

POLICIES AND PROCEDURES

OF THE

BOARD OF TRUSTEES

OF THE

GREATER CLEVELAND REGIONAL

TRANSIT AUTHORITY

CERTIFICATION

I, Joseph A. Calabrese, General Manager/Secretary-Treasurer of the Greater Cleveland Regional Transit Authority, hereby certify that the general and permanent motions and resolutions of the Board of Trustees of the Greater Cleveland Regional Transit Authority, as revised, arranged, compiled, numbered, codified and printed herein, are correctly set forth and constitute the Policies and Procedures of the Board of Trustees of the Greater Cleveland Regional Transit Authority, complete through December 31, 2016.

/s/ Joseph A. Calabrese
Joseph A. Calabrese, General Manager/Secretary-
Treasurer

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General Manager/Secretary-Treasurer

LORETTA KIRK
Deputy General Manager-
Finance and Administration

and all other officers and employees of the
Greater Cleveland Regional Transit Authority
who assisted in the preparation of these
Policies and Procedures of the Board of Trustees
of the
Greater Cleveland Regional Transit Authority
and periodic Replacement Pages.

EDITOR'S NOTE: The Greater Cleveland Regional Transit Authority was established December 30, 1974, by Ordinance 2380-B-74 adopted by the City of Cleveland, and by a resolution adopted by the Board of County Commissioners. The Policies and Procedures of the Board of Trustees of the Greater Cleveland Regional Transit Authority were approved, adopted and enacted by Resolution 1989-176, passed December 12, 1989. This legislation is set forth in full below.

Ordinance No. 2380-B-74 as a substitute for Ord. No. 2380-A-74.

By Councilmen Forbes, Franklin, Carr, Mayor Perk and Councilmen Barnes, Bell, Boyd, Cain, Caviness, Climaco, Gaul, Getz, Haggard, Harmody, Kowalski, Kucinich, Lombardo, Lynch, Madison, McCall, McClendon, McFaul, Moss, Novak, Oakar, Perk, Russo, Strand, Townsend, Trenton, Zaccaro, Zone, Zunt.

An emergency ordinance creating the Greater Cleveland Regional Transit Authority; establishing the terms and conditions for the transfer of the Cleveland Transit System to such Authority; amending Sec. 1 of Ordinance No. 798-72, passed June 19, 1972, relating to the Lake Erie Regional Transportation Authority; and authorizing and directing the Mayor to execute an Amended Agreement limiting the purposes of the Lake Erie Regional Transportation Authority.

Whereas, the City of Cleveland (the "City") and the County of Cuyahoga (the "County") desire by their combined action to create pursuant to Sections 306.30 through 306.54 and 306.70 and 306.71 of the Ohio Revised Code a new regional transit authority for mass transportation of persons within the territory of the City and the County; and

Whereas, Section 306.32 of the Ohio Revised Code, as amended by Amended Substitute Senate Bill No. 544, enacted by the Ohio General Assembly on June 12, 1974, and effective June 29, 1974, authorized the inclusion of the same area in more than one regional transit authority so long as the regional transit authorities are not organized for purposes relating to the same kinds of transit facilities and the regional transit authorities are created before January 1, 1975; and

Whereas, the prior creation of the Lake Erie Regional Transportation Authority with territorial boundaries coextensive with the territorial boundaries of the County makes it necessary for the City and the County by their combined action and agreement to limit the purposes, including the kind of transit facilities, for which the Lake Erie Regional Transportation Authority is organized; and

Whereas, the Greater Cleveland Regional Transit Authority will not be operationally meaningful unless it acquires the City's Cleveland Transit System; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and the immediate preservation of the public health, safety, and welfare in that the City's ownership of the Cleveland Transit System requires the City's participation and representation in the Greater Cleveland Regional Transit Authority and in that the creation of such regional transit authority for mass transportation of persons will enable residents of the City to travel to and from their homes, jobs, and other destinations in a convenient, safe, and economical manner and will facilitate and advance the commercial and economic development of the City; now, therefore

Be it ordained by the Council of the City of Cleveland:

Section 1. That it is hereby determined that the creation of a regional transit authority is necessary to provide a coordinated, consolidated, comprehensive public mass transportation system, to enable residents of the City and the County to travel to and from their homes, jobs, and other destinations in a convenient, safe, and economical manner, to facilitate and advance the commercial and economic development of the City and the County, and to protect the public health, safety, and welfare of the residents of the City and the County.

Section 2. That a regional transit authority created by the City and County with territorial boundaries and jurisdiction coextensive with the territorial boundaries of the County of Cuyahoga be and the same is created by this ordinance and the resolution of the Board of County Commissioners pursuant to Sections 306.30 through 306.54 and 306.70 and 306.71 of the Ohio Revised Code, as amended by Amended Substitute Senate Bill No. 544, effective June 29, 1974.

Section 3. That the regional transit authority created by this ordinance and by the resolution of the Board of County Commissioners shall be known as "Greater Cleveland Regional Transit Authority" (the "Authority").

Section 4. That the principal office of the Authority shall be located at such place as its Board of Trustees shall designate by resolution.

Section 5. That the Authority shall be governed by a ten-member Board of Trustees (the "Board"). Each member of the Board shall serve a term of three (3) years, except as hereafter provided for the initial term of members of the Board, and shall be eligible for reappointment. Each member of the Board shall at the time of his appointment be a resident of the territory included in the Authority and shall remain a resident of such territory during his term of office. Except as otherwise provided by law, no person shall be disqualified from membership on the Board as a result of holding other public office or employment. Each member of the Board shall receive such lawful compensation as shall be established from time to time by resolution of the Board and shall in addition be reimbursed for his reasonable expenses in the performance of his duties. Members shall be removed as provided by law.

(A) The ten members of the Board shall be appointed as follows:

(1) Four (4) members shall be appointed by the Mayor of the City with the advice and consent of the Council of the City, all of whom shall be residents of the City of Cleveland and shall so remain during the terms of their office.

(2) Three (3) members shall be appointed by the municipal corporations, other than the City, and the townships located within the territory of the Authority as follows:

(a) The President of the Board of County Commissioners of the County shall call a meeting of the mayors, managers, or other chief executive officers of such municipal corporations and the chairmen of the boards of township trustees of such townships for the purpose of electing the members to be appointed to the Board by such municipal corporations and townships. Such meeting shall be called within thirty (30) days after the creation of the Authority as to the initial appointments, within thirty (30) days after the creation of any vacancy to be filled by such municipal corporations and townships, and at least sixty (60) days prior to the expiration of each term for which the appointment is to be made pursuant to this paragraph. If the President of the Board of County Commissioners should fail to call the meeting within the time prescribed, such meeting shall be called by the mayor or manager of the most populous municipal corporation within the Authority as determined by the then most recent federal decennial census. Such meeting shall be called by giving each such mayor, manager, or other chief executive officer and each such chairman written notice of the time, place, and purpose of such meeting. Such written notice shall be sent to each such mayor, manager, or other chief executive officer and each such chairman by First Class U.S. mail (or its equivalent if First Class mail should be abolished) mailed not less than seven (7) days before the date of the meeting specified in such notice. Failure to receive such notice shall not invalidate the call of such meeting.

(b) At the meeting, each member of the Board to be appointed by such municipal corporations and townships shall be elected by a majority of the votes cast. For each appointment to be made or each vacancy to be filled, each such municipal corporation and each such township shall have one (1) vote plus one (1) additional vote for each five thousand (5,000) residents or part thereof in excess of the first five thousand (5,000) residents as determined by the then most recent federal decennial census. The mayor, manager, or chief executive officer of each such municipal corporation and the chairman of the Board of each such township, or a duly authorized and appointed delegate of any of the foregoing, shall cast the vote or votes of each such municipal corporation and each such township.

(3) Three (3) members shall be appointed by the Board of County Commissioners of the County, one of whom shall be a resident of the City of Cleveland, and shall so remain during the term of his or her office.

(B) The initial appointments to the Board shall be for the following terms:

(1) The Mayor of the City with the advice and consent of the Council shall appoint two (2) members for a term of three (3) years, one (1) member for a term of two (2) years, and one (1) member for a term of one (1) year.

(2) The municipal corporations, other than the City, and the townships located within the territory of the Authority shall appoint one (1) member for a term of three (3) years, one (1) member for a term of two (2) years, and one (1) member for a term of one (1) year.

(3) The Board of County Commissioners of the County shall appoint one (1) member for a term of three (3) years, one (1) member for a term of two (2) years, and one (1) member for a term of one (1) year.

(C) The size of the Board may be changed from time to time to permit representation from any other county, municipal corporation, township, or combination thereof, which may hereafter be included in the Authority in the manner provided by law by the adoption by the City of an ordinance and by the County of a resolution for such purpose and the approval of such inclusion by the Board.

Section 6. That any vacancy on the Board shall be filled for the unexpired term by appointment by the appointing authority that appointed the member whose office has become vacant in the same manner as the original appointment.

Section 7. That from the time of its creation to the time when it begins to receive revenue from the proceeds of a tax approved by the electors, the expenses of the Authority shall be financed as follows:

(A) If the Board determines to submit the question of a tax, as provided by Section 306.49 or 306.70 of the Ohio Revised Code at a special election and such election is not successful, then the County shall pay the costs of holding such election.

(B) To the extent practicable, the City, the County, and other municipal corporations and townships shall each provide assistance requested by the Authority from their respective officers and employees without reimbursement for such assistance.

(C) To cover overhead and operating costs which cannot be met under subparagraph (A) or (B) above, the City, the County and other municipal corporations and townships may each advance moneys to the Authority, which moneys shall be reimbursed by the Authority upon the receipt of sufficient revenues from the proceeds of a tax approved by the electors.

Section 8. That the Authority shall have all lawful purposes, powers, rights, duties, and jurisdiction provided in Sections 306.30 through 306.54 and 306.70 and 306.71 of the Ohio Revised Code, and particularly Section 306.31, of the Ohio Revised Code, relating to street railway, motor bus, tramline, subway, monorail, rapid transit, and other ground transportation systems having as their primary purpose the regularly scheduled mass movement of passengers between locations within the territorial boundaries of the Authority, including all rights-of-way, powerlines, rolling stock, equipment, machinery, terminals, buildings, administration and maintenance and repair facilities, supporting parking facilities and franchise rights attendant thereto, now or hereafter authorized by law. The exercise by the Authority of such purposes, powers, rights, duties, and jurisdiction shall be deemed to be essential governmental functions of the State of Ohio.

Section 9. That the territorial boundaries of the Authority may be enlarged from time to time in the manner authorized by law.

Section 10. That the Authority shall be dissolved if the memorandum of understanding referred to in Sec. 12 is not approved by February 17, 1975, unless the City and County agree otherwise, and the CTS transfer agreement referred to in Section 12 is not approved by July 1, 1975, unless the City and County agree otherwise, and if the Authority is not operating any transit facilities on December 31, 1976, and may be dissolved at any time upon the enactment of an ordinance by the City and a resolution by the County and a resolution or ordinance by any other county, municipal corporation, or township which is hereafter included in the Authority as provided in Section 306.32 of the Ohio Revised Code, providing for such dissolution. In the event of dissolution, any real or personal property or combination thereof which has been received from or made available by the City or the County or any other county, municipal corporation or township shall be returned to the political subdivision from which received or by which made available and after paying all costs and expenses of the Authority, any balance remaining in the Authority's funds shall be distributed to the City and the County and any county municipal corporation, or township hereafter included in the Authority prorata according to the assessed valuation of each political subdivision at the time of dissolution.

Section 11. That to the extent allowed by law, the provisions of Sections 306.30 through 306.54 and 306.70 and 306.71 of the Ohio Revised Code and any amendments thereto are incorporated by reference as if fully set forth herein.

Section 12. That subject to an agreement satisfactory to the City, by Ordinance, among the Authority, the City's Cleveland Transit Board (the "CTS Board"), and the County, it is the present intent of the City to transfer to the Authority all operating assets directly relating to the operation of the Cleveland

Transit System. A memorandum of understanding setting forth the provisions of such agreement shall be agreed upon by the City, by Ordinance, the CTS Board, and the County, and the three (3) present designated representatives of the Cuyahoga County Mayors and City Managers Association not later than February 17, 1975. In addition to such other matters as may be included, the memorandum and agreement shall provide for the following:

(A) That the agreement and the transfer of the Cleveland Transit System are conditioned upon approval by the electors within Cuyahoga County of a tax for public mass transit purposes adequate for the acquisition, maintenance and operation of transit facilities and for carrying out the provisions of this ordinance.

(B) That the Authority shall within nine (9) months after approval of such tax pay to the General Fund of the City the following amounts:

(1) \$8,875,000 plus interest at the rate of six percent (6%) per annum thereon from August 16, 1973, to the date of payment by the Authority.

(2) \$1,160,380 for the City's investment in parking facilities.

Such amounts shall be the total cash consideration to be paid to the City by the Authority; provided that if such tax is not passed by the electors in 1975, the total amount of such cash consideration shall be subject to renegotiation among the parties.

(C) That after transfer of the Cleveland Transit System to the Authority:

(1) The number of route miles, vehicle miles, and seat miles of bus and transit service provided within the City to its residents by the Authority shall be not less than the number of route miles, vehicle miles and seat miles of bus and transit service presently being provided within the City by the Cleveland Transit System.

(2) During the first five (5) years following the approval of a tax for transit purposes, not less than fifty (50) percent and not more than sixty (60) percent of all increases in transit service provided by the Authority shall be within the City excluding downtown Cleveland (defined as the area between the inner belt, the Cuyahoga River and Lake Erie), and no funds shall be expended on the planning or construction of a subway or elevated transit facility in downtown Cleveland.

(3) The base transit fare shall be established initially at twenty-five cents (\$0.25) within Cuyahoga County, with all transfers being free.

(4) During the first five (5) years, following the approval of the tax for transit purposes, as to persons, resident of Cuyahoga County and sixty-five (65) years and older, the fare charged to them shall be stated as free for all hours in the memorandum of understanding, should it be deemed economically feasible prior to the signing of the memorandum and in no case shall it exceed 50% of the regular fare charged to other adult riders.

(5) During the first five (5) years, following the approval of the tax for transit purposes, as to handicapped persons and resident of Cuyahoga County, the fare charged to them shall not exceed fifty (50) per cent of the regular fare charged to other adult riders.

(6) During the first five (5) years, following the approval of the tax for transit purposes, as to students resident of Cuyahoga County who are on school related trips in school systems which avail themselves of the Ohio State or any other reimbursement program, during school hours, the fare charged to them shall not exceed fifty (50) per cent of the regular fare charged to other adult riders.

(D) That the Authority shall seek voter approval for a tax for public mass transit purposes at a special election to be held no later than September 30, 1975.

(E) That the Authority shall be the regional authority responsible under state laws for the financing, construction, and operation of public transportation services and in this capacity shall be the recipient of and dispense federal grant and loan moneys and shall be the designated recipient as provided in the National Mass Transportation Act of 1974.

(F) That until such time as the Authority shall be operating the current transit facilities of the Cleveland Transit System, it shall approve and forward to the applicable federal agency any application for federal grant or loan moneys which shall be presented to it by any operator of a transit facility within the territory of the Authority which is attempting to secure federal grant or loan moneys. The Authority shall not exercise discretion and shall approve such applications without any condition. The obligation to approve such application is hereby established as a duty specifically enjoined by law and resulting from an office, trust, or station of the Authority and its officers within the meaning of Section 2731.01 of the Ohio Revised Code.

Section 13. That the CTS Board shall continue to operate the Cleveland Transit System in accordance with the Charter and ordinances of the City until such time as it is transferred to the Authority.

Section 14. That solely for the purpose of amending and limiting the purposes for which the Lake Erie Regional Transportation Authority is created, as provided in paragraph 1 of the Amended Agreement hereinafter set forth, section 1 of Ordinance No. 798-72, passed June 19, 1972, be and it is hereby amended to read as follows:

"Section 1. That the Mayor be and he hereby is authorized and directed to enter into an Agreement with the Board of County Commissioners of Cuyahoga County in substantially the following form in order to provide for participation of the City of Cleveland in the Lake Erie Regional Transportation Authority:

AMENDED AGREEMENT
CONCERNING LAKE ERIE
REGIONAL TRANSPORTATION
AUTHORITY

Whereas, execution of this Agreement has been authorized by the County of Cuyahoga by resolution duly adopted by its Board of County Commissioners on _____, 1974 and recorded in Volume _____ at Page _____ in the Commissioners' Journal and in the City of Cleveland by Ordinance No. _____ duly passed by said City's Council on _____, 1974; and

Whereas, the County and the City have each determined that it is necessary that Lake Erie Regional Transportation Authority, a regional transit authority created pursuant to Sections 306.30 to 306.54, inclusive, Ohio Revised Code, include participation by and representation of the City of Cleveland; and

Whereas, the County and the City have each authorized the execution of this Agreement on their behalf by ordinance or resolution;

Now, Therefore, it is hereby agreed between the County of Cuyahoga, Ohio (hereinafter referred to as the "County") and the City of Cleveland, Ohio (hereinafter referred to as the "City"), as follows:

1. That the County and the City, by their combined action evidenced by execution of this Agreement, hereby agree to cooperate in the operation of Lake Erie Regional Transportation Authority, a regional transit authority under authority of Sections 306.30 to 306.54, Ohio Revised Code, which has territorial boundaries co-extensive with the boundaries of the County of Cuyahoga as such boundaries now exist or are hereafter enlarged and has all the powers, rights, duties and jurisdiction provided in Section 306.31 of the Ohio Revised Code except those relating to street railway, motor bus, tramline, subway, monorail, rapid transit and other ground transportation systems having the primary purpose of the regularly scheduled mass movement of passengers between locations within the territorial boundaries of the Authority. The exercise by the Authority of such powers, rights, duties and jurisdiction are deemed by the County and the City to be essential governmental functions of the State of Ohio.

2. The Authority shall be governed by a nine-member Board of Trustees (hereinafter sometimes referred to as the "Board"), each of whom shall serve for a term of three years, except as hereinafter provided for the initial term, and shall meet the requirements then imposed by statute for membership in such office. Of the nine members of the Board, five shall be appointed by the Mayor of the City with the advice and consent of the Council of the City and four shall be appointed by the County, except as hereinafter provided.

The County has heretofore appointed five members of the Board, of whom one has been appointed for a term expiring on January 9, 1973, two have been appointed for a term expiring on January 9, 1974, and two have been appointed for a term expiring on January 9, 1975. Of the two members appointed by the County for a term expiring on January 9, 1975, one member has been appointed by the County with the approval of the Mayor of the City. It is understood by the City that the County has heretofore appointed five members to the Board of the Authority who shall continue to hold office and be members of the enlarged Board herein provided, execution of this Agreement by the Mayor of the City constituting the approval of the Mayor of the City required by the preceding sentence, and the County shall appoint their successors whether at expiration of term or because of vacancy, except that of the two positions on the Board which have been filled by the County and the terms of which expire on January 9, 1975, any successor because of vacancy shall be appointed for the unexpired term by the County with the approval of the Mayor of the City and with the further exception that of the two positions on the Board which have been filled by the County and the terms of which expire on January 9, 1975, one shall thereafter be appointed by the Mayor of the City with the advice and consent of the City's Council.

The City shall initially appoint four members to the Board, of whom two shall have a term expiring on January 9, 1973, one expiring on January 9, 1974 and one expiring on January 9, 1975. The City shall appoint successors to the members of the Board so initially appointed, whether at expiration of term or, because of vacancy and shall appoint a fifth member for the term commencing January 10, 1975 as provided in the preceding paragraph. Members of the Board appointed by the City shall be appointed by the Mayor of the City with the advice and consent of the City's Council.

3. No members of the Board shall hold any other public office or employment.

4. This Agreement may be amended to provide for the size of the Board of Trustees of the Authority to be from time to time expanded to permit representation for any other county or municipal corporation who joins the Authority in the manner provided by statute.

5. Each member of the Board shall be reimbursed for his reasonable expenses in the performance of his duties, but otherwise shall be paid no compensation as a member of the Board.

6. The City, the County, and the Authority shall take all legal actions available to them to extend the corporate limits of the City to include the area occupied by any land mass which is created in Lake Erie by the Authority if any

part of such land mass is offshore from the City in order to enable the City to impose and collect ad valorem, income, and other taxes in the area of such land mass and to enable the City to provide certain essential governmental functions and services which would be required by such land mass but which the Authority is not empowered to provide.

The City and the County further jointly request the State of Ohio to take such legislative and administrative actions as are required to place within the corporate limits of the City any such land mass.

If such land mass is not incorporated within the corporate limits of the City within a two year period after construction has commenced to create such land mass and so long as such land mass is not incorporated within the corporate limits of the City, the Authority shall pay to the City each year, commencing with the first day of January next following expiration of such period, an amount equal to the ad valorem, income and other taxes which would have been otherwise received by the City within such year if such land mass then had been within the corporate limits of the City.

7. Both the County and the City agree that the Authority shall maximize proportionate employment opportunities for residents of the City and minimize the burdens of unemployment in the high unemployment areas of the City in the construction and operation by the Authority of any facilities located in Lake Erie offshore from the City.

8. The territorial boundaries of the Authority may from time to time be enlarged in the manner authorized by law.

9. The place in which the principal office of the Authority will be located shall be designated by resolution of the Board of Trustees.

10. If any clause, provision, paragraph, subdivision, division or section of this Agreement should be held illegal or invalid by any court, the validity of such clause, provision, paragraph, subdivision, division, or section shall not affect the remaining clauses, provisions, paragraphs, subdivisions, divisions, or sections and this Agreement shall be construed and enforced as if such illegal or invalid clause, provision, paragraph, subdivision, division, or section had not been contained herein. In case any agreement, procedure or obligation contained in this Agreement herein contained, is held in violation of the law then such agreement, procedure or obligation shall be deemed to be the agreement, procedure or obligation of the parties thereto to the fullest extent permitted by law.

IN WITNESS WHEREOF, the County of Cuyahoga and the City of Cleveland have each caused this Agreement to be executed as of the _____ day of _____, 1974, by their duly authorized officers.

By _____ CITY OF CLEVELAND
Mayor

By _____ COUNTY OF CUYAHOGA
County Commissioner

By _____
County Commissioner

By _____
County Commissioner"

Section 15. That the Clerk of this Council is hereby authorized and directed to certify a copy of this ordinance, as soon as the same shall become effective, to the Board of County Commissioners of Cuyahoga County, Ohio.

Section 16. That if any clause, provision, paragraph, subdivision, division or section of this Ordinance should be held illegal or invalid by any court, the invalidity of such clause, provision, paragraph, subdivision, division or section shall not affect the remaining clauses, provisions, paragraphs, subdivisions, divisions or sections, and this Ordinance shall be construed and enforced as if such illegal or invalid clause, provision, paragraph, subdivision, division or section had not been contained herein. In case any agreement, procedure or obligation in this Ordinance herein contained is held in violation of the law, then such agreement, procedure or obligation shall be deemed to be the agreement, procedure or obligation of the parties to the fullest extent permitted by law.

Section 17. That existing section 1 of Ordinance 798-72, passed June 19, 1972 is hereby repealed.

Section 18. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed December 30, 1974.

Effective December 30, 1974.

RESOLUTION

Creating the Greater Cleveland Regional Transit Authority; establishing the terms and conditions for the transfer of the Cleveland Transit System to such Authority; and authorizing the execution of an Amended Agreement limiting the purposes of the Lake Erie Regional Transportation Authority.

WHEREAS, the City of Cleveland (the "City") and the County of Cuyahoga (the "County") desire by their combined action to create pursuant to Sections 306.30 through 306.54 and 306.70 and 306.71 of the Ohio Revised Code a new regional transit authority for mass transportation of persons within the territory of the City and the County; and

WHEREAS, Section 306.32 of the Ohio Revised Code, as amended by Amended Substitute Senate Bill No 544, enacted by the Ohio General Assembly on June 12, 1974 and effective June 29, 1974, authorized the inclusion of the same area in more than one regional transit authority so long as the regional transit authorities are not organized for purposes relating to the same kinds of transit facilities and the regional transit authorities are created before January 1, 1975; and

WHEREAS, the prior creation of the Lake Erie Regional Transportation Authority with territorial boundaries coextensive with the territorial boundaries of the County makes it necessary for the City and the County by their combined action and agreement to limit the purposes, including the kind of transit facilities, for which the Lake Erie Regional Transportation Authority is organized; and

WHEREAS, the Greater Cleveland Regional Transit Authority will not be operationally meaningful unless it acquires the City's Cleveland Transit System.

NOW, THEREFORE, Be It Resolved by the Board of County Commissioners of Cuyahoga County, State of Ohio:

Section 1: That it is hereby determined that the creation of a regional transit authority is necessary to provide a coordinated, consolidated, comprehensive public mass transportation system, to enable residents of the City and the County to travel to and from their homes, jobs, and other destinations in a convenient, safe, and economical manner, to facilitate and advance the commercial and economic development of the City and the County, and to protect the public health, safety, and welfare of the residents of the City and the County.

Section 2: That a regional transit authority created by the City and County with territorial boundaries and jurisdiction coextensive with the territorial boundaries of the County of Cuyahoga be, and the same is, created by this resolution and the ordinance of the Council of the City of Cleveland pursuant to Sections 306.30 through 306.54 and 306.70 and 306.71 of the Ohio Revised Code, as amended by Amended Substitute Senate Bill No. 544, effective June 29, 1974.

Section 3: That the regional transit authority created by this resolution and by the ordinance of the Council of the City shall be known as "Greater Cleveland Regional Transit Authority" (the "Authority").

Section 4: That the principal office of the Authority shall be located at such place as its Board of Trustees shall designate by resolution.

Section 5: That the Authority shall be governed by a ten member Board of Trustees (the "Board"). Each member of the Board shall serve a term of three (3) years, except as hereafter provided for the initial term of members of the Board, and shall be eligible for reappointment. Each member of the Board shall at the time of his appointment be a resident of the territory included in the Authority and shall remain a resident of such territory during his term of office. Except as otherwise provided by law, no person shall be disqualified from membership on the Board as a result of holding other public office or employment. Each member of the Board shall receive such lawful compensation as shall be established from time to time by resolution of the Board and shall in addition be reimbursed for his reasonable expenses in the performance of his duties. Members shall be removed as provided by law.

(A) The ten members of the Board shall be appointed as follows:

(1) Four (4) members shall be appointed by the Mayor of the City with the advice and consent of the Council of the City, all of whom shall be residents of the City of Cleveland and shall so remain during the terms of their office.

(2) Three (3) members shall be appointed by the municipal corporations, other than the City, and the townships located within the territory of the Authority, as follows:

(a) The President of the Board of County Commissioners of the County shall call a meeting of the mayors, managers, or other chief executive officers of such municipal corporations and the chairmen of the boards of township trustees of such townships for the purpose of electing the members to be appointed to the Board by such municipal corporations and townships. Such meeting shall be called within thirty (30) days after the creation of the Authority as to the initial appointments, within thirty (30) days after the creation of any vacancy to be filled by such municipal corporations and townships, and at least sixty (60) days prior to the expiration of each term for which the appointment is to be made pursuant to this paragraph. If the President of the Board of County Commissioners should fail to call the meeting within the time prescribed, such meeting shall be called by the mayor or manager of the most populous municipal corporation within the Authority as determined by the then most recent federal decennial census. Such meeting shall be called by giving each such mayor, manager, or other chief executive officer and each such chairman written notice of the time, place, and purpose of such meeting. Such written notice shall be sent to each such mayor, manager, or other chief executive officer and each such chairman by First Class U.S. mail (or its equivalent if First Class mail should be abolished) mailed not less than seven (7) days before the date of the meeting specified in such notice. Failure to receive such notice shall not invalidate the call of such meeting.

(b) At the meeting, each member of the Board to be appointed by such municipal corporations and townships shall be elected by a majority of the votes cast. For each appointment to be made or each vacancy to be filled, each such municipal corporation and each such township shall have one (1) vote plus one (1) additional vote for each five thousand (5,000) residents or part thereof in excess of the first five thousand (5,000) residents as determined by the then most recent federal decennial census. The mayor, manager, or chief executive officer of each such municipal corporation and the chairman of the Board of each such township, or a duly authorized and appointed delegate of any of the foregoing, shall cast the vote or votes of each such municipal corporation and each such township.

(3) Three (3) members shall be appointed by the Board of County Commissioners of the County, one of whom shall be a resident of the City of Cleveland, and shall so remain during the term of his or her office.

(B) The initial appointments to the Board shall be for the following terms:

(1) The Mayor of the City, with the advice and consent of the Council, shall appoint two (2) members for a term of three (3) years, one (1) member for a term of two (2) years, and one (1) member for a term of one (1) year.

(2) The municipal corporations, other than the City, and the townships located within the territory of the Authority shall appoint one (1) member for a term of three (3) years, one (1) member for a term of two (2) years, and one (1) member for a term of one (1) year.

(3) The Board of County Commissioners of the County shall appoint one (1) member for a term of three (3) years, one (1) member for a term of two (2) years, and one (1) member for a term of one (1) year.

(C) The size of the Board may be changed from time to time to permit representation from any other county, municipal corporation, township, or combination thereof, which may hereafter be included in the Authority in the manner provided by law by the adoption by the City of an ordinance and by the County of a resolution for such purpose and the approval of such inclusion by the Board.

Section 6: That any vacancy on the Board shall be filled for the unexpired term by appointment by the appointing authority that appointed the member whose office has become vacant in the same manner as the original appointment.

Section 7: That from the time of its creation to the time when it begins to receive revenue from the proceeds of a tax approved by the electors, the expenses of the Authority shall be financed as follows:

(A) If the Board determines to submit the question of a tax, as provided by Section 306.49 or 306.70 of the Ohio Revised Code at a special election and such election is not successful, then the County shall pay the costs of holding such election.

(B) To the extent practicable, the City, the County and other municipal corporations and townships shall each provide assistance requested by the Authority from their respective officers and employees without reimbursement for such assistance.

(C) To cover overhead and operating costs which cannot be met under subparagraph (A) or (B) above, the City, the County and other municipal corporations and townships may each advance moneys to the Authority, which moneys shall be reimbursed by the Authority upon the receipt of sufficient revenues from the proceeds of a tax approved by the electors.

Section 8: That the Authority shall have all lawful purposes, powers, rights, duties, and jurisdiction provided in Sections 306.30 through 306.54 and 306.70 and 306.71 of the Ohio Revised Code, and particularly Section 306.31 of the Ohio Revised Code, relating to street railway, motor bus, tramline, subway, monorail, rapid transit, and other ground transportation systems having as their primary purpose the regularly scheduled mass movement of passengers between locations within the territorial boundaries of the Authority, including all rights-of-way, powerlines, rolling stock, equipment, machinery, terminals, buildings, administration and maintenance and repair facilities, supporting parking facilities and franchise rights attendant thereto, now or hereafter authorized by law. The exercise by the Authority of such purposes, powers, rights, duties and jurisdiction shall be deemed to be essential governmental functions of the State of Ohio.

Section 9: That the territorial boundaries of the Authority may be enlarged from time to time in the manner authorized by law.

Section 10: That the Authority shall be dissolved if the memorandum of understanding referred to in Sec. 12 is not approved by February 17, 1975, unless the City and County agree otherwise, and the CTS transfer agreement referred to in Section 12 is not approved by July 1, 1975, unless the City and County agree otherwise, and if the Authority is not operating any transit facilities on December 31, 1976, and may be dissolved at any time upon the enactment of an ordinance by the City and a resolution by the County and a resolution or ordinance by any other county, municipal corporation, or township which is hereafter included in the Authority as provided in Section 306.32 of the Ohio Revised Code, providing for such dissolution. In the event of dissolution, any real or personal property or combination thereof which has been received from or made available by the City or the County or any other county, municipal corporation or township shall be returned to the political subdivision from which received or by which made available and after paying all costs and expenses of the Authority, any balance remaining in the Authority's funds shall be distributed to the City and the County and any county municipal corporation, or township hereafter included in the Authority prorata according to the assessed valuation of each political subdivision at the time of dissolution.

Section 11: That to the extent allowed by law, the provisions of Sections 306.30 through 306.54 and 306.70 and 306.71 of the Ohio Revised Code and any amendments thereto are incorporated by reference as if fully set forth herein.

Section 12: That subject to an agreement satisfactory to the City, by Ordinance, among the Authority, the City's Cleveland Transit Board (the "CTS Board"), and the County, it is the present intent of the City to transfer to the Authority all operating assets directly relating to the operation of the Cleveland Transit System. A memorandum of understanding setting forth the provisions of such agreement shall be agreed upon by the City, by Ordinance, the CTS Board, and the County, and the three (3) present designated representatives of the Cuyahoga County Mayors and City Managers Association not later than February 17, 1975. In addition to such other matters as may be included, the memorandum and agreement shall provide for the following:

(A) That the agreement and the transfer of the Cleveland Transit System are conditioned upon approval by the electors within Cuyahoga County of a tax for public mass transit purposes adequate for the acquisition, maintenance and operation of transit facilities and for carrying out the provisions of this ordinance.

(B) That the Authority shall within nine (9) months after approval of such tax pay to the General Fund of the City the following amounts:

(1) \$8,875,000 plus interest at the rate of six percent (6%) per annum thereon from August 16, 1973, to the date of payment by the Authority.

(2) \$1,160,380 for the City's investment in parking facilities.

Such amounts shall be the total cash consideration to be paid to the City by the Authority; provided that if such tax is not passed by the electors in 1975, the total amount of such cash consideration shall be subject to renegotiation among the parties.

(C) That after transfer of the Cleveland Transit System to the Authority:

(1) The number of route miles, vehicle miles, and seat miles of bus and transit service provided within the City to its residents by the Authority shall be not less than the number of route miles, vehicle miles and seat miles of bus and transit service presently being provided within the City by the Cleveland Transit System.

(2) During the first five (5) years following the approval of a tax for transit purposes, not less than fifty (50) percent and not more than sixty (60) percent of all increases in transit service provided by the Authority shall be within the City excluding downtown Cleveland (defined as the area between the inner belt, the Cuyahoga River and Lake Erie), and no funds shall be expended on the planning or construction of a subway or elevated transit facility in downtown Cleveland.

(3) The base transit fare shall be established initially at twenty-five cents (\$0.25) within Cuyahoga County, with all transfers being free.

(4) During the first five (5) years, following the approval of the tax for transit purposes, as to persons, resident of Cuyahoga County and sixty-five (65) years and older, the fare charged to them shall be stated as free for all hours in the memorandum of understanding, should it be deemed economically feasible prior to the signing of the memorandum and in no case shall it exceed 50% of the regular fare charged to other adult riders.

(5) During the first five (5) years, following the approval of the tax for transit purposes, as to handicapped persons resident of Cuyahoga County, the fare charged to them shall not exceed fifty (50) per cent of the regular fare charged to other adult riders.

(6) During the first five (5) years, following the approval of the tax for transit purposes, as to students resident of Cuyahoga County who are on school related trips in school systems which avail themselves of the Ohio State or any other reimbursement program, during school hours, the fare charged to them shall not exceed fifty (50) per cent of the regular fare charged to other adult riders.

(D) That the Authority shall seek voter approval for a tax for public mass transit purposes at a special election to be held no later than September 30, 1975.

(E) That the Authority shall be the regional authority responsible under state laws for the financing, construction, and operation of public transportation services and in this capacity shall be the recipient of and dispense federal grant and loan moneys and shall be the designated recipient as provided in the National Mass Transportation Act of 1974.

(F) That until such time as the Authority shall be operating the current transit facilities of the Cleveland Transit System, it shall approve and forward to the applicable federal agency any application for federal grant or loan moneys which shall be presented to it by any operator of a transit facility within the territory of the Authority which is attempting to secure federal grant or loan moneys. The Authority shall not exercise discretion and shall approve such applications without any condition. The obligation to approve such application is hereby established as a duty specifically enjoined by law and resulting from an office, trust, or station of the Authority and its officers within the meaning of Section 2731.01 of the Ohio Revised Code.

Section 13: That the CTS Board shall continue to operate the Cleveland Transit System in accordance with the Charter and ordinances of the City until such time as it is transferred to the Authority.

Section 14: That at least two of the members of this Board be, and they are, hereby authorized and directed to execute an agreement with the City of Cleveland to amend the existing agreement between the County and the City authorized by Section 3 of the resolution adopted by this Board on June 21, 1972, entitled "Resolution Authorizing Execution of an Agreement Including the City of Cleveland in the Lake Erie Regional Transportation Authority," in order to limit the purposes for which the Lake Erie Regional Transportation Authority is created. Such amended agreement shall be in substantially the following form:

"AMENDED AGREEMENT
CONCERNING LAKE ERIE
REGIONAL TRANSPORTATION
AUTHORITY

WHEREAS, execution of this Agreement has been authorized by the County of Cuyahoga by resolution duly adopted by its Board of County Commissioners on _____, 1974 and recorded in Volume _____, the Commissioners' Journal, and in the City of Cleveland by Ordinance No. _____ duly passed by said City's Council on _____, 1974; and

WHEREAS, the County and the City have each determined that it is necessary that Lake Erie Regional Transportation Authority, a regional transit authority created pursuant to Sections 306.30 to 306.54, inclusive, Ohio Revised Code, include participation by and representation of the City of Cleveland; and

WHEREAS, the County and the City have each authorized the execution of this Agreement on their behalf by ordinance or resolution:

NOW, THEREFORE, it is hereby agreed between the County of Cuyahoga, Ohio (hereinafter referred to as the "County") and the City of Cleveland, Ohio (hereinafter referred to as the "City"), as follows:

1. That the County and the City, by their combined action evidenced by execution of this Agreement, hereby agree to cooperate in the operation of Lake Erie Regional Transportation Authority, a regional transit authority under authority of Sections 306.30 to 306.54, Ohio Revised Code, which has territorial boundaries co-extensive with the boundaries of the County of Cuyahoga as such boundaries now exist or are hereafter enlarged and has all the powers, rights, duties and jurisdiction provided in Section 306.31 of the Ohio Revised Code except those relating to street railway, motor bus, tramline, subway, monorail, rapid transit and other ground transportation systems having the primary purpose of the regularly scheduled mass movement of passengers between locations within the territorial boundaries of the Authority. The exercise by the Authority of such powers, rights, duties and jurisdiction are deemed by the County and the City to be essential governmental functions of the State of Ohio.

2. The Authority shall be governed by a nine-member Board of Trustees (hereinafter sometimes referred to as the "Board"), each of whom shall serve for a term of three years, except as hereinafter provided for the initial term, and shall meet the requirements then imposed by statute for membership in such office. Of the nine members of the Board, five shall be appointed by the Mayor of the City with the advice and consent of the Council of the City and four shall be appointed by the County, except as hereinafter provided.

The County has heretofore appointed five members of the Board, of whom one has been appointed for a term expiring on January 9, 1973, two have been appointed for a term expiring on January 9, 1974, and two have been appointed for a term expiring on January 9, 1975. Of the two members appointed by the County for a term expiring on January 9, 1975, one member has been appointed by the County with the approval of the Mayor of the City. It is understood by the City that the County has heretofore appointed five members to the Board of the Authority who shall continue to hold office and be members of the enlarged Board herein provided, execution of this Agreement by the Mayor of the City constituting the approval of the Mayor of the City required by the preceding sentence, and the County shall appoint

their successors whether at expiration of term or because of vacancy, except that of the two positions on the Board which have been filled by the County and the terms of which expire on January 9, 1975, any successor because of vacancy shall be appointed for the unexpired term by the County with the approval of the Mayor of the City and with the further exception that of the two positions on the Board which have been filled by the County and the terms of which expire on January 9, 1975, one shall thereafter be appointed by the Mayor of the City with the advice and consent of the City's Council.

The City shall initially appoint four members to the Board, of whom two shall have a term expiring on January 9, 1973, one expiring on January 9, 1974 and one expiring on January 9, 1975. The City shall appoint successors to the members of the Board so initially appointed, whether at expiration of term or because of vacancy and shall appoint a fifth member for the term commencing January 10, 1975 as provided in the preceding paragraph. Members of the Board appointed by the City shall be appointed by the Mayor of the City with the advice and consent of the City's Council.

3. No member of the Board shall hold any other public office or employment.

4. This Agreement may be amended to provide for the size of the Board of Trustees of the Authority to be from time to time expanded to permit representation for any other county or municipal corporation who joins the Authority in the manner provided by statute.

5. Each member of the Board shall be reimbursed for his reasonable expenses in the performance of his duties, but otherwise shall be paid no compensation as a member of the Board.

6. The City, the County, and the Authority shall take all legal actions available to them to extend the corporate limits of the City to include the area occupied by any land mass which is created in Lake Erie by the Authority if any part of such land mass is offshore from the City in order to enable the City to impose and collect ad valorem, income, and other taxes in the area of such land mass and to enable the City to provide certain essential governmental functions and services which would be required by such land mass but which the Authority is not empowered to provide.

The City and the County further jointly request the State of Ohio to take such legislative and administrative actions as are required to place within the corporate limits of the City any such land mass.

