claim is not compensable under the New York State Workers' Compensation Law, a representative from the People Department will notify the employee accordingly, by filing form C-7. During the period of time that a workers' compensation is being litigated and an employee is out of work as a result of that injury, the employee will be entitled to New York State Disability Benefits.
6. Maintain open communication with the injured employee throughout the process to ensure efficiency in returning the employee to work and health.
7. Respond to requests for treatment within a timely fashion.
8. Display diligence in returning the employee to work, when able. The People Department will make every effort to identify transitional duty work when an employee possesses a partial disability. In the event of a release to return to work (with or without restrictions), the People Department will schedule a return to work physical with the Authority's contracted physician as soon as possible to allow for a timely return to the workforce.

#### **Treating Physician Responsibilities:**

1. Complete and file a preliminary medical report Form C4 with the Authority and the Workers' Compensation Board within forty-eight (48) hours of the first treatment.
2. Complete and file a fifteen (15) day report of injury and treatment on Form C4.2 with the Authority and the Workers' Compensation Board within seventeen (17) days after first treatment. For eye specialists, file Form C5.
3. Use the same forms to file progress reports with the Authority and the Workers' Compensation Board, as medically necessary at intervals of ninety (90) days or less while treatment continues.
4. Use the same forms to file a final report immediately when treatment ends.
5. Comply with the release of medical records, when a request is made by the Authority or a representative thereof, and is accompanied by a Department of Health-compliant HIPAA release.

## Section 4

### Timekeeping and Payroll

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#### 401 Work Week

The Authority has a designated work week of Monday through Sunday to facilitate scheduling for programs and events, and full-time employees can expect to work five (5) days per week.

#### 402 Timekeeping

Federal and state laws require the Authority to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Accurately recording time worked is the responsibility of every Exempt and non-Exempt employee as mandated by the federal and state laws. Exempt employees are assumed to be at work from 8:00am to 5:00pm, Monday through Friday. Exempt and non-Exempt employees are to record their hours worked on the Authority's electronic or paper timesheet, as applicable. Timesheets should be completed no later than 10:00 am on the Monday immediately preceding payday. Non-Exempt employees must track when they arrive in the morning, when they leave for and return from lunch and when they leave in the evening. Such arrival and departures should occur at the scheduled, or approved, start and stop times.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment. Only a supervisor or a designee may make changes to an employee timesheet. Supervisor edits should be only for instances when the employee is out of the office and cannot edit his/her timesheet, for situations where business prevents completion of the time sheet. Time sheets must be approved by both the employee and supervisor to be paid.

#### 403 Paydays

All employees are paid on a biweekly basis. Each paycheck will include earnings for all work performed through the end of the previous payroll period and any deductions. In the event that a regularly scheduled payday falls on a day off, such as a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday. If a regular payday falls during an employee's Paid Time Off (PTO), the employee's paycheck will be available upon his or her return from PTO or mailed at the request of the employee.

Employees may have pay directly deposited into their bank accounts if they provide advance written authorization to the Authority.

#### 404 Pay Period

The pay period will end on the Sunday immediately preceding the pay date to ensure that accurate time is reported for pay.



## **405 Administrative Pay Corrections**

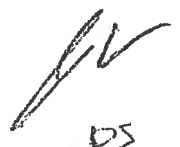
The Authority takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, an employee should promptly bring the discrepancy to the attention of the Payroll Department so that corrections can be made as quickly as possible.

## **406 Pay Deductions and Setoffs**

Pay setoffs are pay deductions taken by the Authority usually to pay off a debt or obligation to the Authority or other organizations. The law requires the Authority to make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The Authority also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base."

The Authority offers programs and benefits beyond those required by law. Eligible employees may authorize deductions from their paychecks to cover the costs of participation in these programs.

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## Section 5

### Work Conditions and Hours

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#### 501 Overtime

When operating requirements or other needs cannot be met during regular working hours, non-exempt employees will be given the opportunity to volunteer for overtime work assignments in seniority order. If no employee volunteers for overtime the company will force the employees to work in inverse seniority by category. All voluntary overtime work must receive prior authorization of the employee's supervisor. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour restrictions. Holidays, PTO, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Supervisors are expected to manage the hours of their non-exempt employees. Approved hours worked in excess of forty (40) will be paid at one and one half (1 ½) times the employee's regular rate, only if the employee has no PTO or holidays in the pay period. If the employee has taken PTO within the pay period in which they worked overtime, PTO may be reduced and credited back to the employee to make up for the overage in hours.

Once overtime is accepted/forced the overtime becomes part of the Employee's work week for attendance purposes and all other work rules in this handbook.

#### 502 Smoking

The Authority is committed to the health and well-being of its employees, customers and visitors, and to maintaining a safe and healthy work environment. To that end, the Authority maintains smoke-free and tobacco-free buildings on its main and regional campuses. Employees, customers and visitors may not smoke cigarettes, cigars or pipes nor use snuff or chewing tobacco inside any building or enclosed area, including offices, garages and shops. Smoking is defined as the inhaling, exhaling, burning or holding of any lighted cigarette, cigar or pipe.

Employees at the Authority's regional campuses should consult with their supervisors about those campuses' designated smoking areas and where to discard their tobacco products.

The Authority's East Main Street campus is predominantly smoke-free and tobacco-free. Employees may smoke or use tobacco products outside during their breaks at four designated areas throughout the Authority's East Main Street campus. Smoking and the use of tobacco products are strictly prohibited in parking lots at the Authority's East Main campus.

Each designated area has a smoking receptacle. Employees should safely extinguish and deposit cigarettes and cigars in these receptacles. Further, employees should properly dispose of all smoking-related paraphernalia, including cigarette packs, tobacco product wrappers, and matches in trash cans. This helps maintain a clean and healthy environment for our employees, customers and visitors.

No employee may smoke or use tobacco products in Authority owned, leased or rented vehicles, including but not limited to buses, tow trucks and non-revenue automobiles, on or off campus.

All employees are expected to comply with this policy. Each employee is responsible for conducting himself or herself in the manner this policy prescribes.

Any employee who violates this policy will be asked to comply by immediately ceasing use of any tobacco product outside of the designated areas, and subject to progressive discipline.

This policy complies with New York Public Health Law Article 13-E, which states, "Smoking shall not be permitted and no person shall smoke in [...] places of employment." Further, this policy complies with Monroe County Sanitary Code Article VI, which states, "Smoking shall be prohibited in all enclosed facilities within a place of employment without exception."

The Authority strongly encourages all employees to quit smoking and/or using other tobacco products. The Authority supports its employees' efforts to quit smoking and recommend that employees contact the following sources for more information on quitting.

- Centers for Disease Control and Prevention  
[www.cdc.gov/tobacco/quit\\_smoking](http://www.cdc.gov/tobacco/quit_smoking); 1-800-QUIT-NOW (1-800-784-8669)
- The New York State Department of Health Tobacco Control Program  
[www.nysmokefree.com](http://www.nysmokefree.com); 1-866-NY-QUITS (1-866-697-8487)
- American Lung Association  
[www.lung.org/stop-smoking](http://www.lung.org/stop-smoking); 1-800-LUNG-USA 1-800-586-4872

### **503 Work Schedules**

#### **Maintenance**

Maintenance technicians and Fueler/Washers shall be scheduled eight and one-half (8.5) hours per day with an unpaid thirty (30) minute lunch five days per week which may include weekends. The Company will strive to maintain two consecutive days off per employee. Two ten minute breaks per day will be scheduled by management.

#### **Bus Drivers**

The Company maintains the right to set bus schedules. The Company, based on operational needs, shall design job bids for the full-time employees. Full-time employees shall have the opportunity to pick by seniority. Part-time Drivers (maximum number of hours shall be 29 hours or less) shall be assigned to fill any vacancies in the schedule per week.

The bidding process may be used by the Company at any time throughout the year (may be multiple picks throughout the year). Employees will be given one week notice of the pick date and the runs designed by the Company.

### **504 Visitors in the Workplace**

To ensure the safety and security of employees, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors maintains safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances. Visitors must be accompanied by an employee to the Authority's secured areas.

## 505 Identification Badges

All employees must wear Identification (ID) Badges at all times while at any of the Authority's facilities and while working off-site. Employees are provided with an ID Badge at hire; this badge will provide the employee with access to various sections of the Authority's facilities. Department heads will determine what sections an employee may have access to, and all requests for such access should be submitted in writing to the Facility Security System Administrator.

An employee should immediately notify the People Department if he/she loses his ID Badge, so the Authority may terminate access on that badge. The employee may then obtain a replacement ID Badge from the People Development. A fee of \$25 will be charged for the replacement, and may be paid in cash or through payroll deduction. If the employee locates his/her original badge within 30 days of purchasing his/her replacement, he/she may return the replacement for a refund of \$20.

## 506 Mandatory Meetings

All employees are required to attend meetings designated as mandatory. Exceptions will be made for ongoing scheduled operations.

## 507 Driving Policy

Employees who operate an Authority vehicle as part of their job duties are required to have a valid New York State driver's license. This applies to any employee who drives an Authority vehicle, whether that employee drives an Authority vehicle on a consistent or occasional basis.

Employees are required to immediately report to the Operations Manager any on- or off-duty driving convictions, suspensions, revocations, at-fault accidents or changes in their ability to meet this requirement. Failure to do so could result in disciplinary action, up to and including termination. Inability to perform driving responsibilities will result in termination for bus Drivers and maintenance employees.

Supervisors are required to notify the Ontario Management if an employee in their department regularly operates an Authority vehicle.

The Ontario Management will maintain an updated list of employees who regularly operate Authority vehicles. These include:

Bus Drivers	Fueler/Washers
Maintenance Technicians (A, B) and Senior Technicians	Van Driver Transportation Specialists

Possession of a valid NYS driver's license will be verified through the License Event Notification System (LENS) by the Recruitment Specialist.

If an employee must conduct Authority business off-site, the employee may request his/her supervisor's approval to use an Authority vehicle. If an Authority vehicle is not available at the

requested time, the employee may use his/her personal vehicle to travel off-site, and may request mileage reimbursement from the Authority. Employees must always attempt to obtain an Authority vehicle for their required travel before using their personal vehicles.

The Authority will also reimburse employees for toll and parking fees incurred while driving a vehicle for Authority business, if the employee provides a dated receipt for those charges to the Finance Department. Request for reimbursement should be submitted as soon as possible after the charges are incurred.

## 508 Telephone, Cell Phone and Electronic Device use

Employees are provided a copy of the Authority's Telephone Use and Recording Policy at hire, and are required to sign an Acknowledgment Form before using or accessing the Authority's telephone systems. All employees should be familiar with this policy and comply with its provisions.

Using a cellular phone, portable electronic device and/or wearing of a hands free device (Bluetooth, earphones, earbuds etc.) whether in use or not while operating a Company vehicle is strictly prohibited. Employees found using such a device shall receive the following discipline:

1<sup>st</sup> Offense = Three day suspension

2<sup>nd</sup> Offense = Immediate Termination of Employment

Use of a cellular phone is permitted on an emergency basis only when a vehicle is at a full stop and in park at a safe location.

The Authority reserves the right to record and monitor all telephone calls that are made or received using Authority-provided equipment. Recording and monitoring may be done for the purpose of retaining evidence of interactions with customers and others, evaluating customer service, assessing workload or any other purpose that is not expressly prohibited by law. Employees will be notified before their telephone line begins to be recorded and monitored. Employees will be informed as to whether their telephone line is being recorded at all times or will be recorded only "on demand."

No employee shall be granted or shall obtain access to the recordings made on another employee's telephone line without the prior approval of the ~~Chief People and Brand Officer~~. Any employee granted such access will comply with the Information and Communications Monitoring Policy in connection with such access. Employees should read and familiarize themselves with this Policy.

✓ Vice-President of People  
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## 509 Communication Devices

The Authority recognizes that various communication devices assist employees in conducting their daily business. However, such devices pose a security risk to the Authority. Consequently, an employee must obtain written approval from his/her Department Head before using a communication device for Authority business, and must follow Authority policies when using such a device. Communication devices include cellular phones, personal digital assistants and smart phones.

All employees issued a communication device by the Authority must sign a Communication Device Agreement, and must comply with the Agreement's provisions. In addition, all

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employees must protect their communication devices with passwords that meet the minimum requirements set forth in Password Requirements and Recommendations.

Authority-issued communication devices are the property of the Authority, and the Authority may recall these at any time or delete any or all data and/or programs on a communication device at any time and without prior notice. Information Technology will provide support for Authority-issued communication devices.

Information stored on a communication device, whether personally owned or not, may be subject to a request of records in connection with a legal proceeding. Employees must cooperate with all requests for information stored on their communication devices.

Employees who have been issued an Authority cellular phone will have their cellular phone numbers published in the Authority's email system and payroll system.

Employees are responsible for the devices issued to them and may not use the device in any manner that violates the law or Authority policy.

Any employee who violates the Communication Device Agreement will be subject to discipline, up to and including termination.

## **510 Office Space**

Items of a non-personal nature located in an employee's workspace are Authority property. This includes, but is not limited to, items listed in Section 1 (108) Proprietary Business Information, daily work files, documents, manuals, supplies, calendars, etc. An Authority-authorized employee may at any time enter an employee's workspace or review information contained therein.

Employees should make every effort to keep their workspace neat and organized. Employees should utilize Authority-provided drawers, cabinets and filing systems to store items in and around their workspace. In addition, employees should be aware that the information and/or documents they are handling may require confidentiality, and may need to be securely stored within their workspace during or at the end of the workday. Employees should discard leftover food, debris or trash as it accumulates, and clean up spills or other messes when they occur. To assist employees in maintaining a clean and orderly environment, the Authority contracts with commercial cleaners who, on a daily basis, empty trashcans, vacuum workspaces, and clean bathrooms and other common areas.

## Section 6

### Leaves of Absence

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#### 601 Family and Medical Leave Act (FMLA) Policy

##### Basic Leave Entitlement

The Authority provides job-protected, unpaid leave under the provisions of the Family and Medical Leave Act of 1993 to an eligible employee who requests time off from work for the following:

1. His or her own serious health condition that makes the employee unable to perform the functions of his/her position;

a. A "serious health condition" is as an illness, injury, impairment or physical or mental condition that involves either:

i. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, including a period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom) or any subsequent treatment in connection with such inpatient care; or

ii. Continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, continuing treatment may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider; one (1) visit and a regimen of continuing treatment; or incapacity due to pregnancy or due to a chronic condition. Other conditions may meet the definition of continuing treatment.

2. Because of the birth of the employee's child and in order to care for his/her newborn child;

3. Because of the placement with the employee of a son or daughter for adoption or foster care; or

4. To care for the employee's spouse, son, daughter or parent who has a serious health condition.

##### Military Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is a covered military member on "covered active duty" (or has been notified of an impending call or order to covered active duty) may use their FMLA leave entitlement to address certain qualifying exigencies, including to attend certain military events and related activities, arrange for alternative childcare, address certain financial and legal arrangements, attend certain counseling sessions, and attend post-deployment activities.

Eligible employees will also be permitted to take leave to care for a "covered servicemember" with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (hereinafter referred to as "military caregiver leave").

a. For purposes of this leave provision, a "covered servicemember" is defined as:

i. a current member of the Armed Forces (including a member of the National Guard or Reserves), who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

ii. a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time in the five years preceding the date on which the Veteran undergoes such medical treatment, recuperation or therapy.

The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the definition of "serious health condition" set forth above.

a. With respect to members of the Armed Forces (including a member of the National Guard or Reserves), a "serious injury or illness" is defined as an injury or illness that was either incurred by the member in the line of duty on active duty (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty while on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of his or her office, grade, rank or rating.

b. With respect to veterans, a "serious injury or illness" is defined as a qualifying injury or illness that was incurred by the member in the line of duty on active duty (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty while on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

### **Eligibility**

To be eligible for FMLA benefits, an individual must:

- be an employee of the Authority;
- have been employed by the Authority for at least twelve (12) months; and
- have worked at least 1,250 hours over the twelve (12) months immediately preceding the commencement of the leave.

### **Length of Leave**

Eligible employees may take up to twelve (12) weeks of unpaid leave under FMLA in a 12-month period for one or more of the reasons set forth in the "Basic Leave Entitlement" section above, as well to address certain qualifying exigencies under circumstances where the employee's spouse, son, daughter or parent is a covered military member on "covered active duty" (or has been notified of an impending call or order to covered active duty), (see "Military Leave Entitlements" section above).

Eligible employees may take up to twenty-six (26) weeks of military caregiver leave during a single 12-month period, as detailed in the "Military Leave Entitlements" section above.

1. The relevant 12-month period used to determine eligibility for leave entitlement,



excluding military caregiver leave, will be calculated on a "rolling" basis, measured backward from the date an employee uses FMLA leave. The relevant "single 12-month period" used to determine eligibility for military caregiver leave will be the 12-month period measured forward from the date an employee's first FMLA leave to care for the covered service member begins.

2. Absences due to an employee's serious health condition that are also covered by New York State Disability or New York State Workers' Compensation will be counted toward leave time available to the employee under the provisions of FMLA.

3. Leave for the birth of a child, or placement of a child with the employee for adoption or foster care, must be taken within twelve (12) months of the birth or placement.

4. An eligible employee may take up to twenty-six (26) weeks of leave during the single 12-month period to care for a servicemember. Leave to care for an injured or ill servicemember, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single 12-month period.

5. Under some circumstances, an eligible employee may be approved to use FMLA intermittently or on a reduced-schedule basis. In all such cases, the leave may not exceed the allowable number of weeks over a 12-month period.

6. Spouses who are both employed by the Authority are limited to a combined total of twelve (12) weeks (or twenty-six (26) weeks if military caregiver leave is used) if the leave is taken for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

### **Procedure for Requesting Leave**

Eligible employees who are requesting leave under the provisions of FMLA are required to complete and submit an "Employee Request for Family Medical Leave" form to the People Department within the timeframes indicated below. Employees requesting FMLA leave for a serious health condition must have on file or produce a Certification of Health Care Provider form (WH-380-E for an employee's own serious health condition or WH-380-F for an employee's family member's serious health condition). Medical certification may also be required for military caregiver leave. The required FMLA paperwork is available at the Authority's reception desk or Medical Department. All completed FMLA paperwork must be turned into the Medical Department.

#### **A. Timing of Request**

Employees must provide the People Department with thirty (30) days' advance notice of the need to take FMLA leave when the need is foreseeable. When thirty (30) days is not possible, the employee must provide notice to the People Department as soon as practicable. This includes requests for unforeseeable consecutive and intermittent leave. Employees requesting intermittent leave under FMLA must produce a properly executed "Employee Request for Family Medical Leave" form for each and every non-consecutive absence.

When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule leave so as not to unduly disrupt the Authority's operations.

## **B. Content of Request**

Employees requesting FMLA leave must provide the Authority (via submission to the People Department) with sufficient information for it to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, that the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform the Authority (via submission to the People Department) if the requested leave is for a reason for which FMLA leave was previously taken or certified.

### **Notice of Eligibility for and Designation of FMLA Leave**

Employees requesting FMLA leave will receive written notice from the Authority telling them whether they are eligible for FMLA leave and, if not eligible, the reasons for their ineligibility.

When eligible for FMLA leave, an employee will receive written notice of:

1. Any additional information required by the Authority in connection with the leave request;
2. The employee's rights and responsibilities in connection with such leave;
3. The Authority's designation of the leave as FMLA-protected; and
4. The amount of leave, if known, that will be counted against the employee's leave entitlement.

### **Medical Certification**

An employee's leave to care for the employee's family member with a serious health condition, or due to the employee's own serious health condition that makes him/her unable to perform one or more of the essential functions of his/her position, must be supported by a certification issued by the health care provider of the employee or the employee's family member. Such certification must be submitted in writing to the People Department, as outlined above. Failure to provide adequate certification may result in the denial or delay of coverage under FMLA. Any FMLA leave requested in excess of what the health care provider has certified in the Certification of Health Care Provider will not be considered as job-protected leave under FMLA and will therefore be denied.

### **Returning to Work From Leave**

Employees returning to work from a leave pertaining to his or her own serious health condition and which leave lasts five (5) or more calendar days and/or requires treatment/evaluation in a hospital facility are required to contact the Medical Department prior to the anticipated return-to-work date. Safety-sensitive employees will be required to undergo and pass a physical examination performed by the Authority's contracted physician. Safety-sensitive employees will also be required to successfully complete a drug and alcohol screen at the time of this examination. An employee whose leave was necessitated by his/her own serious health condition may also be required to produce a certification from his or her own health care provider advising that he or she has been cleared to return to work. This certification must specifically address the employee's ability to perform the essential functions of the job. Failure to provide medical certification regarding the ability to return to work, where applicable, may result in the delay and/or denial of the restoration of employment.

## **Impact on Benefits and Employment**

The Authority will continue to provide health insurance benefits to the employee for the full period of the approved FMLA leave on the same terms as if the employee had continued to work. However, the employee must continue to timely remit any required contribution to the Authority. If the employee fails to remit his/her required contribution for thirty (30) days past the date payment is due, his/her health insurance will be cancelled. The Authority will provide the employee with written notice before coverage is to cease, advising the employee that coverage will be dropped on a specified date unless the payment has been received by that date. Employees who have accrued PTO will be required to use their PTO during their FMLA leave. Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/ illness will run concurrently with any FMLA leave entitlement. Upon return from FMLA leave, employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave. Salaried, FMLA eligible employees who are among the highest paid ten (10) percent of all employees employed by the Authority within seventy-five (75) miles of the employee's worksite, however, may not be eligible for job restoration if it would cause substantial and grievous economic injury to the operations of the Authority.

## **Coordination of FMLA Leave with Other Leave Policies**

The FMLA does not affect any federal, state or local law prohibiting discrimination, or supersede any State or local law which provides greater family or medical leave rights. For additional information concerning leave entitlements and obligations that might arise when FMLA leave is either not available or exhausted, please consult the People Department.

## **Questions and/or Complaints about FMLA Leave**

The FMLA makes it unlawful for any employer to:

1. interfere with, restrain, or deny the exercise of any right provided under the FMLA; and
2. discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

If you have questions regarding this FMLA policy, please contact the People Department. The Authority is committed to complying with the FMLA and, whenever necessary, will interpret and apply this policy in a manner consistent with the FMLA.

## **602 Personal Leave**

Personal leave is considered an unpaid leave of absence, and is defined as time off with permission but without pay. In general, the Authority does not grant leaves of absence, and such leaves will be granted only under unusual circumstances. An employee may request personal leave for reasons other than those covered by medical leave.

## **603 Military Leave**

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment

and Reemployment Rights Act (USERRA). Employees should notify and provide documentation in advance to the People Department of the military service, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Employees will receive full pay for 30 consecutive days or twenty-two (22) working days, whichever is of the greater benefit to the employee. The portion of any military leaves of absence in excess of the greater of 30 consecutive days or twenty-two working days will be unpaid. However, employees may use any available paid time off for the absence.