If such land mass is not incorporated within the corporate limits of the City within a two year period after construction has commenced to create such land mass and so long as such land mass is not incorporated within the corporate limits of the City, the Authority shall pay to the City each year, commencing with the first day of January next following expiration of such period, an amount equal to the ad valorem, income and other taxes which would have been otherwise received by the City within such year if such land mass then had been within the corporate limits of the City.

7. Both the County and the City agree that the Authority shall maximize proportionate employment opportunities for residents of the City and minimize the burdens of unemployment in the high unemployment areas of the City in the construction and operation by the Authority of any facilities located in Lake Erie off-shore from the City.

8. The territorial boundaries of the Authority may from time to time be enlarged in the manner authorized by law.

9. The place in which the principal office of the Authority will be located shall be designated by the resolution of the Board of Trustees.

10. If any clause, provision, paragraph, subdivision, division or section of this Agreement should be held illegal or invalid by any court, the validity of such clause, provision, paragraph, subdivision, division, or section shall not affect the remaining clauses, provisions, paragraphs, subdivisions, divisions, or sections and this Agreement shall be construed and enforced as if such illegal or invalid clause, provision, paragraph, subdivision, division, or section had not been contained herein. In case any agreement, procedure or obligation contained in this Agreement herein contained, is held in violation of the law then such agreement, procedure or obligation shall be deemed to be the agreement, procedure or obligation of the parties thereto to the fullest extent permitted by law.

IN WITNESS WHEREOF, the County of Cuyahoga and the City of Cleveland have each caused this Agreement to be executed as of the _____ day of _____, 1974, by their duly authorized officers.

CITY OF CLEVELAND

COUNTY OF CUYAHOGA

By _____

By _____

Mayor
County Commissioner

By _____

County Commissioner

By _____

County Commissioner"

Section 15: That the Clerk of this Board is hereby authorized and directed to certify a copy of this resolution, as soon as the same shall become effective, to the Mayor and Council of the City of Cleveland.

Section 16: That if any clause, provision, paragraph, subdivision, division or section of this resolution shall be held illegal or invalid by any court, the invalidity of such clause, provision, paragraph, subdivision, division or section shall not affect the remaining clauses, provisions, paragraphs, subdivisions, divisions or sections, and this resolution shall be construed and enforced as if such illegal or invalid clause, provision, paragraph, subdivision, division or section had not been contained herein. In case any agreement, procedure or obligation in this resolution herein contained is held in violation of the law, then such agreement, procedure or obligation shall be deemed to be the agreement, procedure or obligation of the parties to the fullest extent permitted by law.

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On Motion of Commissioner Pokorny, seconded by Commissioner Taft, the foregoing resolution was duly adopted.

Ayes: Taft, Pokorny, Corrigan.

Nays: None.

Resolution Adopted.

Louise M. Mulock,
Clerk of the Board.

Journal 167

December 30, 1974.

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EDITOR'S NOTE

The numbering system used in these Policies and Procedures of the Board of Trustees of the Greater Cleveland Regional Transit Authority is similar to that of the Ohio Revised Code and is consistent with the best accepted practice for codification. Each section is self-identifying as to code, chapter and section number. For example, 242.02 indicates that the code number is 2, the chapter number is 242 (or the 42nd chapter within code 2), and the section number is .02. The code and chapter numbers appear left of the decimal, with the code number preceding the first two digits left of the decimal, and the chapter number being the first two digits left of the decimal. The section number appears to the right of the decimal. As another example, 460.06 indicates that the code number is 4, the chapter number is 460 (or the 60th chapter within code 4), and the section number is .06.

With this numbering system, the Policies and Procedures may be expanded almost endlessly. Codes, titles and chapter are, for the most part, initially even-numbered, thus reserving the use of odd numbers for future legislation. Sections within chapters are consecutively numbered, except for the general Code penalty, which is numbered 210.99. Newly created sections subsequent to the original codification may be indicated by three digits right of the decimal in the event the law properly belongs between consecutively numbered sections. For example, newly created 626.041, 626.042 and 626.043 follow 626.04 and precede 626.05 to be placed in their logical position.

Section histories enable a user to trace the origin of the law contained in the section. The history indicates the derivation by reference to either the passage date of a motion, if the law is derived from a motion, or to the number and passage date of a resolution, if the law is derived from a resolution. Sections and subsections without histories or with the words "Adopting Resolution" at the end thereof are or contain new matter which was ordained by the resolution adopting these Policies and Procedures.

The Comparative Section Table is included to show the disposition of every motion and resolution included in these Policies and Procedures. It indicates whether a given motion or resolution was consolidated with another into one section or split into two or more sections. Cross-references direct the user to subject matter reasonably related to material contained within a given chapter.

GENERAL INDEX

EDITOR'S NOTE: References are to individual code chapters, sections and subsections. As additional aids for locating material, users are directed to:

- (a) The Comparative Section Table, which indicates in the Policies and Procedures the disposition of the resolutions and motions integrated therein.
- (b) The Table of Contents preceding each component code, and the sectional analysis preceding each chapter.
- (c) The cross references to related material following the chapter analysis.

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COMPARATIVE SECTION TABLE

EDITOR'S NOTE; The Policies and Procedures of the Board of Trustees of the Greater Cleveland Regional Transit Authority comprise motions and resolutions of a general and permanent nature enacted by the Board or new matter ordained by the Adopting Resolution. Sections and subsections of the 1989 Policies and Procedures without a history or with the words "Adopting Resolution" at the end thereof are new matter ordained by the Adopting Resolution. In the following table, the disposition of all source material in the Policies and Procedures is indicated.

<u>Res. No. or Motion</u>	<u>Date</u>	<u>P. & P. Sec. No.</u>	<u>Res. No. or Motion</u>	<u>Date</u>	<u>P. & P. Sec. No.</u>
Res. 1975-24	8-6-75	284.02(b)	Res. 1977-153	5-10-77	1078.01, 1078.02
Res. 1975-66	9-23-75	298.02 (Repealed)	Res. 1977-187	6-7-77	1050.01 (Repealed)
Res. 1976-2	1-20-76	628.02	Res. 1977-262	9-7-77	854.01 (Repealed)
Res. 1976-122	4-27-76	1066.01	Res. 1978-45	2-28-78	852.01 to 852.03
Res. 1976-171	5-25-76	242.03, 465.05	Res. 1978-92	4-11-78	628.06
Res. 1976-180	5-25-76	1080.01 (Repealed)	Res. 1978-137	5-23-78	848.01 to 848.05
Res. 1976-288	9-7-76	222.01	Res. 1978-336	12-19-78	490.01
Res. 1977-22	1-11-77	222.01	Res. 1979-138	5-22-79	222.02(a), (b), (e) to (k)
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<u>Res. No. or Motion</u>	<u>Date</u>	<u>P. & P. Sec. No.</u>	<u>Res. No. or Motion</u>	<u>Date</u>	<u>P. & P. Sec.No.</u>
Res. 1980-106	3-18-80	222.02(c)	Res. 1987-105	5-5-87	220.04
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Res. 1980-319	9-16-80	840.01	Res. 1987-147	6-16-87	628.01
Res. 1980-376	11-5-80	420.18	Res. 1987-223	9-15-87	840.07
Res. 1981-18	1-20-81	420.18	Res. 1987-289	11-4-87	840.04
Res. 1981-41	2-3-81	636.01, 636.02	Res. 1987-294	11-17-87	628.03
Res. 1981-273	9-15-81	620.01	Res. 1988-6	1-5-88	410.01(a)
Res. 1981-309	10-20-81	280.03	Res. 1988-17	1-19-88	410.01(b) to (d)
Res. 1982-156	6-1-82	840.03, 840.05 to 840.09	Res. 1988-37	2-16-88	622.01
Res. 1982-242	8-19-82	840.02	Res. 1988-38	2-16-88	Bylaws Art. I Secs. 1 to 3; Art. II Secs. 1 to 9; Art. III Secs. 1 to 9; Art IV Secs. 1 to 8; Art V Secs. 1, 2; Art. VI Secs. 1 to 4; Art. VII Secs. 1 to 5; Art VIII Secs. 1 to 4, 6, 7; Art. IX Secs. 1 to 4; Art. X Secs.1
Res. 1982-261	9-7-82	840.06			
Res. 1983-236	9-20-83	1082.01 to 1082.04			
Res. 1984-148	7-3-84	840.09			
Res. 1984-212	9-18-84	1084.01, 1084.02			
Res. 1985-87	4-16-85	620.02			
Res. 1986-248	8-5-86	284.01(b)	Res. 1988-39	2-16-88	284.01(a)
			Res. 1988-43	2-16-88	622.02 to 622.05

<u>Res. No. or Motion</u>	<u>Date</u>	<u>P. & P. Sec. No.</u>	<u>Res. No. or Motion</u>	<u>Date</u>	<u>P. & P. Sec. No.</u>
Res. 1988-44	2-16-88	242.01	Res. 1989-44	4-18-89	222.02(a), (b), (d)
Res. 1988-45	2-16-88	242.02	Res. 1989-55	4-18-89	626.01 to 626.06
Res. 1988-47	2-16-88	246.01 (Repealed)	Res. 1989-67	5-16-89	622.01
Res. 1988-60	3-1-88	410.02	Res. 1989-87	6-20-89	628.05
Res. 1988-94	5-10-88	220.03(a) to (c)(3), (5) to (d)(1), (e), (f)(1)B. to (3)	Res. 1989-136	9-19-89	220.02
Res. 1988-123	6-21-88	242.04	Adopting Resolution		Bylaws, Art. VIII, Sec. 5; 210.01 to 210.03, 212.01 to 212.07, 222.02(l), 240.01, 284.02(a)
Res. 1988-160	8-16-88	820.02 (Repealed)	Res. 1989-122	10-17-89	630.01 to 630.10
Res. 1988-162	8-16-88	822.01 to 822.06	Res. 1989-149	10-17-89	1062.01 to 1062.05 (Repealed)
Res. 1988-174	9-27-88	1062.02	Res. 1989-166	11-21-89	460.09
Res. 1988-207	11-15-88	262.01 to 262.09	Res. 1990-26	2-20-90	242.04
Res. 1989-10	1-24-89	460.01 to 460.05, 460.06(b), (e) to 460.10	Res. 1990-27	2-20-90	640.01 to 640.11(a), 642.01 to 642.12(a), 642.13, 642.14, 644.01 to 644.05(a), 644.06 to 644.13(e), 644.14, 644.15(a), 644.16 to 644.20(a), 646.01 to 646.10
Res. 1989-11	2-21-89	220.03(c)(4), (d)(2), (f)(1)A., (g)			
Res. 1989-21	2-21-89	464.01, 464.02, 464.03, 464.04 (Repealed), 464.05 (Repealed)			
Res. 1989-42	4-18-89	820.01			

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<u>Res. No. or Motion</u>	<u>Date</u>	<u>P. & P. Sec. No.</u>	<u>Res. No. or Motion</u>	<u>Date</u>	<u>P. & P. Sec. No.</u>
1990-28	3-6-90	660.01 to 660.10(a), 660.11 to 660.16	Res. 1990-89	5-15-90	640.09, 642.01, 642.03, 642.04, 642.06, 642.07, 644.09, 644.11 to 644.13, 644.15(a), 644.19, 646.01, 646.06
Res. 1990-69	4-17-90	410.03	Res. 1990-105	6-19-90	642.05(j)
Res. 1990-70	4-17-90	1010.01 to 1010.03, 1012.01 to 1012.05, 1014.01 to 1014.06, 1016.01 to 1016.06, 1018.01 to 1018.08, 1020.01 to 1020.05, 1022.01 to 1022.06, 1024.01 to 1024.03; (Repealed)	Res. 1990-126	7-24-90	222.03
Adopting Resolution		220.03(h), 622.01(d), 622.06, 628.01(e), (f), 628.03(j), 628.05(g), 628.06(c), 640.11(b), 642.12(b), 642.15, 644.05(b), 644.13(f), 644.15(b), 644.20(b), 660.10(b)	Res. 1990-129	7-24-90	410.02
			Res. 1990-206	11-27-90	840.10
			Res. 1990-207	11-27-90	462.01 to 462.12 (Ch. 462 Repealed)
			Res. 1991-22	1-22-91	Bylaws Art. IV, Sec 4; Art. VII, Sec. 3A
			Res. 1991-23	1-22-91	1086.01 to 1086.04
			Res. 1991-24	1-22-91	840.03, 840.04 (Repealed, 840.05 (Repealed), 840.06, 840.07, 840.09
1990-87	5-15-90	220.03(a) to (j)	Res. 1991-42	2-19-91	620.02
Res. 1990-88	5-15-90	Bylaws Art. VI, Sec. 1			

<u>Res. No. or Motion</u>	<u>Date</u>	<u>P. & P. Sec. No.</u>	<u>Res. No. or Motion</u>	<u>Date</u>	<u>P. & P. Sec. No.</u>
Res. 1991-81	4-16-91	410.04	Res. 1992-28	2-18-92	262.01 to 262.09
Res. 1991-101	5-21-91	Ed. Note, Ch. 299 (Repealed)	Res. 1992-29	2-18-92	214.01 to 214.05
Res. 1991-102	5-21-91	460.085	Res. 1992-31	2-18-92	640.01 to 640.05 (Repealed), 642.01 to 642.19 (Repealed), 644.01 to 644.09 (Repealed), 646.01 to 646.17 (Repealed), 648.01 to 648.16 (Repealed), 650.01 to 650.17 (Repealed)
Res. 1991-103	5-21-91	461.01 to 461.06			
Res. 1991-104	5-21-91	1064.01 to 1064.05 (Repealed)			
Res. 1991-126	6-18-91	840.05 (Repealed)			
Res. 1991-128	6-18-91	840.01(a) and (b)			
Res. 1991-129	6-18-91	284.02			
Res. 1991-150	7-23-91	620.01			
Res. 1991-151	7-23-91	629.01 to 629.08 (Ch. 629 Repealed)	Res. 1992-44	3-17-92	1016.04(c), (Repealed)
Res. 1991-172	8-20-91	Ch. 1088	Res. 1992-45	3-17-92	Ed. Note, Ch. 1085
Res. 1991-194	9-24-91	222.03	Res. 1992-74	6-16-92	1020.03, 1022.04 (Repealed)
Res. 1991-264	12-17-91	Ch. 216	Res. 1992-128	7-21-92	648.07 (Repealed)
Res. 1991-265	12-17-91	1088.04(b)(3) (Repealed)			
Res. 1992-17	1-21-92	465.01 (Repealed), 465.02, 465.03 (Repealed), 465.04, 465.05, 465.07			

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<u>Res. No. or Motion Res.</u>	<u>Date</u>	<u>P. & P. Sec.No.</u>	<u>Res. No. or Motion Res.</u>	<u>Date</u>	<u>P. & P. Sec.No.</u>
1992-157	9-22-92	465.01(b) (Repealed), 465.03(b) (Repealed), 465.04(b) (Repealed), 465.05 (Repealed), 465.07	1993-117	7-20-93	646.07 (Repealed), 646.13 (Repealed), 646.14 (Repealed), 646.145 (Repealed)
Res. 1992-158	9-22-92	465.01(b), 465.02, 465.03(a)(2) (Repealed), 465.04(c) (Repealed), 465.05 (Repealed), 465.07	Res. 1993-119	7-20-93	840.07, Ed. Note, Ch. 1082
Res. 1993-1	1-12-93	840.02, 840.03, 840.04 (Repealed), 840.05 (Repealed), 840.06 to 840.09, 840.11 (Repealed)	Res. 1993-120	7-20-93	840.12
Res. 1993-58	3-16-93	Bylaws Art. IX, Sec. 4; 629.05(b) (Repealed)	Res. 1993-136	8-24-93	461.01 to 461.06 (Repealed)
Res. 1993-79	4-20-93	410.05	Res. 1993-156	9-21-93	465.01(b) (Repealed), 465.03(b) (Repealed), 465.04(b)
Res. 1993-80	4-20-93	410.02(d)	Res. 1993-158	9-21-93	465.01(d) (Repealed), 465.02, 465.03(a)(3) (Repealed), 465.04(d) (Repealed)
Res. 1993-81	4-20-93	1090.01 to 1090.04	Res. 1993-190	11-16-93	620.01
Res. 1993-88	5-18-93	620.01	Res. 1994-18	7-26-94	222.03
			Res. 1994-35	2-15-94	220.05
			Res. 1994-73	5-17-94	Ed. Note, Ch. 1085
			Res. 1994-192	11-22-94	1066.02 (Repealed)

<u>Res. No. or Motion</u>	<u>Date</u>	<u>P. & P. Sec.No.</u>	<u>Res. No. or Motion</u>	<u>Date</u>	<u>P. & P. Sec.No.</u>
Res. 1994-223	12-20-94	840.13	Res. 1996-122	9-17-96	842.05 (Repealed)
Res. 1994-226	12-20-94	460.12	Res. 1996-123	10-1-96	620.01
Res. 1994-229	12-20-94	626.03	Res. 1996-124	9-17-96	1092.01 to 1092.03
Res. 1995-9	2-21-95	1085.01	Res. 1996-162	11-19-96	840.17, 842.05 (Repealed)
Res. 1995-24	2-21-95	222.03	Res. 1996-185	12-17-96	220.03(a) to (j)
Res. 1995-25	2-21-95	214.01, 214.04	Res. 1997-19	1-21-97	840.11
Res. 1995-58	4-18-95	840.14	Res. 1997-20	1-21-9	280.04, Ed. Note, Ch. 298
Res. 1995-59	4-18-95	840.15 (Repealed)	Res. 1997-21	1-21-97	648.05 (Repealed)
Res. 1995-61	4-18-95	410.02 (Repealed)	Res. 1997-33	2-18-97	Ed. Note, Ch. 1085
Res. 1995-155	10-17-95	222.03	Res. 1997-129	7-15-97	242.04
Res. 1996-38	3-19-96	840.16	Res. 1997-186	10-21-97	Ed. Note, Ch. 1085
Res. 1996-39	3-19-96	840.17	Res. 1997-199	11-18-97	Ed. Note, Ch. 262, 262.01 to 262.09
Res. 1996-57	4-16-96	850.01 to 850.08	Res. 1998-23	2-17-98	Ed. Note, Ch. 1090, 1090.01 to 1090.04
Res. 1996-58	4-16-96	642.20 (Repealed)	Res. 1998-24	2-17-98	Ed. Note, Ch. 626, 626.01 to 626.08
Res. 1996-72	5-21-96	842.01 to 842.10	Res. 1998-36	3-17-98	840.095
Res. 1996-73	5-21-96	840.18 (Repealed)			
Res. 1996-109	8-20-96	420.01 to 420.16			
Res. 1996-121	9-17-96	840.17 (Repealed)			

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<u>Res. No. or Motion</u>	<u>Date</u>	<u>P. & P. Sec. No.</u>	<u>Res. No. or Motion</u>	<u>Date</u>	<u>P. & P. Sec. No.</u>
Res. 1998-76	6-16-98	Bylaws Art. VI, Sec. 1	Res. 1999-147	10-26-99	220.01, 220.03(a) to (j), 222.01, 240.01, 242.01, 262.07, 280.01, 280.02, 284.01 to 284.03, 288.01 (Repealed), 288.02 (Repealed), 293.01 to 293.03 (Ch. 293 Repealed), 295.01 to 295.03, 460.12, 622.01(a), 622.05, 628.05(f), 640.01 (Repealed), 640.05 (Repealed), 642.02 (Repealed), 642.03 (Repealed), 642.05 to 642.09 (Repealed), 642.12 (Repealed), 644.01 (Repealed), 644.07 (Repealed), 644.09 (Repealed), 646.12 (Repealed), 646.13 (Repealed), 648.05 (Repealed),
Res. 1998-90	7-21-98	460.01			
Res. 1998-119	9-15-98	220.02			
Res. 1998-136	10-20-98	222.02 to 222.04			
Res. 1999-11	1-19-99	Ed. Note Ch. 636, 636.01, 636.02			
Res. 1999-57	4-20-99	Bylaws Art. III. Sec. 3			
Res. 1999-72	5-25-99	840.097			
Res. 1999-85	6-22-99	646.01 (Repealed)			
Res. 1999-102	7-20-99	626.01 to 626.09, Addenda A to E (Repealed)			
Res. 1999-112	8-24-99	646.04 to 646.06 (Repealed)			
Res. 1999-113	8-24-99	644.07			
Res. 1999-114	8-24-99	620.01(b)			
Res. 1999-115	8-24-99	620.03			
Res. 1999-145	10-26-99	Bylaws Art. II Secs. 8, 9; Art. IV Secs. 7, 8, Art. VII Sec. 3			
Res. 1999-146	10-26-99	660.11(b)			

<u>Res. No. or Motion Res.</u>	<u>Date</u>	<u>P. & P. Sec. No.</u>	<u>Res. No. or Motion Res.</u>	<u>Date</u>	<u>P. & P. Sec. No.</u>
1999-147 (Cont.)		648.06 (Repealed), 648.12 (Repealed), 650.03 (Repealed), 650.04 (Repealed), 660.12	2001-119 (Cont.)		650.02, 650.03 (Repealed), 650.04 to 650.06, 652.01 to 652.03 (Ch. 652 Repealed), 654.01, 654.02, 654.03 (Repealed)
Res. 1999-167	11-23-99	840.099 (Repealed)	Res. 2001-177	12-4-01	420.18
Res. 2000-98	7-18-00	242.05	Res. 2002-38	2-26-02	840.16, Ed. Note 840.17, Ed. Note 840.18, 842.05 (Repealed)
Res. 2000-137	9-19-00	644.10 (Repealed)	Res. 2002-50	3-19-02	626.01 to 626.13, Addenda A to G
Res. 2001-15	1-23-01	840.19	Res. 2002-96	5-21-02	642.09 (Repealed), 642.12, 644.02, 644.06, 644.07, 644.13, 646.02, 646.04, 646.04
Res. 2001-31	2-27-01	242.04	Res. 2002-98	5-21-02	Ed. Note, Ch. 461, 470.01 to 470.08, Ed. Note 1066.02
Res. 2001-33	2-27-01	628.035	Res. 2002-120	6-18-02	620.01
Res. 2001-62	4-24-01	1094.01 to 1094.13	Res. 2002-150	9-10-02	840.20
Res. 2001-110	7-24-01	242.06	Res. 2002-184	11-18-02	1088.02, 1088.03, 1088.06 (Repealed), 1088.07 (Repealed), 1088.05
Res. 2001-119	8-21-01	640.01 to 640.05, 642.01 to 642.08, 642.10, 642.11, 642.13, 644.01, 644.03 to 644.05, 644.08 to 644.12, 644.14, 644.15, 646.01, 646.03, 646.05, 646.07 to 646.09, 648.01 to 648.11, 650.01			

COMPARATIVE SECTION TABLE

<u>Res. No. or Motion</u>	<u>Date</u>	<u>P. & P. Sec. No.</u>	<u>Res. No. or Motion</u>	<u>Date</u>	<u>P. & P. Sec. No.</u>
Res. 2002-186	11-18-02	410.02 (Repealed)	Res. 2004-124	9-21-04	620.03
Res. 2003-019	2-18-03	242.07	Res. 2004-126	9-21-04	840.06, Ed. Note 840.13, 840.16; 840.22 (Repealed)
Res. 2003-020	2-18-03	840.21	Res. 2004-162	12-21-04	1090.01 to 1090.04
Res. 2003-068	5-20-03	214.06, 1010.01 to 1010.03, 1014.01 to 1014.07, 1016.01 to 1016.06, 1018.01 to 1018.03, 1020.01 to 1020.03, 1022.01 to 1022.04	Res. 2005-51	4-19-05	620.01
Res. 2003-140	9-16-03	Ch. 1085, Ed. Note	Res. 2005-97	8-23-05	280.04
Res. 2003-156	10-21-03	644.07	Res. 2005-166	11-15-05	642.01 to 642.04
Res. 2004-08	1-27-04	460.05 (Repealed)	Res. 2006-78	5-16-06	840.02, 840.03, 840.06, 840.07, 840.09, 840.10, 840.23 (Repealed), 840.24 (Repealed), Ed. Note 840.04, Ed. Note 840.05, Ed. Note 840.099, Ed. Note 840.15, Ed. Note 842.05
Res. 2004-43	3-16-04	284.03(i)	Res. 2006-131	7-18-06	840.03
Res. 2004-92	6-15-04	470.01 to 470.10	Res. 2006-193	10-17-06	648.01, 854.01 (Repealed)
Res. 2004-104	7-20-04	627.01 to 627.13, Addenda A to E	Res. 2007-128	8-21-07	626.01 to 626.13, Addenda A to G
Res. 2004-110	8-17-04	856.01 to 856.03	Res. 2007-165	11-20-07	465.01, 465.05
Res. 2004-112	8-17-04	620.01	Res. 2008-43	3-18-08	280.04
Res. 2004-123	9-21-04	220.03			

<u>Res. No. or Motion</u>	<u>Date</u>	<u>P. & P. Sec. No.</u>	<u>Res. No. or Motion</u>	<u>Date</u>	<u>P. & P. Sec. No.</u>
Res. 2008-63	4-15-08	840.03, 840.06, 840.07, 840.09, 840.10, 840.24 (Repealed), 840.25 (Repealed)	Res. 2010-67	9-21-10	1096.01, 1096.02
Res. 2008-141	9-23-08	410.02	Res. 2010-091	11-23-10	840.25 (Repealed)
Res. 2008-142	10-14-08	840.03, 840.06, 840.07, 840.09, 840.10, 840.24 (Repealed), 840.25 (Repealed)	Res. 2011-59	7-12-11	280.04
Res. 2008-152	10-21-08	222.04	Res. 2011-79	9-20-11	460.02 to 460.11
Res. 2009-24	4-21-09	642.04, 646.09	Res. 2011-81	9-20-11	840.25
Res. 2010-11	2-16-10	840.03, 840.06, 840.07, 840.09, 840.10, 840.24 (Repealed)	Res. 2011-82	9-20-11	840.25
Res. 2010-13	2-16-10	620.04	Res. 2011-93	10-18-11	840.22
Res. 2010-19	3-23-10	840.03, 840.06, 840.07, 840.09, 840.10, 840.24 (Repealed)	Res. 2012-10	2-21-12	840.26
Res. 2010-27	4-20-10	280.04	Res. 2012-27	3-20-12	620.03
Res. 2010-43	6-22-10	840.03	Res. 2012-34	4-17-12	420.18
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Res. 2010-54	8-17-10	1066.01, 1066.02	Res. 2012-84	9-18-12	628.05
Res. 2010-55	8-17-10	470.01 to 470.09	Res. 2012-91	10-23-12	840.03
			Res. 2012-112	12-18-12	460.04
			Res. 2013-65	7-16-13	242.04
			Res. 2013-95	9-17-13	628.05, 640.01, 640.04, 642.09, 642.12, 642.13, 644.01 to 644.06, 644.08 to 644.15, 646.01, 646.02, 646.07 to 646.09, 648.01 to 648.07, 648.10, 650.04,

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Res. 2013-95 (Cont.)		652.01, 654.01 to 654.03, Repeals 650.03, 652.01, 652.02, 652.03 (Repealed)	Res. 2015-123	12-15-15	280.01, 280.03, 280.04, Repeals 298.01, Repeals 298.02
Res. 2013-108	10-22-13	1098.01, 1098.02	Res. 2015-124	12-15-15	281.01, 281.02, 283.01, 283.02, 289.01, 289.02, 291.01, 291.02, 297.01, 297.02, 297.03
Res. 2013-122	12-17-13	1016.04, 1018.02, 1018.03, 1062.01, 1062.02	Res. 2015-125	12-15-15	284.01, 284.02, 284.03
Res. 2013-123	12-17-13	620.01	Res. 2015-126	12-15-15	286.01, 286.02
Res. 2013-127	12-17-13	242.08	Res. 2015-127	12-15-15	Repeals Ch. 288, Ch. 292, Ch. 293, Ch. 299
Res. 2014-44	5-20-14	620.03	Res. 2016-36	6-7-16	840.03, 840.10, 840.27, Repeals 840.24
Res. 2014-60	7-15-14	420.01 to 420.17	Res. 2016-68	8-16-16	464.02, 464.03
Res. 2014-74	8-19-14	284.03	Res. 2016-69	8-16-16	465.01 to 465.07
Res. 2014-110	10-21-14	1098.01, 1098.02	Res. 2016-70	8-16-16	470.01 to 470.09
Res. 2015-76	7-28-15	620.01	Res. 2016-71	8-16-16	Repeals Ch. 629
Res. 2015-100	10-20-15	210.01, 210.02, 210.03	Res. 2016-72	8-16-16	654.01, 654.02, Repeals 654.03
Res. 2015-101	10-20-15	240.01	Res. 2016-73	8-16-16	1088.01 to 1088.05
Res. 2015-102	10-20-15	648.01			
Res. 2015-122	12-15-15	Repealing Ch. 246			

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Res. 2016-87	9-27-16	216.01, 216.02, 216.03
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Res. 2016-90	9-27-16	848.01, 848.02, 848.05
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OF THE
GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

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BYLAWS
OF THE
GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

ARTICLE I
General Provisions

Sec. 1. Principal Office. The principal office of the Greater Cleveland Regional Transit Authority (hereinafter referred to as the "Authority"), its Board of Trustees (hereinafter sometimes referred to as the "Board"), and its Secretary-Treasurer, shall be located at 1240 West 6th Street, Cleveland, Ohio 44113.
(Res. 1988-38. Passed 2-16-88.)

Sec. 2. Sub Offices. The Board may establish sub offices at such other places, within the territory served by the Authority, as shall be designated from time to time by the Board in order to further the purposes of the Authority and the efficiency of its operation. (Res. 1988-38. Passed 2-16-88.)

Sec. 3. Compensation of Members. All members of the Board shall be compensated and shall be reimbursed for expenses as provided by law, by the agreement by which this Authority was established and by resolutions of the Board not inconsistent therewith. (Res. 1988-38. Passed 2-16-88.)

ARTICLE II
Officers

Sec. 1. Officers Generally. The officers of the Authority shall be President, Vice-President and General Manager, who shall also serve as Secretary-Treasurer, and such other officers as the Board of Trustees may from time to time designate. The President and Vice-President shall be members of the Board and shall be elected to their offices; all other officers shall not be members of the Board and shall be appointed to their offices.
(Res. 1988-38. Passed 2-16-88.)

Sec. 2. Terms of Office. The President and Vice-President elected prior to adoption of these Bylaws shall continue to hold office until the next annual meeting of the Board and until their successors take office. The terms of the President and Vice-President elected thereafter shall be one year and until their successors take office. The President and Vice-President shall be elected at the annual meeting of the Board and shall take office on their election, provided that either the President or the Vice-President shall be a trustee appointed by the City of Cleveland and the other shall be a trustee appointed by one of the other two appointing authorities. If either the President or the Vice-President, who was a member of the Board when he or she was elected to office, ceases to be such a member, he or she shall also cease to be such officer. (Res. 1988-38. Passed 2-16-88.)

Sec. 3. Resignations. Any officer may resign from his or her position as such officer by giving written notice of such resignation to the President of the Board, provided that in the event of resignation of the President, such written notice shall be given to the Vice-President. The resignation shall be effective as of the time or upon the event stated in such written notice, or, if there is no such time or event stated, then as of the date of the receipt of the written notice of resignation by the proper officer. Notice of the resignation shall be transmitted promptly to the other members of the Board by the officer receiving such resignation. Resignations shall not require acceptance by the Board. (Res. 1988-38. Passed 2-16-88.)

Sec. 4. Removal. All appointed officers shall serve at the pleasure of the Board and shall be subject to removal by the Board at any time. (Res. 1988-38. Passed 2-16-88.)

Sec. 5. Vacancies. Any vacancy in the office of President or Vice-President of the Board shall be filled for the unexpired term by majority vote of the Board in the same manner as the original election of such officer. (Res. 1988-38. Passed 2-16-88.)

Sec. 6. President. The President shall preside at all meetings of the Board. He or she shall perform all duties commonly incident to the position of presiding officer of a board or commission and all duties commonly incident to the position of chairman of a board or commission. He or she shall have authority (without impairment of any authority specifically granted by the Board to any other person) to sign all contracts, releases, notes, bonds and other documents and instruments to be executed on behalf of the Authority. He or she shall perform such other duties and have such other authority as may be provided from time to time by the Board. (Res. 1988-38. Passed 2-16-88.)

Sec. 7. Vice-President. The Vice-President shall perform the duties and have the authority of the President during the absence or inability of the President to perform his or her duties and during any period while the office of President is vacant, and shall preside at all meetings of the Board when and while the President shall vacate the chair. When performing the duties and having the authority of the President, the Vice-President shall have all powers of the President. He or she shall perform such other duties and have such authority as the Board may from time to time provide. At any meeting at which both the President and Vice-President are absent, the Board, by a majority vote of those present, may elect a member of the Board to serve as presiding officer for that meeting. If the Vice-President is elected to fill a vacancy in the office of the President, the office of Vice-President shall thereupon be deemed to be vacant and shall be filled in the manner provided in these Bylaws. (Res. 1988-38. Passed 2-16-88.)

Sec. 8. General Manager and Secretary-Treasurer.

(a) The General Manager shall be the chief executive officer of the Authority, as well as being the Fiscal Officer of the Authority in his or her role as Secretary-Treasurer.

(b) In his or her role as General Manager, he or she:

(1) Shall have full authority to manage the properties and business of the Authority, except for those powers and authorities reserved to the Board;

(2) Shall direct the enforcement of all resolutions, rules and policies of the Board relative to the general operation of the Authority;

(3) Shall prepare and submit to the Board the annual budget and appropriation measures and amendments thereto;

(4) May sign and execute contracts and agreements necessary and proper for the performance of his or her duties, subject to Article VII, Section 3;

(5) Shall do all things necessary for the proper implementation of the policies and programs of the Board;

(6) Shall report to and counsel with the President of the Board and, in the President's absence, the Vice-President, on questions of procedure, policy or practice;

(7) May hire, fire, promote and demote all personnel, within the bounds of law, contract, and the Personnel Policies and Procedures, except as provided in Article VIII, Sections 5 and 6, of these Bylaws;

(8) Shall develop performance assessment criteria and perform semiannual performance reviews for all personnel;

(9) Shall determine the salaries of all personnel within the salary ranges approved by the Board of Trustees, other than those salaries determined by operation of law or contract;

(10) Shall coordinate and be responsible for communication with and assignment of work to the Legal Affairs Division of the Authority;

(11) May, as Chief Executive Officer, direct the Legal Affairs Division to prosecute, defend, settle or compromise all suits and claims for and on behalf of the Authority arising out of the operation of the Authority;

(12) Shall perform such other duties as may be required by law or may be imposed on him or her by the Board;

(13) Shall execute all checks; and

(14) Shall be deemed to have discharged his or her responsibilities under these Bylaws if he or she has caused the same to be discharged by an assistant or other person properly authorized by him or her.

(c) In his or her role as Secretary-Treasurer, he or she:

(1) Shall be the Fiscal Officer of the Authority;

(2) Before receiving any moneys, shall give a compensated surety bond to and in favor of the Authority in the penal sum of twenty-five thousand dollars (\$25,000). Such bond shall be conditioned upon the faithful performance of the duties of the office and shall be executed by sureties satisfactory to the Authority. The cost of such bond and any other bonds required by these Bylaws shall be paid by the Authority.

(3) Shall attend all meetings of the Board and keep accurate records of the proceedings, which shall be attested to by him or her. He or she shall have such authority and perform such duties as are provided by law and such as may, at any time and from time to time, be delegated to him or her by the Board. He or she shall have custody of and maintain all minutes, resolutions, records, documents and files of the Authority as true and exact copies thereof and shall affix to such certification any seal of the Authority, which seal shall be maintained in his or her custody.

(4) Shall cause to be kept accurate books of account of all transactions on behalf of the Authority;

(5) Shall have the care and custody of the funds of the Authority and may, on behalf of the Authority, endorse for deposit or collection all drafts, checks, notes and other instruments and orders for the payment of money to the Authority, or its order, and sign receipts therefor;

- (6) May sign, on behalf of the Authority, all vouchers for payments to be made by the Authority and checks, drafts, bonds, notes and other obligations of the Authority for the payment of money by the Authority in the manner and to the extent provided in these Bylaws;
- (7) Shall, from time to time, allocate and reallocate the funds of the Authority to inactive, interim, active or special funds, and invest such funds, as provided or permitted by law or as authorized by the Board;
- (8) Shall be Secretary to all committees and, when directed by the chairman of any committee, shall cause minutes of each meeting to be kept;
- (9) Shall have such authority and perform such other duties as are conferred by law upon or incident to the office of Secretary or Treasurer and the office of Fiscal Officer of an authority, board or commission. He or she shall be deemed to have discharged his or her responsibilities under these Bylaws if he or she has caused the same to be discharged by an assistant or other person properly authorized by him or her, except as to any duty which under the law can be discharged only personally by the Secretary-Treasurer or Fiscal Officer of an authority, pursuant to law.
- (10) Shall perform such other duties as may be required of him or her by law or as may be imposed on him or her by the Board.

(Res. 1988-38. Passed 2-16-88; Res. 1999-145. Passed 10-26-99.)

Sec. 9. Assistants. The Board may appoint from time to time such assistants to the Board as it deems appropriate. Such assistants may perform any and all of the duties and have the authority and powers as shall be delegated and assigned to them from time to time by the Board, subject only to limitations imposed by law. Such assistants may include, but are not limited to, secretarial assistants, clerical assistants and a legal advisor to the Board, who shall not be a member of the Legal Affairs Division of the Authority. (Res. 1988-38. Passed 2-16-88; Res. 1999-145. Passed 10-26-99.)

ARTICLE III Meetings

Sec. 1. Quorum. A majority of the members of the Board of Trustees shall constitute a quorum and the affirmative vote of a majority of the members of the Board shall be necessary for any action taken by the Board, provided that less than a quorum may adjourn a meeting of the Board.

(Res. 1988-38. Passed 2-16-88.)

Sec. 2. Meeting Places. All meetings of the Board shall be held at its principal office, at such other place as may be designated by the President at a preceding meeting or as designated in the notice of the meeting, as hereinafter provided. (Res. 1988-38. Passed 2-16-88.)

Sec. 3. Meetings Generally. The annual meeting of the Board shall be at the first regular meeting in March in each year. Regular meetings of the Board shall be held at the principal office of the Authority on the third Tuesday of each calendar month, and regular Committee meetings shall be held on the first Tuesday of each calendar month, at an hour established by resolution of the Board, unless another date and/or hour for such meeting is designated by motion of the Board duly adopted at a preceding regular meeting. Special meetings of the Board may be called at any time by resolution or by the President, Vice-President or any two members of the Board. The officer or member calling the meeting shall give notice, or cause the same to be given, to the other members of the Board of the date, hour and place of the meeting. Such notice may be given in person or by telephone at least twenty-four hours prior to the meeting, by letter mailed by first class mail or by telegram, and such letter shall be mailed and such telegram shall be sent at least forty-eight hours prior to the meeting. Notice of a meeting need not be given to any member of the Board who was in attendance at the meeting when the resolution calling the special meeting was adopted or if such notice was waived by him or her in writing before, during or after such meeting, or if he or she shall be present at the meeting. Any meeting shall be a valid meeting without notice having been given if all of the members of the Board are present at such meeting. (Res. 1999-57. Passed 4-20-99; Motion 3-27-01. Effective 6-1-01.)

Sec. 4. Minutes and Resolutions.

(a) Action of the Board shall be by resolution or motion. Resolutions shall be in written or typewritten form. On passage of each motion or resolution, the vote of each member present shall be entered in the minutes of the meeting, provided that a unanimous vote may be recorded as such in the minutes.

(b) The minutes of each meeting of the Board shall be recorded in a separate book designated "Minutes Book," bearing appropriate volume numbers, to be kept by the Secretary-Treasurer for such purpose. With respect to each meeting there shall be shown in the minutes the date and place at which the meeting was held, the names of the members present, a summary of business transacted and a record of each vote taken. The minutes will be signed by the President or other member of the Board presiding at the meeting and shall be attested by the Secretary-Treasurer. A resolution adopted shall be identified by appropriate reference to the number and title of such resolution.

(c) Each resolution adopted by the Board will be numbered, signed by the member of the Board presiding at the meeting, attested by the Secretary-Treasurer or Assistant Secretary-Treasurer and maintained in separate books designated "Resolution Book," bearing appropriate volume numbers, to be kept by the Secretary-Treasurer for such purpose. Resolutions shall be annually numbered consecutively beginning with the number one. Each resolution shall bear as a prefix to its number the year in which it was adopted.

(d) As provided by law, the Minutes Books and Resolution Books shall be open to the inspection of the public at all reasonable times.

(Res. 1988-38. Passed 2-16-88.)

Sec. 5. Public Meetings. All meetings of the Board, except executive sessions held for purposes required or permitted by law, shall be open to the public, and no person shall be excluded from any meeting except for conduct which unreasonably interferes with the orderly conduct of the meeting. (Res. 1988-38. Passed 2-16-88.)