Continuation of the portion of benefit credit directed to health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

Benefit accruals, such as PTO, will continue during the leave.

Employees on military leave for up to thirty (30) consecutive days or twenty-two (22) working days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

## Section 7

### Employee Conduct and Disciplinary Action

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#### 701 Employee Conduct and Work Rules

To ensure orderly operations and provide the best possible work environment, employees are expected to follow rules of conduct that will protect the interests and safety of all employees and the Authority. Rules of conduct extend to casual work related situations including but not limited to celebrations, events, dress days, parties, etc.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that will result in disciplinary action, up to and including termination of employment:

1. Excessive unscheduled absences
2. Excessive tardiness at start of a shift or after breaks
3. Improper care or use of Authority property, including electronic information systems, e.g., computer, Internet, email, telephone, fax, copier (The Authority reserves the right to monitor all electronic information systems.)
4. Violation of safety or health rules
5. Failure to follow personal safety rules
6. Leaving work area during work time without authorization
7. Wasting time or loitering
8. Failure to properly or completely perform job tasks
9. Failure to follow dress code
10. Sleeping on the job
11. Intentionally misusing, damaging, destroying or stealing agency property or the property of others
12. Insubordination (willful refusal to perform an assigned duty or to comply with an instruction)
13. Possession or use of alcohol or illegal drugs during scheduled work hours
14. Reporting to work unfit for duty
15. Fighting, provoking, or instigating a fight
16. Willfully injuring or attempting to injure another person
17. Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
18. Breach of confidentiality
19. Falsification of any agency record
20. Abusive, threatening or harassing remarks or behavior (verbal or physical) toward another employee
21. Sexual or other unlawful or unwelcome harassment
22. The use of sexual, racial, religious or national-origin based epithets, jokes, or derogatory comments
23. Violation of the Code of Ethics and Conduct

#### 702 Drug and Alcohol Use

The Authority is committed to providing a healthy and safe work environment for its employees. This commitment is severely jeopardized when an employee is impaired by drugs or alcohol. Drugs and/or alcohol use in the workplace can lead to poor decision-making, injury, illness, excessive absenteeism, vehicular accidents and property damage. This, in turn, leads to higher

health insurance and workers' compensation premiums, threats to public safety and harm to the Authority's reputation.

To protect its employees and customers, the Authority strictly prohibits employees from being under the influence of drugs and alcohol while on duty, and possessing, using, selling or distributing drugs and alcohol while on Authority property or conducting Authority business.

All employees are subject to the Authority's Alcohol Abuse and Controlled Substance Use Policy. Employees should read and familiarize themselves with this policy. Employees must, as a condition of employment, abide by the terms of this policy. Employees who violate this policy will be subject to discipline, up to and including termination.

Employees are prohibited from participating in the manufacture, distribution, dispensation, possession, or use of any controlled substance, substance prohibited in Appendix A of this policy, alcohol, or illegal substance while on Authority property or while conducting Authority business. Additionally, employees are required to report any conviction under a criminal statute for drug or alcohol violations occurring on or off Authority property and/or while conducting Authority business to the People Department on the same day as the conviction. Employees are also required to report any similar convictions which occur outside of work to the People Department within five (5) calendar days of the conviction.

## **Resources**

Employees can obtain additional information on drug and alcohol abuse and prevention from the Medical Department, the Authority's EAP, telephone hotlines, support groups and treatment facilities.

Employees who have questions about this policy should contact the Occupational Health Manager. This policy complies with the United States Department of Labor (The Drug-Free Workplace Act of 1988, 20 CFR Part 29), the Federal Transit Administration and the United States Department of Transportation (49 CFR Part 40, and Part 655).

## **703 Sexual Harassment**

The Authority is strongly committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive or disruptive, including sexual harassment. Harassment is never acceptable in the workplace, and the Authority strictly prohibits harassment of its employees. The Authority requires all employees to take its Sexual Harassment training course at their hire, and on an annual basis thereafter.

Pursuant to 29 C.F.R. Section 1604.11, the Equal Employment Opportunity Commission defines sexual harassment as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where:

1. submission to such conduct is made either explicitly or implicitly a term or condition of employment;
2. submission to or rejection of such conduct is used as a basis for making employment decisions including, but not limited to, hiring, transfer, promotion, compensation, training, education, demotion, layoff or termination; or

3. such conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile or offensive work environment

Employees should be aware of their daily interactions and behaviors, and ensure their conduct is not unwelcome, offensive or hostile and is not interfering with the work performance or effectiveness of others. Employees are encouraged to contact the EEO Officer with questions about what constitutes harassing behavior or what behaviors are considered violations of this policy. The following is a partial list of sexual harassment examples:

- a. making unwelcome sexual advances or propositions;
- b. offering employment benefits in exchange for sexual favors;
- c. threatening reprisals after a negative response to sexual advances;
- d. leering or making sexual gestures;
- e. making or using derogatory comments, epithets, slurs or jokes;
- f. making graphic verbal commentaries about an individual's body or an individual's gender;
- g. using sexually degrading words to describe or abuse an individual;
- h. displaying or distributing sexually suggestive, offensive or obscene objects, pictures, drawings, cartoons, photographs or posters;
- i. displaying or distributing sexually suggestive, offensive or obscene letters, notes or invitations; or
- j. touching, assaulting or physically blocking or impeding an individual's movement.

Any employee who violates this policy will be subject to disciplinary action, up to and including termination. Further, retaliation against any employee for complaining about harassment is strictly prohibited and will result in disciplinary action, up to and including termination.

An employee who experiences or witnesses sexual or other unlawful harassment in the workplace should immediately report that harassment to his/her supervisor. If the employee's supervisor is unavailable, or the employee perceives his/her supervisor as party to the harassment, the employee should contact the EEO Officer. The employee should submit a complaint, preferably in writing, that is as detailed as possible and includes:

1. the name(s) of the alleged harasser(s);
2. the date(s) and time(s) of the alleged incident(s);
3. location of the alleged incident(s);
4. description of the alleged harassment;
5. the name(s) of witness(es), if any; and
6. any other documents or evidence pertaining to the alleged harassment.

The Authority cannot help resolve a harassment problem unless made aware of it. It is our employees' responsibility to bring any such problems to their supervisors or the EEO Officer. Employees may always raise concerns and report harassment without fear of reprisal or retaliation.

The Authority will conduct a thorough, discreet and objective investigation of any alleged incident when a complaint or report is made. To the extent possible, the complainant's identity, and that of the alleged harasser and any witnesses will be protected against unnecessary disclosure. When the investigation is complete, the complainant will be informed in writing that the investigation has been completed (but no additional information is required in this document). The Union will receive a copy of this document in situations where the complaining/reporting employee has requested Union representation during the investigation process.

Any supervisor who becomes aware of possible sexual or other unlawful harassment must immediately advise his/her supervisor and the EEO Officer so it can be investigated in a timely

and confidential manner. All supervisors are responsible for:

1. implementing and applying this policy within his/her area, including the initiation and support of programs and practices designed to develop understanding, acceptance, commitment and compliance of this policy;
2. ensuring that all employees are informed of this policy;
3. taking affirmative steps to encourage individuals who believe that they have been harassed to report such incidents to management;
4. immediately and completely reporting any complaints or reports of harassment or any personally witnessed harassment to management;
5. cooperating fully with any investigations regarding any incident of harassment; and
6. ensuring compliance with this policy through periodic appraisals of all supervisors and subordinates.

This policy complies with Section 703 of Title VII of the Civil Rights Act of 1964.

## **704 Workplace Violence**

The Authority strives to provide a workplace free from harassing, threatening and violent behaviors by establishing preventative measures, holding perpetrators of violence accountable and providing assistance and support to victims.

Preventing violence is a responsibility shared by all employees. The Authority expects each employee to treat other employees, as well as customers and potential customers, with dignity and respect.

### **Coverage**

The Authority's Policy Against Workplace Violence applies to all employees, including but not limited to full-time, part-time, permanent and probationary employees, visitors, contractors, customers, and to all Authority facilities, including permanent and temporary locations, offices, regional offices, work sites, vehicles and field locations. This policy applies to the conduct of an employee while functioning in the course and scope of employment as well as off-duty violent conduct that has a potential adverse impact on an employee's ability to perform assigned duties and responsibilities.

## **705 Attendance**

All employees are required to report to work on time every day they are scheduled to work. Employees shall receive Attendance Occurrences for unexcused absences. The following policy applies to all employees and is based on a rolling twelve (12) month period.

### **Excused Absences**

Excused absences are:

- Family Medical Leave (FMLA)
- Personal Leave
- Jury Duty
- Military Duty
- Bereavement Leave
- Pre-Approved PTO Leave
- Worker's Compensation Leave
- Disability Leave



Attendance occurrences are not issued for excused absences.

#### Unexcused Absence

Absenteeism is measured in occurrences. Employees are required to call in and notify their supervisors/dispatcher that they will be absent one hour before the start of their shift.

An unexcused absence where the employee calls in at least one hour prior to the start of his/her shift is counted as one (1) occurrence

An unexcused absence up to three (3) consecutive days is counted as one occurrence provided proper notice is given. The Employee is required to submit a doctor's slip upon return to work. If an employee is out five days or more they must submit to a Company medical evaluation before returning to work. Any days beyond the above three consecutive days will be counted as individual occurrences unless excused by the Company's Occupational Health Department.

Calling in less than one hour in advance of the employee's start time shall be counted as three (3) occurrences.

Failure to not call at all (No Call No Show) shall be counted as four (4) occurrences. Failure to call in for three consecutive days shall result in immediate termination.

Failing to complete an employee's full shift shall result in one (1) occurrence.

Missing a mandatory meeting shall result in one (1) occurrence.

#### Disciplinary Guidelines for Absences

Employees are allowed a maximum of seven (7) occurrences within a rolling twelve (12) month period before a written warning will be issued. The disciplinary schedule is as follows:

Occurrences	Disciplinary action
7	Memo of Counseling
8	Written Warning
9	1 Day Suspension – Final Warning
10	Termination

#### Tardy

A Bus Driver who is tardy will progress in the following disciplinary schedule:

Tardy Occurrence	Disciplinary Action
1	Memo of Counseling
2	Written Warning
3	1 Day Suspension – Final Warning
4	Termination

Both Absences and Tardys will be maintained on combined list for disciplinary purposes. (i.e., 1 Tardy and 1 Attendance Occurrence will result in a written warning)

If an employee goes "occurrence free" for a consecutive six month period, his or her disciplinary action will roll back one step. Medical Leave or other Leaves of Absence shall not be counted in the six month period.

## **Inclement Weather**

The Authority must continue to operate during periods of bad weather. Consequently, the need for employees to be on the job during such emergencies is extremely important. Unless notified by a supervisor that the Authority is closed or travel is restricted due to a State of Emergency, failing to report to work will be considered an unexcused absence.

Employees, unless otherwise directed, are expected to make every reasonable and safe effort to report for scheduled work in a timely manner. If an employee is unable to safely travel to the Authority, the employee may request permission to use PTO with supervisory and People Department approval.

## **Hours of Work and Meal/Break Periods**

Non-exempt employees are eligible to receive overtime pay for time worked in excess of forty (40) hours during a work week of Monday through Sunday. Employees must receive prior written approval for overtime, as explained in Section 4 of the handbook.

Two ten (10) minute breaks are provided for Non-Exempt employees: one in the first half of the shift, and one in the second half. One unpaid 30 minute lunch will be provided for non-exempt employees. The employee's supervisor will advise him/her of the time for these breaks. Employees are not permitted to leave the Authority's grounds during break time (excluding lunch time breaks) but, if applicable, may travel to approved smoking areas.

If an employee must leave the building during working hours on non-Authority business, the employee must notify his/her supervisor of the departure and the reason for it. Leaving the facility without such notification will result in disciplinary action.

## **706 Personal Appearance and Workplace Attire**

Dress, grooming, and personal hygiene standards contribute to the morale of all employees and affect the image the Authority presents to its customers, vendors and community. When at work, on Authority property, conducting Authority business or representing the Authority, employees are expected to present a clean, neat and professional appearance, and to dress according to the requirements of their position.

The Authority's dress code is Business-Casual Monday through Thursday and Casual on Friday.

### **Exceptions**

While Business-Casual attire is considered appropriate for most situations, professional attire may be required. Appropriate attire is at the discretion of the Department Head.

- **Reasonable Accommodation**

The Authority recognizes the importance of individually-held religious beliefs to persons within its workforce. The Authority will reasonably accommodate an employee's religious beliefs in terms of workplace attire unless the accommodation creates an undue hardship. Accommodation of religious beliefs in terms of attire may be difficult in light of issues of safety for the particular employee as well as co-workers. Employees requesting a workplace attire accommodation based on religious beliefs should be referred to the People Department.

- **Professional Attire Non Uniformed Employees**

Appropriate professional attire should be worn:

- for meetings with customers, vendors, Board Members or outside guests;
- for meetings outside of your normal work group, formal meetings, community meetings or court appearances; or
- if the nature of your work requires it.

Employees should use their judgment when dressing for work. The following list provides general parameters for proper business wear but is neither exhaustive or all-inclusive.

	Examples of Appropriate Business-Casual Attire	Examples of Inappropriate Attire That Should Not Be Worn
Men	<ul style="list-style-type: none"> <li>• Chino pants, slacks, corduroys, or dress pants</li> <li>• Golf-type shirts, collared shirts, button-down shirts, or sweaters</li> <li>• Suits, sport coats, neckties</li> <li>• Dress shoes, boots, or loafers</li> </ul>	<ul style="list-style-type: none"> <li>• Shorts</li> <li>• Flannel shirts</li> <li>• Denim of any color</li> <li>• Casual, athletic or beach sandals, slippers, rubber shoes such as Crocs® or sneakers</li> <li>• Tank tops, T-shirts, sweatshirts</li> <li>• Exercise wear such as sweatpants, athletic jerseys, sweat-suits</li> </ul>
Women	<ul style="list-style-type: none"> <li>• Dress shirts, blouses, golf-type shirts, button-down and collared shirts</li> <li>• Sweaters</li> <li>• Chinos, corduroy, dress pants or cropped/dress Capri pants (no tassels, drawstrings, no denim, no snaps, no cargo style)</li> <li>• Skirts of an appropriate length</li> <li>• Dresses, dress with a blazer or sweater, dress separates</li> <li>• Dress shoes or dress sandals with or without backs, heels, loafers, boots</li> </ul>	<ul style="list-style-type: none"> <li>• Shorts, mini-skirts, skorts</li> <li>• Flannel shirts</li> <li>• Denim of any color</li> <li>• Casual, athletic or beach sandals, slippers, rubber shoes such as Crocs® or sneakers</li> <li>• Tank tops, T-shirts, spaghetti strap shirts, sweatshirts</li> <li>• Exercise wear such as leggings, sweatpants, sweat-suits</li> <li>• Revealing clothing, midriff tops, or any clothing that does not cover undergarments</li> </ul>

**Employees must refrain from wearing the following:**

- Overly casual shoes or boots and flip flops (flip flop = any shoe that goes "flip flop" when you walk)
- Sneakers or crocks unless for appropriate assignments or for a medical condition that is supported by medical documentation
- Wrinkled, torn, stained, dirty, faded, discolored, patched, ripped and/or frayed clothing or clothing with missing buttons
- Form-fitting or see-through clothing that reveals cleavage, back, chest, stomach, buttock or undergarments, including when bending and reaching. This includes off-the-shoulder tops, tank tops, tube tops and camisoles unless covered by another shirt or jacket
- Dresses or skirts shorter than mid-thigh
- Jeans except on Casual Fridays
- Spandex & Lycra (e.g., biking shorts, tights)
- Shirts with offensive slogans or pictures (e.g., profanity and nude or seminude pictures, offensive gestures, suggestive cartoons)
- Beach wear
- Sweat suits or other athletic/leisure or sports clothing
- Hats
- Extremes in jewelry, accessories, piercings, tattoos, facial hair, and hair style or color

- Heavy fragrance or offensive body odor

It is the responsibility of each Department Head to ensure employees adhere to this policy. If an employee's clothing, personal grooming or hygiene is deemed inappropriate for the workplace by the employee's supervisor and/or the People Department, the employee will be sent home to rectify the situation, directed to return to work in proper attire and given a verbal warning. Under such circumstances, Non-Exempt employees will not be compensated for their time away from work. Subsequent violations of the Workplace Attire Policy will result in progressive disciplinary action.

#### Uniformed Employees

Employees are to appear at work in their proper uniform which consists of the following:

##### Bus Drivers

Navy Pants – Navy Shorts Allowed during summer (must be uniform approved inseam)

Light Blue Dress Shirt – Light Blue Polos allowed on Fridays

Black Belt

Black Oxford Shoes/Boots

Tie/dickey

Only approved items from the Uniform Company may be worn.

##### Maintenance

Company provided shirts and pants

Steel Toe Approved Safety Shoes/Boots must be worn by the maintenance employees. The Company will pay up to \$150 per year to all Maintenance employees toward steel toe safety shoes. A receipt must be submitted to the company for reimbursement. Employees are not eligible for payment of shoe allowance until at least one year has elapsed since the employee's last shoe allowance payment.

Office Staff must abide by the guidelines in the Non-Uniformed category mentioned above

Hair, Mustaches and Beards must be neatly trimmed and/or pulled back when appropriate

## 707 Authority Property

Employees are responsible for items issued to them by the Authority or in their possession or control. This includes, but is not limited to, the following:

- Identification badges
- Keys
- Credit cards
- Cellular Phones and/or Pagers
- Technological Equipment (Desktop and Laptop Computers, Cameras, Projectors, etc.)
- Manuals, Books and Other Documentation

The employee on or before his/her last day of work must return all Authority property. If an employee has lost or damaged any item(s) issued to him/her, then the employee will assume the cost for replacing the item(s).

## 708 Employee Resignation or Reduction

Employees who voluntarily terminate their employment are expected to provide notice to their supervisors. At least two weeks is required for non-exempt staff, and at least one month's notice is required for exempt staff. Such notice is important in order for the Authority to plan. Approval for reduced notice may be based on department and agency needs at the time of your request. Resignation is a voluntary act initiated by the employee to terminate employment. Failure to provide appropriate notification of resignation will result in forfeiture of paid time off (PTO) balance, and the employee will be considered ineligible for rehire.

Prior to an employee's departure, an exit interview will be conducted to discuss the reasons for resignation and the effect of the employee's resignation on his/her benefits.

Should it become necessary to reduce staff positions, hours, or pay, the Authority will consider staffing requirements, past performance, and personnel qualifications. The Chief Executive Officer will make any final decisions regarding these personnel changes.

## 709 Progressive Discipline

Progressive discipline is a process for dealing with job-related performance or behavior that does not meet communicated standards and expectations. The primary purpose for progressive discipline is to help the employee understand that a problem or opportunity for improvement exists. Through this process, an employee is provided feedback in increasingly formalized means so he/she can correct the problem or improve his/her performance. The goal of progressive discipline is to improve employee performance.

It is the responsibility of the supervisor to inform an employee of the expectations and requirements of his/her job and to give the employee the opportunity to meet job requirements and expectations. It is also the responsibility of the supervisor to provide appropriate coaching and feedback.

### TYPICAL DISCIPLINARY ACTION

Typical Disciplinary Action may call for any of four steps: counseling, warning, suspension or termination of employment; depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

1. **Memo of Counseling** — Counseling is the communication process required when a problem is apparent in an employee's job performance or workplace conduct. Through counseling, a supervisor ensures the employee is aware of the problem, understands how to correct the problem and realizes the significance and seriousness of the situation and the need for change. In addition, the employee has an opportunity to suggest how he or she thinks the problem can be resolved and to obtain the necessary guidance or training to help resolve the problem. Copies of the Memo of Counseling are placed in the employee's personnel file.
2. **Written Warning** — Except in cases of gross misconduct, it is important the employee is made aware of the seriousness of the situation so that he/she can make corrections. The employee must understand that, unless improvement takes place, his/her employment is in jeopardy.

- a. **Written Warnings** — If counseling is not effective or the situation is sufficiently serious, it may be necessary to emphasize the significance of the situation to the employee in writing. Copies of the written warnings are placed in the employee's personnel file.
3. **Suspension** — Suspension, the temporary dismissal from work of an employee, is not always part of the corrective action process. The supervisor must consult with the People Department before initiating a disciplinary suspension. Suspension is utilized under either of two sets of circumstances:
  - a. **Disciplinary Suspension** — A disciplinary suspension, or sending an employee home without pay for a specified period of time, is imposed in order to emphasize to the employee the seriousness of the situation and the fact that his/her job is in jeopardy.
  - b. **Investigatory Suspension** — An investigatory suspension is a temporary removal of an employee from work with or without pay pending completion of investigation and fact-finding. An investigatory suspension may be converted to a disciplinary suspension or termination after investigation and consultation with the Employment Practices Manager.
4. **Discharge** — Attempts to correct problems may not always yield the desired results. In cases where such attempts fail to produce the necessary corrections, or in cases of gross misconduct, it may be necessary to consider discharge for just cause. The supervisor must consult with the Employment Practices Manager or ~~Chief People and Brand Officer~~ before discharging an employee for cause.

*Vice President of People*

#### TYPES OF MISCONDUCT AND SUGGESTED CORRECTIVE ACTION:

This outline of types of misconduct and suggested corrective actions is to facilitate consistency, and serves as a guide only. There are no automatic measures of discipline. Every case is treated on its own merits, taking into account the seriousness of the infraction and the nature of the circumstances as well as the employee's employment record.

Questions regarding appropriate corrective disciplinary measures should be directed to the People Department. Discussion with the People Department must take place prior to the decision to suspend or discharge an employee.

## 710 Workplace Etiquette

The Authority strives to maintain a positive work environment where employees treat each other with respect and courtesy. All employees are expected to directly and constructively address behavior that adversely effects communication, concentration and effective work performance, and to receive and respond openly and positively to feedback and requests to modify disruptive or offensive behavior.

### PRINCIPLES OF PROFESSIONAL CONDUCT

1. Prevent excessive and disruptive noise levels
  - a. Refrain from conducting non-work related conversations in operations and shared work areas.

- b. Avoid congregating and conversing in public areas, other than when providing direct services to co-workers or customers.
  - c. Be conscious of how your voice travels, and try to lower the volume of your voice when talking on the phone or to others in open areas.
  - d. Monitor the volume when listening to music, voicemail, or a speakerphone that others can hear.
  - e. Keep electronic communication devices (e.g. cell phones, personal organizers etc.) off, on low volume or vibration only levels. Personal calls should not be initiated or received in service areas or shared office areas.
2. Maintain professional, courteous and respectful communications (verbal, non-verbal, written and electronic) with co-workers:
    - a. Avoid public accusations or criticisms of other employees. Address such issues privately with those involved or your supervisor.
    - b. Minimize unscheduled interruptions of other employees while they are working.
    - c. Refrain from language and communication that may be offensive to co-workers and/or customers (e.g., swearing, verbal abuse, distasteful humor/jokes).
  3. Maintain a neat, clean and attractive facility.
    - a. Clean up after yourself in common and public areas. Do not leave behind waste or discarded papers.
    - b. Keep your workstation clean and neat.
    - c. Personal artwork, posters or decorative furnishings should be tasteful and avoid themes or content that might be experienced as provocative, lewd or offensive.
    - d. Consult with the People Department if there are questions about content.
    - e. Request assistance from Building and Grounds when mounting artwork, posters etc.
    - f. Eating at shared workstations or customer service areas is prohibited.
  4. Office equipment should be left in a working and prior state once a job is completed.
    - a. Copier/Printer/Fax Machines
      - Return copy, printer or fax machines to their default settings after changing them.
      - Replace paper in copy, print or fax machines when needed.
      - Be careful not to take or discard others' print jobs or faxes when collecting your own.
      - Contact the appropriate persons (Information Technology, Xerox, Usherwood) if equipment is malfunctioning.