Sec. 6. Rules of Procedure. Until otherwise provided, meetings of the Board shall be conducted in accordance with Robert's Rules of Order, subject to Section 7. (Res. 1988-38. Passed 2-16-88.)

Sec. 7. Conduct of Meetings. Meetings of the Board shall be conducted in accordance with the following procedures:

(a) **Vote.** Actions may be taken by voice vote, except that the presiding officer may, and upon the request of any member shall, require any vote to be taken by roll call. Any member of the Board shall be permitted to change his or her vote until the roll call has been verified and the result declared. A motion for reconsideration on any vote may be made by any member who was in the majority on such vote. Such motion must be made not later than the close of the meeting following the one at which such vote was taken.

(b) **Division of Question.** If any question contains two or more divisible propositions, the presiding member may, and upon request of a member shall, divide the same.

(c) **Order of Business.** Unless otherwise ordered by the presiding officer or consented to by motion, the business of regular meetings of the Board shall be transacted in the following order:

1. Roll call
2. Submission of minutes of preceding meetings
3. Reports and communications from officers

4. Other reports and communications
5. Reports of standing committees
6. Reports of other committees
7. Consideration of pending resolutions and motions
8. Introduction of new resolutions and motions
9. Other business 10, Adjournment.

(d) Motions. Motions shall be presented, seconded and acted upon, in accordance with recognized parliamentary procedures. Upon request of any member, any motion shall be reduced to writing. Any motion may be withdrawn by the movant with the consent of the second, before it has been amended or voted upon. All motions which have been entertained by the presiding member shall be entered upon the minutes of the meeting. (Res. 1988-38. Passed 2-16-88.)

Sec. 8. Absence of Secretary-Treasurer. If neither the Secretary-Treasurer nor the Assistant Secretary-Treasurer is present at a meeting, the presiding member may designate a person, who need not be a member of the Board, as acting Secretary to record the minutes of the meeting and attest to any resolution adopted at such meeting. The acting Secretary may also certify as to the authenticity of any resolution adopted at such meeting or to the correctness of a copy or extract of the minutes of such meeting. (Res. 1988-38. Passed 2-16-88.)

Sec. 9. Rules for Notification of Meetings. The following Rules are hereby adopted, pursuant to Ohio R.C. 121.22(F), for the purposes of establishing a reasonable method for any person to determine the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings; making provisions for giving advance notice of special meetings to the news media that have requested notification; and making provisions for persons to request and obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. These Rules are in addition to any applicable legal requirements as to notices to members of the Board or to others in connection with specific meetings or specific subject matters.

(a) Definitions. As used in these Rules:

(1) "Day" means calendar day.

(2) "Meeting" means any prearranged discussion of the public business of the Authority by a majority of the members of the Board.

(3) "Notification" means notification given orally, either in person or by telephone, directly to the person for whom such notification is intended, or by leaving an oral message for such person at the address, or if by telephone at the telephone number, of such person as shown on the records kept by the Secretary-Treasurer under these Rules.

- (4) "Post" means to post, in an area accessible to the public, during usual business hours at the office of the Secretary-Treasurer and at the following location:

Entrance Lobby
1240 West 6th Street
Cleveland, Ohio 44113

A notice identifying the locations at which notifications will be posted pursuant to these Rules shall be published by the Secretary-Treasurer within five calendar days after the adoption of these Rules.

- (5) "Special meeting" means a meeting which is neither a regular meeting nor an adjournment of a regular meeting to another time or day to consider items specifically stated on the original agenda of such regular meeting.
- (6) "Written notification" means notification in writing which is mailed, telegraphed or delivered to the address of the person for whom such notification is intended, as shown on the records kept by the Secretary-Treasurer under these Rules, or in any way delivered to such person. If mailed, such notification shall be mailed by first class mail, deposited in a U.S. Postal Service mailbox not later than the second day preceding the day of the meeting to which such notification refers, provided that at least one regular mail delivery day falls between the day of mailing and the day of such meeting.
- (b) Notice of Regular and Organizational Meetings.
- (1) The Secretary-Treasurer shall post a statement of the times and places of regular meetings of the Board of each calendar year not later than the second day preceding the day of the first regular meeting of the calendar year. The Secretary-Treasurer shall check at reasonable intervals to ensure that such statement remains so posted during such calendar year. If at any time during the calendar year the time or place of regular meetings, or of any regular meeting, is changed on a permanent or temporary basis, a statement of the time and place of such changed regular meetings shall be so posted by the Secretary-Treasurer at least twenty-four hours before the time of the first changed regular meeting.
- (2) The Secretary-Treasurer shall post a statement of time and place of the annual meeting of the Board at least twenty-four hours before the time of such annual meeting.
- (3) Upon the adjournment of any regular or special meeting to another day, the Secretary-Treasurer shall promptly post notice of the time and place of such adjourned meeting.

(c) Notice of Special Meetings.

- (1) Except in the case of a special meeting referred to in paragraph (d)(4) hereof, the Secretary-Treasurer shall, not later than twenty-four hours before the time of a special meeting, post a statement of the time, place and purposes of such special meeting.
- (2) The statement provided for in this subsection and the notifications provided for in subsection (d) hereof shall state such specific or general purposes then known to the Secretary-Treasurer which are intended to be considered at such special meeting and may state, as an additional general purpose, that any other business as may properly come before the Board at such meeting may be considered and acted upon.

(d) Notice to News Media of Special Meetings.

- (1) Any news medium organization that desires to be given advance notification of special meetings shall file with the Secretary-Treasurer a written request therefor, on a standard form to be provided by the Secretary-Treasurer. Except in the event of an emergency requiring immediate official actions, as referred to in subsection (d) hereof, a special meeting shall not be held unless at least twenty-four hours advance notice of the time, place and purposes of such special meeting is given to the news media that have requested such advance notification in accordance with paragraph (d)(2) hereof.
- (2) News media requests for such advance notification of special meetings shall specify the name of the medium; the name and address of the person to whom written notifications to the medium may be mailed, telegraphed or delivered; the names, addresses and telephone numbers (including addresses and telephone numbers at which notifications may be given either during or outside of business hours) of at least two persons to either one of whom oral notifications to the medium may be given; and at least one telephone number which the request identifies as being manned, and which can be called at any hour for the purpose of giving oral notification to such medium.

Any such request shall be effective for one year from the date of filing with the Secretary-Treasurer or until the Secretary-Treasurer receives written notice from such medium canceling or modifying such request, whichever is earlier. Each requesting news medium shall be informed of such period of effectiveness at the time it files its request. Such request may be modified or extended only by filing a complete request with the Secretary-Treasurer. A request shall not be deemed to be made unless it is complete in all respects and unless such request may be conclusively relied on by the Board, the Authority and the Secretary-Treasurer.

(3) The Secretary-Treasurer shall give such oral or written notification, or both, as he or she determines, to the news media that have requested such advanced notification, in accordance with paragraph (d)(2) hereof, of the time, place and purposes of each special meeting, at least twenty-four hours prior to such special meeting.

(4) In the event of an emergency requiring immediate official action, a special meeting may be held without giving twenty-four hours advance notification thereof to the requesting news media. The persons calling such meeting, or any one or more of such persons or the Secretary-Treasurer on their behalf, shall immediately give oral or written notification, or both, as the person giving such notification determines, of the time, place and purposes of such special meeting to such news media that have requested such advance notification in accordance with paragraph (d)(2) hereof. The minutes or the call, or both, of any special meeting shall state the general nature of the emergency requiring immediate official action.

(e) Notification of Discussion of Special Types of Public Business.

(1) Any person, upon written request and as provided herein, may obtain reasonable advance notification of all meetings at which any specific type of public business is scheduled to be discussed.

Such person shall file a written request with the Secretary-Treasurer, specifying the person's name and the address(es) and telephone number(s) at or through which the person can be reached during and outside of business hours; the specific type of public business the discussion of which the person is requesting advance notification; and the number of calendar months (not to exceed twelve) which the request covers. Such request may be canceled by request for such person to the Secretary-Treasurer.

Each such written request shall be accompanied by stamped self-addressed Number 10 envelopes sufficient in number to cover the number of regular meetings during the time period covered by the request. The Secretary-Treasurer shall notify in writing the requesting person when the supply of Number 10 envelopes is running out, and if the person desires notification after such supply has run out, such person must deliver to the Secretary-Treasurer an additional reasonable number of such stamped self-addressed envelopes as a condition to receiving further notifications.

Such requests may be modified or extended only by filing a complete new request with the Secretary-Treasurer. A request shall not be deemed to be made unless it is complete in all respects and unless such request may be conclusively relied on by the Authority, the Board and the Secretary-Treasurer.

(2) The Secretary-Treasurer shall give such advance notification under this subsection by written or oral notification, or both, as he or she determines. The contents of written notification under this paragraph may be a copy of the agenda of the meeting. Written notification under this paragraph may be accomplished by giving advance written notification, by copies of the agendas, of all meetings of the Board that are the subject of such request,

(f) Notification Generally.

(1) Any person may visit or telephone the office of the Secretary-Treasurer during regular office hours to determine, based on information available at that office, the time and place of regular meetings; the time, place and purposes of any then known special meetings; and whether or not the available agenda of any such future meeting states that a specific type of public business, identified by such person, is to be discussed at such meeting.

(2) Any notification provided herein to be given by the Secretary-Treasurer may be given by any person acting in behalf of or under the authority of the Secretary-Treasurer.

(3) A reasonable attempt at notification shall constitute notification in compliance with these Rules.

(4) A certificate by the Secretary-Treasurer as to compliance with these Rules shall be conclusive upon the Authority.
(Res. 1988-38. Passed 2-16-88.)

ARTICLE IV Powers and Duties

Sec. 1. Appointment of Personnel. Notwithstanding the enumeration of various officers and the delineation of their duties in these Bylaws, the Board of Trustees may from time to time create such additional positions of employment as it may deem desirable or necessary. These positions may or may not be subject to the Personnel Policies and Procedures. The General Manager shall appoint individuals to these positions and shall enumerate their duties. (Res. 1988-38. Passed 2-16-88.)

Sec. 2. Salary Ranges. The Board will set salary ranges for each grade of classified positions, as well as the salary ranges for all unclassified positions, subject to any legal or contractual limitation. The salary ranges will include both minimum and maximum compensation for each grade of classified positions and each unclassified position, with the maximum salary for each being not less than 150 percent of the minimum salary. The General Manager will determine the salary of each individual employee within the salary range determined by the Board for that grade or position. (Res. 1988-38. Passed 2-16-88.)

Sec. 3. Employees. To provide a sound, comprehensive and uniform system of personnel administration for the Authority, whereby effectiveness and economy in the personal services rendered and fairness to the employees and the public alike may be promoted and employment in the system may be rendered attractive as a career to persons qualified to serve therein, the Board shall adopt rules governing appointment and promotion in the Authority. The Rules so established shall remain and continue in effect until amended or rescinded by the Board of Trustees. (Res. 1988-38. Passed 2-16-88.)

Sec. 4. Merit System Appeals Board. (EDITOR'S NOTE: Section 4 was repealed by Resolution 1991-22, passed January 22, 1991.)

Sec. 5. Professional Consultants. The Board may from time to time engage professional consultants or advisors as it may deem desirable or necessary. Such professional consultants shall be employed at compensation established by the Board and shall serve at the pleasure of the Board unless they are governed by specific contracts of engagement. The Board may authorize the General Manager to employ professional consultants and advisors and, except as the Board has otherwise established, prescribe their duties and conditions for performing services for the Authority. (Res. 1988-38. Passed 2-16-88.)

Sec. 6. Delegation of Duties. There is reserved to the General Manager the authority, from time to time, to delegate, transfer or assign duties of employees to the extent permitted by law and in conformity with the Personnel Policies and Procedures established by the Board. (Res. 1988-38. Passed 2-16-88.)

Sec. 7. Execution of Instruments.

(a) Deeds. Leases. Contracts and Other Agreements. Deeds, leases, contracts, agreements and all other documents, except those referred to in subsection (b) hereof, shall be signed by the officer or other person specified in any pertinent statute as the officer or other person required to execute such instruments. If no such statutory requirement exists, such instruments shall be signed by the President or Vice-President and by the Secretary-Treasurer, or the Assistant Secretary-Treasurer, but the Board may at any time or from time to time designate one or more of its members or any other employee or officer to execute any such instrument for and on behalf of the Authority.

(b) Checks. Drafts. Etc. Checks shall be executed by the signature of the General Manager, which signature may be a facsimile signature. Drafts, notes, bonds and any other instruments requiring the payment of money shall be executed by the Secretary-Treasurer.

(c) Purchase Orders. Purchase orders for materials and services for which expenditures have been authorized may be signed by the President, the Vice-President, the Secretary-Treasurer, the Assistant Secretary-Treasurer, the General Manager, and the Deputy General Manager-Finance and Administration, of the Authority, as provided in Article VII, Section 3. A facsimile signature may be used in certifying the availability of funds as required by law.

(Res. 1999-145. Passed 10-26-99.)

Sec. 8. Reimbursement for Expenses. Any member of the Board who properly incurs expenses in the course of his or her official duties shall be reimbursed for such expenses so incurred, upon vouchers approved by the President, or, in his or her absence, the Vice-President, and by the Secretary-Treasurer.

All officers and employees who properly incur expenses in the course of their official duties shall be reimbursed for such expense so incurred upon vouchers approved by the General Manager or a Deputy General Manager. (Res. 1988-38. Passed 2-16-88; Res. 1999-145. Passed 10-26-99.)

ARTICLE V Official Seal

Sec. 1. Adoption. The Authority may adopt an official seal, which shall be maintained at the principal office of the Authority. (Res. 1988-38. Passed 2-16-88.)

Sec. 2. Failure to Affix. Failure to affix the seal of the Authority to any document or instrument shall in no manner affect the validity of such document or instrument. (Res. 1988-38. Passed 2-16-88.)

ARTICLE VI Committees

Sec. 1. Standing Committees. The four standing committees of the Board shall be the Finance Committee, the Executive Committee, the Operations Committee and the Planning and Development Committee. The Board may establish from time to time such additional committees of its members as it deems necessary, and the President shall appoint members to such committees, naming one of the committee's members as chairman. If the President fails to appoint members to a committee or name a chairman of a committee, then the Board shall appoint such members or name a chairman as the case may be. The President and Vice-President shall each be an ex-officio member of each committee. (Res. 1998-76. Passed 6-16-98.)

Sec. 2. Other Committees. The Board may, from time to time, create additional committees. If the President fails to appoint members of a committee or name a chairman of a committee, then the Board shall appoint such members or name a chairman as the case may be. The President and Vice-President shall each be an ex-officio member of each committee. (Res. 1988-38. Passed 2-16-88.)

Sec. 3. Meetings. In the absence of a chairman, a quorum of any committee being present, a temporary chairman shall be selected by a majority vote of the members present. Each committee may establish a procedure for calling and giving notice of committee meetings, the conduct of such meeting, the undertaking of committee activities, and the preparation of committee reports, provided, that in the case of any committee which consists of a majority of the members of the Board, notification of meetings of such committee shall be given, and such meetings shall be conducted, in accordance with Section 9 of Article III of these Bylaws. (Res. 1988-38. Passed 2-16-88.)

Sec. 4. Special Advisory Committees. The Board may create Special Advisory Committees. The President shall appoint members of the Special Advisory Committees naming a chairman of each. Members of Special Advisory Committees need not be members of the Board. If the President fails to appoint members to a Special Advisory Committee or a chairman thereof, then the Board shall appoint such members or chairman as the case may be. Each Special Advisory Committee shall establish a procedure for calling and giving notice of that committee's meetings, the conduct of its meetings and the preparation of its reports including the procedure to be used in such preparation. The President of the Board or a Board member designated by him or her shall be an ex-officio member of each Advisory Committee. (Res. 1988-38. Passed 2-16-88.)

ARTICLE VII Appropriations and Contracts

Sec. 1. Appropriations. Appropriations and budget procedure shall be in accordance with the Ohio Revised Code. (Res. 1988-38. Passed 2-16-88.)

Sec. 2. Contracts. Contracts shall be entered into in accordance with the applicable provisions of the Ohio Revised Code and these Bylaws. (Res. 1988-38. Passed 2-16-88.)

Sec. 3. Expenditures. Expenditures in excess of the amount specified by law shall be authorized by the Board. Expenditures of the amount allowed by law or less for which moneys have been appropriated may be made on authorization of the President or, in his or her absence, the Vice-President, or of the General Manager, or, in his or her absence, the Acting General Manager. (Res. 1999-145. Passed 10-26-99.)

Sec. 3A Change Orders. (EDITOR'S NOTE: Section 3A was repealed by Resolution 1991-22, passed January 22, 1991.)

Sec. 4. Equal Employment Opportunity. The Authority shall not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin. The Authority shall take affirmative action to ensure that applicants are employed, and that employees are treated during their employment, without regard to their race, religion, color, sex or national origin. Such actions shall include, but not be limited to, the following: employment, upgrading, promotion, demotion, disciplining or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; selection for training, including apprenticeship; and other terms and conditions for employment. (Res. 1988-38. Passed 2-16-88.)

Sec. 5. Nondiscrimination in Contracts, Purchase Orders and Agreements. All contracts, purchase orders or agreements subject to the Urban Mass Transportation Act of 1964, as amended, (49 U.S.C. 1601 et seq.) shall be subject to all rules and/or regulations issued pursuant thereto regarding nondiscrimination in Federally assisted programs of the United States Department of Transportation.

In all solicitations, either by competitive bidding or negotiations, made by the Authority for work to be performed under a contract, subcontract, purchase order or agreement, including, but not limited to, procurement of materials, services or equipment, the Authority shall receive an affidavit from the supplier that the supplier does not and will not discriminate in its employment practices because of race, religion, color, sex or national origin. The Authority will include in its specifications in connection such contract, subcontract, purchase order or agreement, a requirement that prior to an award of such contract, subcontract, purchase order or agreement that an affirmative action plan to provide equal employment opportunities must be provided to the Authority for its consideration. (Res. 1988-38. Passed 2-16-88.)

ARTICLE VIII
Administration and Employment

Sec. 1. Authority of General Manager. The General Manager shall be the chief executive, operating and administrative officer of the Authority. He or she shall possess such power and authority as enumerated in Article II, Section 8. (Res. 1988-38. Passed 2-16-88.)

Sec 2. Employment Generally. The General Manager is hereby authorized to employ from time to time on a temporary basis craftsmen and clerical personnel as may be necessary to carry out the operations and programs of the Authority. The General Manager shall be governed by the Personnel Policies and Procedures as adopted by the Board in his or her dealings with permanent and/or full-time employees. The General Manager shall fix the amount, if any, to be paid as reasonable and necessary expenses in connection with the employment of persons employed, including, but not limited to, expenses of such person incurred in moving from a former location to undertake such employment. All personnel must be paid from appropriations made for such personnel by the Board or from appropriations made by the Board for operating expenses or capital improvements when the services of such personnel are utilized with respect thereto. (Res. 1988-38. Passed 2-16-88.)

Sec. 3. Position of Permanent Employment. The Board shall establish positions of permanent employment from time to time for such management, professional and technical personnel as may be necessary to carry out the operations and program of the Authority. The General Manager is hereby authorized to employ and discharge with cause personnel for such positions and to prescribe their authority and duties. No such employment shall occur unless the Board has first created the position and established the compensation range for such grade, if the position is classified, or for such position, if it is unclassified. (Res. 1988-38. Passed 2-16-88.)

Sec. 4. Table of Organization; Establishment of Departments; Salaries. The General Manager may from time to time establish a table of organization and create such departments as he or she may deem necessary to carry on the functions of the Authority. Except as above provided, and as by the pay plans for hourly and salaried employees, salaries of all personnel employed shall be fixed by the General Manager within the salary ranges prescribed by the Board and shall be reviewed by the General Manager annually. (Res. 1988-38. Passed 2-16-88.)

Sec. 5. Internal Audit Department. Notwithstanding any other provision of these Bylaws, the Board shall maintain an Internal Audit Department, led by a Director of Internal Audit, who shall report functionally to the President of the Board of Trustees and administratively to the General Manager. The Director of Internal Audit shall also respond to requests for assistance from the General Manager, so long as those requests are not inconsistent with the Director's responsibilities to the Board.

Sec. 6. Personnel Decisions re Director of Internal Audit. All personnel decisions regarding the Director of Internal Audit, including, but not limited to, hiring, firing, promoting, demoting and salaries, shall be made by the General Manager only after consultation with and approval of the Board. (Res. 1988-38. Passed 2-16-88.)

Sec. 7. Personnel Provisions; Fringe Benefits. Except as above provided, office hours, hours of work, holidays, vacations, sick leave, payment in lieu of vacation or sick leave, military leave, funeral attendance, leave of absence without pay, medical insurance, jury duty and reimbursement of expenses shall be established by the General Manager. (Res. 1988-38. Passed 2-16-88.)

ARTICLE IX

Construction, Codification and Indemnification

Sec. 1. Construction and Severability. Each of such sections as are herein set forth and each provision thereof shall be construed, if possible, in a manner consistent with the laws of the State and of the United States. If any clause, provision, paragraph, subdivision, division or section hereof is held to be invalid, such holding of invalidity shall not affect the remaining clauses, provisions, paragraphs, subdivisions, divisions or sections, and these Bylaws shall be construed and enforced as if such illegal or invalid clause, provision, paragraph, subdivision or section had not been contained herein. (Res. 1988-38. Passed 2-16-88.)

Sec. 2. Number, Gender and Tense. As used in these Bylaws, unless the context otherwise requires:

- (a) The singular includes the plural, and the plural includes the singular.
- (b) Words of one gender include the other genders.
- (c) Words in the present tense include the future. (Res. 1988-38. Passed 2-16-88.)

Sec. 3. Codification. All amendments to these Bylaws, or to the Personnel Policies and Procedures, and all other resolutions adopted by the Board of Trustees relating to the governance, organization, personnel procedures or creation or discontinuation of positions of employment shall be caused to be incorporated in the amended document, and/or codified, by the Board. (Res. 1988-38. Passed 2-16-88.)

Sec. 4. Indemnification. Each member of the Board and each officer or employee of the Authority who was or is a party, or is threatened to be made a party, to any threatened, pending or completed civil, criminal, administrative or investigative action, suit or proceeding, other than an action by the Authority, by reason of the fact that he or she is or was a trustee, officer or employee of the Authority, may be indemnified by the Authority against expenses, including attorney's fees, costs of investigation, court costs, judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding, if he or she acted in good faith, in a manner that he or she reasonably believed to be in the discharge of the official duties of his or her office or employment, for a lawful purpose and not for a private purpose and in accordance with these bylaws and other applicable rules, regulations and policies of the Authority, and, with respect to any criminal action or proceeding, if he or she had no reasonable cause to believe that his or her conduct was unlawful.

The termination of any action, suit or proceeding by judgment, order, settlement or conviction, or upon a plea of nolo contendere or its equivalent, shall not create, of itself, a presumption that the person did not act in good faith, in a manner that he or she reasonably believed to be in the discharge of the official duties of his or her office or employment and for a lawful purpose and not for a private purpose, nor, with respect to any criminal action or proceeding, a presumption that the person had reasonable cause to believe that his or her conduct was unlawful.

Any person who expects to make a claim for indemnification under this section shall give written notice of the existence and nature of the action, suit or proceeding to which the person is a party, or threatened to be made a party, to the General Manager/Secretary-Treasurer (or, if the General Manager/Secretary-Treasurer is the person who expects to seek indemnification, to another officer designated to act in his or her place) before incurring substantial expenses in connection with such action, suit or proceeding, and shall thereafter furnish to the officer to whom such notice was given such further information concerning the status of the action, suit or proceeding and costs incurred and expected to be incurred by the person in connection therewith, as the officer to whom the notice was given shall, from time to time, reasonably request.

No claim for indemnification under this section will be considered unless it is filed not later than one year from the date on which the action, suit or proceeding to which it pertains has been completed, or on which a final judgment, decree or order has been rendered and the period for any appeal from the same has expired.

Any attorney's fees paid by the Authority under this section shall not exceed reasonable amounts for the actual services rendered and shall not in any case exceed amounts calculated in accordance with the Authority's schedule of fees for outside counsel to the Authority in effect at the time of the performance of the legal services for which payment is claimed.

Except with the written approval of the General Manager/Secretary-Treasurer (or, if the General Manager/Secretary-Treasurer is the person seeking indemnification, another officer designated to act in his or her place) given prior to the commencement of such legal services and upon good cause shown, no payments for attorney's fees and expenses under this section will be made with respect to a single action or proceeding to more than a single law office. Any statement for attorney's fees and expenses of a law office submitted in connection with a claim for indemnification shall be in such detail as the General Manager/Secretary-Treasurer or other officer having responsibility for the initial review of such statement shall require. No payment will be made for attorney's fees or other expenses that are determined by the Authority to be duplicative or not reasonably necessary. As used in this section, "law office" means a law firm that is a partnership of attorneys, a legal professional association or an attorney who is a sole practitioner together with his or her employees who are attorneys.

Attorney's fees and other expenses incurred by a member of the Board or by an officer or employee in defending any action, suit or proceeding referred to in this section may be paid by the Authority as they are incurred, in advance of the final disposition of the action, suit or proceeding, as authorized by the Board in the specific case, upon receipt of a commitment, satisfactory to the Board, by or on behalf of the Board member, officer or employee, to repay the amount if it ultimately is determined that he or she is not entitled to be indemnified by the Authority.

This section does not create any legal obligation on the part of the Authority toward any member of the Board or to any officer or employee. The decision in each case as to whether indemnification will apply shall be within the sole discretion of the Board as provided herein. This section may be revoked or amended by the Board at any time, and nothing herein shall be construed as constituting a condition or benefit of employment or as an emolument of office.

Any indemnification under this section shall inure to the benefit of the indemnified person's heirs, executors and administrators.

This section does not apply in the case of any action, suit or proceeding in which the Authority has the duty to indemnify members of the Board or officers or employees as provided in Ohio R.C. 2744.07, or any other provision of the Ohio Revised Code now in effect or enacted hereafter that provides for the circumstances under which the Authority has such a duty. (Res. 1993-58. Passed 3-16-93.)

ARTICLE X

Amendments and Prior Legislation

Sec. 1. Amendments. These Bylaws may be amended from time to time by a majority vote of the members of the Board of Trustees, provided that no proposed amendment shall be considered unless a written copy of such proposed amendment has been furnished to each member of the Board at least fourteen days prior to the meeting at which the proposed amendment is to be considered. Such fourteen-day period may be waived if all members of the Board consent thereto either by a specific statement of such waiver by each member entered in the minutes of the meeting at which such amendment is considered or by a written waiver of such period executed either before or after such meeting, or by a combination of the foregoing. (Res. 1988-38. Passed 2-16-88.)

Sec. 2. Prior Legislation. Any bylaw or part thereof heretofore adopted by the Board, which by law, by its terms, was to be effective until the adoption by the Board of comprehensive bylaws, or is inconsistent with any of the provisions of the Bylaws adopted by this resolution, is hereby repealed. (Res. 1988-38. Passed 2-16-88.)

POLICIES AND PROCEDURES
OF THE
BOARD OF TRUSTEES
OF THE
GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

PART TWO - ADMINISTRATION CODE

TITLE ONE - General Provisions

- Chap. 210. Designation and Amendments.
- Chap. 212. Definitions and Interpretation.
- Chap. 214. Public Hearing Process.
- Chap. 216. Public Records.

TITLE TWO - Board of Trustees, Committees, Boards and Task Forces

- Chap. 220. Board of Trustees.
- Chap. 222. Committees, Boards and Task Forces.

TITLE FOUR - Management

- Chap. 240. Executive Management Team.
- Chap. 242. CEO, General Manager/Secretary-Treasurer.
- Chap. 244. Deputy General Manager. (Repealed)
- Chap. 246. Assistant Secretary-Treasurer. (Repealed)

TITLE SIX - Internal Audit

- Chap. 260. Department of Internal Audit.
- Chap. 262. GCRTA Internal Audit Charter.

TITLE EIGHT - Divisions, Departments and Offices

- Chap. 280. Operations Division.
- Chap. 281. Engineering and Project Management Division.

(Cont.)

TITLE EIGHT - Divisions, Departments and Offices (Cont.)

- Chap. 282. Materiel Division. (Repealed)
- Chap. 283. Human Resources Division.
- Chap. 284. Legal Affairs Division.
- Chap. 286. Finance and Administration Division.
- Chap. 288. Development Division. (Repealed)
- Chap. 289. Office of Management and Budget.
- Chap. 290. Personnel Department. (Repealed)
- Chap. 291. Office of Marketing and Communications.
- Chap. 292. Office of Small Business and Employment Opportunity.
(Repealed)
- Chap. 293. Office of Organizational Planning and Development.
(Repealed)
- Chap. 294. Government Relations Department. (Repealed)
- Chap. 295. Office of External Affairs.
- Chap. 296. Construction Management and Engineering Department.
- Chap. 297. Office of Information Technology.
- Chap. 298. Security/RTA Police Department.
- Chap. 299. Safety Department. (Repealed)

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- TITLE ONE - General Provisions
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CHAPTER 210
Designation and Amendments

- 210.01 Designation; citation; headings.
210.02 Amendments and supplements.
210.03 Unauthorized changes.

CROSS REFERENCES

- Public transportation - see 49 U.S.C.A. 5301 et seq.
Federal Transit Administration, Department of Transportation - see 49 C.F.R. Ch. VI
Regional transit authorities - see Ohio R.C. 306.30 et seq.
Creation of regional transit authority - see Ohio R.C. 306.31, 306.32
Rules and regulations of Board of Trustees - see Ohio R.C. 306.34

CROSS REFERENCES (Cont.)

Authority to adopt, amend and repeal bylaws - see Ohio R.C. 306.35(D)

Dissolution of authority or modification in membership - see Ohio R.C. 306.54

Penalty for violations of county transit system rules and regulations - see
Ohio R.C. 306.99

Effect of amendments - see ADM. 212.03

210.01 DESIGNATION; CITATION; HEADINGS.

(a) This volume consists of all general and permanent motions and resolutions of the Board of Trustees of the Greater Cleveland Regional Transit Authority, revised, codified, arranged, numbered and consolidated into component codes, titles, chapters and sections, and as such shall be known and designated and, as of October 20, 2015, may be cited as the Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority, 2015, (replacing the title "Policies and Procedures of the Board of Trustees of the Greater Cleveland Regional Transit Authority, 1989"), for which designation "Code" may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in this Code.

(b) All references to codes, titles, chapters and sections are to such components of this Code unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Administration Code." Sections may be referred to and cited by the designation "section" followed by the number, such as "Section 210.01." (Res. 2015-100. Passed 10-20-15.)

210.02 AMENDMENTS AND SUPPLEMENTS.

(a) These Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority may be amended or supplemented at any time. Amendments will be made by motion or resolution of the Board that identifies the section of the Code to be amended. Supplements will be made by motion or resolution of the Board that enacts a new section of the Code.

(b) All amendments and supplements enacted as a part of this Code shall be integrated therewith by following the form of arrangement and plan set forth in the original Policies and Procedures of the Board of Trustees as follows: each Code shall be subdivided into titles and/or chapters, and each chapter shall be subdivided into sections, which shall be numbered in accordance with the decimal numbering system. The numbering of all sections shall be consecutive within each chapter commencing with the first section of Chapter 210, which shall be numbered 210.01, the first "2"

signifying Code 2, and the two figures "10" before the decimal signifying the chapter within the Code, and the two figures "01" after the decimal signifying the first section in Chapter 210 of the Code.

(Res. 2015-100. Passed 10-20-15.)

210.03 UNAUTHORIZED CHANGES.

No person shall change or amend, by additions or deletions, any part of these Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority; insert or delete pages or portions thereof; or alter or tamper with this Code in any manner whatsoever which will cause the legislation of the Authority to be misrepresented thereby.

(Res. 2015-100. Passed 10-20-15.)

CHAPTER 212
Definitions and Interpretation

212.01	Definitions.	212.04	Construction of section references.
212.02	Rules of construction.	212.05	Conflict of laws.
212.03	Revivor; effect of re-enactment, amendment or repeal.	212.06	Severability.
		212.07	Repeal.

CROSS REFERENCES

Urban mass transportation - see 49 U.S.C.A. 1601 et seq.
 Urban Mass Transportation Administration, Department of Transportation - see 49 C.F.R. Ch. VI
 Regional transit authorities - see Ohio R.C. 306.30 et seq.
 Creation of regional transit authority - see Ohio R.C. 306.31, 306.32
 Rules and regulations of Board of Trustees - see Ohio R.C. 306.34
 Authority to adopt, amend and repeal bylaws - see Ohio R.C. 306.35(D)
 Dissolution of authority or modification of membership - see Ohio R.C. 306.54
 Penalty for violations of county transit system rules and regulations - see Ohio R.C. 306.99
 Interpretation of Bylaws - see Bylaws Art. IX
 Amendments and supplements - see ADM. 210.02

212.01 DEFINITIONS.

As used in these Policies and Procedures of the Board of Trustees of the Greater Cleveland Regional Transit Authority, unless otherwise expressly provided or the context otherwise requires:

- (a) "And" may be read "or," and "or" may be read "and," if the sense requires it.
- (b) "Authority" means the Greater Cleveland Regional Transit Authority, established pursuant to Ohio R.C. 306.32.
- (c) "Board" means the Board of Trustees of the Greater Cleveland Regional Transit Authority, appointed as provided in Ohio R.C. 306.33.
- (d) "County" means Cuyahoga County, Ohio.
- (e) "Land" and "real estate" include rights and easements of an incorporeal nature.

(f) "Law" means any and all laws, including constitutions, statutes, ordinances, resolutions, rules, regulations, motions and orders, of the United States, any state, any political subdivision of a state, any municipal corporation or any other legal entity.

(g) "May" is permissive.

(h) "Month" means a calendar month.

(i) "Motion" means a legislative enactment of the Board of Trustees that is recorded in the minutes of the Board but which is not separately published.

(j) "Owner," when applied to property, includes a part owner, joint owner or tenant in common of the whole or any part of such property.

(k) "Person" means the State, a municipal corporation, a political subdivision, a public or private corporation, an individual, a partnership, a firm, an association, a business trust, an estate, a trust or any other entity.

(l) "Premises," when used as applicable to property, extends to and includes land and buildings.

(m) "Property" includes real and personal property and any mixed and lesser estates or interests therein. "Personal property" includes every kind of property except real property; "real property" includes land, tenements and hereditaments.

(n) "Public place" means any place to or upon which the public resorts or travels, whether such place is owned or controlled by a municipality, the State or the United States, or any agency of the State or the United States, or is a place to or upon which the public resorts or travels by custom or by invitation, express or implied.

(o) "Reasonable time" means such time only as may be necessary for the prompt performance of an act or the giving of required notice.

(p) "Residence" means an abode in which a person permanently resides.

(q) "Resolution" means a legislative enactment of the Board of Trustees that is separately published and recorded.

(r) "Shall" is mandatory.

(s) "Sidewalk" means that portion of a street between the curb lines or lateral lines and the right-of-way lines, which is intended for the use of pedestrians.

(t) "State" means the State of Ohio.

(u) "Street," "highway" and "alley" mean the entire width subject to an easement for public right of way, or owned in fee by a municipality, county or the State, of every way or place, of whatever nature, whenever any part thereof is open to the use of the public as a matter of right for purposes of public travel. The word "alley" means any such way or place providing a secondary means of ingress and egress from a property.

(v) "Transit facility" means:

(1) A street railway, motor bus, tramline, subway, monorail, rapid transit, aeroplane, helicopter, ferry or other ground or water transportation system having as its primary purpose the regularly scheduled mass movement of passengers between locations within the territorial boundaries of the Greater Cleveland Regional Transit Authority, including all rights of way, power lines, rolling stock, equipment, machinery, terminals, buildings, administration and maintenance and repair facilities, and supporting parking facilities, and franchise rights attendant thereto, but excluding therefrom trucks and facilities designed for use in the movement of property by truck;

(2) Docks, wharves, warehouses, piers and other port, terminal or transportation facilities and marinas;

(3) Facilities used, available for use or designed for use to aid in the safe taking off or landing of aircraft, for the safety, storage and maintenance of aircraft, for the comfort and accommodation of users of air transportation, including persons, property and mail, or for the safe and efficient operation and maintenance of an airport, and buildings and facilities as are reasonably necessary for the comfort and accommodation of the users of transit facilities; or

(4) Any combination of the foregoing.

(w) "Written" and "in writing" include any representation of words, letters or figures, whether by printing or otherwise.

212.02 RULES OF CONSTRUCTION.

(a) Common and Technical Use. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

(b) Singular and Plural; Gender; Tense.

(1) The singular includes the plural, and the plural includes the singular.

(2) Words of one gender include the other genders.

(3) Words in the present tense include the future.

(c) Computation of Time.

(1) The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day which is not Sunday or a legal holiday.

(2) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

(3) When an act is to take effect or become operative from and after a day named, no part of that day shall be included.

(d) Liberal Construction. All general provisions, terms, phrases and expressions contained in these Policies and Procedures of the Board of Trustees of the Greater Cleveland Regional Transit Authority shall be liberally construed in order that the true intent and meaning of the Board of Trustees may be fully carried out.

(e) Minimum Requirements. In the interpretation and application of these Policies and Procedures, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

212.03 REVIVOR; EFFECT OF RE-ENACTMENT, AMENDMENT OR REPEAL.

(a) The repeal of a repealing provision of these Policies and Procedures of the Board of Trustees of the Greater Cleveland Regional Transit Authority does not revive the provision originally repealed or impair the effect of any saving clause therein.

(b) The re-enactment, amendment or repeal of a provision of these Policies and Procedures does not, except as provided in subsection (c) hereof:

(1) Affect the prior operation of the provision or any prior action taken thereunder;

(2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;

(3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal;

(4) Affect any investigation, proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment; and the investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the provision had not been repealed or amended.

(c) If the penalty, forfeiture or punishment for any offense is reduced by a re-enactment or amendment of a provision of these Policies and Procedures, the penalty, forfeiture or punishment, if not already imposed, shall be imposed according to the provision as amended.

212.04 CONSTRUCTION OF SECTION REFERENCES.

(a) A reference to any portion of a provision of these Policies and Procedures of the Board of Trustees of the Greater Cleveland Regional Transit Authority applies to all re-enactments or amendments thereof.

(b) References in these Policies and Procedures to action taken or authorized under designated sections of these Policies and Procedures include, in every case, action taken or authorized under the applicable legislative provision which is superseded by these Policies and Procedures.

212.05 CONFLICT OF LAWS.

(a) In the event of a conflict or inconsistency between any of the provisions of any resolution or motion enacted by the Board of Trustees and a provision of the Bylaws of the Greater Cleveland Regional Transit Authority, the provision of the Bylaws shall control.

(b) In the event of a conflict or inconsistency between any of the provisions of these Policies and Procedures of the Board of Trustees of the Greater Cleveland Regional Transit Authority and another provision of these Policies and Procedures, including provisions of codes, rules, regulations, agreements, policies, procedures or other documents adopted by reference in these Policies and Procedures, or otherwise adopted by the Board of Trustees but not codified in full in these Policies and Procedures, that provision which is later in date shall control, but if neither provision is later in date than the other, then that provision which establishes the higher or stricter standard, or imposes the greater restriction or regulation, shall control.

(c) In the event of a conflict or inconsistency between any of the provisions of these Policies and Procedures, including provisions of codes, rules, regulations, agreements, policies, procedures or other documents adopted by reference in these Policies and Procedures, or otherwise adopted by the Board of Trustees but not codified in full in these Policies and Procedures, and a provision of State or Federal law, the provision of State or Federal law shall control, except in those cases where the Board of Trustees is expressly authorized by State or Federal law to enact legislation that is not consistent with State and/or Federal law.

212.06 SEVERABILITY.

(a) Each section and each part of each section of these Policies and Procedures of the Board of Trustees of the Greater Cleveland Regional Transit Authority is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid or unconstitutional, the remaining sections or parts of sections and the application of such provision to any other person or circumstance, other than those as to which it is held invalid or unconstitutional, shall not be affected thereby, and it is hereby declared to be the legislative intent that these Policies and Procedures would have been adopted independently of such section or part of a section so held to be invalid.

(b) The provisions of this section shall apply to the amendment of any section of these Policies and Procedures, whether or not the wording of this section is set forth in the amendatory resolution or motion.

212.07 REPEAL.

(a) All motions and resolutions and parts of motions and resolutions of the Board of Trustees, and all rules, regulations and orders promulgated under authority of such motions and resolutions, or under authority of State or Federal law, that are in conflict with or in any manner inconsistent with any of the provisions of these Policies and Procedures of the Board of Trustees of the Greater Cleveland Regional Transit Authority, are hereby repealed.

(b) The repeal of any motion, resolution, rule, regulation or order shall not affect any punishment or penalty incurred before the repeal takes effect, or any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the motion, resolution, rule, regulation or order repealed.