## 711 Media Relations

All contacts and inquiries from reporters or other news media representatives must be referred to the Communications and Marketing Department. No RGRTA employee is authorized to speak on behalf of the Authority without prior approval from the Communications and Marketing Department.

## Closing Statement

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The Authority values its employees and is committed to employee success. Employees are encouraged to contact the Employment Practices Manager with questions about this Handbook or the Authority's policies and procedures.

*PC*  
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# Employee Handbook

## Employee Acknowledgment Statement

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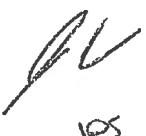
By signing below, I acknowledge that I have received the County Area Transit System, Inc. Employee Handbook dated \_\_\_\_\_. I understand that it is my responsibility to read this Employee Handbook and to comply with the policies contained in and/or referenced in this Handbook.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S BADGE NUMBER: \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_



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## PREVENTING VIOLENCE IN THE WORKPLACE POLICY

Version:  
Effective/Not  
Approved/Yet

Approved by:

Bill Carpenter (Chief Executive Officer)

Next Review: No Review Date

Owner: VP for People

Printed or downloaded copies are for reference only. For current versions go to the intranet and click Policies and Procedures.

### 1.0 Policy

RGRTA is committed to providing a safe workplace for employees and others while on RGRTA property or while conducting RGRTA business off RGRTA property. To the fullest extent possible without violating any existing rules, regulations, statutory requirements, contractual obligations, or collective bargaining agreements, RGRTA designates and directs appropriate management, supervisory, and/or People Department staff to implement

1. A position of zero tolerance of violence in the workplace; and
2. Any specific programs, plans, and training to educate and protect our employees, interns, customers and others from acts of aggression or violence in the workplace.

### 2.0 Purpose and Scope

The goal of this Policy is to promote the safety and well-being of all people in our workplace. RGRTA strives to achieve a workplace free of violence through training, increasing awareness, informing employees of available sources of assistance, prevention, and appropriate response. This Policy applies to all employees. All employees are responsible for helping to create an environment of mutual respect for each other as well as for customers and visitors, and for assisting in maintaining a safe and secure work environment.

### 3.0 Definitions

- **Authority and RGRTA** each mean the Rochester Genesee Regional Transportation Authority and its wholly controlled subsidiaries (RTS, RTS Access, RTS Genesee, RTS Livingston, RTS Ontario, RTS Orleans, RTS Seneca, RTS Wayne, RTS Wyoming, and GTCS, Inc.).
- **Workplace Violence** means any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his/her employment, including but not limited to:
  - An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee; or
  - Any intentional display of force which would give an employee reason to fear or expect bodily harm; or
  - Intentional and wrongful physical contact with a person without his/her consent that entails some injury; or
  - Stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.
- **Threat** includes any verbal or physical harassment, attempts to intimidate or instill fear in others, menacing gestures, flashing of concealed weapons, stalking, verbal, or physical abuse, or other hostile, aggressive, injurious, and destructive actions undertaken for the purpose of domination or intimidation, where one may reasonably fear bodily injury.

### 4.0 Considerations, Statutes, and Regulations

This Policy is designed to meet the requirements of New York State Labor Law Article 2 §27-b. The Vice President for People will be involved in:

1. Evaluating the physical environment;
2. Developing a Workplace Violence Prevention program; and
3. Reviewing reported incidents of workplace violence to identify trends, if any, and the effectiveness of the mitigating actions, if any.



The definitions found in New York State Penal Law Part 3 Title P Article 265 Firearms and Other Dangerous Weapons and in the Charter of the City of Rochester, Chapter 47. Dangerous Articles will apply in the interpretation and application of this Policy.

## 5.0 Details

### 5.1. Prohibited Behavior

Threats, threatening language, or any other acts of aggression or violence made toward or by any employee will not be tolerated.

### 5.2. Prohibited Weapons

Dangerous weapons and dangerous articles are prohibited on RGRTA property. The Charter of the City of Rochester and the New York State Penal Law describe weapons and dangerous articles. Along with state and local laws, a person's intent and behavior are paramount in making a determination about a prohibited weapon or dangerous article.

### 5.3. Prevention

RGRTA provides annual workplace-violence prevention training and offers updates to all employees. If you believe factors for workplace violence exist that require corrective action, notify your supervisor or the VP for People in writing.

### 5.4. Reporting Workplace Violence

If workplace violence presents immediate life-threatening danger to you or another person, ensure your personal safety and call 911. Otherwise, report the incident to the contact personnel for your company. This applies to actual incidents, potentially dangerous situations that may escalate into workplace violence, and any threats you receive, witness, or have been told that another person witnessed or received. Reports of violent or threatening behavior will be responded to immediately upon notification.

- **Contact Personnel for RTS and RTS Access:** Radio Controllers, Transit Center Monitors, or Road Supervisors.
- **Contact Personnel for RTS Genesee, Livingston, Ontario, Orleans, Seneca, Wayne, and Wyoming:** Dispatchers, Transportation Specialists, and Operations or Regional Managers.

Acts of violence against any employees where any work related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. Contact personnel shall notify the Director of Transit Center and Field Operations and the Manager of Field Operations. The Director of Transit Center and Field Operations and the Manager of Field Operations will coordinate the incident response and investigation as necessary. The VP for People or General Counsel will review incident reports involving workplace violence or threats.

### 5.5. Key Contacts

Prevention	Immediate Danger	Violence or Threat in Progress			Response & Investigation
Amy Gould 1372 East Main St. Rochester NY 14609 <a href="mailto:agould@myrts.com">agould@myrts.com</a>	911	<u>RTS</u> x312 internal 288-5030	<u>Genesee</u> 343-3079	<u>Seneca</u> (315) 539-1844	Reggie Hill x217 desk 615-2247 mobile
		<u>Transit Center</u> x575 internal 654-0575	<u>Ontario</u> 394-2250	<u>Wayne</u> (315) 946-5617	Jim Ramos x732 desk 330-2247 mobile
		<u>Livingston</u> 658-4690	<u>Orleans</u> 589-0707	<u>Wyoming</u> 786-6050	

## 6.0 Conditions

RGRTA holds employees accountable who engage in workplace violence. Violations of this Policy will result in



corrective or disciplinary action in accordance with collective bargaining agreements, statutes, and regulations. RGRTA's failure to enforce any provision or provisions shall not operate to invalidate RGRTA's rights to enforce any of the provisions of this Policy including subsequent changes. Should any provision of this Policy be deemed invalid, it shall not affect nor invalidate any other provision.

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## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

Owner: Manager of Occupational  
Health

### DRUG AND ALCOHOL PREVENTION PROGRAM

#### 1.0 Introduction

The Rochester Genesee Regional Transportation Authority ("The Authority") is dedicated to providing safe, dependable, and economical transportation services to the Greater Rochester-Genesee Region. The Authority is also dedicated to providing a healthy, satisfying, drug- and alcohol-free work environment for its employees. These obligations are severely jeopardized by an employee who is unfit for duty as a result of drug or alcohol usage. References to the "Authority" in this Policy are deemed to include County Area Transit System, Inc. ("CATS").

Drugs and/or alcohol usage can cause work performance problems such as accidents, run delays, and excessive absenteeism. It can cause sickness and workplace injuries resulting in higher health care and workers' compensation premiums. Drug and/or alcohol usage is also the cause of workplace accidents, damage to property and equipment, threats to public safety, including passengers and the general public, and poor workplace decisions. Finally, drugs and/or alcohol usage can cause significant harm to the Authority's public image.

Drug and alcohol testing is mandated by the Federal Transit Administration (FTA) and the U.S. Department of Transportation (DOT) in 49 CFR Part 40, and Part 655, as amended. In addition, drugs are prohibited in the workplace by the "The Drug-Free Workplace Act of 1988" located in 20 CFR Part 29.

The Authority's Drug & Alcohol Prevention Program has been created to protect both the Authority's employees and our community. This policy mandates discipline up to and including discharge, depending upon circumstances. At the same time, it offers free substance abuse evaluation services and a second chance to employees who voluntarily come forward to the Authority and seek professional rehabilitation services prior to being notified of a pending drug or alcohol test. This program is also intended to comply with all applicable federal regulations governing workplace anti-drug and alcohol abuse programs in the transit industry.

#### 2.0 Drug Free Workplace Act

##### 2.1. Notice to All Employees

It is the policy of the Rochester Genesee Regional Transportation Authority (the "Authority") to operate and maintain its transportation facilities in a safe and efficient manner. To attain this, the Authority has a commitment to a drug-free and alcohol-free working environment and the right to assume that all employees will participate in the efforts required. All employees of the Authority and its subsidiaries are hereby notified that it is a stipulation of continued employment that no employee participate in the manufacture, distribution, dispensation, possession, or use of any controlled substance, substance prohibited in Appendix A of this policy, alcohol, or illegal substance while on company property or while conducting company business. Violations of this policy will result in disciplinary action, up to and including termination, and possible legal



## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

consequences.

The Authority recognizes that drug dependency is an illness and a potential health, safety and security hazard, not only for the affected employee but also for those working in the same environment. Employees needing help in dealing with such problems are strongly encouraged to use our People Department, health insurance, and Employee Assistance programs where appropriate. Conscientious efforts to seek such help will not jeopardize any employee's job and will be treated with confidentiality and the utmost regard for the employee's privacy.

Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal statute for violations occurring on or off company premises while conducting company business. A report of this conviction must be made within the same business day of the conviction (this requirement is mandated by the Drug Free Workplace Law of 1998). Additionally, employees are required to report any similar violations, which occur outside of work within five calendar days.

All employees are required to abide by the Authority's policy in order to maintain a drug-free and alcohol-free workplace.

### 3.0 Drug and Alcohol Testing Policy

#### 3.1. Applicability

The Authority's policy applies to all employees. Certain portions, however, apply strictly to "safety-sensitive" employees and are covered employees under 49 CFR Part 40, and Part 655, as opposed to all other employees who are covered employees only under company policy. This policy encompasses both Federal regulations as well as RGRTA's policy.

The portions of this policy that are **NOT mandated by 49 CFR Part 40 and Part 655 but by RGRTA are identified in bold serif font.**

Safety sensitive employees perform safety-sensitive functions. Safety-sensitive functions mean any of the following duties:

- Operating a revenue service vehicle, including when not in revenue service;
- Operating a non-revenue service vehicle, when required to be operated by a holder of Commercial Driver's License (CDL);
- Controlling dispatch or movement of a revenue service vehicle;
- Maintaining a revenue service vehicle or equipment used in revenue service;
- Carrying a firearm for security purposes.