CHAPTER 214
Public Hearing Process

214.01	Policies and Procedures.	214.04	Notice of hearing; submission of comments to F.T.A.
214.02	Publication of proposed program of projects and grant applications.	214.05	Acceptance of and response to comments.
214.03	Minimum number of requests for public hearings.	214.06	Public involvement requirements for service changes.

CROSS REFERENCES

Public hearing requirements for service changes - see SERV. 1022.04

214.01 POLICIES AND PROCEDURES.

(a) Purpose and Scope. The purpose of these policies and procedures is to establish a local process for conducting public hearings in connection with the Authority's annual budget appropriations, Federal grant applications, service changes, fare increases and any other activity of the Authority which would require a public hearing.

(b) Objectives. The objectives of these policies and procedures are to:

- (1) Solicit and consider public comment by affording the general public the opportunity to express views and comments concerning certain Authority matters; and
- (2) Establish a new process which will eliminate the unnecessary cost which has arisen in the past when public hearings have been attended by only one or two people.

(c) Policy and Scope.

- (1) Prior to raising fares or implementing a major reduction in transit services, the Authority will conduct a public hearing to solicit comments, as required under Section 9(e)(3)(H) of the Federal Transit Act of 1964, as amended.
- (2) A fare increase is defined as:
 - A. An increase in any fare; or

- B. The establishment of any fixed route or paratransit service that is not currently in operation and that would charge fares higher than the existing, established fare rate or fare type that is currently in effect for fixed route or paratransit service.
 - (3) A major reduction in transit service would include:
 - A. The elimination of a transit route; or
 - B. A reduction of twenty-five percent or more of transit route miles; a reduction of twenty-five percent or more of transit revenue miles or service frequency of a route, computed on a daily basis for the day of the week for which the change is made.
 - (4) For the Authority's proposed program of projects and Federal grant applications a notice will be published in sufficient detail and in a manner as to afford affected citizens, private transportation providers, and, as appropriate, local elected officials, an opportunity to examine the content of the same and to submit comments, as required under Section 9(f)(3) and (4) of the Federal Transit Act of 1964, as amended. The notice will advise affected parties that a public hearing on the matter will be held only on written request by at least ten individuals, if submitted within two weeks from the date of the notice. If fewer than ten requests for a public hearing are received within two weeks from the appearance of the public notice, no hearing will be held.
 - (5) Copies of any documentation being presented at public hearings conducted by the Authority will be available for public inspection at the Greater Cleveland Regional Transit Authority main offices located at 615 West Superior Avenue, Cleveland, Ohio 44113.
- (d) Implementation. Public hearings will be conducted as follows:
- (1) Annually for Authority capital and operating budgets;
 - (2) Prior to raising fares or implementing a major reduction in transit services; and
 - (3) For grant applications, if required by at least ten individuals (if submitted within two weeks from the date of the notice of comment period and availability of public hearing).
- (Res. 1992-29. Passed 2-18-92; Res. 1995-25. Passed 2-21-95.)

214.02 PUBLICATION OF PROPOSED PROGRAM OF PROJECTS AND GRANT APPLICATIONS.

The Authority will publish a notice of its proposed program of projects and grant applications in sufficient detail and in a manner as to afford affected citizens, private

transportation providers, and, as appropriate, local elected officials, an opportunity to examine the content of the same and to submit comments.

(Res. 1992-29. Passed 2-18-92.)

214.03 MINIMUM NUMBER OF REQUESTS FOR PUBLIC HEARINGS.

The Notice of Comment Period and Availability of Public Hearing for the Greater Cleveland Regional Transit Authority will advise affected parties that a public hearing on the matter will be held only on written request by at least ten individuals, if submitted within two weeks from the date of the notice. If fewer than ten requests for a public hearing are received within two weeks from the appearance of the public notice, no hearing will be held.

(Res. 1992-29. Passed 2-18-92.)

214.04 NOTICE OF HEARING; SUBMISSION OF COMMENTS TO F.T.A.

When it has been determined that a hearing will be held, a notice of public hearing will be published in a newspaper with local circulation and in a minority newspaper with wide coverage in the minority community not less than ten days prior to the date of the hearing. All comments received in response to the Authority's proposed program of projects and grant applications will be submitted to the Federal Transit Administration.

(Res. 1992-29. Passed 2-18-92; Res. 1995-25. Passed 2-21-95.)

214.05 ACCEPTANCE OF AND RESPONSE TO COMMENTS.

The Authority will accept written comments on all subject matters for a two-week period after publication of a notice or after a scheduled hearing. The Authority will respond to comments received on all subject matters within thirty days of receipt.

(Res. 1992-29. Passed 2-18-92.)

214.06 PUBLIC INVOLVEMENT REQUIREMENTS FOR SERVICE CHANGES.

(a) A public hearing shall be conducted when the Authority is considering a service frequency reduction if the frequency being considered is less than the policy standard in Section 1016.04(c)(2).

(b) When considering a permanent removal of service during any time period from a rail station, the following requirements apply:

- (1) A public hearing shall be conducted if the time period is longer than two hours.
- (2) Either a public hearing or a community meeting shall be conducted if the time period is longer than one hour.

(c) When considering a permanent removal of all fixed-route transit service during any time period from a road segment, the following requirements apply:

- (1) A public hearing shall be conducted if the time period is longer than two hours and the road segment is longer than one mile.
- (2) Either a public hearing or a community meeting shall be conducted if the time period is longer than one hour and the road segment is longer than one-half mile.

(d) When considering changes to Paratransit service, a public hearing shall be conducted if required by the Americans with Disabilities Act regulations.

(e) Public involvement is not required for changes to special seasonal services, reserved-ride job access services, and services funded through agreements with sponsors.

(f) The Authority recognizes that a series of small service reductions, each not requiring a public hearing, can have the effect of a single large service reduction that requires a public hearing. Therefore, to determine whether a public hearing is required, the contemplated change shall be combined with all other changes made since the more recent of two dates:

- (1) The date one year before the effective date of the contemplated change;
and
- (2) The date of the last public-hearing-supported change.
(Res. 2003-068. Passed 5-20-03.)

TITLE TWO - Board of Trustees, Committees, Boards and Task Forces
 Chap. 220. Board of Trustees.
 Chap. 222. Committees, Boards and Task Forces.

CHAPTER 220
 Board of Trustees

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|--------|---|--------|--|
| 220.01 | Entering matters on the agenda of meetings. | 220.04 | Reimbursements to President for telephone costs. |
| 220.02 | Compensation. | 220.05 | Health care coverage. |
| 220.03 | Expense reimbursement. | | |

CROSS REFERENCES

- Urban mass transportation - see 49 U.S.C.A. 1601 et seq.
 Urban Mass Transportation Administration, Department of Transportation - see 49 C.F.R. Ch. VI
 Board of Trustees - see Ohio R.C. 306.33
 Powers of Board of Trustees; rules and regulations - see Ohio R.C. 306.34
 Officers - see Bylaws Art. II
 Meetings - see Bylaws Art. III
 Powers and duties - see Bylaws Art. IV
 Orientation package for new Board members - see ADM. 242.02
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220.01 ENTERING MATTERS ON THE AGENDA OF MEETINGS.

(a) Matters for advance listing on the agenda of meetings of the Board of Trustees may be introduced by any member of the Board or by the General Manager/Secretary-Treasurer or the Deputy General Manager-Legal Affairs.

(b) Such matters shall take written form as draft proposed resolutions, as letters or as reports.

(c) Such matters shall be presented to the General Manager/Secretary-Treasurer for inclusion on the advance agenda of any specific meeting of the Board not later than 12:00 noon of the third business day prior to the day of such meeting.

(d) Resolutions which have been returned to the Board for its further consideration, after action by one or more of its committees, shall be presented under Old Business.

(e) All matters to be considered and not introduced in the advance agenda or at a previous meeting shall be presented under New Business.

(f) This section shall not be construed so as to preclude bona fide emergency action by the Board at any regular or special meeting of such Board.
(Res. 1987-111. Passed 5-20-87; Res. 1999-147. Passed 10-26-99.)

220.02 COMPENSATION.

(a) The annual compensation for the President of the Board of Trustees is hereby established in the amount of six thousand dollars (\$6,000).

(b) The annual compensation for members of the Board of Trustees, other than the President, is hereby established in the amount of four thousand, eight hundred dollars (\$4,800).

(c) Members of the Board of Trustees will be permitted two absences from regularly scheduled Board meetings and two absences from committee meetings of committees of which they are a member during each calendar year without penalty.

(d) If a member of the Board of Trustees shall miss more than two regularly scheduled Board meetings or two meetings of a committee on which that Board member sits, such absence(s) will be referred to the Executive Committee or the Board President for review and determination as to what penalty or action should be imposed or taken.

(e) Should a member of the Board of Trustees miss a special Board meeting, such absence will be without penalty.

(f) A Board member has the right to decline compensation.
(Res. 1998-119. Passed 9-15-98.)

220.03 EXPENSE REIMBURSEMENT.

(a) Purpose/Scope.

- (1) The Travel Policy and Procedures established herein concerns travel on official Authority business to attend and participate in conferences, seminars, meetings and other events or field visits, which are in the Authority's best interest. It is designed to assure the accurate and efficient handling of travel and other related expenses incurred by members of the Board of Trustees and the staff of the Authority consistent with applicable laws and the public interest.

- (2) These Travel Policies and Procedures provide guidance to those traveling on Authority business that will permit low cost, convenience, ease of administration, overall cost-effectiveness, consistency of reimbursement, and compliance with federal, state and local law and RTA policy.
- (b) Legal Authority.
- (1) Ohio R.C. 306.33 provides that a member of the Board of Trustees is permitted to be reimbursed for reasonable expenses in the performance of his or her duties.
 - (2) Ohio R.C. 306.34 authorizes a Board of Trustees to manage and conduct the affairs of a regional transit authority.
 - (3) Ohio R.C. 306.35 authorizes a Board of Trustees, among other things, to adopt rules for the administration and operation of transit facilities under its jurisdiction.
 - (4) Article IV, Section 8, of the Greater Cleveland Regional Transit Authority (GCRTA) Bylaws, adopted February 16, 1988, provides that any member of the Board of Trustees and officers and employees of the GCRTA may be reimbursed for properly incurred expenses.
 - (5) In accordance with the Ohio Ethics Commission Opinion No. 91-010, airline frequent flyer miles accumulated on travel for a public agency shall not be used for personal travel or benefit.
- (c) General Provisions.
- (1) All travelers are required to be fully knowledgeable regarding GCRTA's travel policies and procedures.
 - (2) Use of public transportation during Authority travel, including travel to and from the airport, is strongly encouraged.
 - (3) Employees with disabilities will be accommodated pursuant to the Americans with Disabilities Act.
 - (4) Airline frequent flyer miles accumulated on travel for the GCRTA shall not be used for personal travel or benefit. These miles can only be used for future Authority travel, including upgrades to First Class when appropriate.
 - (5) Travelers will be reimbursed for hotel expenses up CONUS index plus 25% for each evening in the destination city. Up to CONUS index plus 25% for hotel does not include taxes. The hotel receipt must be submitted with the final travel and expense report.

- (6) Travelers will be reimbursed for actual expenses up to a daily per diem based on the destination city's CONUS index (located at <http://policyworks.gov>) plus 25%, for meals and other incidental expenses for each day of travel. Incidental expenses include ground transportation, telephone calls, and any expenses other than travel or hotel incurred on the trip. Receipts do not need to be submitted with the final travel and expense report, however, a copy of the CONUS index for the respective city must be attached.
 - (7) Travel to locations outside the United States will be reimbursed by the international CONUS index plus 25% located at <http://policyworks.gov> (click on dark blue box at the top of the page where it indicates foreign rates). Reimbursement will be made at the published daily average exchange rate for each individual day of travel.
 - (8) All employees traveling on behalf of the Authority, are reminded of the following non-allowable type of expenses:
 - A. Travel, lodging or other expenses for spouses, families and friends of RTA personnel;
 - B. Valet service (except for extended trips of one week or more);
 - C. Alcoholic beverages;
 - D. Entertainment (including movie rentals);
 - E. Contributions and donations with Authority funds.
 - (9) The CEO/General Manager has the authority to make modifications to particular provisions of this policy when it is in the best interests of the Authority.
 - (10) The CEO/General Manager has the ability to issue administrative procedures to implement this policy.
- (d) Responsibilities.
- (1) Responsibility of authorizing department and/or division.
 - A. It is the responsibility of the authorizing department or division to determine the necessity for travel and ensure that it is in the best interest of the Authority; the purpose is lawful, reasonable and for a proper public purpose; and the purpose of the trip could not be adequately accomplished by correspondence, telephone, or through other contact, or is not available from local sources.
 - B. All travel that is for the purpose of an employee's professional development should be coordinated with the Department of Training and Employee Development and reflected on the travel request form.

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- C. Because they are more familiar with need for travel and subsequent expenses incurred on behalf of their department(s), the approver(s) have primary responsibility for ensuring compliance with this policy. The approver(s) must verify that expenses and expense reports meet the following criteria:
1. The information contained on the expense report and in the attached documentation is consistent with this policy;
 2. The funds for travel have been appropriated in the current budget;
 3. The expenditure is charged to the proper account(s).
- (2) Responsibility of traveler.
- A. Authority travelers are expected to spend the Authority's funds prudently. Business travel expenses will be paid if they are within the parameters of the Authority's policies and procedures.
 - B. Since frequent flyer miles earned by Authority travel cannot be used for personal use and should be used for subsequent business travel. It is the responsibility of the traveler to keep track of these miles.
- (3) Responsibility of the Authority. It is the Authority's responsibility to ensure the reasonableness of travel related expenses and to process timely reimbursements. The expenses will be subject to final approval by the Internal Audit Department.
- (e) Authorization of Travel.
- (1) Insofar as practical, travel by the CEO, General Manager/Secretary-Treasurer and the Board of Trustees should receive prior approval by the President of the Board of Trustees, or the Vice-President of the Board of Trustees in the absence of the President.
 - (2) Travel by all other staff requires prior approval of his/her department director. It is the responsibility of the Department Director to determine the business necessity for travel and that all appropriate procedures are followed.
The CEO, General Manager or designee must also approve staff travel.
 - (3) Travel request should be submitted at least 30 days prior to travel, excluding emergency and unforeseen travel. The request must be made using the appropriate travel forms.

- (4) Travel request forms must include an estimate of the cost to the Authority. The cost estimate should include all expenses and be based on the appropriate total of the hotel cap (up to CONUS plus 25% does not include taxes) and per day per diem for meal and other incidental expenses, for the applicable city of destination. It is the responsibility of the travel to obtain the estimates and per diems and attach them to the request form. (Per diem is based on CONUS index plus 25% and can be obtained at <http://policyworks.gov>. "Maximum lodging" is the maximum amount to be reimbursed for daily hotel expenses, plus 25%, excluding taxes. "Meals and incidentals rate" is the amount to be reimbursed for the daily per diem.)
 - (5) Cancellations are the responsibility of the traveler. If changes or cancellations are required, the traveler must make all arrangements for such. The traveler must furthermore ensure that deposits or other Authority expenses are refunded to the maximum extent possible. Should a cancellation or change result in costs to Authority, the traveler must justify the change. The traveler may be liable for cancellation and changes not of a business nature or those not pursued in a timely manner. A travel expense account should be processed reflecting any and all prepayments and deposits and a memo explaining why the trip was cancelled. A traveler will be reimbursed for any expenses he/she paid and lost as a result of a justified cancellation of the trip. Reimbursement should be requested by processing the receipts with the travel and expense form and a memo explaining why the trip was cancelled.
- (f) Travel Arrangements.
- (1) Prepayment of expenses.
 - A. Prepayment by the Authority of travel expenses, i.e., conference fees or registration fees, hotel deposit, hotel, et., is permitted. Prepayment by RTA can be utilized by an approved RTA procurement method (i.e., purchase order, purchasing card, etc.). Prepayment by check may be requested by submitting a memo/appropriate form with a copy of the approved travel request form, to the Accounting Department for processing. The copy of the travel request form must have the appropriate sections completed for the requested prepayment(s).

- B. Personal credit cards may be used for prepayment of travel expenses, however, employees will still be accountable for these expenses. A traveler may request reimbursement of expenses incurred 30 or more days before the date of travel, by submitting a memo/appropriate form with documentation of prepayment, and a copy of the approved travel request form, to the Accounting Department for processing. Any "bonuses" or "perks" earned by use of personal credit cards used for business of Authority can be used for the personal benefit of the traveler. The copy of the travel request form must have the appropriate sections completed for the requested reimbursement.
- C. These procedures apply to all GCRTA employees, officers and Board Members while traveling on approved Authority business. Travelers should familiarize themselves with these procedures prior to travel to facilitate the Authority travel experience.

(g) Transportation. For travel on Authority business, transportation by the most economical means is recommended.

Traveling on weekends may be allowed if it results in lower overall travel expenditures to the Authority (i.e., extra days, the additional hotel expense, daily per diem and difference in air travel). Travel expenditures include airfare, hotel, and per diem expenses.

(1) Air travel/train travel.

- A. Airline or train reservations are to be made by the designated Department/Division Travel Coordinator or by the traveler.
- B. Air or train travel should be guided by the following:
 - 1. Lowest logical fare;
 - 2. Itinerary changes, justified by business necessity or no adverse cost to the Authority;
 - 3. A combination of plane and train tickets should be considered, and will be reimbursed, when scheduled to save money.
- C. Airline tickets purchased must include documentation of the three lowest ticket prices and be submitted with the travel expense report.

(2) Authority-owned automobiles.

- A. Authority-owned automobiles may be used for travel with the approval of the CEO, General Manager/Secretary-Treasurer or designee. Expenses incurred in operating such vehicles must be itemized and original receipts submitted for all gasoline, parking, emergency repairs and similar out-of-pocket expenses.
- B. Parking fees and tolls while traveling will be reimbursed as part of the total transportation expense for the trip.

- (3) Private automobile.
 - A. When travel by private automobile is desirable to save time or to transport equipment or to reduce costs, reimbursement is at the prevailing rate established by the Internal Revenue Service. This mileage allowance is intended to cover all transportation and operating costs. No reimbursement is made for the cost of repairs to the vehicle whether they result from the traveler's act or the acts of others. When more than one person travels in the same automobile, the reimbursement for mileage shall be allowed on only one expense report. Ferry, bridge, tunnel, toll road and reasonable parking charges are allowed in addition to the mileage allowance.
 - B. The reimbursement for private automobile travel will not exceed the cost of the most economical round trip airfare.
 - C. Use of RTA vehicle, including Authority pool cars, should be used whenever possible.
- (4) Car rental.
 - A. In general, the use of rental cars is not reimbursed and is considered a personal expense. However, prior to travel, the CEO, General Manager/Secretary-Treasurer or designee may authorize the use of rental cars where other transportation is not available or when the cost of a rental car and parking is less than the lowest coach airfare available. The traveler should choose the economy class car; however, a larger car may be chosen in the event that there is a group of more than two Authority persons traveling. Travelers using rental cars should not purchase the optional collision insurance coverage offered, except in countries other than the U.S. and Canada.
 - B. Parking fees and tolls while traveling will be reimbursed as part of the total transportation expense for the trip.
- (5) Ground transportation expenses. Ground transportation expenses, including shuttle services, taxi fares, and public transportation will be included in the traveler's daily per diem allowance and will not be reimbursed separately. Under special circumstances, where ground transportation is excessive due to unavailability of public transportation or airport shuttles, exceptions will be considered for approval by the CEO, General Manager/Secretary-Treasurer or designee.
- (6) Lodging guidelines. Traveler will be compensated for lodging expenses for each night stayed in the destination city at the rate of up to CONUS plus 25%. Up to CONUS plus 25% for hotel does not include taxes. Prepayment by RTA of hotel deposits or hotel expenses is not encouraged but may be made in special circumstances if approved by the Division Head.

- (7) Conference fees. Request for payment of conference fees should be processed in a timely fashion to ensure the lowest possible conference fee or no late registration penalties. Prepayment may be made by use of RTA procurement/purchase order process or by personal credit card.

(h) Reimbursement.

(1) Responsibilities of the traveler.

- A. Upon return from the trip, the employee is to complete the Employee Travel and Expense Form and verify the mathematical accuracy of the form.
- B. Ensure that all applicable documents that are listed below are attached to the Employee Travel and Expense Form:
1. A trip report memorandum, which briefly summarizes where the employee went, the purpose of the trip and what benefits can the GCRTA expect as a result of the employee's trip;
 2. Documentation that supports all allowable expenses that are incurred by the employee, as well as any expenses that were prepaid by the GCRTA that are identified on the Employee Travel and Expense Form. Documentation for items such as lodging, airfare, registration of conference fees, mileage report, parking, tolls, fuel, and rental car receipt if applicable;
 3. A copy of the CONUS index for the respective city.

(2) Responsibilities of the Authority.

- A. Responsibility of the Authority. It is the responsibility of the Authority to process all travel request forms within 12 days of receipt from the employee.
- B. Responsibility of the Approver-Director. Upon receiving of the employee's travel and expense form, the approver performs a cursory review to ensure the following:
1. The appropriate documentation is attached;
 2. Travel expenses are in accordance with travel policies and procedures;
 3. The mathematical accuracy of the form;
 4. Expenses are being posted against the proper account code distribution (fund-mode-cost center-function-object class).

The approver signs/dates and submits the reimbursement request to Internal Audit Department within three business days of receipt from the employee.

- (3) Responsibility of Internal Audit. Internal Audit will review the reimbursement form for compliance, date, and submit the reimbursement form to the CEO, General Manager/Secretary-Treasurer (or designee) for signature within three business days of receipt from the approver.
- (4) Responsibility of the CEO, General Manager/Secretary-Treasurer (or designee). The CEO, General Manager/Secretary-Treasurer (or designee) shall sign/date and submit the reimbursement request to the Accounting Department within three business days of receipt from the Internal Audit Department.
- (5) Responsibility of Accounting. The form is then released to the Accounting Department for processing and payment of reimbursement to the employee within three business days of receipt from CEO, General Manager/Secretary-Treasurer (or designee).
Res. 1996-185. Passed 12-17-96; Res. 1999-147. Passed 10-26-99; Res. 2004-123. Passed 9-21-04.)

220.04 REIMBURSEMENTS TO PRESIDENT FOR TELEPHONE COSTS.

(a) The General Manager/Secretary-Treasurer is hereby authorized to reimburse the President of the Board of Trustees on a monthly basis for all costs associated with the installation and use of a telephone in his or her private residence to be used for Authority business.

(b) The telephone is to be used only by the President of the Board for business calls associated with the performance of his or her duties.

(c) It is hereby determined that this expenditure is necessary to further a public purpose.
(Res. 1987-105. Passed 5-5-87.)

220.05 HEALTH CARE COVERAGE.

(a) Members of the Board of Trustees may apply for and obtain health care coverage, on either a family or individual basis, with a health care provider organization under contract with the Authority.

(b) Any member of the Board of Trustees receiving health care coverage under subsection (a) hereof must reimburse the Authority for the cost of any premium or other charges for said health care coverage on a prospective basis. Failure to so reimburse the Authority will result in the immediate cancellation of health care coverage for the member of the Board of Trustees.
(Res. 1994-35. Passed 2-15-94.)

CHAPTER 222
Committees, Boards and Task Forces

222.01	Moral Claims Committee.	222.03	Bylaws of Citizen's Advisory Committee. (Repealed)
222.02	Citizen's Advisory Committee. (Repealed)	222.04	Citizen's Advisory Board (CAB).

CROSS REFERENCES

Committees generally - see Bylaws Art. VI

Board of Trustees - see ADM. Ch. 220

222.01 MORAL CLAIMS COMMITTEE.

(a) There is hereby established a Moral Claims Committee for reviewing the facts upon which alleged moral claims are presented against the Authority. Such Committee shall consist of the Deputy General Manager-Legal Affairs, the Deputy General Manager-Finance and Administration and the Director of Human Resources.

(b) Claims of the character provided for in subsection (a) hereof shall be referred to such Committee, and it shall be the duty of the Committee to investigate the facts on which such claims rest and to report to the Board of Trustees the findings of fact, together with recommendations based thereon.

(c) Any claim recommended to be paid of not more than one thousand dollars (\$1,000) shall be paid by the Deputy General Manager - Finance and Administration upon action of the Committee. All other claims recommended by the Committee to be paid shall be paid after approval of the Board by resolution duly adopted, as required by law. (Res. 1999-147. Passed 10-26-99.)

222.02 CITIZEN'S ADVISORY COMMITTEE. (REPEALED)

(EDITOR'S NOTE: Section 222.02 was repealed by Resolution 1998-136, passed October 20, 1998. See Section 222.04.)

222.03 BYLAWS OF CITIZEN'S ADVISORY COMMITTEE. (REPEALED)

(EDITOR'S NOTE: Section 222.03 was repealed by Resolution 1998-136, passed October 20, 1998. See Section 222.04.)

222.04 CITIZEN'S ADVISORY BOARD (CAB).**(a) Operating Guidelines.**

- (1) Name. The Board of Trustees of the Greater Cleveland Regional Transit Authority (RTA) herein creates the Citizens Advisory Board (CAB).
- (2) Purpose. The purpose of the CAB is to advise the Board of Trustees and RTA staff on transit issues, make suggestions for improvements in transit service, and to advocate for greater funding for public transportation. Composition of the CAB is set out in subsection (b)(1) hereof.
- (3) Officers.
 - A. The CAB shall elect a Chair and a Vice Chair. Additionally, the CAB is authorized, but not required, to elect a Secretary.
 - B. The Chair conducts the regular and, if possible, any special CAB meetings. The Chair also represents the CAB at Board of Trustees meetings. The Vice Chair stands in for the Chair as needed.
 - C. The election of officers shall take place each year during the April meeting of the CAB, with terms to begin on the first day of May or, if elections are delayed for any reason, the first day of the month following the election. If it is necessary to delay elections in any given year, the Chair will document, in writing, the need for such delay.
 - D. Officers shall be elected to one-year terms. To assure that the CAB remains a vital and active body, it is recommended that officers not serve more than three consecutive terms. It is acknowledged that, under certain circumstances, it may be advisable or necessary for officers to serve more than three consecutive terms.

(4) Meetings.

- A. The following guidelines shall apply to all CAB meetings:
 1. The CAB meeting time will be integrated with the schedule of the Board of Trustees.
 2. Committees will report on their activities at all regular CAB meetings.
 3. Members of the Board of Trustee will be invited to attend CAB meetings. This open-invitation policy does not preclude or reduce the desirability of the Board of Trustees' appointing a liaison to the CAB.
 4. For purposes of establishing a quorum, at least 50% plus one of the CAB's members must approve actions of the CAB.
- B. Regular meetings.
 1. Regular CAB meetings shall be held on the second Thursday of each month, with possible exceptions for special events. The regular meetings will be used for presentations from, and

- discussions with, RTA staff and other parties of interest to the CAB, the setting of agendas, discussion of and action on topics of interest related to the CAB's mission and purpose, and organization and coordination of Committee activities.
2. The CAB will review programs and projects brought to them by the Board of Trustees or RTA staff. In addition, in December of each year, RTA will set, with input from the CAB, a calendar of CAB meeting dates for the next year.
 3. When applicable, the CAB shall assemble, at its regular meetings, a list of items for presentation to the Board of Trustees at its next meeting.
 4. Members of the general public are welcome to attend all regular meetings of the CAB and its Committees.
- C. Special meetings. Special meetings may be called by the Chair, at the request of any officer, or upon the written request of at least five members, provided at least forty-eight hours notice is given. The Chair, Vice Chair, or Staff Liaison will notify CAB members of the time, place, and purpose of such special meeting, and no business other than the specific topic around which the special meeting was called shall be considered.
- D. Public events. Public events, which CAB members are encouraged but not required to attend, include community meetings, public hearings, groundbreakings, and grand openings.
- E. Annual joint meeting with the Board of Trustees.
1. The CAB shall be prepared to participate in an annual joint meeting with the Board of Trustees. The purpose of the meeting, held at the discretion of the Board of Trustees, would be to maintain communication and assure a meaningful working relationship between the Board of Trustees and the CAB.
 2. Activities that should take place at the annual joint meeting include:
 - a. Establishing goals and objectives for the next year;
 - b. Reviewing operational and financial consequences of goals and objectives established for the next year; and
 - c. Integrating new members into the CAB.
- (5) Committees. The CAB will have at least two standing committees:
- A. The ADA Advisory Committee, which guides the Board of Trustees in adhering to the spirit and requirements of the Americans with Disabilities Act (ADA); and
 - B. The Transit Improvement Advisory Committee (formerly known as the Volunteer Action Committee), which provides a working forum

- to address, in more detail, all issues of interest to the CAB which are not specifically related to the ADA.
- C. Standing committees will meet at least monthly.
 - D. Other committees, either standing or ad hoc, may be established as necessary to carry out the mission and purpose of the CAB.
 - E. CAB members shall indicate which committee they are a member of. For purposes of establishing a quorum, at least 50% plus one of each committee's members must approve committee actions, though individual CAB members are not precluded from bringing items of interest directly to the full CAB. Committee participation is strongly encouraged.
 - F. Committees shall meet, investigate, and make recommendations on matters referred to them by the CAB or the Board of Trustees.
 - G. Public participation is welcome at all committee meetings.
- (6) Agenda. CAB meeting agendas shall be set by the Chair and RTA staff with input from the Board of Trustees. Agendas shall be posted five workdays before the meeting date, if possible. A recommended agenda format is attached to Resolution 2008-152, passed October 21, 2008.
- (7) Attendance.
- A. Attendance at CAB meetings is required. A member wishing to be excused shall contact the Staff Liaison and/or the Chair.
 - B. A CAB member is permitted only two unexcused absences per calendar year. After three unexcused absences, the CAB shall notify the member in writing and make a recommendation to the Board of Trustees to terminate the individual's membership.
 - C. A member who is absent and unexcused from a regular CAB meeting will not receive compensation for the following month.
- (8) Administrative support.
- A. RTA shall designate a Staff Liaison to the CAB. The Staff Liaison shall serve as CAB members' primary point of contact with RTA, though the Staff Liaison serving this role shall not preclude CAB members' contacting of other RTA staff directly when appropriate.
 - B. The Staff Liaison shall be responsible for mailings to the CAB, tracking of attendance, basic documentation of regular meetings of the CAB for the purpose of establishing a record, and channeling CAB members' concerns to the appropriate RTA staff member.
- (9) Parliamentary authority. The business of the CAB shall be conducted according to Robert's Rules of Order.
- (10) Guideline review process. Each June, possibly through an ad hoc committee, the CAB shall review its operating guidelines for appropriate additions, deletions, or amendments. All recommendations for changes

shall be voted on by the full CAB and submitted to the Board of Trustees for approval.

- (11) Board recommendation process. All recommendations by the CAB to the Board of Trustees shall be made in writing and signed by the CAB Chair. The CAB shall have no authority to obligate the Board of Trustees.

(b) Membership.

(1) Composition of the CAB.

- A. The CAB is composed of twenty community representatives, ten selected by individual members of the Board of Trustees and ten from a slate of candidates who apply and are chosen according to the process set out in subsection (c) below.
- B. Each member will be appointed to a three-year term. CAB members should serve no more than two full consecutive three-year terms. Under certain circumstances, it may be appropriate for CAB members to serve more than two consecutive terms.
- C. Appointment of members shall be made in March. Appointments become effective in April. Interim appointments may be made at other times of the year to fill vacancies. The time spent by a CAB member as an interim appointee shall not be counted when considering whether that appointee has served the maximum number of terms recommended in this document.

(2) Qualifications.

- A. A CAB member must know how to use mass transit and, preferably, use it frequently. Transit dependency is not a requirement for CAB membership.
- B. CAB members must be able to communicate knowledgeably about RTA in particular and public transit in general. Members should have the ability to advocate on behalf of public transit and promote service. Because RTA's service area is limited to the center of a much larger metropolitan area, members should have some familiarity with other transit systems and other transportation-related organizations, such as the Northeast Ohio Areawide Coordinating Agency (NOACA), that have an effect on transportation policy in the region.
- C. CAB membership must reflect the larger community and have diverse representation in regard to age, gender, race, disability, transit dependence, availability to participate in CAB activities, and geography.

- (3) Travel reimbursement. Each CAB member will receive a monthly transit pass to cover transportation expenses.

(c) Selection Process for New Members. Note: This subsection applies to persons who apply to become members of the CAB. It does not apply to CAB members who are appointed by a Trustee.

- (1) Individuals interested in becoming a CAB member must submit an application (attached to Resolution 2008-152, passed October 21, 2008, as Exhibit 2).
- (2) An ad hoc Screening Committee, consisting of two or more RTA staff members, one or more Trustees (if available to participate), and at least one representative of each of the standing committees described in subsection (a) hereof, shall review applicants based on the criteria set out in subsection (b) hereof. The Screening Committee shall forward a list of eligible applicants to the CAB, which will in turn recommend a slate of candidates to the Board of Trustees.
- (3) Depending on the number of applications being considered, the Screening Committee may either present a limited number of applications to the CAB or present the entire pool of applications. Activities of the Screening Committee shall be timed to allow for adequate review by both the CAB and the Board of Trustees in advance of the annual appointment of new members in March of each year.
- (4) If vacancies occur during the year, the CAB may choose to recommend an interim appointment from the qualified pool of candidates.

(d) The CAB shall adopt such bylaws and rules as it from time to time elects, which are not in conflict with this section.

(e) This section shall be effective October 21, 2008.
(Res. 1998-136. Passed 10-20-98; Res. 2008-152. Passed 10-21-08.)

TITLE FOUR - Management

Chap. 240. Executive Management Team.

Chap. 242. CEO, General Manager/Secretary-Treasurer.

Chap. 244. Deputy General Manager. (Repealed)

Chap. 246. Assistant Secretary-Treasurer.

CHAPTER 240

Executive Management Team

240.01 Establishment; composition.

CROSS REFERENCES

Public transportation - see 49 U.S.C.A. 5301 et seq.

Project management oversight - see 49 U.S.C.A. 5327

Federal Transit Administration, Department of Transportation - see 49 C.F.R.

Ch. VI

Secretary-Treasurer - see Ohio R.C. 306.33

Duties of Secretary-Treasurer; bond, deposit and disbursement of funds - see
Ohio R.C. 306.42

240.01 ESTABLISHMENT; COMPOSITION.

(a) There is hereby established an Executive Management Team to conduct the operational and financial affairs of the Authority, to be composed of the following members:

Chief Executive Officer ("CEO"), General Manager/Secretary-Treasurer

Deputy General Manager - Operations

Deputy General Manager - Finance and Administration

Deputy General Manager - Engineering & Project Management

Deputy General Manager - Legal Affairs

Deputy General Manager - Human Resources

Executive Director of Internal Audit

Executive Director of the Office of Management & Budget

Executive Director of Marketing & Communications

Executive Director of Information Technology

(b) The CEO, General Manager/Secretary-Treasurer is hereby authorized to add to, or delete from, the membership set forth in subsection (a) hereof, as and when he or she sees fit to do so.

(Res. 1999-147. Passed 10-26-99; Res. 2015-101. Passed 10-20-15.)

CHAPTER 242
CEO, General Manager/Secretary-Treasurer

<p>242.01 Issuance of reports.</p> <p>242.02 Orientation package for new Board members.</p> <p>242.03 Acceptance and expenditure of Federal funds.</p> <p>242.04 Incidental expenses.</p> <p>242.05 Authority re public auctions of scrap or obsolete, nonrevenue vehicles or other items.</p>	<p>242.06 Authority regarding Pilot Programs.</p> <p>242.07 Authority to suspend collection of fares during times of emergency.</p> <p>242.08 Travel expenses for non-employees.</p>
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CROSS REFERENCES

Secretary-Treasurer - see Ohio R.C. 306.33
 Duties of Secretary; bond, deposit and disbursement of funds - see Ohio R.C. 306.42
 General Manager/Secretary-Treasurer generally - see Bylaws Art. II, Sec. 8
 Absence at Board meetings - see Bylaws Art. III, Sec. 8
 Authority re administration and employment - see Bylaws Art. VIII, Sec. 1
 As member of Executive Management Team - see ADM. 240.01
 Authority re appointments and promotions - see PERS. 622.01
 Authority re reward program - see VEH. & OP. 852.01

242.01 ISSUANCE OF REPORTS.

(a) The General Manager/Secretary-Treasurer shall prepare and provide to the Board of Trustees a comprehensive Quarterly Performance Report reflecting the performance of the system as measured against performance goals. This Report shall contain measures including, but not limited to, on-time performance, revenue-miles between road calls, farebox ratio, revenue-miles per total employees, average weekday rides per capita and net income (deficit). Such Reports shall be delivered to the Board not later than thirty business days after the close of each fiscal quarter.

(b) The General Manager/Secretary-Treasurer shall prepare and provide to the Board a Monthly Operating Report, including, but not limited to, such performance measures as on-time performance, revenue-miles between road calls, farebox ratio, revenue-miles per total employees, average weekday rides per capita and net income (deficit). Such reports shall also contain information reflecting management activities in furtherance of Board initiatives and policies on key issues facing the Authority. Such reports shall be delivered to the Board not later than fifteen business days after the end of each month.

(c) The General Manager/Secretary-Treasurer shall prepare and provide to the Board a Semiannual Management Personnel Summary, including, but not limited to, a complete organization chart of all personnel in positions Grade D and above, all personnel in unclassified positions and a record of all salaries, hirings, firings, promotions, demotions and retirements pertaining to these positions. Such Summaries shall be delivered to the Board not later than thirty days after the end of the second and fourth fiscal quarters.

(Res. 1988-44. Passed 2-16-88.)

242.02 ORIENTATION PACKAGE FOR NEW BOARD MEMBERS.

The General Manager/Secretary-Treasurer shall assemble, compose and supply to newly-appointed members of the Board of Trustees an orientation package, including, but not limited to, the following:

- (a) The three most recent Annual Reports;
- (b) The four most recent Quarterly Reports;
- (c) A complete organization chart;
- (d) The most recent annual budget;
- (e) An historical perspective on the Authority; and
- (f) Information on current issues and trends in the transit industry.

(Res. 1988-45. Passed 2-16-88.)

242.03 ACCEPTANCE AND EXPENDITURE OF FEDERAL FUNDS.

The General Manager/Secretary-Treasurer is hereby authorized to accept Federal funds from the Urban Mass Transportation Administration, received through the agreements with the Northeast Ohio Areawide Coordinating Agency, and to expend such funds for specific purposes as authorized by the Board of Trustees.

(Res. 1976-171. Passed 5-25-76.)

242.04 INCIDENTAL EXPENSES.

(a) The Rules and Guidelines Governing Incidental Expenses for the General Manager/Secretary-Treasurer, as set forth below, are hereby adopted as the policy of the Authority.

(b) The Board has determined that such incidental expenses incurred by the General Manager, in the course of transacting official business, are expenditures necessary to further the public purpose of operating a regional transit system.

(c) The total allowable incidental expense reimbursements permitted by such Rules and Guidelines shall not exceed twenty thousand dollars (\$20,000), or the amount approved by the Board of Trustees in the annual budget, on a calendar year basis.

(d) Such Rules and Guidelines shall be applicable only to expenses incurred by the General Manager/Secretary-Treasurer or an employee or Board member authorized and designated by the General Manager/Secretary-Treasurer to incur said expenses on his or her behalf.

(e) The General Manager/Secretary-Treasurer may delegate the authority to incur incidental expenses permitted by the Rules and Guidelines contained herein to any other employee or Board member of the Authority.

(f) All expenditures made pursuant to this section and the Rules and Guidelines set forth below shall be made from the General Fund of the Authority.

(g) The General Manager will develop guidelines to administer the policy.

RULES AND GUIDELINES
GOVERNING INCIDENTAL EXPENSES
FOR THE GENERAL MANAGER/SECRETARY-TREASURER

These regulations apply to the incidental meeting expenses for meals, coffee, amenities, etc., as incurred by the General Manager while conducting official business.

GENERAL RULES.

- a. Spending Authority. The authority to incur expenses is expressly limited to the General Manager, and/or an employee or Board member authorized and designated by the General Manager to incur said expenses on his/her behalf.
- b. Obligation. The General Manager, while on official business, is expected to exercise the same care in incurring expenses that a prudent person would exercise.
- c. Eligible Expenses. Expenses are confined to those expenses essential to the transacting of official business. These expenses can be incurred within, or outside, Cuyahoga County. The expenses can include expenses for meetings with Authority employees and employee activities.
- d. Maximum Allowance. The maximum allowable expenses are limited to twenty thousand dollars (\$20,000), or the amount approved by the Board of Trustees in the annual budget, on a calendar year basis.

ALLOWABLE EXPENSES.

- a. Meals. Cost of any meals or meeting refreshments for the General Manager's business guests. This may include Authority employees and/or Board members.
- b. Taxicabs.
- c. Parking and Tolls.
- d. Telephone Calls and Postage.
- e. Rental of Equipment. Rental of temporary meeting area or rental of a temporary office facility necessary to conduct official business.
- f. Supplies.
- g. Miscellaneous. Any other expenses not listed above which are essential to the transacting of official business and employee activities.
- h. Gratuities. The prevailing hospitality rate (excluding tax).

NONALLOWABLE EXPENSES.

- a. Alcoholic beverages, entertainment.
- b. Costs incurred under these guidelines relating to relatives, spouses or any other individuals not engaged in official business are unallowable.

DELEGATION OF AUTHORITY. The General Manager may delegate authority to incur incidental expenses to an employee or Board member designated by the General Manager on his or her behalf.

INTERPRETATION. This incidental expense procedure is not intended to supersede current guidelines for travel expenses. All travel by the General Manager is to continue to be submitted on the proper travel and expense report
(Res. 1997-129. Passed 7-15-97; Res. 1999-147. Passed 10-26-99; Res. 2001-31. Passed 2-27-01; Res. 2013-65. Passed 7-16-13.)

**242.05 AUTHORITY RE PUBLIC AUCTIONS OF SCRAP OR
OBSOLETE, NONREVENUE VEHICLES OR OTHER ITEMS.**

(a) Pursuant to Ohio R.C. 306.43(k), the General Manager/Secretary-Treasurer is hereby authorized to enter into one or more contracts with an auctioneer or auctioneers licensed in the State to conduct public auctions of the Authority's scrap or obsolete nonrevenue vehicles and other items.

(b) The General Manager/Secretary-Treasurer, or his or her designee, is hereby authorized to enter into contracts and execute other documents as required in connection with the sale of the Authority's scrap or obsolete nonrevenue vehicles and other items as a result of such auction.

(c) The proceeds of such auction sales shall be deposited in the General Fund of the Authority.

(Res. 2000-98. Passed 7-18-00.)

242.06 AUTHORITY REGARDING PILOT PROGRAMS.

(a) The CEO, General Manager/Secretary-Treasurer may enter into pilot programs that encourage new and innovative activities and ancillary services; that enhance the image of the Authority; that improve the financial health of the Authority and that focus on the convenience of the customers thereby helping retain and promote ridership.

(b) The CEO, General Manager/Secretary-Treasurer is hereby authorized to enter into contracts in furtherance of the Pilot Program, which contracts shall not exceed twelve months in duration or the small purchase limit described in the Procurement Policy. If the Pilot Program deliverable is determined to be both useful and needed, it shall be procured through the appropriate procurement process.

(Res. 2001-10. Passed 7-24-01; Res. 2016-118. Passed 12-20-16.)

242.07 AUTHORITY TO SUSPEND COLLECTION OF FARES DURING TIMES OF EMERGENCY.

(a) The General Manager shall be and is hereby authorized to suspend the collection of fares for RTA services when an unforeseen occurrence, condition, or event requires that commuters be transported promptly and effectively as a result of the emergency situation.

(b) During such emergency situation, fares may be suspended system-wide or along such routes as may be affected by the emergency situation.

(c) The duration of such suspension of fares authorized by this section may continue until such time as the emergency is abated, but not to exceed 24 hours, unless the emergency is of such a catastrophic nature that the continued suspension of fares is in the public interest.

(Res. 2003-019. Passed 2-18-03.)

242.08 TRAVEL EXPENSES FOR NON-EMPLOYEES.

The General Manager is authorized to expend up to ten thousand dollars (\$10,000) annually for travel expenses incurred by individuals who are not employees nor under contract with the Authority, consistent with expenses allowable under the GCRTA Travel Policy and Procedures, to conduct official business for the GCRTA.

(Res. 2013-127. Passed 12-17-13.)

CHAPTER 244
Deputy General Manager

EDITOR'S NOTE: The position of Deputy General Manager was repealed as part of the 1999 reorganization of the GCRTA and the revision of these Policies and Procedures.

CHAPTER 246
Assistant Secretary-Treasurer

EDITOR'S NOTE: This chapter was repealed by Resolution 2015-122, passed December 15, 2015.

TITLE SIX - Internal Audit
Chap. 260. Department of Internal Audit.
Chap. 262. GCRTA Internal Audit Charter.

CHAPTER 260
Department of Internal Audit

EDITOR'S NOTE: There are no sections in Chapter 260. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Records; audit and examination; award of contracts for acquisition of rolling stock - see 49 U.S.C.A. 1608(b)
State Auditor - see Ohio R.C. 115.01 et seq.
County auditors - see Ohio R.C. 319.01 et seq.
City auditors - see Ohio R.C. 733.10 et seq.
Department of Internal Audit - see Bylaws Art. VIII, Sec. 5
Personnel decisions re Director of Internal Audit - see Bylaws Art. VIII, Sec. 6
Internal audit policies and procedures - see ADM. Ch. 262
Appointment and promotion of Director of Internal Audit - see PERS. 622.04

CHAPTER 262
GCRTA Internal Audit Charter

EDITOR'S NOTE: This chapter, previously titled "Internal Audit Policies and Procedures," and being a codification of Resolution 1988-207, passed November 15, 1988, was repealed and re-enacted in its entirety by Resolution 1992-28, passed February 18, 1992, which approved and adopted the Greater Cleveland Regional Transit Authority Internal Audit Charter. The Charter was reviewed and amended by Resolution 1997-199, passed November 18, 1997.

262.01	Adoption and implementation.	262.05	Scope of activities.
262.02	Purpose and scope.	262.06	Reporting and follow-up.
262.03	Legal authority.	262.07	Contract audits.
262.04	Mission statement and objectives.	262.08	Internal audits.
		262.09	Periodic review and amendment.

CROSS REFERENCES

Records; audit and examination; award of contracts for acquisition of rolling stock - see 49 U.S.C.A. 1608(b)
 State Auditor - see Ohio R.C. 115.01 et seq.
 County auditors - see Ohio R.C. 319.01 et seq.
 City auditors - see Ohio R.C. 733.10 et seq.
 Department of Internal Audit - see Bylaws Art. VIII, Sec. 5
 Personnel decisions re Director of Internal Audit - see Bylaws Art. VIII, Sec. 6
 Department of Internal Audit - see ADM. Ch. 260
 Appointment and promotion of Director of Internal Audit - see PERS. 622.04

262.01 ADOPTION AND IMPLEMENTATION.

(a) The Greater Cleveland Regional Transit Authority Internal Audit Charter, contained herein, is hereby adopted as the policy of the Greater Cleveland Regional Transit Authority.

(b) The Director of Internal Audit is hereby authorized to take necessary administrative steps required to implement the policies contained herein.

(c) The General Manager/Secretary-Treasurer is hereby authorized, pursuant to the authority granted by the Greater Cleveland Regional Transit Authority Bylaws, to issue the necessary administrative procedures to implement the Greater Cleveland Regional Transit Authority Internal Audit Charter.

262.02 PURPOSE AND SCOPE.

(a) The Internal Audit Charter described herein delineates the duties and responsibilities of the Department of Internal Audit for the Authority. Its provisions are designed to clearly define the role which the Department of Internal Audit plays in carrying out the Authority's mission to provide public transportation services and in protecting the public interest.

(b) The Internal Audit Charter established herein covers the following areas:

- (1) Mission Statement and Objectives
- (2) Scope of Activities
- (3) Reporting and Follow-Up
- (4) Contract Audits
- (5) Internal Audits

(Res. 1997-199. Passed 11-18-97.)

262.03 LEGAL AUTHORITY.

The legal authority for this Internal Audit Charter is derived from the following sources:

(a) From Ohio R.C. Chapter 306, Regional Transit Authority, as follows:

- (1) Section 306.31 Creation of Authority
- (2) Section 306.34 Board of Trustees to manage and conduct affairs
- (3) Section 306.35 Powers and duties

(b) Additionally, from the Authority's Bylaws the following sections are germane:
Article VIII - Administration and Employment, Sections 5 and 6

(c) Finally, Federal laws and regulations which are germane include:

- OMB Circulars: A-87 Cost Principles for State,
Local and Indian Tribal
Governments
A-102 Grants and Cooperative
Agreements With State and
Local Governments
A-133 Audits of State and Local
Governments and Non-Profit
Organizations

OMB Common Rule for Uniform Administrative Requirements for Grants
and Cooperative Agreements to State and Local Governments

Various Federal Transit Administration (FTA) circulars and orders, notably:

C4220.1B Third Party Contracting Guidelines

C5010.1B Grant Management Guidelines

O9010.1A Section 9 Triennial Reviews

(Res. 1997-199. Passed 11-18-97.)

262.04 MISSION STATEMENT AND OBJECTIVES.

(a) Mission. The Department of Internal Audit is an independent unit within the Greater Cleveland Regional Transit Authority (GCRTA) for the review of all activities as a service to the Board of Trustees and Authority Management. This office functions as an independent appraiser and internal monitor for reviewing and evaluating each unit within the Authority as to the adequacy of controls and records, and as to adherence to established policies, plans, procedures and regulations, and for reporting on the efficiency and effectiveness of the Authority's activities. The Department of Internal Audit functions as the inspector general for the Authority and serves as a managerial control which functions by measuring and evaluating the effectiveness of all other internal controls and operations.

(b) Objectives. The goal of the Department of Internal Audit is to assist the Board of Trustees, Authority Management, and related governmental entities, in the effective discharge of their responsibilities by furnishing them with independent analyses, appraisals, recommendations, and pertinent comments concerning the activities under audit. The Department of Internal Audit is concerned with, and may review, any phase of the GCRTA or a GCRTA-related activity.

The objectives of the Department of Internal Audit include the following:

(1) To determine the establishment and efficiency of internal controls and management's adherence to the controls;

(2) To ascertain the extent of compliance with established GCRTA policies, guidelines, procedures, and appropriate governmental regulations;

(3) To ascertain the extent to which GCRTA assets are accounted for and safeguarded from losses;

(4) To appraise the economy and efficiency with which resources are employed;

(5) To prevent, discover and report errors or irregularities in conducting Authority activities;

(6) To develop, maintain, and implement audit procedures to cover all aspects of GCRTA's operating and capital programs;

(7) To objectively report audit findings with recommendations for corrective actions;

(8) To facilitate implementation of corrective actions through an effective audit recommendation follow-up system;

(9) To ascertain the appropriateness of management response to audit recommendations and provide follow-up status reports to the Board and the General Manager/Secretary-Treasurer.

(Res. 1997-199. Passed 11-18-97.)

262.05 SCOPE OF ACTIVITIES.

The Department of Internal Audit activities extend to all operations of the Authority.

The Department's independence is critical to provide assurance to the Board of Trustees, Authority Management, cognizant governmental entities and the public at large that Authority affairs are in order. The Department of Internal Audit has no direct responsibility for, nor authority over, any of the areas under audit review; therefore, the audit review does not in any way relieve other persons of their assigned responsibility. (Res. 1997-199. Passed 11-18-97.)

262.06 REPORTING AND FOLLOW-UP.

(a) Reporting Relationships and Requirements. The Department of Internal Audit reports functionally to the President of the Board and administratively to the General Manager/Secretary-Treasurer. All draft and final audit reports will be provided to the General Manager (GMGR) for review. A summary report will be provided to the Board of Trustees on a quarterly basis and discussed with the Committee of the Whole Board. Such reports will outline work performed, major recommendations made, management's response, including specific steps for the implementation of all agreed upon recommendations, and other pertinent data. Board requests for audit services will be addressed in a timely manner.

(b) Follow-Up Activities. The Department of Internal Audit is required by the Standards for the Professional Practice of Internal Auditing to maintain an audit recommendation follow-up procedure to ensure the timely implementation of all accepted recommendations.

Should corrective action be indicated, as evidenced by specific recommendations contained in an audit report, the management at interest shall include in their response specific steps taken or steps to be taken to effect the corrective action.

In the event that agreement between the Department of Internal Audit and the auditee cannot be reached as to acceptable corrective action, the matter at hand will be referred to the appropriate Deputy General Manager and/or the General Manager/Secretary-Treasurer for resolution. Should an impasse occur at this level, the General Manager/Secretary-Treasurer and the chairperson of the Board Committee relating to the auditee will be asked to resolve the matter.
(Res. 1997-199. Passed 11-18-97; Res. 1999-147. Passed 10-26-99.)

262.07 CONTRACT AUDITS.

(a) Purpose and Scope. The purpose of contract auditing is to assist in achieving prudent contracting by providing those responsible for procurement with financial information and advice relating to contractual matters and contractors. Audit activities include providing professional advice on accounting and financial matters to assist in the negotiation, award, administration, repricing and settlement of contracts, and to assist the Deputy General Manager - Legal Affairs in disputes. Areas of interest to the auditor include a contractor's policies and procedures affecting costs, the accuracy, timeliness, completeness and reasonableness of cost representations, the financial capabilities of the contractor, the appropriateness of contractual provisions having accounting or financial significance and the validation of all financial and factual elements in the contractor's cost and pricing data, proposal or claim.

The scope of the contract audit program includes, but is not limited to, the following activities:

- (1) Audit review of contractor proposals for engineering and architectural design, technical inspection and construction management services.
- (2) Audit review of fixed price contract proposals to be negotiated and negotiated contracts for professional services.
- (3) Audit review of consultant contract proposals.
- (4) Annual audit review of cost-plus-fixed-fee contracts as to allocability and allowability of costs.
- (5) Review of the financial capability of a contractor prior to award of a contract.
- (6) Audit review of all contractor cost proposals pertaining to pending change orders, contract modifications and claims, in excess of Board-specified amounts prior to negotiation with a contractor, or when specifically requested by the Contracting Officer (C.O.), the General Manager/Secretary-Treasurer, the Board of Trustees or their authorized representatives.
- (7) Audit review of negotiated contract modifications not previously audited, in accordance with the contract clauses for defective cost or pricing data, when requested by the C.O., the General Manager/ Secretary-Treasurer, the Board of Trustees or their authorized representatives.

(8) Audit review of contractor claims in quantum litigation when requested by Deputy General Manager - Legal Affairs or the General Manager/Secretary-Treasurer.

(9) Audit review of indirect rates of contractors who have a continuing contractual relationship with GCRTA to aid in the negotiation and settlement of contract modifications.

(10) Audit review of contract terminations.

(11) Selected audit review of contract monthly estimates for payment to contractor.

(12) Audit review of contract close-outs.

(13) Audit review of costs of construction work, relocations, and other activities by utilities or governmental agencies pursuant to master agreements.

(14) Other audit reviews as may be required by GCRTA, DOT, the State Auditor, ODOT, or FTA rules and regulations.

(b) Responsibility of Director of Internal Audit. The Director of Internal Audit is responsible for the enforcement, application and timeliness of this policy as authorized and directed by the Board of Trustees and the General Manager/Secretary-Treasurer.

The Director of Internal Audit acts for the General Manager/Secretary-Treasurer, and the Board of Trustees in formulating, planning, and implementing contract audits relating to proposals/claims for contracts, modifications, and master agreements. Because the Director of Internal Audit also serves management by independently conducting audits to determine if contracting is being done in accordance with Authority policy and Federal, State and local regulations and laws and is being accomplished in a cost efficient manner, the audit function is separate and independent of procurement and contract administration.

The Director of Internal Audit assists management and staff by providing accounting and financial advisory services (in connection with the negotiation and modification of existing contracts, and the administration and settlement of negotiated contracts and subcontracts) to the Authority's Contracting Officer and to his or her authorized representatives. Accordingly audit reports and other services provided are for the most part advisory and are intended to be responsive to the needs of the party requesting the audit.

(c) Procedures.

(1) The auditors shall have access to all work areas and all papers, records, procedures, minutes, reports, and work files needed for their examination in order to insure that the whole record will be considered.

(2) Depending upon the specific contractual terms, external contracting and financial activities of the Authority are subject to appropriate contract audit. Such audits will be planned and scheduled on the basis of available manpower, priority needed for the audit, and probable benefits to be realized.

(3) The cognizant contracting officer (C.O.) or authorized representative, and others affected, will be contacted by the Director of Internal Audit prior to the start of a scheduled audit, be briefed on the reasons and general objectives of the audit, and be afforded an opportunity to suggest specific input believed applicable to the audit to be undertaken. An exception is made where the work is a continuation of an on-going audit effort previously coordinated with the cognizant department.

(4) Prior to the start of field audit work on the contractor's records, the auditor will review the contract/modification file and may meet with cognizant Authority officials to obtain a full understanding of the scope of the planned audit.

(5) During the course of an audit, the C.O. will be kept informed of any major discrepancies noted and will be immediately notified should the contractor refuse to cooperate with the auditor.

(6) At the conclusion of each field audit, the auditor will meet with the contractor's representatives to review the results of the audit and afford them an opportunity to correct any error in fact, to explain discrepancies in the claim and to present any material, fact or record not previously disclosed. The auditor will also meet with cognizant Authority officials and/or negotiators to discuss the results of the audit as well as to correct any error in fact. The Director of Internal Audit will then complete the audit examination and issue the audit report, including, as deemed appropriate, relevant comments of affected parties.

(7) When requested, the Director of Internal Audit will provide necessary representation to the C.O.'s negotiation team when audit reports are being discussed with a contractor. Such representation is for the sole purpose of explaining and supporting the findings of the audit.

(8) At the conclusion of negotiations or other completed actions, the cognizant C.O. or the Director will include in the contract modification documentation a reconciliation of the negotiated settlement to the audit report, which fully explains the differences.

(9) Sixty days after the issuance of an audit report, or as otherwise agreed by the parties, the Director of Internal Audit will follow-up with the cognizant officer (C.O.) or his or her authorized representative to ascertain the status of the audit report recommendations and will continue to follow-up, until the negotiations or other contract action has been finalized, to ascertain the extent to which the audit recommendations were followed in the negotiations.

(10) The Director of Internal Audit is authorized to report independently to all department directors, the GMGR, the AGM's, the Board of Trustees, the independent auditors, or any other Authority level appropriate for a given audit, with a copy of the report to the cognizant officer. With respect to any outside agencies and organizations, copies of audit reports shall be transmitted in the following manner:

A. Contractors or related third parties, over the signature of the applicable contracting officer.

B. Government agencies and organizations, over the signature of the General Manager/Secretary-Treasurer; and

C. Matters involving litigation, over the signature of the Deputy General Manager - Legal Affairs and the General Manager/Secretary-Treasurer.

(Res. 1997-199. Passed 11-18-97; Res. 1999-147.

Passed 10-26-99.)

262.08 INTERNAL AUDITS.

(a) Purpose and Scope. The purpose of this section is to set forth Authority policy concerning the internal audit and inspection activities conducted by the Department of Internal Audit. It will apply to all Authority organizations and activities without limitation.

(1) The scope of internal audit work is divided into four major categories, as follows:

A. Financial and compliance. This includes audits and examinations of selected financial transactions and operations. Areas covered include whether:

1. GCRTA is maintaining effective control over revenues, expenditures, assets and liabilities.

2. GCRTA is properly accounting for its resources, liabilities and operations;

3. GCRTA's financial reports contain accurate, reliable, and useful financial data and are fairly presented; and

4. GCRTA is complying with the requirements of applicable laws and regulations.

B. Operational. This includes reviews and audits of resource use in programs, activities, operations, and program results. Matters of interest would include, but are not limited to:

1. Procedures, whether officially prescribed or merely followed, which are ineffective or found to be more costly than justified;
2. Duplication of effort by employees or between organizational units which, if eliminated, could increase overall efficiency;
3. Performance of work which serves little or no useful purpose;
4. Inefficient or uneconomical use of equipment;
5. Staffing levels in relation to work to be done;
6. Faulty buying practices;
7. Procurement and accumulation of unneeded or excess quantities of property, materials, or supplies; and
8. Wasteful use of property.

C. Program results. This includes surveys and reviews of programs, activities and operations to consider whether objectives are being achieved effectively. Major questions to be addressed in this category include:

1. Program effectiveness. Is the program accomplishing the results intended, as spelled out in the legislative objectives or in the implementing directives of GCRTA?
2. Cost effectiveness. Is the program succeeding within the costs anticipated at the time the legislation was enacted?
3. Adequacy of information system. Does top management have the essential and reliable information necessary to exercise supervision and controls and to ascertain direction or trends?
4. Cost-benefit relationship. Are program costs reasonably commensurate with the benefits achieved?
5. Consideration of alternatives. Have alternative programs or procedures been examined or should they be examined for potential in achieving objectives with the greatest economic efficiency?
6. Clarity and consistency of objectives. Are program objectives sufficiently clear to permit agency management to effectively accomplish the desired program results? Are the objectives of the component parts of the program consistent with overall program objectives?

D. EDP auditing. The overall objectives of EDP auditing are, to a great extent, synonymous with those of the other two audit categories (financial and compliance, and operational). The types of EDP reviews which may be performed are described below:

1. General data processing reviews. These consist of examining, at a relatively high level, accounting and administrative controls, and determining if the design of key controls, as well as compliance with them, are adequate.

2. Data processing technology area reviews. These are reviews of specific technology areas relevant to data processing activities to ensure that data are generally processed in a consistent, accurate and complete manner and that security and contingency procedures are appropriate.

3. Application reviews. These are performed to determine the adequacy of controls (programmed or manual) in a specific system and to establish the reliance that can be placed on the controls affecting the transaction processed by that system. Inquiries, reviews and tests are performed which allow the auditor, to form an opinion relative to the:

a. Completeness and accuracy (i.e. possibilities for error) of data input, processing, storage and output distribution; and
b. The proper authorization for transactions (i.e. the possibilities for unauthorized access).

4. System development reviews. These are performed during the development and implementation of a data processing application system to ensure that the system will be implemented in an efficient and controlled manner. In addition, a review of the security, controls and auditability of the new system application and applicable manual procedures is performed to ensure that the new system will provide management with complete and accurate information.

(2) This scope of audit of organizations, programs, activities, and functions is in accordance with the Governments Auditing Standards prescribed by the Comptroller General (1988 Revision) and the Professional Internal Auditing Standards. The Office of Management and Budget, by circular, established audit requirements for state and local governments receiving Federal assistance and required that audits of these entities are to be made in accordance with the Comptroller General's standards. Moreover, in 1978 the Institute of Internal Auditors issued standards which are compatible with these standards.

(3) The Director of Internal Audit also supervises and directs official inquiries into allegations of employee/contractor misconduct, or allegations of mismanagement, waste or abuse in any of the Authority's programs, activities or operations. When the Director of Internal Audit's investigatory work uncovers criminal activity, such cases will be referred to the Director of Security for the Authority. The Board of Trustees and the General Manager will be kept abreast of all such cases on a timely basis. Discussion of all such items will be conducted in executive session in order to maintain confidentiality in accordance with the provisions of Ohio law regarding executive sessions.

Fraud against the Authority may be accomplished by false claims for benefits or services, false statements to induce contracts or to secure benefits, bribery of officials or claims for payment when goods or services are not delivered. Official inquiries of fraud, waste, or abuse are essentially reactive in nature and usually begin with the receipt of allegations of wrongdoing and/or requests for examination from a variety of sources, including:

- A. Authority Management
- B. Board members
- C. Hotline complaints
- D. Outside audits
- E. News media

Priorities are established based on the significance of the allegations and the limited availability of resources. Significance is determined by any of the following: potential impact on public integrity and safety, dollar impact, high level of interest and sensitivity, or potential embarrassment to the Authority.

(b) Annual Audit Plan. Each year an annual Internal Audit Plan will be prepared by the Director of Internal Audit. The Plan will delineate those internal audit activities which are expected to be completed during the year. The Plan will be reviewed with the General Manager/Secretary-Treasurer and the Board of Trustees in accordance with paragraph (d)(2) hereof.

(c) Responsibility. The Director of Internal Audit is responsible for the enforcement, application, and timeliness of this policy as directed by the Board of Trustees and the General Manager/Secretary-Treasurer.

The Director of Internal Audit acts as directed by the GMGR in:

(1) Formulation, planning, and implementing financial compliance audits, reviews of economy and efficiency of operations, evaluations of program results, and comprehensive review of Authority organizational units; and

(2) Supervising and directing officials' inquiries relating to alleged improprieties in programs and activities of the Authority. All Authority activities are subject to review by the Director of Internal Audit.

(d) Procedures.

(1) In deciding which areas should be audited, the following criteria will be considered:

A. Emphasis by the Board, the General Manager/Secretary-Treasurer and Management.

B. Ethical climate and pressure on management to meet objectives.

C. Competence, adequacy and integrity of personnel.

D. Asset, size liquidity or transaction volume.

E. Financial and economic conditions.

F. Competitive conditions.

G. Complexity or volatility of activities.

H. Impact of customers, suppliers and government regulations.

I. Degree of computerized information systems.

J. Geographical dispersion of operations.

K. Adequacy and effectiveness of the system of internal control.

L. Organizational, operational, technological or economic changes.

M. Management judgments and accounting estimates.

N. Acceptance of audit findings and corrective action taken.

O. Date and results of previous audits.

(2) The Director of Internal Audit will meet at least annually with the Board of Trustees, and at such other times with the Board, as the Board President, the Director of Internal Audit or the General Manager/Secretary-Treasurer determine. The Board of Trustees will review the annual internal audit work program of the Director of Internal Audit after approval of the General Manager/Secretary-Treasurer. This review will be conducted at the beginning of each fiscal year and its purpose is to ensure that the program includes work in areas of interest to the Board of Trustees.

(3) The Director of Internal Audit will ensure that the President of the Board of Trustees is fully informed of major work in progress and will make available to Board members summaries of audit/inspection reports and such other documents and materials as Board members may request or require to carry out their responsibility. Matters involving contractor proprietary data, Authority personnel matters, or other matters of a private nature shall be conducted in executive session in accordance with Ohio law.

(4) The Director of Internal Audit will keep the President of the Board of Trustees informed of any audits or surveys being made or proposed by outside organizations such as the DOT's Inspector General or the General Accounting Office.

(5) When such services are retained, the Director of Internal Audit will cooperate with the external auditors to maximize the benefit to the Authority.

(6) The Department of Internal Audit staff shall have unrestricted access to all work areas and all papers, records, procedures, reports and work files needed for their department examinations. It is the responsibility of each department director (DD) to ensure that their organization cooperates fully with audit staff and is responsive to legitimate requests. Excluded are matters involving active criminal/civil prosecutions where the access to records, etc., has been judicially restricted.

(7) Except where the nature of the audit necessitates otherwise (such as a surprise cash audit) or in the instance of a routine and informal inquiry for information, prior to the start of a scheduled review the auditee will be briefed on the general objectives of the audit and the personnel to be assigned, and be afforded an opportunity to suggest specific areas for emphasis. Arrangements for work space or other necessary facilities also will be completed at that time.

(8) Before concluding the audit, the Director of Internal Audit will schedule an exit conference with the auditee to informally apprise the auditee of the various matters observed during the audit and secure the auditee's views on the specific issues.

(9) Prior to the exit conference, the Director of Internal Audit will issue a draft report to the involved management for review. The Director of Internal Audit or a senior member of his or her staff will be available, if desired, to discuss the draft report prior to the submission of written comments.

(10) Within fifteen days after receipt of the draft audit report the auditee will respond, in writing, to the Director of Internal Audit giving his or her view on the relative significance of the matters reported, and stating what, if any, actions will be taken. If additional time is needed, the auditee should discuss the unusual circumstances with the Director of Internal Audit.

(11) The final report will be addressed to the auditee, with copies to the General Manager/Secretary-Treasurer.

(12) Within sixty days after receipt of the final report, the auditee will provide written comments to the Director of Internal Audit stating what actions have been taken or planned with respect to matters presented in the report. Where planned actions are indicated, milestones or target dates will be included.

(13) Quarterly, the Director of Internal Audit will report to the General Manager/Secretary-Treasurer on the status of recommendations in issued reports. The Director of Internal Audit will comment on whether action was taken and, if so, whether it was effective.

(14) With respect to the handling of formal comments on draft or final reports prepared by outside agencies or organizations, such official responses or other pertinent correspondence shall be transmitted only over the signature of the General Manager/Secretary-Treasurer.

(15) Questions which arise during the audit concerning the interpretation of the law or compliance therewith shall be referred by the Director of Internal Audit to the AGM-Legal for resolution and disposition.

(Res. 1997-199. Passed 11-18-97.)

262.09 PERIODIC REVIEW AND AMENDMENT.

(a) The Internal Audit Charter delineated herein will be subject to review and revision by the Board of Trustees at least once every three years. This does not preclude the Board of Trustees from revising specific policies included herein or adding additional policies should the Board of Trustees determine that the best interests of the public and/or the Authority would be served by making such a revision.

(b) Amendments or revisions to this Charter can be initiated or proposed by any member of the Board of Trustees, by the General Manager/Secretary-Treasurer of the Authority, or by the Director of Internal Audit.

(c) Proposed amendments or revisions to this Charter will be subject to review and study by the Committee of the Whole Board. The Committee of the Whole Board will make recommendations on any proposed amendment or revision to the Board of Trustees. The Board of Trustees must approve any amendment or revision by majority vote before said amendment or revision will become official policy of the Authority.

(Res. 1997-199. Passed 11-18-97.)

TITLE EIGHT - Divisions, Departments and Offices

- Chap. 280. Operations Division.
 Chap. 281. Engineering and Project Management Division.
 Chap. 282. Materiel Division. (Repealed)
 Chap. 283. Human Resources Division.
 Chap. 284. Legal Affairs Division.
 Chap. 286. Finance and Administration Division.
 Chap. 288. Development Division. (Repealed)
 Chap. 289. Office of Management and Budget.
 Chap. 290. Personnel Department. (Repealed)
 Chap. 291. Office of Marketing and Communications.
 Chap. 292. Office of Small Business and Employment Opportunity.
 (Repealed)
 Chap. 293. Office of Organizational Planning and Development. (Repealed)
 Chap. 294. Government Relations Department. (Repealed)
 Chap. 295. Office of External Affairs.
 Chap. 296. Construction Management and Engineering Department.
 Chap. 297. Office of Information Technology.
 Chap. 298. Security/RTA Police Department.
 Chap. 299. Safety Department. (Repealed)

CHAPTER 280
Operations Division

- | | |
|-----------------------|---------------------------------|
| 280.01 Composition. | 280.03 Commissioning of Transit |
| 280.02 Deputy General | Police Officers. |
| Manager-Operations. | 280.04 Mutual aid agreements. |

CROSS REFERENCES

- Public transportation - see 49 U.S.C.A. 5301 et seq.
 Federal Transit Administration, Department of Transportation - see 49 C.F.R.
 Ch. VI
 Crime prevention and security - see 49 U.S.C.A. 5321
 Public transportation safety program - see 49 U.S.C.A. 5329
 County sheriffs - see Ohio R.C. Ch. 311
 Private police - see Ohio R.C. 737.05
 Arrest powers - see Ohio R.C. 2935.03
 Private investigators; security services - see Ohio R.C. Ch. 4749

Deputy General Manager-Operations as member of Executive Management Team - see ADM. 240.01

Vehicle operation - see VEH. & OP. Ch. 840 et seq.

Safety Department/Legal Affairs Division - see ADM. Ch. 284

Law Enforcement Fund - see FIN. 460.09

Protection against internal losses of public assets - see FIN. Ch. 464

Service to auxiliary and reserve police - see VEH 840.07

280.01 COMPOSITION.

The Operations Division is responsible for the management of the Authority's transportation services, which includes service management, operation of bus, rail and paratransit districts, fleet management, transit police, service quality, and asset and configuration management.

(Res. 1999-147. Passed 10-26-99; Res. 2015-123. Passed 12-15-15.)

280.02 DEPUTY GENERAL MANAGER-OPERATIONS.

There is hereby established in the Operations Division the unclassified position of Deputy General Manager-Operations, within the executive management structure. (Res. 1999-147. Passed 10-26-99.)

280.03 COMMISSIONING OF TRANSIT POLICE OFFICERS.

(a) The President of the Board of Trustees is hereby authorized to empower duly appointed individuals with all statutory duties and powers granted by Ohio R.C. 109.78(B) and 306.35(Y).

(b) As a condition precedent to commissioning for and before exercising police powers on behalf of the Authority, each appointee shall take an oath and give a bond in an amount to be determined by the CEO, General Manager/Secretary-Treasurer, in consultation with the Chief of Police and the Risk Management Department. Such bond shall be filed with the CEO, General Manager/Secretary-Treasurer of the Authority.

(c) As a further condition, each appointee shall complete the training required for the position to which he or she has been appointed, as provided and required by the Ohio Peace Officers Training Council as provided in Ohio R.C. 109.78, or shall be otherwise qualified.

(Res. 1981-309. Passed 10-20-81; Res. 2015-123. Passed 12-15-15.)

280.04 MUTUAL AID AGREEMENTS.

The CEO, General Manager/Secretary-Treasurer is hereby authorized to enter into and amend mutual aid agreements with cities within the Authority's service area, to provide for mutual assistance and interchange and use of police personnel and equipment and provide for arrest authority for the Authority's police officers when they are not physically on Authority property. Such mutual aid agreements shall include the authority to enter into protocol agreements to establish procedures governing the exercise of mutual aid and shall be subject to all other conditions or obligations imposed by law upon the Authority.

(Res. 1997-20. Passed 1-21-97; Res. 2005-97. Passed 8-23-05; Res. 2008-43. Passed 3-18-08; Res. 2010-27. Passed 4-20-10; Res. 2011-59. Passed 7-12-11; Res. 2015-123. Passed 12-15-15.)

281.02 DEPUTY GENERAL MANAGER-ENGINEERING AND PROJECT MANAGEMENT.

There is hereby established in the Engineering and Project Management Division the unclassified position of Deputy General Manager-Engineering and Project Management, within the executive management structure.

(Res. 2015-124. Passed 12-15-15.)

CHAPTER 282
Materiel Division

EDITOR'S NOTE: The Materiel Division was abolished as part of the 1999 reorganization of the GCRTA and the revision of these Policies and Procedures.

CHAPTER 283
Human Resources Division

283.01 Composition.

283.02 Deputy General Manager-
Human Resources.

CROSS REFERENCES

Labor standards - see 49 U.S.C.A. 5333

Civil service - see Ohio R.C. 124.01 et seq.

O.P.E.R.S. - see Ohio R.C. 145.01 et seq.

Employees are eligible for O.P.E.R.S. - see Ohio R.C. 306.45

Authority of General Manager/Secretary-Treasurer - see Bylaws Art. II, Sec. 8

Appointments - see Bylaws Art. IV, Sec. 1; PERS. Ch. 622

Authority of Board of Trustees re personnel - see Bylaws Art. IV, Sec. 3

Employment generally - see Bylaws Art. VIII, Sec. 2

Fringe benefits - see Bylaws Art. VIII, Sec. 7; PERS. Ch. 628

Authority of CEO, General Manager/Secretary-Treasurer and Board of
Trustees re appointments and promotions - see PERS. 622.01

Collective bargaining agreements - see PERS. Ch. 624

Conditions of employment - see PERS. Ch. 624

283.01 COMPOSITION.

The Human Resources Division is responsible for employment and recruiting, HRIS, labor and employee relations, training and employee development, occupational health, benefits and wellness.

(Res. 2015-124. Passed 12-15-15.)

283.02 DEPUTY GENERAL MANAGER-HUMAN RESOURCES.

There is hereby established in the Human Resources Division the unclassified position of Deputy General Manager-Human Resources, within the executive management structure.

(Res. 2015-124. Passed 12-15-15.)

CHAPTER 284
Legal Affairs Division

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|---|-------------------------------|
| 284.01 Composition. | 284.03 Outside counsel; fees. |
| 284.02 General Counsel, Deputy
General Manager-Legal
Affairs. | |

CROSS REFERENCES

Public transportation - see 49 U.S.C.A. 1601 et seq.
 Federal Transit Administration, Department of
 Transportation - see 49 C.F.R. Ch. VI
 Implementation of the Federal Claims Collection Act - see 49 C.F.R. Part 89
 Responsibilities and authority of CEO, General Manager/Secretary-
 Treasurer re Legal Affairs Division - see Bylaws Art. II, Sec. 8(b)(10),(11)
 Attorneys - see Ohio R.C. Ch. 4705
 Deputy General Manager-Legal Affairs as member of Executive
 Management Team - see ADM. 240.01

284.01 COMPOSITION.

The Legal Affairs Division is responsible for handling the Authority's legal matters, including litigation, transactional and administrative matters, risk management, claims, Workers' Compensation and safety. The office of OEO and ADA is located within the Legal Affairs Division.
 (Res. 1999-147. Passed 10-26-99; Res. 2015-125. Passed 12-15-15.)

284.02 GENERAL COUNSEL, DEPUTY GENERAL MANAGER-LEGAL AFFAIRS.

There is hereby established in the Legal Affairs Division the unclassified position of General Counsel, Deputy General Manager-Legal Affairs, within the executive management structure.
 (Res. 1999-147. Passed 10-26-99; Res. 2015-125. Passed 12-15-15.)

284.03 OUTSIDE COUNSEL; FEES.

(a) The Authority maintains an in-house legal staff to provide advice and conduct legal services on customary and recurring matters of a legal nature.

(b) On occasion, outside legal services will be retained by the Authority to handle specific legal matters when one or more of the following conditions exist:

- (1) The legal expertise required does not exist or is not available within the Authority's legal staff;
- (2) The size, scope and/or complexity of the legal matter or case is beyond the collective capability of the Authority's legal staff to undertake in a timely and effective manner; or
- (3) The best interests of the Authority would be served by having outside legal counsel handle the matter or case.

(c) Retention of outside legal counsel will be accomplished using a competitive selection process consistent with Federal and State of Ohio procurement requirements. The General Manager/Secretary-Treasurer shall select the outside legal counsel best qualified to meet the Authority's needs consistent with the schedule of fee charges for outside legal counsel approved by the Board of Trustees.

(d) Outside legal counsel will be paid fees in accordance with a schedule of fee charges approved by the Board of Trustees. Said schedule of fee charges, as provided in subsection (i) hereof, will be reviewed and updated at least once every three years. The schedule of fee charges will establish caps or maximums that the Authority will pay for outside legal counsel. When, in the judgment of the General Manager/Secretary-Treasurer, the Authority should retain outside legal counsel at rates above those established in the schedule of fee charges, then the General Manager/Secretary-Treasurer shall first obtain the prior approval of the Board of Trustees before retaining said counsel.

(e) In an emergency situation requiring outside legal counsel to serve the best interests of the Authority, the General Manager/Secretary-Treasurer may waive the requirements of the schedule of fee charges, if necessary, provided that he or she obtains the prior concurrence of the President of the Board of Trustees. Any such action by the General Manager/Secretary-Treasurer shall be presented to the Board of Trustees for ratification at its next regularly scheduled meeting. Emergency situations in this context are defined as a legal situation demanding immediate retention of outside legal counsel within forty-eight hours.

(f) Any outside law firm or legal counsel retained by the Authority shall agree that all work done for the Authority shall be handled by the most junior member of the firm qualified and available to handle the specific task and that accurate records concerning personnel, assigned tasks and amount of time spent shall be kept and made available to the Authority at all times.

(g) The Deputy General Manager-Legal Affairs shall coordinate the services provided by outside legal counsel and review and approve its billings in accordance with the approved schedule of fee charges and established administrative policies and procedures. Should an apparent conflict of interest develop in the review of billings for an outside legal counsel, then the General Manager/Secretary-Treasurer shall seek a qualified, impartial resource to perform this function for the Authority, and shall so advise the President of the Board of Trustees of his or her actions in this regard.

(h) The General Manager/Secretary-Treasurer shall report quarterly to the Board of Trustees on the use of outside legal counsel by the Authority. Said report shall list each outside counsel being used, the case or legal matter each counsel is handling and the fees being paid to said counsel.

- (i) (1) The maximum rate paid for outside legal counsel will be three hundred twenty-five dollars (\$325.00) per hour (i.e. for partners).
- (2) Less senior members of the outside legal firm will be paid appropriate hourly rates below that of a partner of the firm.
- (3) This subsection will be reviewed every three years and updated when deemed necessary.
(Res. 1991-129. Passed 6-18-91; Res. 1999-147. Passed 10-26-99; Res. 2004-43. Passed 3-16-04; Res. 2014-74. Passed 8-19-14; Res. 2015-125. Passed 12-15-15.)