Safety-Sensitive employees are subject to random testing as mandated by US Department of Transportation and the Federal Transit Administration. The positions that qualify as safety-sensitive are as follows:

Bus Operator/Bus Driver	Regional Operations Manager
Van Driver	Road Supervisor
Bus Washer	Scheduler/Dispatcher
Fueler/Washer	System Safety Manager
Director of Transit Center & Field Operations	Technician (includes A and B)





## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

Dispatcher

Garage Supervisor

Manager of Field Operations

Mechanic

Operation Supervisor

Radio Controller

Regional Assistant Manager

Senior Technician

Training/Workforce Development

Transit Center Monitor

Transit Center Supervisor

Vehicle Service

Workforce Development

Transportation Specialist

### 3.2. Policy

The Authority is committed to a drug-free and alcohol-free workplace for the safety of its employees, its passengers and the public. That commitment is jeopardized every time an employee uses certain prescription or over-the-counter drugs, illegal drugs, or alcohol on the job, every time an employee reports to work with certain prescription or over-the-counter drugs, illegal drugs, or alcohol in his/her system, and every time an employee possesses, distributes, or sells un-prescribed illegal drugs, alcohol, illegal substances, or any substance listed in Appendix A of this policy. This policy incorporates all of the requirements and procedures set forth by federal regulations 49 CFR Part 40, 655, and the "Drug Free Workplace Act" as amended. **It is the employee's responsibility to know and understand the Authority's Drug & Alcohol Prevention Program. In undertaking this duty, the employee should pay close attention to 4.0 Consequences, noting that termination may be a result of violation of the policy. The employee should also take advantage of the rehabilitation opportunities and awareness information available.**

### 3.3. Prohibited Substances

The presence of any prohibited substances in an employee's system is forbidden during working time. "Prohibited substances" addressed by this policy include the following:

#### 3.3.A. Illegal Drugs

The use at any time of illegal substances identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 100.11 through 1300.15, is prohibited. This includes Marijuana, Phencyclidine (PCP), Cocaine, Opiates, and Amphetamines (see complete listing of opiates and amphetamines in Appendix A of this policy), as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration of the U.S. Food and Drug Administration is prohibited.

#### 3.3.B. Legal Drugs

The misuse or abuse of legal drugs is prohibited if it causes a positive test, which cannot be medically explained and verified by the Medical Review Officer. All prescriptions must be administered properly, issued in the employee's name by a licensed doctor, and properly followed. **Select prescription and over-the-counter medications as referred to in Appendix A of this policy are strictly prohibited from use at any time and others may not be used within specified timeframes of performing safety-sensitive work (see Appendix A of this policy).**

#### 3.3.C. Alcohol

The use or ingestion of alcohol during working time is prohibited under this policy. Alcohol use



## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol. In accordance with 49CFR, Part 655, the ingestion of alcohol up to four hours before the performance of safety-sensitive functions is prohibited regardless of the resulting alcohol concentration level. No employer representative having actual knowledge that a covered employee has used alcohol within four hours of performing safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions. The consumption of alcohol for the specified on-call hours of each covered employee who is on-call is prohibited. This policy does allow any safety-sensitive employee on-call, who is called in to perform safety-sensitive work, to

1. Acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function; and
2. Submit to an alcohol test if the safety-sensitive employee acknowledges the use of alcohol, but claims the ability to perform his or her safety-sensitive function.

The ingestion of alcohol for up to eight hours following an accident by any safety-sensitive employee involved in the accident is prohibited unless the employee has already performed a post-accident alcohol test. Random and reasonable suspicion alcohol testing may occur anytime during which an employee is performing safety-sensitive functions, just before performing safety-sensitive functions or just after the employee has ceased performing a safety-sensitive function.

### 3.4. Testing Procedures

A prohibited substance may be detected through a drug or an alcohol test following the safeguards set forth by the Department of Transportation in 49 CFR Part 40, as amended. These safeguards are mandated to assure protection, integrity, validity, and the accuracy of the results.

Testing requirements call for urine tests for five drugs (Marijuana, PCP, Cocaine, Opiates, and Amphetamines). Any safety-sensitive employee may be randomly tested for these five prohibited drugs while on duty or on call to perform safety-sensitive work. Other testing includes post-accident, reasonable suspicion, random, return to duty, follow-up, and pre-employment. This is subject to change consistent with alterations to 49 CFR Part 40, as amended.

**A separate test sample may be required for other prohibited substances listed in Appendix A of this policy and is based on individualized suspicion and is subject to the employer's discretion.**

All testing will be conducted in a manner which assures a high degree of accuracy and reliability consistent with the Department of Transportation safeguards set forth in 49 CFR Part 40, as amended. Drug testing will be conducted in laboratories certified by the National Laboratory Certification Program as listed on the Substance Abuse and Mental Health Services Administration (SAMHSA), Department of Health and Human Services (HHS) notice located at 59 FR 39774 (see Appendix B or specific laboratory used by the Authority). Collection may be observed if there is reason to believe that a particular individual may alter or substitute the specimen to be provided, as further described in 49 CFR Part 40.25(e)(2)(i)-(iv).

Evidential Breath Testing (EBT) devices will meet the Model Specifications for Devices to Measure Breath Alcohol provided by the National Highway Traffic Safety Administration (NHTSA). Such EBTs will be listed on the NHTSA Conforming Products List publication found at 59 FR 18839.

## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

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### 3.4.A. Collection Process

The individual reporting to the test site must have some form of photographic identification to show to collection site personnel. The individual will be asked to remove all outer garments, such as coats, vests, and jackets, and to empty his/her pockets into a designated container. Purses and briefcases may remain with the outer garments but are not permitted into the testing area. Any items emptied into the designated container will be secured (donor will retain key) until the testing has been completed.

### 3.4.B. Drug Test Collection

The collector will conduct only one test at a time. In the event that an employee is waiting to be able to produce a specimen (or on water log), another employee may be tested, as long as both donors remain under supervision at all times throughout the testing process. Unauthorized persons are not permitted in the designated collection area. The collection procedure is complete when the urine bottles have been sealed, initialed, and dated, the chain of custody form has been filled out, and the individual has departed the collection area. In the case of an individual who cannot provide a sufficient specimen, he or she is given up to three hours and 40 ounces of fluid to provide adequate specimen. Any employee who is unable to produce a sufficient specimen within the 3 hour window will be required to undergo a physical examination, to be performed by the MRO, within 5 calendar days. The MRO will determine if there is evidence of illegal drug use and if so the employee will be removed from his or her safety-sensitive position and referred to the SAP.

**In the event that the employee has had a previous positive drug and/or alcohol test while under the employ of RGRTA within 5 years prior to this instance, the employee will be terminated.**

In the event that the MRO determines that there is no sign of illegal drug use, the MRO will verify the test as negative.

The collector will be present during urine specimen collection. He/she will not observe the actual collection process, unless mandated in accordance with 49 CFR Part 40. To the extent possible, a private stall will be provided for privacy reasons. Should use of a public restroom be required, no other persons will be permitted in the restroom, and bluing agent will be placed in the commode.

The individual will be asked to wash and dry his/her hands. After this is done, the person must stay in the presence of the collector. The donor selects a provided sealed specimen bottle and is directed to the lavatory. Nothing may be taken into the lavatory with the exception of the specimen bottle. The individual will be told not to flush the commode.

When the specimen is returned, the collector inspects it for signs of adulteration and measures the specimen's temperature within four minutes of when the specimen was provided. A temperature in the range of 90-100 degrees F 32-38 degrees C is acceptable. If temperature is out of acceptable range, another test will be performed immediately, under direct observation. Both specimens will be sent to the lab for analysis.

### 3.4.C. Urinalysis for Drugs

An initial screen will be conducted on each sample. If the initial screen is positive (at or in excess of the detectable limits as set forth by the Federal Transit Administration, the sample will be tested



## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

again by a confirmatory Gas Chromatography/mass Spectrometry (GC/MS) test.

### 3.4.D. Split Sample

The collector will divide the specimen into a 30 ml primary specimen and a 15 ml split specimen (split sample). "Specimen A" bottle seal is placed over the 30ml bottle and the "Specimen B" seal is placed over the split sample bottle. The donor initials both seals. If the sample also tests positive during the GC/MS, or is determined by the laboratory to be adulterated or substituted, and the Medical Review Officer (MRO) verifies the laboratory findings after review with the employee, the employee may request a test of the split-specimen. Such a request must be made in writing or verbally to the Medical Review Officer (MRO) within 72 hours of the time the MRO provides the notification to the employee that the test is positive, adulterated, or substituted.

**RGRTA will initially pay for the split specimen testing, however in the event that the split sample is positive, it will be the employee's responsibility to reimburse RGRTA for the cost of the split testing.**

The second laboratory is only required to run a confirmatory test for the specific substance, which appeared in the primary sample. The results of this test must be immediately forwarded to the MRO. The MRO will notify the Authority and the employee of the results. If the split sample reveals no measurable presence of the drug in question, the test will be canceled and the employee will be permitted to return to work.

### 3.4.E. Completion of Drug Test Collection Process

The individual is asked to read and sign a statement on the appropriate Federal or Non-DOT Drug Testing Custody & Control Form. This certifies that the specimen identified as having been collected from him/her is in fact the specimen he/she provided. All sections of the form are completed by the donor and the collector. The specimen bottles and Copy 1 of the CCF are placed in the appropriate pouches of the plastic bag. Both pouches are secured and the donor is given a copy of this form. The donor's participation is now complete. The sealed specimens are placed in a secured refrigerator or laboratory cooler until pickup by the lab courier. The specimens are further sealed in a plastic pouch for transport to the testing lab.

### 3.4.F. Role of the Medical Review Officer (MRO)

An MRO is required to verify all Federal positive test results and facilitate the split sample process. An MRO is defined by the Federal Transit Administration (FTA) as a licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders. The MRO shall communicate all verified positive test results to the employee and to the Designated Employee Representative (see Appendix B for name and phone number for the Authority's MRO).

### 3.4.G. Alcohol Testing Process

Any safety-sensitive employee may be randomly or reasonable suspicion tested for alcohol, under FTA's authority anytime during which an employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

Alcohol testing is performed by a certified Breath Alcohol Technician (BAT). An evidential breath



## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

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testing (EBT) machine is used to collect and analyze breath samples for alcohol content. Results are read immediately. A screening test is given first; **if results are .02 or greater, a confirmation test is performed.** One individual will be tested at a time and the BAT shall not leave the testing area. The procedure is as follows:

The donor will present photo identification to the breath alcohol technician (BAT). The BAT explains the testing process and completes Step 1 on the DOT or **Non-DOT Breath Alcohol Testing form**. The donor completes Step 2 on the form and signs the certification form.

**NOTE: REFUSAL TO SIGN THE CERTIFICATION IS REGARDED AS A REFUSAL TO TAKE THE TEST.**

The BAT opens an individually sealed mouthpiece in view of the person and attaches it to the EBT. The individual blows forcefully into the mouthpiece for at least six seconds or until the EBT gives the signal to stop. The BAT shows the results of the test.

**If the result is less than .02**, the BAT dates the testing form and signs the certification in Step 3. For any initial test resulting in a result of less than .02, the testing process is complete.

**In the event that the test result is .02 or greater**, a waiting period of 15 minutes, but no more than 30 minutes is observed prior to a confirmation test being conducted. In the event that the confirmation test's result is less than .02 the test is deemed to be a negative result.

**In the event that the confirmation test result is .02 or greater the employee is immediately removed from service and then the DER is notified of the finding.**

If the test result printed by the EBT does not match the displayed result or if a sequential test number printed by the EBT does not match the sequential test number displayed by the EBT prior to the confirmation test, the BAT shall note the disparity in the "remarks" section of the testing form. Both the BAT and the individual shall initial and sign the notation. The test is considered invalid and the employee is so advised.