CHAPTER 286
Finance and Administration Division

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| 286.01 Composition. | 286.02 Deputy General
Manager-Finance and
Administration. |
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CROSS REFERENCES

- Urbanized area formula grants - see 49 U.S.C.A. 5307
- Fixed guideway capital investment grants - see U.S.C.A. 5309
- Research, development, demonstration, and deployment projects - see 49 U.S.C.A. 5312
- Technical assistance and standards development - see 49 U.S.C.A. 5314
- General Provisions - 49 U.S.C.A. 5323
- Public transportation emergency relief program - 49 U.S.C.A. 5324
- National transit database - see 49 U.S.C.A. 5335
- Apportionment of appropriations for formula grants - see 49 U.S.C.A. 5336
- State of good repair grants - see 49 U.S.C.A. 5337
- Authorizations - see 49 U.S.C.A. 5338
- Uniform system of accounts and records and reporting system - see 49 C.F.R. Part 630
- Nondiscrimination - see 49 U.S.C.A. 5332
- Tax levies - see Ohio R.C. 306.321, 306.49, 306.52, 306.70, 306.71
- Bidding and contracts - see Ohio R.C. 153.12, 306.43, 306.44
- Revenue bonds - see Ohio R.C. 306.37 et seq.
- County commissioners may appropriate funds - see Ohio R.C. 306.47
- Tax levy law - see Ohio R.C. 5705.01 et seq.
- Sales tax - see Ohio R.C. 5739.01 et seq.
- Bidder for certain public contracts to obtain certificate of compliance with affirmative action requirements - see Ohio R.C. 9.47
- Affirmative action provisions to be in all contracts with State or subdivision - see Ohio R.C. 125.111
- Discrimination prohibited in contracts, purchase orders and agreements - see Bylaws Art. VII, Sec. 5
- Affirmative action and disadvantaged business enterprise/women's business enterprise program - see PERS. Ch. 620
- Deputy General Manager-Finance and Administration as member of Executive Management Team - see ADM. 240.01

Acceptance and expenditure of Federal funds by General Manager/

Secretary-Treasurer - see ADM. 242.03

Financial policies and procedures - see FIN. Ch. 460

Funds - see FIN. Ch. 460

Protection against internal losses of public assets - see FIN. Ch. 464

286.01 COMPOSITION.

The Finance and Administration Division is responsible for the Authority's financial matters, including accounting, support services, procurement, revenue and cash management. The Office of Business Development is located within the Finance and Administration Division.

(Res. 2015-126. Passed 12-15-15.)

286.02 DEPUTY GENERAL MANAGER-FINANCE AND ADMINISTRATION.

There is hereby established in the Finance and Administration Division the unclassified position of Deputy General Manager-Finance and Administration, within the executive management structure.

(Res. 2015-126. Passed 12-15-15.)

CHAPTER 288
Development Division

EDITOR'S NOTE: This chapter was repealed by Resolution 2015-127, passed December 15, 2015.

CHAPTER 289
Office of Management and Budget

289.01 Supervision.

289.02 Executive Director.

CROSS REFERENCES

Public transportation - see 49 U.S.C.A. 5301 et seq.

Federal Transit Administration, Department of Transportation - see 49 C.F.R.
Ch VI

Table of organization; establishment of departments; salaries - see BYLAWS, Art.
VIII, Sec. 4

Long range plan - see SERV. Ch. 1090

289.01 SUPERVISION.

The Office of Management and Budget will report to the General Manager/
Secretary-Treasurer.

(Res. 2015-124. Passed 12-15-15.)

289.02 EXECUTIVE DIRECTOR.

There is hereby established in the Office of Management and Budget the
unclassified position of Executive Director of the Office of Management and Budget.

(Res. 2015-124. Passed 12-15-15.)

CHAPTER 290
Personnel Department

EDITOR'S NOTE: The Personnel Department was abolished as part of the 1999 reorganization of the GCRTA and the revision of these Policies and Procedures. The functions of the Personnel Department are now carried out by the Human Resources Department within the Division of Finance and Administration.

CHAPTER 291
Office of Marketing and Communications

291.01 Supervision.

291.02 Executive Director.

CROSS REFERENCES

Public transportation - see 49 U.S.C.A. 5301 et seq.

Federal Transit Administration, Department of Transportation see 49 C.F.R.
Ch. VI

Table of organization; establishment of departments; salaries - see BYLAWS,
Art. VIII, Sec. 4

291.01 SUPERVISION.

The Office of Marketing and Communications will report to the General Manager/Secretary-Treasurer.

(Res. 2015-124. Passed 12-15-15.)

291.02 EXECUTIVE DIRECTOR.

There is hereby established in the Office of Marketing and Communications the unclassified position of Executive Director of Marketing and Communications.

(Res. 2015-124. Passed 12-15-15.)

CHAPTER 292
Office of Small Business and Employment Opportunity

EDITOR'S NOTE: This chapter was repealed by Resolution 2015-127, passed December 15, 2015.

CHAPTER 293
Office of Organizational Planning and Development

EDITOR'S NOTE: This chapter was repealed by Resolution 2015-127, passed December 15, 2015.

CHAPTER 294
Government Relations Department

EDITOR'S NOTE: As part of the 1999 reorganization of the GCRTA, the Government Relations Department was combined with the Media Relations Department to form a new Office of External Affairs. See Chapter 295.

CHAPTER 296

Construction Management and Engineering Department

EDITOR'S NOTE: The Construction Management and Engineering Department was abolished as part of the 1999 reorganization of the GCRTA. Most of its functions are now carried out by the Engineering and Project Development Department within the Division of Development.

CHAPTER 297
Office of Information Technology

297.01	Supervision.	297.03	Executive Director/Chief Information Officer.
297.02	Composition.		

CROSS REFERENCES

Public transportation - see 49 U.S.C.A. 5301 et seq.

Federal Transit Administration, Department of Transportation - see 49 C.F.R.
Ch VI

Table of organization; establishment of departments; salaries -see BYLAWS,
Art. VIII, Sec. 4

297.01 SUPERVISION.

The Office of Information Technology will report to the General Manager/
Secretary-Treasurer.

(Res. 2015-124. Passed 12-15-15.)

297.02 COMPOSITION.

The Office of Information Technology is responsible for applications, infrastructure
and user support.

(Res. 2015-124. Passed 12-15-15.)

297.03 EXECUTIVE DIRECTOR/CHIEF INFORMATION OFFICER.

There is hereby established in the Office of Information Technology the
unclassified position of Executive Director/Chief Information Officer.

(Res. 2015-124. Passed 12-15-15.)

CHAPTER 298
Security/RTA Police Department

EDITOR'S NOTE: Resolution 1997-20, passed January 21, 1997, authorized the General Manager/Secretary-Treasurer to enter into a mutual aid agreement with the City of Cleveland to provide for mutual assistance and interchange and use of police personnel and equipment and to provide for arresting authority for GCRTA police officers, under certain circumstances, when not on Authority property. Copies of such resolution and of the Agreement may be obtained, at cost, from the office of the General Manager/Secretary-Treasurer. In 1998, the Transit Police Department was moved under the Operations Division. Resolution 2015-123, passed December 15, 2015, re-numbered Section 298.01 as Section 280.03 and repealed Section 298.02.

CHAPER 299
Safety Department

EDITOR'S NOTE: This chapter was repealed by Resolution 2015-127, passed December 15, 2015.

POLICIES AND PROCEDURES
OF THE
BOARD OF TRUSTEES
OF THE
GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

PART FOUR - FINANCE CODE

- Chap. 410. Contracts and Procurement.
- Chap. 420. Debt Policies.
- Chap. 460. Financial Policies and Procedures; Funds.
- Chap. 461. Policies and Procedures for Implementing Joint Development of Transit Facilities. (Repealed)
- Chap. 462. Policy for Private Sector Participation in Provision of Transportation Services.
- Chap. 464. Protection Against Internal Losses of Public Assets.
- Chap. 465. Financial Assistance.
- Chap. 470. Real Estate Policies.
- Chap. 490. Use Tax.

POLICIES AND PROCEDURES
OF THE
BOARD OF TRUSTEES
OF THE
GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

PART FOUR - FINANCE CODE

CHAPTER 410
Contracts and Procurement

410.01	Competitive bidding.	410.04	State and Federal Surplus Property Purchasing Program.
410.02	Procurement policies and procedures.	410.05	Ohio Department of Transportation Cooperative Purchasing Program.
410.03	State Cooperative Purchasing Program.		

CROSS REFERENCES

Purchase or operation of buses - see 49 U.S.C.A. 1602(f)
 Expenditure of funds in connection with acquisition of buses, bus equipment, or bus related facilities - see 49 U.S.C.A. 1602(h)
 Authority to make contracts - see Ohio R.C. 306.35(B)
 Authority to apply for and accept grants or loans - see Ohio R.C. 306.35(R)
 Authority to enter into and supervise franchise agreements - see Ohio R.C. 306.35(O), (P)
 Bidding procedure - see Ohio R.C. 306.43
 Contracts with other governments - see Ohio R.C. 306.44
 Contracts generally - see Bylaws Art. VII
 Expenditures - see Bylaws Art. VII, Sec. 3
 Nondiscrimination in contracts and purchase orders - see Bylaws Art. VII, Sec. 5
 Auditing of contracts - see ADM. 262.07
 Finance and Administration Division - see ADM. Ch. 286
 Contracts for security service - see ADM. 298.02
 Debt policies - see FIN. Ch. 420

410.01 COMPETITIVE BIDDING.

(a) The requirement of competitive bidding, as provided by Ohio R.C. 306.43, is hereby determined to be effective for all expenditures of the Authority in excess of fifteen thousand dollars (\$15,000).

(Res. 1988-6. Passed 1-5-88.)

(b) The staff member having responsibility for procurement for the Authority is hereby authorized to advertise for competitive bidding the procurement of any and all goods and services required by the Authority in the performance of its transit operation the cost of which is anticipated to exceed fifteen thousand dollars (\$15,000).

(c) As an exception to subsection (b) hereof, the Board of Trustees reserves to itself the authority to authorize advertising if the Authority incurs or will incur an expenditure exceeding fifteen thousand dollars (\$15,000) in the development of the terms and specifications for the underlying procurement.

(d) The General Manager/Secretary-Treasurer is hereby authorized to require a request for bidding to be submitted to the Board for approval.

(Res. 1988-17. Passed 1-19-88.)

410.02 PROCUREMENT POLICIES AND PROCEDURES.

(a) There is hereby adopted by and for the Authority the Procurement Policies and Procedures Manual, dated September 23, 2008.

(b) This section rescinds all previous resolutions pertaining to procurement policies and procedures, including, but not limited to, Resolutions 1988-60, 1990-129, 1995-61, 1999-18 and 2002-186.

(c) Amendments to the Procurement Policies and Procedures Manual shall be presented to the Board of Trustees periodically for its review and approval.

(Res. 2008-141. Passed 9-23-08.)

(EDITOR'S NOTE: Because the Procurement Policies and Procedures Manual, adopted in Section 410.02, is separately published, it is not included in these codified Policies and Procedures of the Board of Trustees of the Greater Cleveland Regional Transit Authority. Copies may be examined, or obtained at cost, in the office of the General Manager/Secretary-Treasurer.)

410.03 STATE COOPERATIVE PURCHASING PROGRAM.

(a) The General Manager/Secretary-Treasurer hereby requests authority, in the name of the Greater Cleveland Regional Transit Authority, to participate in State contracts which the Department of Administrative Services, Office of State Purchasing, has entered into for the purchase of supplies, services, equipment and certain materials pursuant to Ohio R.C. 125.04.

(b) The General Manager/Secretary-Treasurer is hereby authorized to agree, in the name of the Authority, to be bound by all contract terms and conditions as the Department of Administrative Services, Office of State Purchasing, prescribes. Such terms and conditions may include a reasonable fee to cover the administrative costs which the Department incurs as a result of the Authority's participation in a contract. Further, the General Manager/Secretary-Treasurer does hereby agree to be bound by all such terms and conditions.

(c) The General Manager/Secretary-Treasurer is hereby authorized to agree, in the name of the Authority, to directly pay the vendor under each such State contract in which it participates for items it receives pursuant to the contract, and the General Manager/Secretary-Treasurer does hereby agree to directly pay the vendor. (Res. 1990-69. Passed 4-17-90.)

410.04 STATE AND FEDERAL SURPLUS PROPERTY PURCHASING PROGRAM.

(a) The General Manager/Secretary-Treasurer hereby requests authority, in the name of the Greater Cleveland Regional Transit Authority, to participate in State contracts which the Department of Administrative Services, State and Federal Surplus Property Program, has entered into for the purchase of supplies, services, equipment and certain materials pursuant to Ohio R.C. 125.04

(b) The General Manager/Secretary-Treasurer is hereby authorized to agree, in the name of the Authority, to be bound by all contract terms and conditions as the Department of Administrative Services, Office of State Purchasing, prescribes. Such terms and conditions may include a reasonable fee to cover the administrative costs which the Department incurs as a result of the Authority's participation in the program. Further, the General Manager/Secretary-Treasurer does hereby agree to be bound by all such terms and conditions.

(c) The General Manager/Secretary-Treasurer is hereby authorized to agree, in the name of the Authority, to directly pay the State for whatever it receives pursuant to the agreement.

(d) The General Manager/Secretary-Treasurer may designate those employees that he or she deems appropriate to purchase State and Federal surplus property. (Res. 1991-81. Passed 4-16-91.)

410.05 OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM.

(a) The General Manager/Secretary-Treasurer is hereby authorized, in the name of Greater Cleveland Regional Transit Authority, to participate in Ohio Department of Transportation contracts for the purchase of machinery, materials, supplies or other articles which the Department has entered into pursuant to Ohio R.C. 5513.01(B).

(b) The General Manager/Secretary-Treasurer is hereby authorized to agree, in the name of the Authority, to be bound by all terms and conditions as the Director of Transportation prescribes, to the extent consistent with the Authority's procurement policies and procedures.

(c) The General Manager/Secretary-Treasurer is hereby authorized to agree, in the name of the Authority, to directly pay the vendor, under each such contract of the Ohio Department of Transportation in which the Authority participates, for items it receives pursuant to the contract.

(d) The Authority agrees to hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim or dispute arising in connection with participation in a contract pursuant to Ohio R.C. 5513.01(B). (Res. 1993-79. Passed 4-20-93.)

CHAPTER 420
Debt Policies

420.01	Purpose; scope.	420.10	Tax-exempt debt.
420.02	Legal authority.	420.11	Retirement of debt.
420.03	Integration of capital planning and debt financing activities.	420.12	Investment of debt proceeds.
420.04	Debt limitations.	420.13	IRS regulations regarding arbitrage.
420.05	Restrictions on borrowing.	420.14	Debt refunding.
420.06	Types of debt permitted.	420.15	Follow-up analysis.
420.07	Method of sale.	420.16	Disclosure requirements.
420.08	Use of external finance professionals.	420.17	Periodic review and amendment.
420.09	Structuring debt.	420.18	Debt service requirements.

CROSS REFERENCES

Purchase or operation of buses - see 49 U.S.C.A. 1602(f)
 Expenditure of funds in connection with acquisition of buses, bus
 equipment or bus-related facilities - see 49 U.S.C.A. 1602(h)
 Limitation on tax rate; exception - see Ohio Const. Art XII, Sec. 2
 Sinking fund - see Ohio Const. Art. XII, Sec. 11
 Authority to make contracts - see Ohio R.C. 306.35(B)
 Authority to apply for and accept grants or loans - see Ohio R.C.
 306.35(R)
 Revenue bonds - see Ohio R.C. 306.37 et seq.
 Expenditures - see Bylaws Art. VII, Sec. 3
 Finance and Administration Division - see ADM. Ch. 286
 Financial policies and procedures; funds - see FIN. Ch. 460

420.01 PURPOSE; SCOPE.

(a) Strong financial management is critical to the success of the Greater Cleveland Regional Transit Authority (the "Authority"). The debt policies described herein are designed to guide the Authority's borrowing and overall capital financing strategy. Its provisions set parameters for issuing and managing debt and will ensure consistency and continuity in financial management decision-making.

- (b) The debt policies established herein cover the following areas:
- (1) Integration of capital planning and debt financing activities
 - (2) Debt limitations
 - (3) Restrictions on borrowing
 - (4) Types of debt permitted
 - (5) Methods of sale
 - (6) Use of external finance professionals
 - (7) Structuring debt
 - (8) Tax-exempt debt
 - (9) Retirement of debt
 - (10) Investments of debt proceeds
 - (11) IRS regulations regarding arbitrage
 - (12) Debt refunding
 - (13) Follow-up analysis
 - (14) Disclosure requirements
 - (15) Periodic review and amendment
 - (16) Debt service requirements
- (Res. 1996-109. Passed 8-20-96; Res. 2014-60. Passed 7-15-14.)

420.02 LEGAL AUTHORITY.

- (a) The legal authority for these debt policies is derived from the following sources:
- (1) Ohio R.C. Chapter 306, Regional Transit Authority, and, more specifically, the following sections:
 - A. 306.31 Creation of Authority
 - B. 306.34 Board of Trustees to manage and conduct affairs
 - C. 306.35 Powers and duties
 - D. 306.37 Revenue bonds
 - E. 306.38 Bonds secured by trust agreement
 - F. 306.40 General obligation bonds; final judgment bonds; use of proceeds; election; tax levy; anticipatory notes; issuance of obligation without vote.
 - (2) Ohio R.C. 5705.02 - Ten-mill limitation.
 - (3) Ohio Constitution, Article XII, Section 2 - Limitation on tax rate; exemption.
 - (4) Ohio Constitution, Article XII, Section 11 - Sinking fund.

- (5) The Authority's Bylaws, Article II, Section 8 - General Manager and Secretary-Treasurer.
- (6) Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended.
(Res. 1996-109. Passed 8-20-96; Res. 2014-60. Passed 7-15-14.)

420.03 INTEGRATION OF CAPITAL PLANNING AND DEBT FINANCING ACTIVITIES.

The Authority produces a six-year Capital Improvements Plan (CIP) and updates the Plan annually as part of the Authority's budget process. Debt requirements will be identified during the capital improvement planning process. The timing of debt financing will be based on both cash flow needs and market considerations.
(Res. 1996-109. Passed 8-20-96; Res. 2014-60. Passed 7-15-14.)

420.04 DEBT LIMITATIONS.

(a) In General. The Authority will fully comply with all statutory debt limitations imposed by the Ohio Revised Code and those developed by the Board of Trustees.

(b) Commitment of Minimum Annual Amount to Capital Projects. Consistent with the Authority's financial policies, and in order to minimize the need for issuing debt, the Authority will commit an amount equivalent to at least ten percent of annual sales tax revenues to capital projects. These funds will be used to fund annual capital projects as well as to retire outstanding debt.

(c) Debt Service Contributions and Capital Transfer Limitations. In addition to the debt limitations imposed by law, the Authority shall not commit to incur capital expenditures, nor structure a debt amortization schedule, which would require debt service contributions and/or capital transfers from the General Fund in excess of an amount equivalent to fifteen percent of annual sales tax revenues.

(d) Statutory Limitations. There are three limitations which relate to the Authority's ability to issue debt:

- (1) Ohio R.C. 306.40 limits the principal amount of bonds which are supported by property taxes to five percent of the assessed valuation within the Authority's territory.
- (2) The second limitation, which is also contained in Ohio R.C. 306.40, restricts annual principal and interest payments on the Authority's unvoted general obligation bonds to one-tenth of one percent of the assessed valuation.

- (3) The third constraint is derived from both the Ohio Constitution and the Ohio Revised Code. Article XII, Section 11, of the Constitution requires that any political subdivision incurring debt must provide for the levying of taxes sufficient to pay principal and interest on that debt. Section 2 of the same Article and Ohio R.C. 5705.02 limits to ten mills (one mill equals one dollar (\$1.00) of tax for each one thousand dollars (\$1,000) of assessed valuation) the amount of taxes that may be levied without a vote of the people.

(e) Reserve Millage. Although the Authority has statutory authority to levy a one mill ad valorem property tax for the payment of debt service, the Authority has never levied such a tax and has no plans to do so. The Authority will reserve this tax levying ability for emergencies only.

(Res. 1996-109. Passed 8-20-96; Res. 2014-60. Passed 7-15-14.)

420.05 RESTRICTIONS ON BORROWING.

(a) The Authority will use current revenues to meet daily operational and working capital needs. The Authority will not issue long-term debt to fund its operations.

(b) The Authority will pursue all other potential funding sources prior to issuing debt (i.e. Federal and State grant programs).

(c) The Authority will not issue debt for any capital improvement for a term that exceeds the useful life of that improvement.

(Res. 1996-109. Passed 8-20-96; Res. 2014-60. Passed 7-15-14.)

420.06 TYPES OF DEBT PERMITTED.

The Authority will identify and pursue the financing alternatives that best meet the needs of the Authority and that are within statutory limitations. Financing alternatives may include, but are not limited to, general obligation or revenue debt (i.e. notes and bonds), sales tax supported debt, certificates of participation, commercial paper, variable rate debt, domestic and foreign leases and State Infrastructure Bank financing.

(Res. 1996-109. Passed 8-20-96; Res. 2014-60. Passed 7-15-14.)

420.07 METHOD OF SALE.

The Authority will determine on an issue-by-issue basis the most effective method of sale. Sales may be competitive, negotiated or by private placement.

(Res. 1996-109. Passed 8-20-96; Res. 2014-60. Passed 7-15-14.)

420.08 USE OF EXTERNAL FINANCE PROFESSIONALS.

The Authority will seek the services of financial professionals as required. These professionals may include, but are not limited to, underwriters, financial advisors, bond counsel, underwriter's counsel, bond registrars, paying agents, arbitrage calculating agents, trustees, escrow agents and bond insurers. The time period of these services may be for a specific transaction or for a period of time.
(Res. 1996-109. Passed 8-20-96; Res. 2014-60. Passed 7-15-14)

420.09 STRUCTURING DEBT.

(a) Structure of Debt Schedules. Debt amortization schedules will be structured to minimize interest expense within the constraints of revenues available for debt service.

(b) Call Provisions. Bond issues may include call features to maximize the Authority's ability to advance, refund or retire the debt early.

(c) Credit Enhancement Considerations. For each debt issue, the Authority will analyze the potential benefit of utilizing credit enhancement (bond insurance, bank letters of credit, etc.) and will pursue such enhancement, provided that cost savings are obtainable. Further, the Authority will only pursue credit enhancement from companies that maintain the highest possible rating by nationally recognized rating agencies for their products.
(Res. 1996-109. Passed 8-20-96; Res. 2014-60. Passed 7-15-14.)

420.10 TAX-EXEMPT DEBT.

(a) The Authority will comply with Federal tax law applicable to its outstanding tax-exempt debt obligations to ensure that interest paid on such tax-exempt debt remains exempt from Federal income tax.

(b) The General Manager/Secretary-Treasurer is hereby authorized, in accordance with the authority granted to him by the Greater Cleveland Regional Transit Authority Bylaws, to issue all necessary administrative procedures to implement this policy without further action by the Board of Trustees.
(Res. 2014-60. Passed 7-15-14.)

420.11 RETIREMENT OF DEBT.

(a) The Authority will retire all debt on or before the maturity date.

(b) The Authority maintains a segregated bond retirement fund to provide for principal and interest payment on its debt. The "set aside" provisions of Section 460.06(c) (original Resolution 1980-376, passed November 5, 1980, as amended by

Resolution 1981-18, passed January 20, 1981 and Resolution 2001-177, passed December 4, 2001) requires monthly transfers to the bond retirement fund in such amounts that will ensure that an adequate fund balance is maintained to meet current obligations.

(c) It is permitted to transfer interest earned on the investment of debt proceeds, within the Capital Improvement Fund, for the purpose of mitigating the set-aside transfers required from the General Fund.

(Res. 1996-109. Passed 8-20-96; Res. 2014-60. Passed 7-15-14.)

420.12 INVESTMENT OF DEBT PROCEEDS.

The Authority will invest bond proceeds in accordance with its general investment of funds policies. The Authority will not issue taxable debt for the sole purpose of reinvesting the proceeds in an attempt to generate profits.

(Res. 1996-109. Passed 8-20-96; Res. 2014-60. Passed 7-15-14.)

420.13 IRS REGULATIONS REGARDING ARBITRAGE.

The Authority will fully comply with all arbitrage rebate requirements of the Federal Tax Code and Internal Revenue Service regulations, and will perform arbitrage rebate calculations for each issue subject to rebate, on an annual basis. All necessary rebates will be filed and paid when due.

(Res. 1996-109. Passed 8-20-96; Res. 2014-60. Passed 7-15-14.)

420.14 DEBT REFUNDING.

(a) The Authority will monitor its debt portfolio for refunding opportunities on a regular basis. The Authority will consider refunding for various reasons, including to:

- (1) Achieve interest rate savings in a favorable interest rate environment;
- (2) Update covenants on outstanding debt which impair efficient operations;
- (3) Restructure the pattern of debt service associated with outstanding bond issues; and
- (4) Alter bond characteristics, such as call provisions or payment dates, on existing debt.

(b) The Authority will initiate a refinancing for interest rate savings when the present value savings exceed one percent of the par amount of the outstanding issue (inclusive of all costs of issuance). Generally, the Authority will execute the refunding once present value savings exceed three percent of the outstanding par.

(Res. 1996-109. Passed 8-20-96; Res. 2014-60. Passed 7-15-14.)

420.15 FOLLOW-UP ANALYSIS.

The Authority will prepare a follow-up analysis for every debt issuance to assess overall market performance.

(Res. 1996-109. Passed 8-20-96; Res. 2014-60. Passed 7-15-14.)

420.16 DISCLOSURE REQUIREMENTS.

The Authority will provide rating agencies, national information repositories and other interested parties with current versions of its Current Annual Financial Report (CAFR) in a timely manner. The Authority will include all information required by the Security and Exchange Commission's Rule 15c2-12(b)(5) in the statistical section of the CAFR, unless this information is otherwise available in the form of a current annual information statement or official statement prepared in connection with the issuance of debt. In addition, the Authority's debt limitations will be updated at least annually and reported in the statistical section of the CAFR.

(Res. 1996-109. Passed 8-20-96; Res. 2014-60. Passed 7-15-14.)

420.17 PERIODIC REVIEW AND AMENDMENT.

(a) The debt policies delineated herein will be subject to review and revision by the Board of Trustees at least once every three years. This does not preclude the Board of Trustees from revising specific policies included herein or adopting additional policies should the Board of Trustees determine that the best interests of the public and/or the Authority would be served by making such a revision.

(b) Amendments or revisions to these debt policies may be initiated or proposed by any member of the Board of Trustees or by the General Manager of the Authority.

(c) Proposed amendments or revisions to these debt policies shall be subject to review and study by the Finance Committee of the Board of Trustees. The Finance Committee will make recommendations on any proposed amendment or revision to the Board of Trustees. The Board of Trustees must approve any amendment or revision by majority vote before said amendment or revision will become the official policy of the Authority.

(Res. 1996-109. Passed 8-20-96; Res. 2014-60. Passed 7-15-14.)

420.18 DEBT SERVICE REQUIREMENTS.

(a) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Debt Service" shall mean the principal of, interest on, and any premium on indebtedness.

(2) "Indebtedness" shall mean:

A. Any general obligation bonds and any notes in anticipation of such bonds issued by the Authority pursuant to Ohio R.C. 306.40, and as

- provided in Ohio R.C. Chapter 133 without a vote of the electors residing within the territorial boundaries of the Authority;
- B. Any money borrowed in anticipation of the collection of current revenues, and any notes issued therefor, pursuant to Ohio R.C. 306.49 and as provided in Ohio R.C. 133.30; and
 - C. Any revenue bonds issued by the Authority pursuant to Ohio R.C. 306.37, including sales tax supported bonds issued under Ohio R.C. Chapter 133.
 - D. The term "indebtedness" shall not include:
 - 1. Any bonds or notes in anticipation of such bonds issued by the Authority pursuant to a vote of the electorate within its territorial boundaries, pursuant to and as provided in Ohio R.C. 306.40 and Ohio R.C. Chapter 133, or
 - 2. Any notes issued by the Authority, pursuant to Ohio R.C. 306.49 and as provided in Ohio R.C. 5705.193, in anticipation of the collection of the proceeds of a tax levy authorized by a vote of the electors within its territorial boundaries.
 - E. Only the defined indebtedness shall be subject to the procedures set forth herein.

(b) Debt Service Schedule. Beginning with any indebtedness incurred after February 1, 1981, and with respect to such indebtedness and any and all indebtedness incurred thereafter, the Secretary-Treasurer of the Authority shall:

- (1) A. Maintain a current schedule (the "Debt Service Schedule") showing:
 - 1. The amount of outstanding indebtedness;
 - 2. The form in which such indebtedness has been issued;
 - 3. The date or dates on which the principal of such indebtedness will mature;
 - 4. The date or dates on which the interest on such indebtedness will be payable;
 - 5. The amount of principal or interest due on each of the dates referred to in divisions (1)A.4. and 5. of this section; and
 - 6. A calculation of the amount that would be required to be set aside, each month in order to accumulate, on the basis of equal monthly installments, an amount sufficient to pay debt service.
- B. With respect to any notes constituting part of the indebtedness, such amount shall include only the amounts that would have to be accumulated each month over the period while such notes will be outstanding in order to pay interest on the notes at maturity or other interest payment date or dates.
- C. With respect to any bonds constituting part of the indebtedness, such amount shall include only the amounts that would have to be

accumulated each month to pay interest on each such bond at the next succeeding interest payment date and to pay the portion of the principal of each such bond that is payable at the next succeeding principal payment date.

- D. In computing the amount of such interest on any such notes or bonds where such interest is to be paid other than on the first day of the month, the amount required to be paid during a period of less than a month shall be prorated on the basis of the remaining number of days in that month.
- (2) Set aside and deposit in the Bond Retirement Fund maintained by a Trustee selected by the Authority for the benefit of the Authority and the bondholders of the Authority's indebtedness, from the sales and use taxes received each month, an amount equal to the aggregate of the amounts shown in the Debt Service Schedule as required to be set aside that month and to make up for any deficiency in the amounts required to be set aside in previous months, provided that the amount to be deposited in a particular month may be reduced by:
- A. The amount in the Bond Retirement Fund in excess of the amount required to meet the set-aside obligations for the preceding months; and
 - B. The amount of interest income received during the month or estimated to be received in subsequent months from the investment or reinvestment of amounts previously set aside.
- (3) Provide to the Board of Trustees quarterly or more frequently when directed by the Board of Trustees a report on the status of the Bond Retirement Fund, including investments of amounts therein.

(c) Annual Budget. Based on the Debt Service Schedule, provision shall be made in each annual budget of the Authority for the payment of debt service payable in the next succeeding fiscal year.

(Res. 1980-376. Passed 11-5-80; Res. 1981-18. Passed 1-20-81; Res. 2001-177. Passed 12-4-01; Res. 2012-34. Passed 4-17-12.)

CHAPTER 460
Financial Policies and Procedures; Funds

460.01	Adoption.	460.10	Investment of Authority funds.
460.02	Purpose and scope.	460.11	Periodic review and amendment.
460.03	Legal authority.	460.12	Declarations of official intent and allocations re reimbursement of temporary advances for capital expenditures from subsequent borrowings.
460.04	General Fund.		
460.05	Capital Improvement Fund.		
460.06	Bond Retirement Fund.		
460.07	Insurance Fund.		
460.08	Supplemental Pension Fund.		
460.09	Law Enforcement Fund.		

CROSS REFERENCES

Conversion of equipment and facilities loans to grants for public transportation projects - see 49 U.S.C.A. 1602-1

Appropriations - see 49 U.S.C.A. 1603(b) et seq.

Department of Internal Audit - see ADM. Ch. 260

Internal audit policies and procedures - see ADM. Ch. 262

Finance and Administration Division - see ADM. Ch. 286

Contracts and procurements - see FIN. Ch. 410

Debt policies - see FIN. Ch. 420

460.01 ADOPTION.

The financial policies set forth in this chapter are hereby adopted as official policy of the Authority.

(Res. 1998-90. Passed 7-21-98.)

460.02 PURPOSE AND SCOPE.

(a) The financial policies described herein are designed to provide a comprehensive framework for the management of the revenues and financial resources of the Authority. They provide guidelines for decision-making by the Board of Trustees and management on how the financial resources of the Authority shall be used to achieve the Authority's mission to provide public transportation services; to meet the obligations of the Authority; and to protect the public interest.

(b) The financial policies established herein cover the following areas:

- (1) General Fund
- (2) Capital Improvement Fund
- (3) Bond Retirement Fund
- (4) Insurance Fund
- (5) Supplemental Pension Fund
- (6) Law Enforcement Fund
- (7) Investment of Authority Funds.
(Res. 2011-79. Passed 9-20-11.)

460.03 LEGAL AUTHORITY.

Ohio R.C. Chapter 306 Regional Transit Authority as follows:

- 306.31 Creation of authority
- 306.34 Board of Trustees to manage and conduct affairs
- 306.35 Powers and duties
- 306.37 Revenue bonds
- 306.38 Bonds secured by trust agreement
- 306.40 General obligation bonds; final judgment bonds; use of proceeds; election; tax levy; anticipatory notes; issuance of obligation without vote.
(Res. 2011-79. Passed 9-20-11.)

460.04 GENERAL FUND.

(a) The General Fund will be used to pay the day-to-day operating obligations of the Authority.

(b) Annual appropriation budget shall be approved by the Board of Trustees by December 31 of each year for the ensuing fiscal year.

(c) Policy objectives to measure and/or control operating expenses and revenues will be:

- (1) The operating ratio (operating revenues divided by operating expenses) shall not be allowed to be below twenty-five percent with a long-range objective of having operating revenue cover an increasing proportion of operating expenses.

- (2) An operating reserve in an amount equal to at least one month's operating expenses shall be budgeted each year to cover unforeseen or extraordinary fluctuations in revenue or expenses.
- (3) Growth in the cost of delivering a unit of service (cost per service hour) shall be kept at or below the rate of inflation.
- (4) Debt service coverage (total operating revenue minus operating expenditures divided by debt service requirements) shall be kept to a minimum of 1.5.

Note: Operating expenses, where applicable, shall be defined to include capitalized operating expenses.

(d) Management shall provide the Board of Trustees with at least quarterly reports on actual versus budget performance for revenues and expenses.

(e) Reserve funds may be established and maintained to protect the Authority from economic downturns such as the Great Recession of 2008-2009. The Reserve Funds and criteria for management and balances are as follows:

- (1) Reserve for fuel: Fuel prices have become increasingly volatile since 2007 and are now the second highest operating cost for the Authority. It is, therefore, prudent to establish a reserve designed to protect the Authority from a significant and continuing rise in fuel prices. Annual savings resulting when actual expenditures are less than the budgeted line item for fuel may be placed in this fund.
- (2) Reserve for compensated absences: Audits have recommended that a reserve should be established to ensure payment of over nine million dollars (\$9,000,000) in charges the Authority will eventually pay to employees for vacation that has been earned. This reserve shall not exceed twenty-five percent of the accrued liability for compensated absences.
- (3) Reserve for hospitalization: The Authority is self-funded for health care and hospitalization costs. A reserve may be established to protect against substantial cost increases from unfunded mandates or out of the ordinary costs for catastrophic illnesses. The reserve shall not exceed ten percent of annual hospitalization costs.

(f) A Rolling Stock Replacement Fund may be established to set aside funds to systematically replace aging revenue vehicles. From 2012 to 2024, the Authority must set aside monies to replace 265 buses and 60 rail cars. A replacement of this magnitude will require more than three hundred million dollars (\$300,000,000). The Authority cannot rely on grants alone to meet this need. Funds should be amassed in

this replacement fund and then transferred to the Capital Improvement Fund to assist in meeting this major capital requirement.

(Res. 2011-79. Passed 9-20-11; Res. 2012-112. Passed 12-18-12.)

460.05 CAPITAL IMPROVEMENT FUND.

(a) The Capital Improvement Fund shall be used to account for the construction and acquisition of major capital facilities and equipment. It shall include funds to match federal and state grants as well as funds to be used for capital construction and acquisition without the benefit of any grant funding.

(b) The Authority will strive to take advantage of all available state and federal grants and other financing programs for capital improvements including but not limited to State of Ohio public transportation grants and Federal Highway Administration programs as well as the programs of the Federal Transit Administration.

(c) Items that have a useful life in excess of one year and an acquisition cost in excess of one thousand dollars (\$1,000) are considered to be capital expenditures to be paid for out of the Capital Improvement Fund.

(d) An amount equivalent to at least ten percent but not more than fifteen percent of sales tax revenues shall be allocated to the capital improvement on an annual basis. This amount shall be allocated directly to the Capital Improvement Fund to support budgeted projects or to the Bond Retirement Fund to support debt service payments.

(e) Recognizing that the capital program requires a critical balance between maintenance of existing assets and expansion efforts, the following policy objective will be used to develop the annual capital budget. The percent of capital maintenance outlay to capital expansion outlay will be a minimum of seventy-five percent and maximum of ninety percent.

(Res. 2011-79. Passed 9-20-11.)

460.06 BOND RETIREMENT FUND.

(a) The Bond Retirement Fund will be used to provide the funds necessary for the payment of principal and interest on debt obligations.

(b) Payment of debt service on the outstanding unvoted general obligation bonds of the Authority is secured by a pledge of all revenues of the Authority, except those specifically limited to another use or prohibited from that use by the Ohio Constitution, state or federal law, or any revenue bond trust agreement that the Authority might

enter into. While in practice that debt service has been and is paid from the receipts of the Authority's sales and use tax, that debt service is also payable, in the event it is not paid from other sources, from the proceeds of the levy by the Authority of ad valorem taxes within the ten-mill limitation imposed by Ohio law. The Authority can also, with the approval of the voters of the Authority, issue general obligation bonds secured by a pledge of and the authority to levy and collect ad valorem property taxes that are unlimited as to amount or rate.

(c) The limits for general obligation debt of the Authority payable from voted or unvoted property taxes are governed by Ohio law which provides that the net principal

amount of that debt may not exceed five percent of the total assessed valuation of properties within the territory of the Authority. The Authority's current outstanding debt is exempt from this limitation because, as provided by Ohio law applicable to unvoted general obligation bonds of a regional transit authority, the Authority's fiscal officer in connection with each issue of its unvoted general obligation bonds certified that revenues of the Authority from sources other than property taxes, after paying operation and maintenance expenses of the facilities financed by those bonds and any money required for the payment of any revenue bonds of the authority, would be sufficient to pay the debt service on those bonds.

There are two indirect limits for unvoted exempt debt, such as the outstanding debt of the Authority. First, the debt service (principal and interest) in any year may not exceed one-tenth of one percent of the total assessed valuation of the properties within Cuyahoga County. Second, this unvoted debt plus other similar debt of all overlapping jurisdictions in the county cannot require a tax rate in excess of ten mills, whether or not a tax is actually levied.

None of the above debt limitations apply to revenue bonds, which are secured only by a pledge of and a lien on the revenues of the Authority, or to notes issued in anticipation of the collection of current revenues, which notes have a maximum six months' maturity.

(d) Each month, as required by a resolution of the Board of Trustees, sales and use tax revenues in an amount, together with anticipated investment earnings on the amounts deposited, calculated to accumulate sufficient funds to meet the next ensuing principal and interest payments due on the Authority's unvoted general obligation notes and bonds, is deposited in the Bond Retirement Fund. The balance in that Fund will drop to a near zero balance once each year in conformance with Federal tax law restrictions on arbitrage earnings.

- (e) Debt financing may be used only under the following conditions:
- (1) For major capital projects with a useful life of not less than five years or when the useful life of the project will exceed the term of the debt by a factor of one and one-half.
 - (2) When expected future revenues are projected to be sufficient to cover principal and interest payments; and in the case of unvoted general obligations, when the certification described in subsection (c) hereof can be made.
 - (3) That the amount of total outstanding debt or debt service payments for the Authority shall not exceed statutory limitations.
 - (4) When a thorough study has been made of the best debt financing vehicles or structure available.
- (Res. 2011-79. Passed 9-20-11.)

460.07 INSURANCE FUND.

(a) The Insurance Fund will be used to provide resources to protect against catastrophic or extraordinary losses. It is not used to pay ordinary and routine losses of the Authority incurred on an on-going basis and handled by the Claims Department of the Authority.

(b) The Authority is insured through both self insurance and purchased insurance. Purchased insurance for property and equipment losses as well as for liability is to be purchased on the open insurance market. The basis for the Insurance Fund structure and coverage levels shall be determined annually by the Risk Manager.

(c) The minimum balance to be maintained in the Insurance Fund shall be determined by the Risk Manager on an annual basis taking into consideration the balance between self insurance and purchased insurance requirements.

(d) Upon attaining the required minimum balance, additional funds will be allocated to the Insurance Fund during the annual budgeting process based upon the results of periodic actuarial studies of the Fund to assess its sufficiency. Actual placement of additional funds into the Insurance Fund may occur at any time during the fiscal year when cash flow requirements permit same, provided that such placement shall occur by no later than September 1 of each year.

(e) In the event that the Insurance Fund is used to pay a catastrophic loss, the Board of Trustees will determine a schedule for replenishment of the Fund up to the minimum amount provided for in subsection (c) hereof.

(f) Every two years an evaluation, including appropriate actuarial studies, of the Insurance Fund shall be conducted. The evaluation will determine:

- (1) If the Fund as constructed herein is sufficient to provide adequate protection to the interests of the Authority.
- (2) If conditions in the open insurance market have changed so as to make the purchase of total insurance coverage a viable, cost-effective alternative to the continued existence of the Fund.

(Res. 2011-79. Passed 9-20-11.)

460.08 SUPPLEMENTAL PENSION FUND.

(a) The Supplemental Pension Fund will be used to account for the assets held by the Authority in a trustee capacity for payment of benefits relating primarily to certain retired employees of the Authority.

(b) Employees covered by the Supplemental Pension Fund include:

- (1) Retirees with pension credit from Cleveland Railway Company;

- (2) Retirees with pension credit from Cleveland Interurban Railroad;
- (3) Retirees and current employees who later retire from the Authority, having left a predecessor agency to serve in the Armed Forces and resuming employment with that predecessor or the Authority within the time specified;
- (4) One retiree with a contractual arrangement for a special pension as a deferred compensation;
- (5) Certain retirees on disability pension who retired before August 1, 1982;
- (6) All other retirees and current employees who later retire from the Authority to the extent of a pension of three dollars (\$3.00) per month;
- (7) Certain surviving spouses of deceased retirees under options selected at retirement.

(c) Every two years an evaluation, including appropriate actuarial studies, shall be made of the Supplemental Pension Fund to determine the amounts required to meet expected obligations of the Fund. Any additional funds determined to be needed will be allocated during the annual budgeting process of the Authority.

(Res. 2011-79. Passed 9-20-11.)

460.09 LAW ENFORCEMENT FUND.

(a) The Law Enforcement Fund will be used to account for monies received from the Federal Government as a result of GCRTA participation in Federal law enforcement efforts leading to the seizure and forfeiture of property.

(b) The expenditure of monies from the Law Enforcement Fund shall be in accordance with the guidelines established by the United States Attorney General on seizure and forfeiture of property, and shall be limited to expenditures not otherwise budgeted.

(Res. 2011-79. Passed 9-20-11.)

460.10 INVESTMENT OF AUTHORITY FUNDS.

(a) Objective. Achieve the maximum financial return for the Authority consistent with prudent market and credit risks while conforming to applicable State and Federal laws and consistent with the cash flow requirements of the Authority, matching maturities and/or marketability at par, to meet outstanding obligations and financial commitments.

(b) Selection of instruments of investment is governed by the Ohio Depository Act. Instruments available for investment include:

- (1) Repurchase agreements of U.S. Government securities and Government-guaranteed agency securities.
- (2) Secured certificates of deposit.

- (3) U.S. Government securities (Treasury bills, notes and bonds).
- (4) Securities of U.S. Government agencies or instrumentalities, such as FNMA (Federal National Mortgage Association), and GNMA (Government National Mortgage Association).
- (5) State Treasury Asset Reserve of Ohio (Star Ohio) and other funds which may be permitted under Ohio Law.

(c) Detailed records of all transactions concerning the investment of Authority funds shall be maintained. These records will be subject to periodic review. Duplicate records will be kept in two locations to protect against loss or damage.

(d) Appropriate checks and balances shall be maintained in the decision-making process concerning investment transactions to insure adequate protection of the public interest and minimize the potential for fraud.

(e) Each month a report summarizing investment transactions and earnings will be prepared for submission to the Board of Trustees.
(Res. 2011-79. Passed 9-20-11.)

460.11 PERIODIC REVIEW AND AMENDMENT.

(a) The financial policies delineated herein shall be subject to review and revision by the Board of Trustees every three years. This does not preclude the Board of Trustees from revising specific policies included herein or from adding additional policies should the Board of Trustees determine that the best interests of the public and/or the Authority would be served by making such a revision.

(b) Amendments or revisions to these financial policies can be initiated or proposed by any member of the Board of Trustees or by the General Manager of the Authority.

(c) Proposed amendments or revisions to these financial policies shall be subject to review and study by the Finance Committee of the Board of Trustees. The Finance Committee will make recommendations on any proposed amendment or revision to the Board of Trustees. The Board of Trustees must approve any amendment or revision by majority vote, as defined in the by-laws, before said amendment or revision will become official policy of the Authority.
(Res. 2011-79. Passed 9-20-11.)

460.12 DECLARATIONS OF OFFICIAL INTENT AND ALLOCATIONS RE REIMBURSEMENT OF TEMPORARY ADVANCES FOR CAPITAL EXPENDITURES FROM SUBSEQUENT BORROWINGS.

(a) Definitions. As used in this section:

- (1) "Allocation" means written evidence that proceeds of obligations issued subsequent to the payment of a capital expenditure are to effect the reimbursement of the Authority for such payments.
- (2) "Authorized officer" means the General Manager/Secretary-Treasurer of the Authority and any person with authority at the time to exercise functions of the respective office.
- (3) "Capital expenditures" means any expense for an item that is properly depreciable or amortizable or is otherwise treated as a capital expenditure for purposes of the Internal Revenue Code of 1986, as amended (hereinafter "the Code"), as well as any costs of issuing reimbursement bonds.
- (4) "Declaration of official intent" means a written declaration that the Authority intends to fund a capital expenditure with an issue of reimbursement bonds and reasonably expects to be reimbursed from the proceeds of such an issue.
- (5) "Issuer" means either a governmental unit that is reasonably expected to issue obligations or a governmental entity or 501(c)(3) organization that is reasonably expected to borrow funds from the actual issuer of the obligations.
- (6) "Reimbursement" means the restoration to the Authority of money temporarily advanced from other funds of the Authority to pay for capital expenditures before the issuance of obligations intended to fund such capital expenditure. "To reimburse" means to make such a restoration.
- (7) "Reimbursement bonds" means obligations that are issued to reimburse the Authority for capital expenditures previously paid by or for the Authority.
- (8) "Reimbursement regulations" means Treasury Regulations §150-2 and any amendments thereto or superseding regulations, whether in proposed, temporary or final form, as applicable, prescribing conditions under which the proceeds of obligations, when allocated or applied to a reimbursement, will be treated as "spent" for purposes of Sections 103 and 141 to 150 of the Code.

(b) Authorization to Make Declarations of Official Intent and Allocations. Each authorized officer is hereby authorized to make declarations of official intent, which satisfy the reimbursement regulations, on behalf of the Authority, with respect to capital expenditures to be paid from moneys temporarily available that are reasonably expected to be reimbursed (in accordance with applicable authorizations, policies and practices) from the proceeds of reimbursement bonds, and to make timely allocations, which satisfy the reimbursement regulations, of the proceeds of such reimbursement bonds to reimburse prior capital expenditures, and to take or cause to be taken any other actions that may be appropriate to satisfy the requirements of the reimbursement regulations, or any other Treasury regulations, so that proceeds used for reimbursement will be treated as "spent" on the prior capital expenditures for purposes of Sections 103 and 141 to 150 of the Code. All declarations of official intent and allocations heretofore made on behalf of the Authority are hereby ratified and adopted.

(Res. 1994-226. Passed 12-20-94; Res. 1999-147. Passed 10-26-99.)

CHAPTER 461
Policies and Procedures for Implementing
Joint Development of Transit Facilities

EDITOR'S NOTE: This chapter was repealed by Resolution 2002-98, passed
May 21, 2002.

CHAPTER 462
Policy for Private Sector Participation in
Provision of Transportation Services

462.01 Private sector participation.

CROSS REFERENCES

Private sector participation - see 49 USC 5315
Contracts and procurement - see FIN. Ch. 410
Procurement Policy - see Resolution 2008-141

462.01 PRIVATE SECTOR PARTICIPATION.

The CEO, General Manager/Secretary-Treasurer is authorized to coordinate and contract with the private sector to provide public transportation services. This authority is subject to the spending limitations set forth in Chapter 410. (Res. 2016-88. Passed 9-27-16.)

CHAPTER 464
Protection Against Internal Losses of Public Assets

- | | |
|---------------------------|---------------------------------------|
| 464.01 Purpose and scope. | 464.03 Periodic review and amendment. |
| 464.02 Policy provisions. | |

CROSS REFERENCES

- Crime prevention and security - see 49 U.S.C.A. 1620
 Embezzlement of public funds disqualifies for public office -
 see Ohio Const. Art. II, Sec. 5
 Theft - see Ohio R.C. 2913.02
 Theft in office - see Ohio R.C. 2921.41
 Prima-facie evidence of embezzlement - see Ohio R.C. 2945.64
 Powers of Board of Trustees; rules and regulations - see Ohio R.C.
 306.34
 Powers and duties of the Authority - see Ohio R.C. 306.35
 Internal audit policies and procedures - see ADM. Ch. 262
 Security/RTA Police Department - see ADM. Ch. 280
 Debt policies - see FIN. Ch. 420
 Duties of Secretary-Treasurer; bond; deposit and disbursement of
 funds - see Ohio R.C. 306.42
 General Manager/Secretary-Treasurer - Bylaws, Article II, Section 8

464.01 PURPOSE AND SCOPE.

The policy described in this chapter is designed to afford protection to the Authority against internal losses of public assets resulting from acts by employees whose responsibilities require access to monetary or other resources of significant value, and for protection against loss through acts of fraud by employees. (Res. 1989-21. Passed 2-21-89.)

464.02 POLICY PROVISIONS.

(a) The Authority shall acquire protection against internal losses of public assets due to acts by employees of the Authority, in such amounts and for such employees as may be deemed appropriate to protect the public funds and property entrusted unto the Authority and to comply with the requirements of Ohio law.

(b) The form of protection to be acquired against internal losses shall be determined by the CEO, General Manager/Secretary-Treasurer consistent with the

needs of the Authority, judicious expenditure of available financial resources and the exercise of good business judgment.

(c) Protection coverage in the form deemed most beneficial to the Authority shall be obtained from a highly reputable underwriting company with sufficient resources, experience and professional rating as to afford a reasonable expectation of indemnification in the event of an act or acts of an employee for which coverage is provided.

(d) On acquiring internal loss protection, whether by bonding, insurance or any other appropriate surety means, the Authority or its designated broker of record, shall conform to the general requirement for obtaining competitive quotations pursuant to Ohio R.C. Chapter 306.

(e) The employee, who may be defined by name or position, to be covered by the Authority's internal loss protection, shall include the CEO, General Manager/Secretary-Treasurer, any employee designated by statute and any other employee designated by the Board of Trustees or the CEO, General Manager/Secretary-Treasurer. Amounts of coverage shall be as specified by statute, where applicable, and as determined to be appropriate in all other instances.

(f) Notwithstanding the above, the CEO, General Manager/Secretary-Treasurer shall obtain a surety bond to and in favor of the Authority in the penal sum of one hundred thousand dollars (\$100,000) and such bond shall be conditioned upon the faithful performance of the duties of the office.

(g) The cost of the protection coverages provided for herein, including the cost of any surety bonds, shall be paid by the Authority.
(Res. 1989-21. Passed 2-21-89; Res. 2016-68. Passed 8-16-16.)

464.03 PERIODIC REVIEW AND AMENDMENT.

Adequacy of the Authority's internal loss protection coverage shall be reviewed on a yearly basis, and changes shall be made to the coverage provided as may be deemed to be in the public interest. Amendments shall be made in accordance with the Bylaws of the Greater Cleveland Regional Transit Authority.

(Res. 1989-21. Passed 2-21-89; Res. 2016-68. Passed 8-16-16.)

CHAPTER 465
Financial Assistance

465.01	Federal grant applications.	465.05	Acceptance and expenditure of funds.
465.02	State grant applications.	465.06	Private grants.
465.03	Execution of grant contracts.	465.07	Authority of Acting CEO, General Manager/ Secretary-Treasurer.
465.04	Documents, reports and information.		

CROSS REFERENCES

Federal Grants (MAP-21) - see 49 U.S.C.A. Chapter 53
 Requirements to receive Federal grants - see 49 U.S.C. 5807(c)(1)
 Borrowing from Federal, State, other governmental or private source
 - see Ohio R.C. 306.35(J)
 Grants from the United States, the State, other governmental or
 private sources - see Ohio R.C. 306.35(R)
 Grants for assistance for elderly and disabled - see Ohio R.C.
 5501.07(B)
 Department of Internal Audit - see ADM. Ch. 260
 Internal audit policies and procedures - see ADM. Ch. 262
 Finance and Administration Division - see ADM. Ch. 286
 Contracts and procurements - see FIN. Ch. 410
 Debt policies - see FIN. Ch. 420

465.01 FEDERAL GRANT APPLICATIONS.

(a) Federal Grants.

- (1) The CEO, General Manager/Secretary-Treasurer may execute and file applications for Federal assistance on behalf of the Greater Cleveland Regional Transit Authority.
- (2) The CEO, General Manager/Secretary-Treasurer may execute and file with its applications, certifications and assurances and other documents the awarding agency may require for a Federal assistance grant or cooperating agreement.
(Res. 2007-165. Passed 11-20-07.)

(b) The CEO, General Manager/Secretary-Treasurer may submit grant applications to the State of Ohio Department of Transportation, to provide for the

State's share of the non-Federal funds necessary for Federal grant applications executed and filed as provided for in subsection (a)(1) hereof, and State funding for other eligible transit projects. (Res. 1992-158. Passed 9-22-92.)
(Res. 2016-69. Passed 8-16-16.)

465.02 STATE GRANT APPLICATIONS.

The CEO, General Manager/Secretary-Treasurer may submit grant applications, along with any necessary certifications and documentation, to the State of Ohio for State grant funds on behalf of the Greater Cleveland Regional Transit Authority. (Res. 1992-17. Passed 1-21-92; Res. 1992-158. Passed 9-22-92; Res. 1993-158. Passed 9-21-93; Res. 2016-69. Passed 8-16-16.)

465.03 EXECUTION OF GRANT CONTRACTS.

(a) The CEO, General Manager/Secretary-Treasurer may execute grant and cooperative agreements with awarding Federal agencies on behalf of the Authority.

(b) The CEO, General Manager/Secretary-Treasurer may execute grant contracts with the State of Ohio on behalf of the Authority.
(Res. 2016-69. Passed 8-16-16.)

465.04 DOCUMENTS, REPORTS AND INFORMATION.

(a) Information Required by the State of Ohio. The CEO, General Manager/Secretary-Treasurer may furnish such additional information, assurances or other documentation, execute any and all documents or assurances and make such reports as is necessary and required by the State of Ohio for State grant funds on behalf of the Authority.
(Res. 1992-17. Passed 1-21-92.)

(b) Information Required by the United States Government.

(1) The CEO, General Manager/Secretary-Treasurer may execute and file assurances or other documents, and furnish such additional information as the awarding Federal agencies may require in connection with Federal grant applications on behalf of the Authority.

(2) The CEO, General Manager/Secretary-Treasurer may set forth and execute affirmative minority business policies in connection with the procurement needs for projects funded by Federal grants.
(Res. 1993-156. Passed 9-21-93; Res. 2016-69. Passed 8-16-16.)

465.05 ACCEPTANCE AND EXPENDITURE OF FUNDS.

(a) The CEO, General Manager/Secretary-Treasurer may accept Federal funds from awarding Federal agencies on behalf of the Authority and expend such funds in

accordance with applicable law, regulations and grant agreements. (Res. 2007-165. Passed 11-20-07.)

(b) The CEO, General Manager/Secretary-Treasurer may accept and receive funds from the State of Ohio and expend the same pursuant to the terms and conditions of corresponding grant contracts with the State of Ohio. (Res. 1992-17. Passed 1-21-92.)

(c) The CEO, General Manager/Secretary-Treasurer may apply to the Northeast Ohio Areawide Coordinating Agency ("NOACA") and the Federal Transit Administration ("FTA") for funds allocated by NOACA, execute any necessary agreements with NOACA and FTA, accept Federal funds from the FTA, received through agreements with NOACA, and expend such funds in accordance with applicable law, regulations and grant agreements. (Res. 1976-171. Passed 5-25-76.) (Res. 2016-69. Passed 8-16-16.)

465.06 PRIVATE GRANTS.

The CEO, General Manger/Secretary-Treasurer is hereby authorized to borrow or accept grants from private sources in accordance with State law. (Res. 2016-69. Passed 8-16-16.)

465.07 AUTHORITY OF ACTING GENERAL MANAGER/ SECRETARY-TREASURER.

In the absence of the CEO, General Manager/Secretary-Treasurer, the Acting CEO, General Manager/Secretary-Treasurer of the Authority is hereby authorized to perform any and all of the functions described in this chapter. (Res. 1992-17. Passed 1-21-92; Res. 1992-157. Passed 9-22-92; Res. 1992-158. Passed 9-22-92; Res. 2016-69. Passed 8-16-16.)

CHAPTER 470
Real Estate Policies

470.01	Acquisitions of real property.	470.07	Limited use agreements.
470.02	Dispositions of real property.	470.08	Joint development agreements.
470.03	Leases.	470.09	Compliance with Federal regulations.
470.04	Temporary easements.		
470.05	Permanent easements.		
470.06	License agreements.		

CROSS REFERENCES

Board of Trustees - see ADM. Ch. 220

CEO, General Manager/Secretary-Treasurer - see ADM. Ch. 242

Use of Authority facilities for special events - see SER 1066.02

Public assembly on Authority property - see VEH. & OP. Ch. 850

Special event usage - Administrative Procedure No. 042

470.01 ACQUISITIONS OF REAL PROPERTY.

Acquisitions of real property and eminent domain takings by the GCRTA require the recommendation of the CEO, General Manager/Secretary-Treasurer and the approval of the Board of Trustees.

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.02 DISPOSITIONS OF REAL PROPERTY.

Dispositions of real property require the recommendation of the CEO, General Manager/Secretary-Treasurer and the approval of the Board of Trustees.

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.03 LEASES.

(a) Leases of GCRTA-owned real property by GCRTA require the recommendation of the CEO, General Manager/Secretary-Treasurer and the approval of the Board of Trustees for all contracts that, originally or after amendment or other means of continuous use by another party, exceed twenty-five thousand dollars (\$25,000) in total revenue and are for a term of more than three years. GCRTA shall not enter into leases or temporary easements that provide for automatic renewals. Leases that do not exceed three years and provide total revenue less than or equal to twenty-five thousand dollars (\$25,000) may be authorized by the CEO, General

Manager/ Secretary-Treasurer without approval by the Board of Trustees. However, approval by the Board of Trustees shall be required for any means of continuous use that would involve, during the total lease, a period exceeding three years and/or total revenue in excess of twenty-five thousand dollars (\$25,000).

(b) Leases by GCRTA of another party's real property require the recommendation of the CEO, General Manager/Secretary-Treasurer and the approval of the Board of Trustees for all contracts that, originally or after amendment or other means of continuous use by GCRTA, exceed twenty-five thousand dollars (\$25,000) in total cost and/or are for more than three years. GCRTA shall not enter into leases that provide for automatic renewals. Leases that do not exceed three years and do not provide for total revenue in excess of twenty-five thousand dollars (\$25,000) may be authorized by the CEO, General Manager/Secretary-Treasurer without approval by the Board of Trustees. However, approval by the Board of Trustees shall be required for any means of continuous use exceeding three years and/or that would involve, during the total lease, a cost in excess of twenty-five thousand dollars (\$25,000). (Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.04 TEMPORARY EASEMENTS.

(a) The granting or acceptance of temporary easements for construction, access, use, etc. by GCRTA for a term less than three years and for less than twenty-five thousand dollars (\$25,000) may be authorized by the CEO, General Manager/Secretary-Treasurer without approval of the Board of Trustees.

(b) The granting or acceptance of temporary easements for construction, access, use, etc. by GCRTA for a term more than three years and for more than twenty-five thousand dollars (\$25,000) requires recommendation of the CEO, General Manager/Secretary-Treasurer and approval of the Board of Trustees. (Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.05 PERMANENT EASEMENTS.

(a) The conveyance or acceptance of a permanent easement by GCRTA with a value less than two thousand five hundred dollars (\$2,500) may be authorized by the CEO, General Manager/Secretary-Treasurer without approval of the Board of Trustees.

(b) The conveyance or acceptance of any permanent easement by GCRTA with a value equal to or in excess of two thousand five hundred dollars (\$2,500), requires

recommendation of the CEO, General Manager/Secretary-Treasurer and approval of the Board of Trustees.

(Res. 2004-02. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.06 LICENSE AGREEMENTS.

(a) License agreements governing use of GCRTA's real property or use by GCRTA of another party's property that originally or after amendment or other means of continuous grant exceed twenty-five thousand dollars (\$25,000) in revenue/cost or exceed three years require recommendation by the CEO, General Manager/Secretary-Treasurer and the approval of the Board of Trustees.

(b) License agreements that do not exceed twenty-five thousand dollars (\$25,000) in revenue/cost and do not exceed three years may be authorized by the CEO, General Manager/Secretary-Treasurer without approval by the Board of Trustees.

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.07 LIMITED USE AGREEMENTS.

(a) Limited use agreements governing use of GCRTA's real property or use by GCRTA of another party's property that originally or after amendment or other means of continuous grant exceed twenty-five thousand dollars (\$25,000) in revenue/cost or exceed three years require recommendation by the CEO, General Manager/Secretary-Treasurer and the approval of the Board of Trustees.

(b) Limited use agreements that do not exceed twenty-five thousand dollars (\$25,000) and do not exceed three years may be authorized by the CEO, General Manager/ Secretary-Treasurer without approval by the Board of Trustees.

(c) Limited use agreements include, but are not limited to, use of Authority facilities for special events, filming agreements, permits to come upon and/or use GCRTA real property, construction staging area permits, and temporary right-of-way permits. Special events usage agreements are governed by GCRTA's policy on "Use of Authority Facilities for Special Events" found in Chapter 1066.

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.08 JOINT DEVELOPMENT AGREEMENTS.

Joint development agreements require the recommendation of the CEO, General Manager/Secretary-Treasurer and the approval of the Board of Trustees.

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.09 COMPLIANCE WITH FEDERAL REGULATIONS.

All real estate transactions involving Federal funding must be reviewed to determine compliance with Federal regulations.

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

CHAPTER 490
Use Tax

490.01 Re-enactment of tax.

CROSS REFERENCES

Appropriations - see 49 U.S.C.A. 1603(b) et seq.

Tax levies - see Ohio R.C. 306.321, 306.40, 306.49, 306.52, 306.70, 306.71

Finance and Administration Division - see ADM. Ch. 286

490.01 RE-ENACTMENT OF TAX.

For all transit purposes of the Authority, and pursuant to Ohio R.C. 5741.022 and 5741.04, the tax levied by resolution adopted by the Board on May 22, 1975, and approved by the voters of the Authority at the election thereon held on July 22, 1975, at the rate of one percent, on the storage, use or other consumption of motor vehicles and other tangible personal property within the territorial jurisdiction of the Authority, is hereby re-enacted for a continuing period of time.
(Res. 1978-336. Passed 12-19-78.)

POLICIES AND PROCEDURES
OF THE
BOARD OF TRUSTEES
OF THE
GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

PART SIX - PERSONNEL CODE

TITLE TWO - General Regulations

- Chap. 620. Affirmative Action and Disadvantaged Business Enterprise/Women's Business Enterprise Program.
- Chap. 622. Appointments and Promotions.
- Chap. 624. Collective Bargaining Agreements; Conditions of Employment.
- Chap. 626. Substance Abuse Policy for Safety Sensitive Employees.
- Chap. 627. Substance Abuse Policy for Non-Safety Sensitive Employees.
- Chap. 628. Fringe Benefits.
- Chap. 629. Indemnification Policies and Procedures. (Repealed)
- Chap. 630. Infectious Disease Policy.
- Chap. 636. Sexual Harassment.

TITLE FOUR - Personnel Policies and Procedures

- Chap. 640. Introduction.
- Chap. 642. Employment.
- Chap. 644. Compensation and Benefits.
- Chap. 646. Paid and Unpaid Leaves of Absence.
- Chap. 648. Medical and Safety.
- Chap. 650. Records Retention and Release.
- Chap. 652. Use of Computer.
- Chap. 654. Subpoenas and Indemnification of Employees.

TITLE SIX - Ethics; Conflicts of Interest

- Chap. 660. Code of Ethics.

POLICIES AND PROCEDURES
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- Chap. 620. Affirmative Action and Disadvantaged Business Enterprise/Women's Business Enterprise Program.
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- Chap. 627. Substance Abuse Policy for Non-Safety Sensitive Employees.
- Chap. 628. Fringe Benefits.
- Chap. 629. Indemnification Policies and Procedures. (Repealed)
- Chap. 630. Infectious Disease Policy.
- Chap. 636. Sexual Harassment.

CHAPTER 620
Affirmative Action and Disadvantaged Business
Enterprise/Women's Business Enterprise Program

EDITOR'S NOTE: Copies of the Affirmative Action Plan and the Disadvantaged Business Enterprise/Women's Business Enterprise Program, adopted by reference in Sections 620.01 and 620.02, respectively, may be obtained, at cost, from the office of the General Manager/Secretary-Treasurer.

620.01	Adoption of Affirmative Action Plan.	620.03	Program Manual for Disadvantaged Business Enterprise and Small Business Participation for Federally Funded Contracts.
620.02	Adoption of Disadvantaged Business Enterprise/ Women's Business Enterprise Program.	620.04	Diversity and Inclusion Policy.

CROSS REFERENCES

Labor standards - see 49 U.S.C.A. 1609
 Nondiscrimination - see 49 U.S.C.A. 1615
 Human resources programs public transportation activities - see 49 U.S.C.A. 1616
 Bidder for certain public contracts to obtain certificate of compliance with affirmative action requirements - see Ohio R.C. 9.47
 Affirmative action provisions to be in all contracts with State or subdivision - see Ohio R.C. 125.111
 Civil Rights Commission - see Ohio R.C. 4112.01 et seq.
 Discrimination based on age and/or sex - see Ohio R.C. 4112.02
 Discrimination prohibited in contracts, purchase orders and agreements - see Bylaws Art. VII, Sec. 5
 Office of Small Business and Employment Opportunity - see ADM. Ch. 292
 Affirmative action - see PERS. 642.01

620.01 ADOPTION OF AFFIRMATIVE ACTION PLAN.

(a) The Affirmative Action Plan for the Greater Cleveland Regional Transit Authority, a copy of which is attached to original Resolution 1981-273, passed September 15, 1981, and revised and updated by Resolution 1991-150, passed July 23, 1991, Resolution 1993-88, passed May 18, 1993, Resolution 1993-190, passed November 16, 1993, Resolution 1996-123, passed October 1, 1996, Resolution 2002-120, passed June 18, 2002, Resolution 2004-112, passed August 17, 2004, and Resolution 2005-51, passed April 19, 2005 is incorporated fully herein and made a part of this section and is hereby adopted as a policy of the Authority.

(Res. 1981-273. Passed 9-15-81; Res. 1991-150. Passed 7-23-91; Res. 1993-88. Passed 5-18-93; Res. 1993-190. Passed 11-16-93; Res. 1996-123. Passed 10-1-96; Res. 2002-120. Passed 6-18-02; Res. 2004-122. Passed 8-17-04; Res. 2005-51. Passed 4-19-05.)

(b) The Triennial Update of the Affirmative Action Program for 2015-2017 for the Greater Cleveland Regional Transit Authority, a copy of which is attached to original Resolution 2015-76, passed July 28, 2015, is hereby adopted.

(Res. 1999-114. Passed 8-24-99; Res. 2013-123. Passed 12-17-13; Res. 2015-76. Passed 7-28-15.)

620.02 ADOPTION OF DISADVANTAGED BUSINESS ENTERPRISE/
WOMEN'S BUSINESS ENTERPRISE PROGRAM.

(a) Part II of the Affirmative Action Plan for the Greater Cleveland Regional Transit Authority, adopted in Section 620.01, which pertains to Minority Business Enterprise and Women's Business Enterprise, is hereby repealed.

(b) The Disadvantaged Business Enterprise/Women's Business Enterprise Program, a copy of which is attached to original Resolution 1985-87, passed April 16, 1985, as revised by Resolution 1991-42, passed February 19, 1991, is fully incorporated herein and made a part hereof and is hereby adopted as a policy of the Authority. (Res. 1985-87. Passed 4-16-85; Res. 1991-42. Passed 2-19-91.)

620.03 PROGRAM MANUAL FOR DISADVANTAGED BUSINESS
ENTERPRISE AND SMALL BUSINESS PARTICIPATION FOR
FEDERALLY FUNDED CONTRACTS.

The revised Program Manual for disadvantaged business enterprise participation in all contracting by the Authority, a copy of which is attached to original Resolution 2004-124, passed September 21, 2004, and as amended by Resolution 2012-27, passed March 20, 2012 and Resolution 2014-44, passed May 20, 2014 to include the Small Business Participation Plan attached to that resolution, and which is fully incorporated herein, is hereby approved. The General Manager/Secretary-Treasurer is directed to submit to the Federal Transit Administration (FTA) this Program Manual in accordance with the requirements of 49 CFR, Part 26.

(Res. 2004-124. Passed 9-21-04; Res. 2012-27. Passed 3-20-12; Res. 2014-44. Passed 5-20-14.)

620.04 DIVERSITY AND INCLUSION POLICY.

(a) The Board of Trustees of the Greater Cleveland Regional Transit Authority (the Authority) takes seriously its responsibility to provide first class public transportation services to the residents of Cuyahoga County. In doing so, the Board believes that to best understand and serve the needs of our customers and communities, the Authority must reflect diversity and inclusion in its Board composition, employees, contractors and suppliers.

(b) The Board believes diverse and inclusive organizations find more credibility and support with the public, and success in today's marketplace. Furthermore, the variety of viewpoints that comes from different life experiences, backgrounds, and cultures enhances discussions and decisions, and can add a higher degree of accountability. A diverse organization is able to capitalize on the unique skills and abilities of all employees, expand its supplier and customer base, and better support the communities it serves.

(c) The Board is adopting this policy to affirm its longstanding position that a commitment to diversity and inclusion within the Authority are chief among its responsibilities, priorities, and concerns. The Board therefore seeks to promote and support diversity across the full range of operations of the Authority, including its management policies, employment practices, procurement goals, and its approach to services, investments, and community partnerships. The principles supporting this statement will help ensure the Authority is sustainable, is able to foster economic development and will provide the services that its customers need and want.

(Res. 2010-13. Passed 2-16-10.)

CHAPTER 622
Appointments and Promotions

- 622.01 Authority of General Manager/Secretary-Treasurer and Board of Trustees; appeals.
- 622.02 Direct promotions.
- 622.03 Direct appointments.

- 622.04 Appointment and promotion of Director of Internal Audit.
- 622.05 Selection procedure for direct appointments and promotions.
- 622.06 Additional provisions.

CROSS REFERENCES

Labor standards - see 49 U.S.C.A. 1609

Civil service - see Ohio R.C. Ch. 124

Officers generally - see Bylaws Art. II, Sec. 1

Appointment of officers and employees - see Bylaws Art. IV, Sec. 1

Employment generally - see Bylaws Art. VIII, Sec. 2

Department of Internal Audit - see ADM. Ch. 260

Conditions of Employment - see PERS. Ch. 624

Service recognition program - see PERS. 628.06

622.01 A U T H O R I T Y O F G E N E R A L MANAGER/SECRETARY-TREASURER AND BOARD OF TRUSTEES; APPEALS.

(a) The General Manager/Secretary-Treasurer is hereby authorized to appoint individuals to, and remove individuals from, the positions of Deputy General Managers (including, but not limited to, the Deputy General Manager - Operations, the Deputy General Manager - Finance and Administration, the Deputy General Manager - Development, and the Deputy General Manager - Legal Affairs), the Director of Security/RTA Police Department, the Executive Director of External Affairs, the Executive Director of the Office of Small Business and Employment Opportunity, the Executive Director of the Office of Organizational Planning and Development, the Executive Director of the Euclid Corridor Improvement Project, and the Assistant Secretary-Treasurer.

(Res. 1999-147. Passed 10-26-99.)

(b) The Board of Trustees must approve the appointment or removal of the Assistant Secretary-Treasurer. For the remainder of the positions listed in subsection (a) hereof, the General Manager/Secretary-Treasurer shall make all such appointments and removals only after informing the Board.

(c) The General Manager/Secretary-Treasurer is hereby authorized to exercise his or her appointing and removal authority over any other position created by the Board to be included in the Executive Management Team.
(Res. 1988-37. Passed 2-16-88; Res. 1989-67. Passed 5-16-89.)

(d) Notwithstanding any other provision of the Bylaws, resolutions or Personnel Policies and Procedures of the Authority, there shall be no appeal from the personnel decisions of the General Manager/Secretary-Treasurer as regards the appointment, removal, promotion or demotion, or any other disciplinary action, of individuals holding the positions provided for in subsection (a) hereof.

622.02 DIRECT PROMOTIONS.

The General Manager/Secretary-Treasurer is hereby authorized to directly promote individual employees of the Authority to all managerial, professional, technical and supervisory positions, in both the classified and unclassified services, which positions are not currently filled, or which shall become vacant, except those which are required by operation of law or contract to be filled by competitive examination. (Res. 1988-43. Passed 2-16-88.)

622.03 DIRECT APPOINTMENT.

(a) The General Manager/Secretary-Treasurer is hereby authorized to directly appoint individuals to all managerial, professional, technical and supervisory positions, in both the classified and unclassified services, of the Authority, which positions are not currently filled, or which shall become vacant, except those required by operation of law or contract to be filled by competitive examination.

(b) The General Manager/Secretary-Treasurer shall make direct appointments of individuals not employed by the Authority only after justification to the Board of Trustees. (Res. 1988-43. Passed 2-16-88.)

622.04 APPOINTMENT AND PROMOTION OF DIRECTOR OF INTERNAL AUDIT.

Notwithstanding Sections 622.02 and 622.03, appointment or promotion to the position of Director of Internal Audit shall require approval of the Board of Trustees. (Res. 1988-43. Passed 2-16-88.)

622.05 SELECTION PROCEDURE FOR DIRECT APPOINTMENTS AND PROMOTIONS.

The following procedure is hereby adopted for the selection of individuals for direct appointment or direct promotion to currently existing positions in both the classified and unclassified services:

(a) All requests to initiate the process of direct appointment or direct promotion shall be submitted to the General Manager/Secretary-Treasurer for his or her approval. These requests must be accompanied by a job description and job requirements, as well as a letter of justification for the action requested.

(b) The General Manager/Secretary-Treasurer shall refer approved requests for direct appointments or direct promotions to the Personnel Department, which shall develop and post the appropriate announcements. The announcements will list the job duties, the minimum job requirements and a request for resumes from interested applicants.

(c) At the close of the application acceptance period, the Personnel Department will screen the applications to identify candidates who meet the minimum job requirements.

(d) Applicants rejected at this time will be notified in writing of the reason for their rejection within five days of the close of the application acceptance period.

(e) Remaining applications will be forwarded to the department head, director or administrator who initiated the request, or to the Assistant Secretary-Treasurer, or the General Manager/Secretary-Treasurer, whoever initiated the request.

(f) Applications will be reviewed by the party who initiated the request, and applicants rejected after that review will be notified in writing of the reason for their rejection within five days of the close of the review process.

(g) The department head, director or administrator who initiated the request, or the Assistant Secretary-Treasurer, or the General Manager/Secretary-Treasurer, whoever initiated the request, will schedule the remaining applicants for interviews.

(h) At the completion of the interview, the department head, director, administrator or Assistant Secretary-Treasurer, whoever initiated the request, shall forward to the General Manager/Secretary-Treasurer the resume of the recommended candidate.

(i) If the General Manager/Secretary-Treasurer concurs in the selection, he or she shall appoint the candidate.

(j) If the General Manager/Secretary-Treasurer does not concur in the selection, he or she may either request further information about the candidate, schedule an interview with the candidate or reject the candidate. If, after reviewing further information or interviewing or receiving feedback from a further interview of the candidate, the General Manager/Secretary-Treasurer does not concur in the selection, he or she may reject the candidate.

(k) The department head, director, administrator or Assistant Secretary-Treasurer, whoever initiated the request, may then submit the resume of a second candidate for the position to the General Manager/Secretary-Treasurer.

(l) The process outlined in subsections (j) and (k) hereof shall continue until a candidate is accepted by the General Manager/Secretary-Treasurer, until the General Manager/Secretary-Treasurer withdraws his or her approval for the appointment or until the party who initiated the request withdraws it.

(Res. 1998-43. Passed 2-16-88; Res. 1999-147. Passed 10-26-99.)

622.06 ADDITIONAL PROVISIONS.

See Chapter 642 for additional provisions regarding appointments and promotions.

CHAPTER 624
Collective Bargaining Agreements:
Conditions of Employment

EDITOR'S NOTE: The Authority enters into Agreements from time to time with representatives of various classes of employees, including the Fraternal Order of Police (Ohio Labor Council) and Local 268 of the Amalgamated Transit Union. The Agreement with the latter is referred to as the Conditions of Employment. Copies of the latest relevant resolutions and of such Agreements may be obtained, at cost, from the office of the General Manager/Secretary-Treasurer.

There are no sections in Chapter 624. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Labor standards - see U.S.C.A. 1609

Enforceability of successor clause in collective bargaining agreements - see Ohio R.C. 4113.20

Strikes by public employees - see Ohio R.C. Ch. 4117

Employment generally - see Bylaws Art. VIII, Sec. 2; PERS. Ch. 642

Fringe benefits - see PERS. Ch. 628

Personnel policies and procedures - see PERS. Chs. 640 et seq.

CHAPTER 626
Substance Abuse Policy for Safety Sensitive Employees

EDITOR'S NOTE: This chapter, originally a codification of Resolution 1989-55, passed April 18, 1989, and Resolution 1994-229, passed December 20, 1994, was re-enacted in its entirety by Resolution 1998-24, passed February 17, 1998. Resolution 1998-24 was repealed by implication by Resolution 1999-102, passed July 20, 1999. Resolution 1999-102 was repealed by Resolution 2002-50, passed March 19, 2002, codified herein.

626.01	Purpose/scope.	626.10	Action to be taken upon receipt of positive test results or refusal to test.
626.02	Reference(s).	626.11	Disciplinary consequences of drug use and misuse of alcohol.
626.03	Objectives.	626.12	Responsibility for program administration.
626.04	Definitions.	626.13	Confidentiality of records.
626.05	Policy application.		
626.06	Circumstances which warrant testing.		
626.07	Specific testing requirements.		
626.08	Types of testing required.		
626.09	Testing protocols.		

CROSS REFERENCES

Safety authority - see 49 U.S.C.A. 1618

Drug offenses - see Ohio R.C. Ch. 2925

Controlled substances - see Ohio R.C. Ch. 3719

Liquor law - see Ohio R.C. Title 43

Substance abuse policy for non-safety sensitive employees - see PERS. Ch. 627

626.01 PURPOSE/SCOPE.

It is the policy of the Greater Cleveland Regional Transit Authority (GCRTA) to provide the safest possible transportation for the riding public and work environment for its employees. This policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program in accordance with the Department of Transportation (DOT) and the Federal Transit Administration (FTA) requirements. Based on these requirements, the Authority requires all safety sensitive employees to submit to testing for the presence of drugs and/or alcohol. All employees must be free of drugs and/or alcohol when performing a safety sensitive function.

(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

626.02 REFERENCE(S).

This policy is written in conjunction with rules and regulations as defined by:

- (a) 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs; Final Rule, Federal Register (pp. 79462 –79579); December 19, 2000; Federal Register (pp.43946 – 43964) July 25, 2003.
- (b) 49 CFR Part 655; Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, Final Rule, Federal Register (pp. 41996 – 42036), August 9, 2001.
- (c) 49 CFR Part 29, Drug-Free Workplace Act of 1998.
- (d) FTA Drug and Alcohol Regulation Updates.
- (e) GCRTA Employee Performance Code.
- (f) Federally mandated laboratory testing limits (Addendum D).
(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

626.03 OBJECTIVES.

The objectives of this policy are:

- (a) To recognize, address and minimize the devastating effect pervasive drug use and alcohol misuse has on employees.
- (b) To encourage employees to participate in the Employee Assistance Program (EAP) and to assist employees who are plagued by problems associated with drugs or alcohol (See Addendum F of this Policy). Voluntary employee participation is confidential and will not adversely affect an employee's employment with the Authority.
- (c) To clearly and concisely outline the procedures required to comply with the federal regulations.
(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

626.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Accident" means an occurrence associated with the operation of a vehicle, if as a result:
 - (1) An individual dies;
 - (2) One or more individuals suffers bodily injury and immediately receives medical treatment away from the scene of the accident;
 - (3) An occurrence in which the mass transit vehicle involved is a bus, electric bus, van or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or
 - (4) An occurrence in which the mass transit vehicle involved is a rail car and is removed from service.

- (b) "Adulterated specimen" means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.
- (c) "Cancelled test" is a drug or alcohol test that has an identified problem that cannot be or has not been corrected. A cancelled test is neither positive nor negative.
- (d) "Contractor" means a person or organization that provides a safety-sensitive service for a recipient, sub-recipient, employer, or operator consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.
- (e) "Covered employee" means a person, including an applicant or transferee, who performs a safety-sensitive function. A volunteer is considered a covered employee if required to hold a commercial driver's license to operate a vehicle or to perform a safety-sensitive function with the expectation of receiving some type of in-kind or tangible benefit.
- (f) "Dilute specimen" has creatinine and specific gravity values that are lower than expected for human urine.
- (g) "Disabling damage" is defined as "damage, which precludes the departure of any vehicle from the scene of an accident in its usual manner in daylight after simple repair". This includes damage to vehicles that could be driven but would sustain further damage if driven. This does not include damage readily fixed on the scene, such as tire disablement, headlight/tail light damage or damage to the turn signals, windshield wipers or horn.
- (h) "Evidential Breath Testing (EBT) device" is defined as a breath testing device that is capable of measuring a 0.02 alcohol concentration level and can distinguish alcohol from acetone. An EBT must be capable of conducting an air blank and performing an external calibration check.
- (i) "Intoxicant" includes, but is not limited to ethanol (alcohol), amphetamines, barbiturates and other hypnotics, cocaine, narcotics (opiates such as heroin, morphine, codeine, methadone), PCP and other hallucinogens, marijuana and any other cannabinoid (e.g.: hashish). The term "intoxicant" also includes any other substance that alters one's senses or could affect one's ability to function in his/her job.
- (j) "Invalid drug test" refers to the result of a drug test from a urine specimen that contains an unidentified adulterant or an unidentified interfering substance; has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.
- (k) "Medical Review Officer" (MRO) is a licensed physician responsible for receiving laboratory results generated by an employer's drug testing

laboratory who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive tests result together with his or her medical history and any other relevant biomedical information. (See Addendum A.)