### 3.5. Return To Work Pending Test Results

An employee can return to work pending the drug test results in accordance with Part 40, Subpart O under the following circumstances:

- Return to work physicals (when the cause of leave is unrelated to drugs and/or alcohol and employee is not returning from inactive status);
- Biennial examinations (New York State's 19-a physicals);
- Follow-up testing;
- Post-accident testing; and
- Random testing.

An employee must await his/her negative test clearance under the following circumstances:

- Return to work after a drug, alcohol, or prohibited substance-related leave;
- Return to work after an absence of greater than 90 days;
- Reasonable suspicion;
- Pre-employment; and
- Transfer to safety sensitive position.



## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

NOTE: EMPLOYEES ARE ENCOURAGED TO SCHEDULE THE RETURN TO WORK PHYSICAL AND SCREENS IN ADVANCE OF THE RETURN DATE TO AVOID WAITING CLEARANCE TO RETURN TO WORK.

### 3.6. Causes for Testing

Testing for drugs and alcohol will be conducted under the following circumstances:

#### 3.6.A. Pre-Employment

All applicants are required to undergo pre-employment drug testing and produce a verified negative test result following the offer of employment or before an employee is transferred into a safety-sensitive function. Any employee who has not performed safety-sensitive functions for 90 days or more and has been removed from the random pool must also undergo a pre-employment drug screen with a verified negative result. This requirement includes all candidates for safety-sensitive employment. Employees are required to undergo drug testing prior to transfer into a safety-sensitive position. If for any reason a test is canceled, the candidate must retake and produce a verified negative result. **An applicant with a dilute negative test result will be required to retest within one week.**

**Pre-employment testing is performed for all potential employees within 30 days of employment for non-safety sensitive positions and within 7 days of employment for safety-sensitive positions. In the event that a safety-sensitive candidate who submits to testing as part of his/her pre-employment process (has not yet performed any work for the Authority) has a positive alcohol or drug screen, he or she will be disqualified for employment with the Authority.**

Applicants are required to provide authorization for RGRTA to obtain DOT covered employer drug and alcohol test results for the previous 2 years.

#### 3.6.B. Reasonable Suspicion

All employees are required to submit to drug and alcohol testing when at least one supervisor, manager or other company official who is trained in detecting the signs and symptoms of drug use and alcohol misuse reasonably questions the employee's fitness for duty. Reasonable suspicion will be based on specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or body odors of the employee. Reasonable suspicion testing may be conducted on any employee exhibiting signs and symptoms of drug or alcohol use while on duty.

**Following an incident resulting in reasonable suspicion testing, the employee will be removed from service pending drug and alcohol test results, as well as an evaluation to be performed by RGRTA's contracted physician and MRO within five calendar days. The employee will be paid for his or her time out of work following reasonable suspicion testing until cleared to return to work by the MRO, unless the test results are positive for any substances prohibited under this policy. In the event of a positive test result, the employee will not be paid for any lost time from work following a reasonable suspicion referral.**

#### 3.6.C. Return to Work/Return to Duty

**Return to work drug and alcohol testing on a Non-DOT is required of all safety-sensitive employees who have been absent for five or more calendar days as a result of an unplanned**



## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

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leave related to medical reasons or illness. Also, all employees must notify RGRTA if they have sought evaluation and/or treatment in a hospital or emergency room within eight (8) hours of when they are scheduled to work; such employees will also be subject to return to work drug and alcohol testing under this policy. A return to duty test is required on a DOT form when a safety-sensitive employee or covered employee returns from a drug and/or alcohol treatment program as explained in 5.0 Rehabilitation, or when the Authority is made aware of an employee's treatment program as a result of self-referral. A non-DOT form will be used for employees who voluntarily entered themselves into a drug/alcohol treatment program.

### 3.6.D. Follow-Up

A covered employee who returns to duty after a substance-related leave or after an evaluation made by a substance abuse professional is subject to unannounced follow-up testing. Follow up testing may include testing for alcohol and illegal substances depending on recommendations made by the SAP to ensure compliance with Federal and New York State Department of Transportation regulations.

The frequency and duration of such testing will be solely determined by the Substance Abuse Professional, however, the Authority will determine and schedule the days for follow-up testing. The duration could extend up to 60 months with a minimum requirement of at least six tests within the first 12-month period. **If any employee tests positive for prohibited substances on a follow-up test during this prescribed duration, that employee will be subject to immediate termination.**

### 3.6.E. Post-Accident

All covered employees will be required to undergo urine and breath testing if they are involved in an accident with a transit revenue service vehicle regardless of whether or not the vehicle is revenue service that results in a fatality. **Post-accident testing is always required after any accident involving an authority vehicle, regardless of whether it is a revenue or non-revenue vehicle. Depending on the circumstances surrounding the accident, a company or Federal test may be performed.**

This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance cannot be completely discounted as a contributing factor to the accident.

In addition, a post-accident test will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage, unless the operators' performance can be completely discounted as a contributing factor to the accident.

- As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to



## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

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the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

- The appropriate transit supervisor shall ensure that an employee required to be tested under this section is tested as soon as practicable, but no more than eight (8) hours after the accident for alcohol, and no more than 32 hours after the accident for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
- Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test.
- An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing **and will be subject to discipline up to and including discharge.**
- Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
- In the rare event that RGRTA is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), RGRTA may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test.

The results of a urine test for the use of prohibited drugs, **prescriptions, OTC medications**, or the results of a breath test for the misuse of alcohol, conducted by Federal, State or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local testing requirements, and that the test results are obtained by the employer. Such test results may be used only when the employer is unable to perform a post-accident test within the required period noted in paragraphs (a) and (b) of Section 655.44.

**All tests performed to detect the presence of prohibited prescriptions and over-the-counter medications listed in Appendix A of this policy, will be performed as a separate collection and in addition to a DOT collection.**

### 3.6.F. Random

Random testing for drugs and alcohol will be performed on all employees who perform safety-





## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

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sensitive work. Such random testing will be conducted at a minimum annual rate of 10% of the safety-sensitive workforce for alcohol and 25% for drugs, or at the rates set forth by the FTA in Part 655, as amended. Employees will be selected based on a computer-based random number generator that is matched with an employee name and identification number. The selection of employees for random testing is made by a scientifically valid method and each covered employee has an equal chance of being tested each time selections are made.

Random test dates are spread reasonably throughout the year (January — December) and at all times of the day when safety-sensitive functions are being performed. These tests are unannounced and employees selected for random drug and/or alcohol testing are notified by a supervisor, must proceed immediately to the testing site, and will be accompanied by a supervisor or collector.

Random testing will be performed only when a safety-sensitive employee is performing safety-sensitive work, just prior to performing safety-sensitive work, or immediately after performing safety-sensitive work. **He or she will be compensated at their applicable rate for the time spent in undergoing such testing.**

### 3.6.G. Biennial Physicals & Testing

An employee is required to take a drug test as part of his/her biennial fitness for-duty examination (also referred to as the "biennial or 19-a physical").

### 3.7. Refusals

An employee must follow the instruction and directions of all Authority supervisors and medical personnel in the testing process. A refusal means that an employee fails to provide a drug or alcohol testing sample as required by this policy without a valid medical explanation from a doctor chosen by the Authority, or engages in conduct that obstructs the testing process.

Refusals include the following:

- a. Failure to remain at the testing site until the testing process is complete.
- b. Refusal to take the test.
- c. Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation from a doctor acceptable to the Authority.
- d. Tampering with or attempting to adulterate the specimen or collection procedure.
- e. Failure or declination to take a second test as directed to.
- f. Not reporting to the collection site in the time allotted.
- g. Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER.
- h. Refusal to sign Step 2 of the alcohol testing form.
- i. Failure to permit an observed or monitored test.
- j. Leaving the scene of an accident without a valid reason as determined by the Authority before testing has been conducted.



## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

- k. Verbal or written refusal to provide a required breath specimen or to sign the DOT or company required testing form.
- l. Failure to follow the observer's instructions to raise and lower clothing and turn around in order to permit the observer to determine if the donor has any type of prosthetic or other device that could interfere with an observed collection.
- m. Possession or wearing of a prosthetic or other device used to tamper with the testing process.
- n. Admitting to the collector or MRO that you adulterated or substituted the specimen.
- o. If the MRO reports that there is a verified adulterated or substituted test result.
- p. Failure to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behave in a confrontational that disrupts the collection process).

A refusal is considered a positive test result and the consequences for a refusal will be the same as that of a positive test result. A refusal constitutes a violation of the Federal regulation as well as the Authority's policy and is subject to discipline up to and including termination.

### 3.8. Dilute Specimens

If the MRO is informed that a negative drug test was dilute, the employee will be directed to take another test as soon as practicable, with minimal advance notice, and the result of the second test (not that of the original test) becomes the test of record. In the event of a positive dilute test result, the test will be deemed a positive test result.

### 3.9. Training

All covered employees are required to attend at least 60 minutes of training on the effects of prohibited drug use. All supervisors responsible for covered employees are required to attend one hour of training for reasonable suspicion determinations for alcohol and one hour of reasonable suspicion determination training for drugs. All employees attending such training will be required to sign an attendance sheet/certification form.

### 3.10. Specimen Retention

All negative urine specimens will be maintained by the laboratory for a period of one week. Positive specimens must be maintained by the laboratory in frozen storage for a period of one year (or longer if litigation is pending).

### 3.11. Records Retention

The laboratory, unless otherwise instructed by the employer in writing, will maintain all records pertaining to a given urine specimen for a minimum of two years.

The MRO shall review or consider any medical information provided by the tested employee when a confirmed positive test could have resulted from legally prescribed medication. The medical information provided by the employee to the MRO as part of the testing verification may not be disclosed to any third party except in the case of a grievance, lawsuit, or other proceeding initiated by or on behalf of the employee. The employer shall maintain records of its anti-drug program for a minimum period as follows:



## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

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- Five years: Verified positive test results, documentations of refusals to test, covered employees referral to the Substance Abuse Professional (SAP) and copies of annual Management Information System (MIS) reports submitted to the FTA.
- Two years: Records related to the collection process and employee training.
- One year: Records of negative drug test results.

Such records shall be kept in a secured area with controlled access.

### 3.12. Confidentiality

All test results are forwarded to the DER in a sealed confidential envelope and will be kept confidential. In the case of positive drug or alcohol results, the MRO (drug) or BAT (alcohol) prohibits the employee from performance of safety-sensitive duties by removing the employee from service. In a grievance, hearing, lawsuit, or other action involving the employee, the employer may release relevant information to the decision-maker, and to those who need to know the information to assist with the case. Such information may also be released to representatives from state or federal agencies when required.

### 3.13. Contractors

Contractor organizations with persons who provide FTA-defined safety-sensitive functions for the Authority (including volunteers) will adopt an anti-drug and alcohol policy which complies with 49 CFR Part 655 and 40. No contractor employee who is in violation of this policy may work on Authority property or provide safety-sensitive services unless he/she has met return to work requirements.

### 3.14. Evaluations, Referrals, and Rehabilitation

An employee concerned about his/her substance or alcohol usage should immediately seek assistance. Appendix B of this policy outlines the resources available to employees of the Authority.

### 3.15. Questions

Questions regarding any provisions of this policy should be directed to the Vice President for People.

## 4.0 Consequences

**NOTE: CIRCUMSTANCES NOT COVERED BY POLICY WILL BE DEALT WITH ON A CASE-BY-CASE BASIS.**

**The penalty for any violation of the "Substance Abuse Policy" or "Drug Free Workplace Act" is discipline up to and including termination. Violations include, but are not limited to the following:**

### 4.1. Impairment/Unfit for Duty

Reporting to work intoxicated/under the influence of alcohol or drugs (**including all substances defined in Section 3.3 and in Appendix A of this document**) is forbidden. Under the provisions of the Reasonable Suspicion Policy, any employee who is suspected of being under the influence of any substances listed in Section 3.3 or Appendix A of this policy is subject to reasonable suspicion testing. All supervisors are trained in detecting signs of influence and/or intoxication and are required to submit such an employee for testing. An employee who is called into work unexpectedly has a responsibility to inform his/her supervisor immediately if he or she is unfit for duty. Otherwise, he or she will be treated the same as any other regularly scheduled or on-call employee. In the event that a



## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

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reasonable suspicion test is positive for illegal drugs and/or alcohol, the employee will be removed from service immediately. For first offenses, the employee will be removed from service pending successful completion of a substance abuse program. **In the event that this is the second offense within five (5) years, the employee will be terminated.**

### 4.2. Positive Test Result

In the event of a positive drug screen, the MRO will be notified immediately and will meet with the employee to confirm the findings. The designated employee representative (DER) will be notified by the MRO of a verified positive drug test result. A verified positive test means a prohibited substance appearing in the employee's urine specimen which surpasses the thresholds established by the Department of Health and Human Services (HHS) as adopted by the Department of Transportation (DOT) in 49 CFR Part 40, as amended.

If an employee tests positive for drugs or has a breath alcohol concentration of .02 or greater at a **biennial physical examination, post-accident test, return-to-work physical, reasonable suspicion test, random test, transfer to safety-sensitive position test, or follow up testing and that employee has not previously tested positive for drugs or alcohol, he or she will be subject to discipline, removed from service and referred to a substance abuse professional. The employee is prohibited from returning to work until he/she has successfully complied with the substance abuse professional's recommendations, and notified by the DER that he/she has been cleared to return to work, pending successful completion of a drug and alcohol screen and clearance from the company contracted physician.**

**If the employee fails to comply with the SAP's recommendations and prescribed treatment program, and the subsequent absence reaches 90 consecutive days (or in accordance with past-practice of an applicable collective bargaining agreement) without the employee have been successfully released to return to work after completion of a substance abuse program, the employee's employment will be terminated. A second positive drug test result or a breath alcohol concentration of .02 or greater (inclusive of confirmation test), within five (5) years of a prior positive test for drugs or alcohol, at a biennial physical examination, post-accident test, return-to-work physical, reasonable suspicion test, random test, transfer to safety-sensitive position test, or follow-up test will result in the employee's immediate termination.**

### 4.3. Manufacture, Trafficking, Possession, and Use

The use, sale, manufacture, distribution, or possession of illegal drugs or alcohol while on the job, on Authority property, in an Authority uniform, or while conducting Authority business will be subject to discipline up to and including discharge. These provisions are listed in the Drug-Free Workplace Act. Legitimate possession of lawful prescription or over-the-counter medications on Authority property is not prohibited by this policy.

### 4.4. Criminal Drug Conviction at the Workplace

Any employee who fails to notify the Authority of any criminal drug conviction or drug-related offense will be subject to discipline up to and including discharge. This notification must be provided by the fifth day after such offense. Any employee convicted of such an offense will be subject to discipline up to and including discharge.

### 4.5. Alcohol Prohibited Before Work Shift

## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

Safety-sensitive employees are prohibited from consuming alcohol up to eight hours before their work shift. Any employee found consuming alcohol within eight hours of his/her work shift will be subject to discipline up to and including discharge. (This does not imply that an employee's system will be free of alcohol after eight hours of cessation).

### 4.6. Prescription and Over-the-Counter Medications

Employees are prohibited from use of prescription and over-the-counter medications identified in Appendix A of this drug and alcohol policy. In the event that a safety-sensitive employee temporarily requires use of any substances listed in Appendix A within the prohibited timeframe, the employee must notify his/her supervisor that he/she is unable to report to work as a result of use of a substance listed on Appendix A. In the event that a test is performed, resulting in a positive result for any prohibited substances listed in Appendix A, the employee will be subject to discipline up to and including discharge.

## 5.0 Rehabilitation

### 5.1. Employee Assistance Program (EAP)

An Employee Assistance Program (EAP) is offered to Authority employees and their families. This program includes professionals qualified in the area of substance abuse evaluations and referrals.

The EAP offers counseling, evaluations, and referrals to rehabilitation programs. Counselors are available 24 hours a day.

### 5.2. Substance Abuse Professional (SAP)

Upon testing positive for any prohibited prescription and/or over-the-counter medications, alcohol, and/or illegal drugs the employee will be given a list of local and national resources specializing in the treatment of substance and alcohol abuse. A Substance Abuse Professional (SAP) is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor (certified by one of the agencies in Part 40.281 (a)(5) with knowledge of and clinical experience in the diagnosis and treatment of drug and/or alcohol-related disorders. Assessment and/or treatment by an SAP does not shield an employee from termination. See Appendix B for contact name and information for the Authority's SAP. Any services sought from the SAP by individuals not employed by RGRTA will be at the individual's expense.

### 5.3. Rehabilitation

An employee who voluntarily comes forward to the Authority (prior to notification of a pending drug/alcohol test or post-testing) and seeks professional rehabilitation services for a substance abuse problem, either through the EAP or another bona fide treatment program, will be removed from a safety sensitive position and referred to a substance abuse professional. He or she will not be terminated or disciplined but cannot return to work until the DER receives a written release from a Substance Abuse Professional stating he/she has successfully completed the rehabilitation program prescribed by the Substance Abuse Professional.

Under this provision, the employee must complete a rehabilitation program and remain drug/alcohol-free thereafter. The employee will be subject to return to duty testing prior to returning to safety-sensitive work. The employee must have a negative test result from this return to duty testing in order





## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

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to remain employed.

The employee will be required to sign a release of information form. Follow up testing will be required after the employee returns to work. During this time, the employee is still subject to random testing.

**The Authority provides access to an Employee Assistance Program. All costs for rehabilitation services over and beyond the Authority's EAP program shall be in accordance with the employee's benefit guidelines or at the employee's own expense. Any services sought from the EAP by individuals not employed by RGRTA will be at the individual's own expense.**

### 5.4. Confidentiality

Confidentiality of employees referred to the EAP will be maintained:

- a. Employees must sign a release of information form authorizing EAP personnel and any involved treatment facility to advise the DER on the progress of treatment.
- b. When an employee has successfully completed a substance abuse or alcohol detoxification program, the employee's SAP will notify the DER, in writing, of such completion.

Those who voluntarily seek treatment in an external treatment program outside the EAP must submit regular progress reports during treatment to the DER and a statement from the Substance Abuse Professional showing successful completion of the program.

### 5.5. Literature

Drug and alcohol substance abuse prevention literature is available at a number of different sources. Through the Authority, employees can receive substance abuse literature from our medical department, the EAP, and the People Department. Additionally, material will be made available at the drug and alcohol prevention training courses as they occur.

Outside of the Authority, employees may access national or local hotlines and helplines, support group phone directories, treatment facilities, and many other resources for substance abuse information and guidance.



## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

### APPENDIX A: LISTING OF PROHIBITED SUBSTANCES

#### 1.0 Prescription Pain Relievers

**Prohibited from use at all times while in active service, which means not on a valid medical leave (this prohibition includes both brand name and generic forms of drugs listed). These prohibited substances may not be used, ingested or consumed within one (1) week prior to an employee's return to work from a valid medical leave.**

Aspirin with Codeine	Fentanyl	Percocet
Codeine	Fentora	Percodan
Combunox	Hydrocodone	Roxicet
Darvocet	Hydromorphone	Roxiprin
Darvon	Levo-Dromoran	Soma with Codeine
Demerol	Methadone	Talacen
Dilaudid	Morphine & Oxymorphone	Talwin
Endocet	Oxycodone	Tylenol with Codeine
Endodan	Oxycontin	Tylox
Empirin with Codeine	Opiate analgesics, all	

#### 2.0 Anti-Motion Sickness

**Prohibited from use within 12 hours of performing safety-sensitive duties.**

Antivert	Dramamine	Marezine	Phenergan	Transderm-Scop
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#### 3.0 Over the Counter Medications

**Prohibited from use within 8 hours of performing safety-sensitive work.**

Benadryl	Dimetapp	Naldecon	Rynatan
Bromfed	Dristan	Nolamin	Sinubid
Chlortrimeton	Drixoral	Novafed	Sinulin
Comtrex	Externdryl	Ornade	Sudafed
Contac	Fedahist	Phenergan	Tavist-D
Deconamine	Krnonfed	Rondec	Nyquil



## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

### APPENDIX B: CONTACT NAMES & NUMBERS

#### DRUG AND ALCOHOL PROGRAM MANAGER

Julie A. Tennant  
Manager of Occupational Health  
1372 East Main Street  
Rochester, NY 14609  
(585) 654-0236

#### DESIGNATED EMPLOYER REPRESENTATIVE (DER)

Amy Gould  
Vice President for People  
1372 East Main Street  
Rochester, NY 14609  
(585) 654-0684

#### MEDICAL REVIEW OFFICER (MRO)

Dr. Elaine Tunaitis  
1372 East Main Street  
Rochester, NY 14609  
(585) 654-0354

#### SUBSTANCE ABUSE PROFESSIONAL (SAP)

Employee Network Inc. (ENI)  
1040 Vestal Parkway East  
Vestal, NY 13850  
1-800-EAP-CALL  
(1-800-327-2255)

*A Substance Abuse Professional will be assigned to a  
referred employee by ENI.*

#### OTHER SUBSTANCE ABUSE PROFESSIONALS

DePaul Addiction Services  
Drug/Alcohol Inpatient Rehab Unit  
774 West Main Street  
Rochester NY 14611  
(585) 464-8870

Evelyn Brandon Health Center  
81 Lake Avenue  
Rochester NY 14608  
(585) 368-6900

#### DRUG TESTING LABORATORY

ACM Medical Laboratory, Inc.  
160 Elmgrove Park  
Rochester, NY 14624





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## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

Huther/Doyle  
360 East Avenue  
Rochester NY 14604  
(585) 325-5100

Conifer Counseling Services  
Outpatient Drug Abuse Clinic  
1150 University Avenue Suite 7  
Rochester NY 14607  
Phone: (585) 442-8422  
Hotline: (800) 989-6446

### SUPPORT GROUPS AND OTHER RESOURCES

AL ANON / AL-ATEEN 1-800-356-9996

ALCOHOLICS ANONYMOUS 585-232-6720

BRYLAN HOSPITALS 585-723-9000

CLIFTON SPRINGS HOSPITAL & CLINIC 315-462-0471

DELPHI DRUG & ALCOHOL COUNCIL INC. 585-467-2230

DRUG & ALCOHOL TREATMENT  
REFERRAL NATIONAL HOTLINE 1-800-662-4357

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## ALCOHOL ABUSE & CONTROLLED SUBSTANCE USE POLICY COUNTY AREA TRANSIT SYSTEM, INC.

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FAMILY SERVICE OF ROCHESTER INC. 585-232-1840

FINGER LAKES ADDICTIONS COUNSELING 315-462-9466

GENESEE ALCOHOL  
TREATMENT CENTER 585-263-5313

NARCOTICS ANONYMOUS 1-818-773-9999

NATIONAL ALCOHOLICS ANONYMOUS 1-212-870-3400

NATIONAL CLEARINGHOUSE FOR  
ALCOHOL & DRUG INFORMATION 1-800-729-6686

PARK RIDGE CHEMICAL DEPENDENCY 585-723-7366

*[Handwritten signature]*  
JR