- (l) "Safety sensitive employee" is one who is required to perform safety sensitive functions based on specific job criteria:
 - (1) Operates a revenue service vehicle (in or out of service);
 - (2) Operates a non-revenue service vehicle requiring a commercial drivers license;
 - (3) Controls dispatch or movement of a revenue service vehicle;
 - (4) Maintains a revenue service vehicle or maintains equipment used in revenue service; or
 - (5) Carries a firearm for security purposes.
- (m) "Substance Abuse Professional (SAP)" is a licensed physician (MD or DO), a licensed or certified psychologist and a licensed or certified employee assistance professional, or certified alcohol and drug abuse counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC), or by the National Board of Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC) that has knowledge of and clinical experience in the diagnosis and treatment of substance abuse-related disorders. The role of the SAP is to evaluate if an employee with a verified positive test or who has refused a test is in need of assistance in resolving problems associated with prohibited drug use or alcohol misuse. The SAP also evaluates if an employee has complied with treatment recommendations, recommends when the employee is ready for return to duty testing and for follow up testing. The SAP then recommends the required number of follow up drug/alcohol tests after the employee returns to duty. (See Addendum A.)
- (n) "Substituted specimen" has a creatinine and specific gravity value that is so diminished that it is not consistent with human urine.
- (o) "Verified test" is a drug test result or a validity testing result from a Department of Health and Human Services (HHS) certified laboratory that has undergone review and final determination by the MRO.
(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

626.05 POLICY APPLICATION.

(a) This policy applies to all employees who are incumbents in safety sensitive positions, and to all applicants or employees who may apply for or who may transfer to a safety sensitive position.

(b) The Human Resources Department maintains a list of safety sensitive classifications. This list is updated as required when classifications are added or eliminated. (See Addendum B for a list of safety sensitive classifications.) (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

626.06 CIRCUMSTANCES WHICH WARRANT TESTING.

According to the FTA regulations, all safety sensitive employees are required as a condition of employment to submit to drug testing (urine specimen required) and alcohol testing (breath testing required).

- (a) FTA requires drug and alcohol testing to be performed under the following circumstances:
- (1) Employment drug testing or prior to the transfer of any employee from a non-safety sensitive position to a safety sensitive position;
 - (2) When there is a "reasonable suspicion" of employee drug/alcohol use;
 - (3) When an employee is involved in a fatal or non-fatal accident under FTA criteria; as described in Section 626.08(d) of this Policy;
 - (4) When an employee is selected for random testing;
 - (5) Following the successful completion of a SAP determined rehabilitation program for return-to-duty testing (see policy Section 626.08(e));
 - (6) When an employee is subject to follow-up testing as specified by a SAP (see policy Section 626.08(e)).
- (b) GCRTA will require testing under the following circumstances:
- (1) Drug and alcohol testing as a condition of discipline due to previous offense under this Policy;
 - (2) Drug and alcohol testing when an employee is involved in a non-fatal accident not covered under FTA testing requirements but meets GCRTA criteria as described in Section 626.08(d) of this policy.
 - (3) Drug testing at the time of, or during a work-related physical examination such as a biennial physical.
- (c) Pre-Duty Use of Alcohol. All covered employees are prohibited from using alcohol within four hours prior to performing safety-sensitive functions. No supervisor having actual knowledge that a covered employee has used alcohol within four hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions. Documentation for reasonable suspicion for alcohol misuse should be completed and testing performed based on the information obtained.
- (1) An unscheduled employee who is called to report to duty may acknowledge the use of alcohol and the inability to perform safety-sensitive functions without disciplinary repercussion.
 - (2) If the unscheduled employee acknowledges the use of alcohol, but claims ability to perform a safety-sensitive function, an alcohol test must be performed with a breath alcohol test result of less than 0.02 before the employee is permitted to begin work.

- (d) On-Call Employees. The consumption of alcohol is prohibited for covered employees during his or her specified on call hours.
- (e) On Duty Use of Alcohol. All covered employees are prohibited from using alcohol while performing safety-sensitive functions. No supervisor with actual knowledge that a covered employee is using alcohol will permit the employee to perform or continue to perform safety-sensitive functions.
- (f) Covered employees with an alcohol concentration of 0.02 or greater are prohibited from reporting for duty to perform a safety sensitive function or remaining on duty while performing a safety-sensitive function.
- (g) The consumption of marijuana, cocaine, amphetamines, opiates and phencyclidine is prohibited at all times and employees may be tested for these substances any time during the performance of their duty.
(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

626.07 SPECIFIC TESTING REQUIREMENTS.

(a) Federal drug and alcohol testing must be conducted completely separately from non-Federal testing. Further, Federal testing will take priority over the non-Federal collection process.

(b) No other tests conducted under the FTA drug and alcohol testing requirements in 49 CFR Part 655 will be performed on urine or breath specimens except those specified by DOT regulations in 49 CFR Part 40.

(c) GCRTA will perform specific drug and alcohol testing that is based on non-related DOT criteria.

(d) A verified positive DOT drug test result cannot be negated by an employee presenting negative results collected under other circumstances.

(e) DOT Federal Drug Testing Custody and Control forms and DOT Alcohol Testing forms will not be used when testing is requested under GCRTA authority.

(f) Each employee tested under Federal or GCRTA requirements will be notified of the purpose for the testing and under whose authority the test is being conducted.
(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

626.08 TYPES OF TESTING REQUIRED.

(a) Employment or Pre-Placement Testing. The purpose of employment and pre-placement testing is to identify current drug use problems of applicants or employees who may seek to apply and/or transfer from a non-safety sensitive position to a safety sensitive position. As part of the employment process, Human Resources will follow the investigative process as outlined 49 CFR part 40 and will direct

applicants/transferring employees to have drug testing after a contingent offer of employment or transfer. A covered employee, including an applicant, may not perform a safety sensitive function until employment drug testing is administered with verified negative results.

- (1) Human Resources will investigate drug and alcohol testing records of all applicants for safety sensitive positions and employees intending to transfer to safety sensitive positions from an applicant's previous DOT employers over the past two years per departmental procedures in accordance with 49 CFR Part 40.25.
- (2) When a covered employee or applicant has previously failed employment drug or alcohol testing, the employee must present to the employer proof of successfully having completed a referral, evaluation and treatment plan under a substance abuse professional in accordance with the requirements in 49 CFR Part 40, Subpart O.
- (3) An employee may not transfer to a safety sensitive position from a non-safety sensitive position until employment drug testing is administered with verified negative results.
- (4) In the event a drug test is considered a "cancelled test" or results are "invalid", the covered employee or applicant must retake the drug test with verified negative results before starting a safety sensitive position.
- (5) Applicants who have not been placed in a safety sensitive position within ninety consecutive calendar days of their initial employment testing will be required to retake the drug test and have verified negative results before starting a safety sensitive position.
- (6) Employment testing will also be performed whenever a covered employee has not performed a safety-sensitive function for ninety consecutive calendar days regardless of the reason and has not been in the random selection pool during that time. The employee may resume safety-sensitive duties after a verified negative drug result.

(b) Random Testing. The purpose of random testing is to serve as a strong deterrent to prevent employees from beginning or continuing drug use or alcohol misuse and to assist in protecting the safety of the public, co-workers and the employee.

- (1) All safety sensitive employees are required to participate in the random testing program for drugs and alcohol. The GCRTA will test safety sensitive employees in accordance with FTA regulated percentages. (See Addendum C of this Policy.)
- (2) Random testing is required by FTA to be conducted during all time periods when safety-sensitive functions are performed and shall be unannounced and unpredictable. Since GCRTA operates twenty-four hours a day, seven days a week, 365 days a year, random testing will be conducted around the clock, including weekends and holidays.

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- (3) A covered employee shall only be randomly tested for alcohol misuse while the 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. A covered employee may be randomly tested for prohibited drug use anytime while on duty.
- (4) GCRTA utilizes a random selection process that is performed in two steps. Step one is performed by GCRTA's contracted medical provider who receives the average number of safety sensitive employees in the random pool and generates a list of random numbers using a computer-based random number generator program. Step two is performed by GCRTA's Occupational Health who enters the selected numbers into a computer-based random selection program. GCRTA's random computer program assures that each employee is assigned a different random number each day in the selection period. Thus, each covered employee shall have an equal chance of being tested every day random testing is performed. To assure that the random program is protected from unofficial entry, the computer program has limited access to key personnel at each district and only department specific information is available to those persons. To maintain confidentiality and assure the integrity of the random program, access to all other computer information and data is limited to Occupational Health personnel only.
- (5) As required by FTA regulation the random notification and testing process occurs throughout the workday and throughout the selection period. GCRTA's random testing number selection is made once a week and entered into the computer every Friday. Authorized personnel may access the Random Testing Program daily to ascertain the employee(s) from their area that have been selected for random testing for the day.
- (6) If the employee is available for testing during their work shift, the safety sensitive employee will be informed that he or she has been selected for random testing with minimal notice given prior to testing. The employee will be informed of what type of testing is to be performed, will immediately cease performing the safety-sensitive function and will be immediately transported for testing. It is the policy of GCRTA to transport the employee to the collection site. Once testing is completed, the employee may be required to utilize public transportation to return to their assigned district. The employee will follow the procedures established by his or her district whenever this method of return to work is required. Instances of employees violating the established procedures will be investigated and disciplinary action may be taken.
- (7) When an employee is not available for random testing on the day of selection, the employee should be tested during their next available shift as long as the test can be performed within the selection week (i.e.: Saturday through Friday).

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- (8) Every effort will be made to test the individual that has been selected within the selection week. Logistical difficulties, operational requirements, or complicating personnel issues that make the testing process more difficult are not acceptable reasons to prevent testing. In the event an employee is selected who is on long-term absence or is on vacation during the selection week, Occupational Health will be notified and a replacement number may be selected.

(c) Reasonable Suspicion Testing. The purpose of reasonable suspicion testing is to provide a method to identify drug or alcohol affected employees who may pose a danger to themselves and others in their performance of safety sensitive functions.

- (1) Reasonable suspicion testing will be performed when a supervisor(s), or other company official(s) who has been trained in detecting the signs and symptoms of drug use or alcohol misuse believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.
- (2) The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.
- (3) The covered employee will be informed of the reason for testing and transported for testing immediately after the supervisor completes valid documentation.
- (4) Alcohol testing must be based on observations and documented as noted in division (c)(3) of this section and testing shall be performed only if the observations were made while the covered employee was performing safety sensitive functions, just before the employee was to perform safety sensitive functions or just after the employee had ceased performing such functions.
- (5) If alcohol testing is not performed within two hours following the determination to test, a written statement will be made on the reasonable suspicion document explaining why the testing could not be performed. This documentation will be maintained in Occupational Health. If a test is not administered within eight hours following the determination to test, GCRTA will cease attempts to administer the test and a statement will be added to the reasonable suspicion document explaining why testing could not be conducted within eight hours.

(d) Post Accident Testing. The FTA regulations require drug and alcohol testing in the case of certain mass transit accidents. Post accident testing is mandatory where there is a loss of life and for some non-fatal accidents. In the event of a non-fatal accident, according to the FTA, the burden rests with the Authority to prove that an employee did not contribute to the accident and therefore can be dismissed from testing. In determining whether testing will occur, FTA testing requirements have priority over GCRTA testing requirements.

- (1) In the event of a fatality, all surviving covered employees operating or on duty in the mass transit vehicle at the time of the incident will be subject to FTA drug and alcohol testing. In addition, all other covered employees whose performance may have contributed to the accident, as determined by the Authority using the best information available at the time of the decision may be subject to FTA drug and alcohol testing.
- (2) In the event of a non-fatal accident, FTA drug and alcohol testing is required when one or more individuals suffer bodily injury and immediately receive medical treatment away from the scene of the accident; when a bus, paratransit vehicle or any vehicle involved receives disabling damage; or a rail car is removed from service for disabling damage. All covered employees operating or on duty in the mass transit vehicle will be subject to FTA drug and alcohol testing unless their performance can be completely discounted by the Authority as a contributing factor based on the best information available at the time of the decision. In addition, all other covered employees whose performance may have contributed to the accident as determined by the Authority using the best information available at the time of the decision may be subject to FTA drug and alcohol testing.
- (3) The decision to not administer a drug and/or alcohol test under FTA guidelines shall be based on the investigating person's determination, using the best available information at the time of the determination, that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making process used to reach the decision not to test.
- (4) The FTA specifically requires that post accident testing be administered as soon as practicable following the accident. Every attempt should be made to complete alcohol testing within two hours of the accident. When it is not possible to perform testing within the two hour limit, the supervisor is required to document the reasons. Every effort should be made to continue to attempt to perform testing. When it is not possible to obtain a specimen within eight hours, the supervisor will cease attempting and update the two hour report. Alcohol use is prohibited by any covered employee required to take a post accident alcohol test for eight hours or until alcohol testing is performed, whichever occurs first after the occurrence.
- (5) The drug testing time limit is a maximum of thirty-two hours post accident. The supervisor will provide written documentation whenever testing cannot be performed within the specified time limit. Testing time limits for drug and alcohol collection apply to FTA and to GCRTA post accident testing.
- (6) A covered employee who is subject to post accident testing shall remain readily available for testing. If he or she leaves the scene of the accident

without notifying the investigator in charge or is not readily available for testing, it will be considered that the employee has refused to submit to testing.

- (7) The requirements to perform drug and alcohol testing should in no way require the delay of necessary medical attention or interfere with a law enforcement investigation.
- (8) The Authority may use the post accident test results of a blood, urine, or breath test for the use of prohibited drugs or alcohol misuse, conducted by Federal, State, or local officials having independent authority for the test, provided that the test conforms to the applicable Federal, State, or local testing requirements, and that the test results are obtained by GCRTA. Such test results may be used only when GCRTA is unable to perform a post-accident test within the required period noted in 49 CFR Part 655.44(a) and (b).
- (9) If FTA post accident testing criteria is not applicable, GCRTA will perform non-DOT post accident drug and alcohol testing. Testing will occur when there has been property damage that requires repair or personal injury that is evident at the time of the occurrence, unless the employee's performance can be completely discounted as a contributing factor based on the best information available at the time of the decision.
- (10) FTA mandated testing takes precedence over GCRTA required testing. The criteria to perform FTA post accident testing will be satisfied before consideration is given to utilize GCRTA criteria. When post accident testing is required based on GCRTA criteria, the collection site will use only non-Federal drug and alcohol testing custody and control forms.

(e) Return to Duty Testing. The purpose of return to duty testing is to provide a degree of assurance that a safety sensitive employee is currently drug and alcohol free and is able to return to work without undue concern of continued drug abuse or alcohol misuse.

- (1) According to FTA regulations, whenever any of the following has occurred, the employee must first be evaluated by the Substance Abuse Professional (SAP) and pass a return to duty drug and/or alcohol test before returning to employment in a safety sensitive classification meeting the following criteria:
 - A. Has had verified positive drug test result;
 - B. Has had a breath alcohol concentration (BAC) of 0.04 or greater; or
 - C. Has been involved in any other activity that violates the regulations including refusal to submit to testing.
- (2) Return to duty testing cannot occur until after the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result

and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.

- (3) Follow-up testing will be performed when an employee returns to work as described in division (e)(1) of this section. The purpose of follow-up testing is to serve as motivation to the employee to remain free of prohibited substances and to provide GCRTA assurance that the employee has not resumed the use of drugs or alcohol after rehabilitation. When an employee is returned to duty, unannounced follow-up testing will be performed as prescribed by the SAP. Under GCRTA policy, an employee testing positive for any prohibited substance within three years of the original positive test will result in discharge.
- (4) The SAP must present GCRTA's Occupational Health with a release to return to duty and a follow-up testing plan outlining the number and frequency of unannounced testing. Federal regulations mandate at least six follow-up tests in the first twelve months following the employee's return to safety sensitive duties. However, more testing may be required based on the SAP's assessment. Follow-up testing can be continued for up to sixty months after return to work. The SAP, following completion of the mandatory requirements the first year, may terminate follow-up testing. Follow-up testing is in addition to the other required drug and alcohol testing as described in this policy.
- (5) Follow-up testing must be performed as recommended in the SAP's testing plan. If testing is not performed as outlined, the subjected employee will not be permitted to perform safety sensitive functions. Further, the requirements of the SAP's follow-up testing plan "follow the employee" to subsequent employers or through breaks in service.
- (6) A follow-up test that has been determined by the Medical Review Officer as "cancelled" is not considered a completed follow-up test and must be recollected.

(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

626.09 TESTING PROTOCOLS.

(a) Alcohol Testing. Breath alcohol testing will be conducted on safety sensitive employees per the procedure outlined in 49 CFR Part 40. In order to protect the integrity of the breath testing process, GCRTA will utilize collection sites that have Evidential Breath Testing Devices (EBT's) that meet National Highway Traffic Safety Administration (NHTSA) approval. The testing equipment must provide triplicate printed results, assign unique and sequential test numbers, print the manufacturer's name for the device, the device's serial number and the time of the test.

- (1) The EBT must have a manufacturer-developed quality assurance plan approved by NHSTA that includes the following requirements:
 - A. A designated method to be used to perform external calibration checks of the device;

- B. A specified minimum interval for performing external calibration checks of the device;
 - C. A specified tolerance on an external calibration check; and
 - D. A specified inspection, maintenance and calibration requirement.
- (2) GCRTA will only utilize certified Breath Alcohol Technicians (BAT) which allows the performance of the screening and confirmation test to be performed at one site. The Breath Alcohol Technician (BAT), will be trained to proficiency in the operation of the EBT and in the alcohol testing procedures mandated by 49 CFR Part 40, Subpart J. To protect the security of the testing site and process the breath alcohol testing location must afford privacy, not permit unauthorized persons access, and EBT must be stored in a secure location. The BAT will protect the testing process by testing only one employee at a time, complete the entire alcohol test procedure before starting another process on another employee and not leave the testing site until the procedure is completed as described in 49 CFR Part 40, Subpart K.
- (3) With the exception of post accident testing, the testing for alcohol is only permissible just before an employee performs safety sensitive duties, during that performance or just after an employee has performed covered duties. FTA requirements provide authorization for testing for alcohol and taking action on the findings, regardless of whether the alcohol ingested was from beverage alcohol or in a medicinal or other preparation.
- (4) The alcohol testing procedure is outlined in Addendum F.

(b) Drug Tests. Following FTA regulations, urine drug testing will consist of testing for marijuana, cocaine, opiates, phencyclidine and amphetamines. GCRTA reserves the right to test for other drugs such as barbiturates, non-barbiturate sedatives and non-amphetamine stimulants. In the event these optional tests are to be performed, they will be performed separately from FTA required testing under GCRTA authority and with non-federal testing forms. Testing procedures will consist of specimen collection, laboratory testing, Medical Review Officer review and SAP referral, if needed.

- (1) The GCRTA is committed to insuring both the accuracy of testing procedures and the confidentiality of test results. Accordingly, the GCRTA will employ only laboratories certified by the Department of Health and Human Services (DHHS) that utilize state-of-the-art technology, follow accepted chain of custody procedures, and strictly preserve confidentiality of all test results. GCRTA has contracted with a certified laboratory to perform drug testing and a secondary laboratory to perform split sample testing. (See Addendum A.) The contracted laboratory testing service will meet all the requirements as noted in 49 CFR Part 40, Subpart F.

- (2) Under separate contract, specific collection sites are available throughout the Greater Cleveland area that meet DOT 49 CFR Part 40 requirements, are convenient for use and results are automatically sent to GCRTA's Medical Review Officer. Collection site personnel will meet the training and qualification standards for drug specimen collection as specified in 49 CFR Part 40 Subpart C.
- (3) Collection procedure requires that only Federal drug testing custody and control forms be used for DOT mandated test and non-federal urine custody forms for GCRTA defined testing. Drug testing performed under GCRTA authority will be for the same five drugs as defined by DOT in 49 CFR Part 40.
- (4) Collections will be performed in accordance with 49 CFR part 40 Subpart D and E. (See Addendum E.) In order to protect the security and integrity of the urine collection each site will provide a privacy enclosure for urination, a toilet, a suitable clean writing surface and a water source outside the private enclosure for hand washing. Access to each collection area will be restricted during specimen collection and either secured or visually inspected before specimen collection. A blue dye will be used in each toilet and all other water sources will be inoperable or secured. These procedures will be monitored by Occupational Health on a routine basis to assure integrity of the testing process.
- (5) GCRTA has the right to test for drugs other than those mandated by FTA/DOT (ex: marijuana, cocaine, amphetamines, opiates and phencyclidine). In the event the GCRTA chooses to test for other drugs, the test must be performed separately from the FTA testing and the FTA test must be performed first. Separate urine specimens must be obtained from the employee and separate custody and control forms must be processed. A standardized Federal drug testing custody and control form cannot be used. Employees must be notified whether they are being tested under the FTA required program or the GCRTA program.

(c) Medical Review Officer. In accordance with FTA regulations, when a test results in a confirmed positive, adulterated, substituted, or invalid drug test, the employee will be contacted by the Medical Review Officer (MRO).

- (1) The Medical Review Officer will interpret the employee's confirmed positive test by the following method:
 - A. Review the individual's medical history;
 - B. Afford the employee an opportunity to discuss the test result;
 - C. Decide whether there is legitimate medical explanation for the result;
 - D. Inform the employee that he or she has seventy-two hours in which to request a test of the split sample. This time period is inclusive of all weekends and holidays;

- E. Inform the employee how to contact the MRO by providing telephone numbers or other information that will allow this request;
 - F. Inform the employee that if the request is made within this seventy-two hour timeframe that GCRTA will ensure that the testing will occur;
 - G. Inform the employee that the cost of the testing is not required to be paid by the employee but GCRTA may request reimbursement;
 - H. Inform the employee that additional test of the specimen (e.g.: DNA testing) are not authorized; and
 - I. If split sample testing has been requested, inform the employee to contact Occupational Health at (216) 566-5106 to complete the necessary paperwork for split sample testing to be performed.
- (2) Medical Review Officer services are provided by contract with a certified physician who meets the qualifications and follows the protocols as defined by 49 CFR Part 40 Subpart G, and H. (See Addendum A.)

(d) Observed Collection Procedure. Direct observed collection will be performed immediately with no advanced warning under DOT requirements when:

- (1) The collector identifies an attempt to alter a specimen has occurred;
- (2) The collector identifies an attempt to tamper with a specimen;
- (3) A specimen is reported as invalid because there is no adequate medical explanation for the result;
- (4) When a positive, adulterated or substituted test result is reported as a cancelled test because testing on the split specimen could not be performed; and
- (5) The temperature of the specimen falls out of the range of 90 - 100° F.

(e) Dilute Specimen Procedure: When informed by the MRO that positive drug test is dilute, the test will be treated as a verified positive test. The employee will not be directed to provide another test. However, when informed by the MRO that a negative test was dilute, the following action will be taken:

- (1) Recollection will be performed immediately under direct observation if the MRO verifies that the specimen was considered "substituted".
- (2) If the specimen is dilute, but not "substituted", recollection will be performed immediately. Unless specified by the MRO or other behaviors have been observed as noted in division (d) of this policy, recollections will NOT be observed.

(f) GCRTA Observed Collection Procedure. Observed collection may be performed under GCRTA requirements when the employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under FTA regulation as a return to duty or SAP follow-up test.

(g) Every observed collection will be conducted by a collector of the same sex as the donor. An observed collection will be performed immediately upon detection, and all specimens collected will be sent for analysis. The collection site will immediately notify GCRTA's Occupational Health of the occurrence and request approval to perform observed collection. The reason to perform direct observation collection will be provided to the employee by either the collector or Occupational Health personnel.
(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

626.10 ACTION TO BETAKEN UPON RECEIPT OF POSITIVE TEST RESULTS OR REFUSAL TO TEST.

Specific action will be required when a covered employee has a verified positive drug test or a confirmed alcohol test result of 0.04 or greater.

- (a) When positive drug results are received from the MRO, Occupational Health will immediately notify authorized supervisors. The covered employee will be immediately removed from the safety sensitive position. The appropriate disciplinary action will be implemented as outlined by this policy.
- (b) When a positive alcohol result of 0.04 or greater has been confirmed using an EBT, the covered employee will not be permitted to return to service. The appropriate disciplinary action will be implemented as outlined by this policy. The covered employee will not be permitted to drive their own vehicle and an alternate means of transportation will be utilized.
- (c) If a covered employee refuses to submit to drug or alcohol testing, the employee will be immediately removed from their safety sensitive position and appropriate disciplinary action will be implemented as outlined by this policy.

(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

626.11 DISCIPLINARY CONSEQUENCES OF DRUG USE AND MISUSE OF ALCOHOL.

Under FTA regulations, unless otherwise stated, discipline for policy violations shall be determined by the employer. Therefore, the GCRTA has implemented the following disciplinary process for any employee who tests positive for drugs and/or alcohol under this policy.

- (a) GCRTA requires of all employees to be free of drugs and alcohol when performing a safety sensitive function. FTA requires that any safety sensitive employee with a verified positive drug test; a breath alcohol concentration of 0.04 or greater; or refuses to submit to testing must be immediately removed from performing all safety sensitive functions and must be evaluated by a Substance Abuse Professional (SAP).
- (b) Disciplinary Consequences For Positive Alcohol. When an applicant for employment or when an employee tests positive for alcohol within the prohibited time frames, the following disciplinary action occurs:

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C. BAC of 0.02 – 0.039
(Cont.)

Immediately remove the employee from the safety sensitive position for eight hours. When an employee has been removed from a safety sensitive position for at least eight hours after a BAC of 0.02 or greater, but less than 0.04, the employee will be required to undergo a second test with a result below 0.02 BAC prior to being permitted to return to performing their safety sensitive function.

Should the employee again test 0.02 or greater but less than 0.04 BAC, the employee will be referred for SAP consultation. The employee must participate in the program prescribed by the SAP and must undergo a follow-up test under GCRTA testing authority with a test level less than 0.02 BAC prior to being returned to a safety sensitive function. Failure to comply with the SAP's recommended treatment program will result in discharge.

Should the employee again fail to test less than 0.02 BAC, the employee will be subject to discipline up to and including discharge.

Second Offense Within A Three Year Period: An employee with a BAC of 0.02 or greater but less than 0.04 will result in a thirty day conditional suspension and SAP referral. The employee must participate in the program prescribed by the SAP and must undergo a follow-up test under GCRTA testing authority and test less than 0.02 BAC prior to returning to a safety sensitive function. The failure to comply with the SAP's treatment will result in discharge.

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|-----------------------------------|---|
| C. BAC of 0.02 – 0.039
(Cont.) | <u>Third Offense Within A Three Year Period:</u> An employee with a BAC of 0.02 or greater but less than 0.04 will result in discharge. |
| D. BAC of 0.02 or less | Any breath alcohol concentration value less than 0.02 is considered a negative test result. |

The use, sale or possession on duty of any intoxicant (drug or alcohol) will result in immediate discharge.

(c) Disciplinary Consequences For Positive Marijuana-Related Substances.

- | | |
|-------------------------------|---|
| (1) Job Applicants | Not Hired |
| (2) Probationary Employee | Immediate Discharge |
| (3) Non-Probationary Employee | <u>First Offense</u> will result in a thirty calendar day conditional suspension; SAP referral; EAP participation and completion of follow-up treatment; return to work drug/alcohol testing with negative results. In no event will an employee be eligible to return to work less than thirty days after the failed test. |

Failure to meet the above conditions other than failure of a return to work test, the employee is subject to immediate discharge. In the event that an employee tests positive for marijuana in a return to work test, he or she shall be conditionally suspended for an additional thirty calendar days subject to the conditions set forth above. In the event the employee fails his or her second return to work drug test, he or she shall be immediately discharged.

Second Offense: Immediate discharge within three year period following first offense.

(d) Disciplinary Consequences for Prohibited Drugs (not including marijuana or prescription drugs). Prohibited drugs are cocaine, opiates, phencyclidine and amphetamines, and the following applies:

- | | |
|--|---|
| (1) Job Applicants | Not Hired |
| (2) Probationary/Non-
Probationary Employee | Immediate discharge for random, reasonable suspicion, post accident, follow-up and pre-placement exams/testing. |
| (3) When it has been determined that an employee has participated in the off duty sale, distribution or possession with the intention to distribute illegal drugs or the manufacture of illicit drugs resulting in a criminal conviction, immediate discharge will result. | |

(e) Disciplinary Consequences For Prescription Drugs. In accordance with GCRTA requirements, the following applies:

- | | |
|---|---|
| (1) Job Applicants | When the applicant tests positive for a prescription drug which may affect his or her ability to perform the applicant's proposed job duties, he or she will not be considered for employment unless Personnel Services has received the following information prior to testing:
Notification of the use of the prescription drug;
A doctor's letter indicating the applicant's ability to perform his or her proposed job duties is not impaired. If the applicant's job duties would be impaired, the physician must indicate the duration of the impairment. |
| (2) Probation/Non-
Probationary Employee | When an employee tests positive for a prescription drug which may affect his or her ability to perform the employee's job duties, he or she will be discharged unless the employee has provided the supervisor with notification from the employee's doctor of the use of a prescription drug and an indication of the employee's ability to perform |

2007 Replacement

his or her job duties without impairment. When the employee's job duties would be impaired, the physician must indicate the duration of impairment.

Employees, required to use prescription drugs authorized by a licensed health care professional, are responsible for being aware of any effect such drug may have on the performance of their duties. A physician's prescription form will not be an acceptable excuse for the use or possession of an intoxicant and the employee will be subject to discipline as set forth.

(f) Disciplinary Consequences For Testing Positive For Any Intoxicant During A Work Related Physical Examination (biennial, return-to-work, etc.) will be as follows:

- (1) First Offense: The employee will be conditionally suspended for thirty calendar days. An employee suspended under this section will be referred to the SAP and must participate and complete in follow-up treatment as prescribed by the SAP. Failure to comply with the SAP's treatment will result in discharge.
- (2) Second Offense: Immediate Discharge
- (3) In no event will an employee be eligible to return to work less than thirty calendar days after the failed work related physical examination test. Furthermore, following completion of treatment prescribed by the SAP, the employee shall be required to submit to a physical examination and drug testing prior to returning to work and participate in follow-up treatment prescribed by the SAP. The Authority also reserves the right to subject the employee to unannounced drug testing in addition to regular random testing stated herein, as prescribed by the SAP following the employee's return to work. In accordance with the agreement between ATU Local 268 and GCRTA on July 17, 1997, employees covered by ATU will be required to pay all costs for each unannounced drug/alcohol test. An employee who fails to meet any of the conditions set forth above is subject to immediate discharge.

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(g) Disciplinary Consequences For A Commercial Driver's Licenses Suspension Due To A DUI Conviction. In cases of suspension due to conviction for DUI, while operating a private vehicle, the employee will be required to enroll in and successfully complete a program through the Authority's SAP during the suspension period. The employee must make contact with the SAP within seven calendar days of the suspension and provide proof of contact to his or her supervisor. If convicted of DUI while operating an Authority vehicle, the employee will be discharged. (See Driver's License Policy set out in Section 648.08.)

(h) Other Disciplinary Consequences.

- (1) The Drug Free Workplace Act, Federal Regulation 49 CFR Part 29, provides that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on the Greater Cleveland Regional Transit Authority property. Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.
- (2) Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace is required to notify his or her supervisor no later than five working days following his or her conviction. Compliance is required of all recipients of Federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.
- (3) As noted in 49 CFR Part 40 Subpart I the following behavior constitutes a refusal to submit to drug and alcohol testing:
 - A. Verbal or written refusal by any employee to submit to urine and/or breath test or refusal to sign Federal drug testing forms or failure to sign the certification at Step 2 of alcohol testing form;
 - B. Any employee who refuses to submit to a direct observation collection;
 - C. Refusal by an employee to submit to a second test when requested by the Authority or the collector;
 - D. Failure of the employee to remain at the testing site until collection is complete;
 - E. Refusal by an employee to make an attempt to provide a urine sample after the allotted time period of three hours and up to forty ounces of water;
 - F. Any employee who has a verified adulterated or substituted drug test result;
 - G. Failure to undergo a medical examination or evaluation for either shy bladder and/or shy lung, as directed by the MRO or GCRTA;

- H. Any employee who fails to provide sufficient quantities of breath or urine without valid medical explanation by an Authority designated physician acceptable to the MRO;
- I. Refusal to provide urine specimen by an employee who normally voids by utilization of self-catherization but declines to do so;
- J. Any employee whose conduct prevents the completion of required drug and/or alcohol test;
- K. Failure of any employee to comply with the directions of the collector, such as refusing to leave outer garments, purses, briefcases etc. in a secured location prior to obtaining a specimen;
- L. Any employee who does not report to the collection site in the allotted time;
- M. Any employee who is not readily available for post accident testing; or
- N. Any employee who leaves the scene of an accident without proper authorization.

All of these actions constitutes a refusal and have the same consequences as a positive test. The employee will be immediately discharged.

- (4) Any employee who attempts to tamper or alter a specimen or obstruct the collection procedure will be immediately discharged.
- (5) Recognizing that approaching a co-worker about an alcohol or drug problem is not an easy one, employees are encouraged to not cover up or correct errors of an impaired co-worker which only "enables" the employee to continue the problem. Coworkers are encouraged to suggest the use of the Employee Assistance Program or suggest contacting the EAP Facilitator at each district for assistance in obtaining information about the EAP program. Informing management of an employee's suspected drug/alcohol use should be viewed as a means of helping that individual and possibly saving their life and the lives of others.
(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

626.12 RESPONSIBILITY FOR PROGRAM ADMINISTRATION.

(a) The Drug and Alcohol Program is administered by the Manager, Occupational Health Services and is located at the GCRTA Main Office Building, 1240 W.6th Street, Cleveland, Ohio 44113. (See Addendum A.)

(b) Any employee may review the referenced regulations and cited reference materials in the Substance Abuse Policy and/or procedures in the Occupational Health Office by appointment. Requests for copies for regulatory information should be made in writing, addressed to Occupational Health. A nominal processing fee may be involved for copies of regulatory information depending on the extent of the request.
(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

626.13 CONFIDENTIALITY OF RECORDS.

Employees may request a copy of any of their own drug and alcohol test results. All requests must be in writing. Requests by telephone will not be honored in order to preserve the employee's confidentiality of results. Results will be mailed to the employee's home address or the employee may pick up results in person in Occupational Health provided that the employee has a picture identification. (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

Addendum A

MRO, SAP, Laboratory Services and GCRTA Administrator

Medical Review Officer (MRO)

Dr. Thomas N. Markham, M.D., M.P.H.
East Side Occupational Health Center
4450 St. Clair Avenue
Cleveland, Ohio 44103
(216) 431-0927

Substance Abuse Professional (SAP)

Martina Moore, MA, LICDC, SAP
Moore Counseling & Mediation Services
20690 Lakeland Blvd.
Euclid, Ohio 44119
(216) 404-1900

Laboratory Drug Testing

Clinical Reference Laboratory
DHHS, SAMHSA, National Laboratories Certification Program Certificate
8433 Quivira Road
Lenexa, Kansas 66215
1-800-445-6917

GCRTA Drug & Alcohol Program Administration

Rhonda C. Branche
Manager, Occupational Health Services
Root McBride Building
1240 W. 6th Street
Cleveland, Ohio 44113
(216) 566-5106
(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

Addendum B
Safety Sensitive Positions

Job Title	Job Classification	FTA Criteria
CRT Operator	137	1
Hostler - Part Time	147	2
Laborer	152	2
Community Circulator Operator	188	1
Community Circulator Operator (part time)	189	1
Vehicle Servicer	346	2
Hostler	347	2
Laborer	352	2
Maintenance Helper only those with RTA required CDLs	358	2
Operator- Full Time	437	1
Operator - Part Time	438	1
Transit Police Officer - Full Time	440	5
Equipment Servicer	442	2
Body Mechanic	446	2
Equipment Mechanic excludes sign shop personnel	447	2
Signal Maintainer	450	2
Track Maintainer	452	2
Line Maintainer	453	4
Maintainer only those with RTA required CDLs	458	2
Assistant Operating Instructor	511	1
Rail Equipment Body Mechanic	521	2
Rail Equipment Electrician	522	2
Rail Equipment Mechanic	523	2
Rail Brake Mechanic	524	2
Rail Machinist	525	2
Machinist	526	2

Addendum B (Cont.)
Safety Sensitive Positions

Job Title	Job Classification	FTA Criteria
Automotive Brake Mechanic	528	2
Rail Operations Supervisor	532	3
Heating/Air Conditioning Mechanic	535	2
Transit Police Sergeant	540	5
Equipment Body Mechanic excludes sign shop personnel	541	2
Equipment Electrical Unit Mechanic	542	2
Equipment Electrician	543	2
Equipment Mechanic	545	2
Maintenance Technician only those with RTA required CDLs	548	2
Maintenance Leader only those with RTA required CDLs	549	2
Signal Maintenance Technician	550	2
Special Equipment Operator/Mechanic	552	2
Rail Air Conditioning Mechanic	553	2
CRT Group Leader	554	2
CRT Dispatcher	557	3
Motor Repair Leader	567	2
Supervisor of Police - Part Time	570	5
Dispatcher	573	3
Service Quality Supervisor	574	3
Operations Instructor	611	1
Vehicle Maintenance Instructor	612	2
Assistant Supervisor, Rail Shop	623	2
Electronic Technician	624	2
Zone Supervisor	634	4
Tower Control Supervisor	635	3
Coach Inspector	638	2
Assistant Section Leader	645	2

Addendum B (Cont.)
Safety Sensitive Positions

Job Title	Job Classification	FTA Criteria
Crew Chief	646	2
Assistant Equipment Supervisor	647	2
Assistant Maintenance Supervisor	649	2
Signal Technician	650	2
Lead Signal Technician	651	2
Assistant Track Supervisor	652	2
Line Maintainer	653	4
Special Equipment Operator/Mechanic Leader	654	2
CRT Road Supervisor	658	4
Transit Police Lieutenant	1060	5
Assistant Superintendent, CRT Equipment	1069	2
Load Dispatcher	1137	3
Transportation Training Specialist	1141	1
Supervisor - Radio Control	1147	3
Supervisor - Power	1233	2
Supervisor - Signals	1234	2
Supervisor - Overhead	1239	2
Training Specialist - Maintenance	1242	2
Transit Police Commander	1248	5
Supervisor - Rail Traffic	1249	3
Rapid Transit Shop Supervisor	1252	4
Section Supervisor	1258	4
Supervisor - Traffic	1259	2
Supervisor, Electrical Maintenance	1265	2
Supervisor, Track	1273	4
Director of Security/Chief of Police	1511	5
Supervisor, CBM (non-exempt)	1951	2
Supervisor, Rail Shop (non-exempt)	1953	2

Addendum B (Cont.)
Safety Sensitive Positions

Job Title	Job Classification	FTA Criteria
Supervisor, Maintenance (non-exempt)	1954	2
Supervisor, Bus (non-exempt)	1955	2
Supervisor, Signals (non-exempt)	1956	2
Supervisor, Power (non-exempt)	1957	2
Student Driver Trainee	9909	1

FTA Criteria Utilized to Identify a Safety Sensitive Function as Noted in Column 3 of this Addendum:

1. Operates a revenue service vehicle in or out of service;
2. Operates a non-revenue vehicle requiring a CDL;
3. Controls dispatch or movement of a revenue service vehicle;
4. Maintains a revenue service vehicle or maintains equipment used in revenue service;
5. Carries a firearm for security purposes.

Supervisory staff who perform the above functions are also classified as Safety Sensitive.

Job classifications 447 and 541 include Sign Shop personnel. Sign Shop personnel who perform graphic identification and decal functions but perform no actual mechanical work on the body, interior or components of the coach are exempt as Safety Sensitive. (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

Addendum C
Random Testing Rates

Random testing rates are determined each year through Federal/State legislation. The current random drug and alcohol testing rates are as follows:

At least 25% of the total number of safety sensitive employees will be drug tested.

At least 10% of the total number of safety sensitive employees will be alcohol tested.

(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

Addendum D

Laboratory Testing Cut-off Limits for the Minimum Quantity of Drug Detected

The following laboratory testing cut-off limits are federally mandated for the minimum quantity of drug detected in the initial test and the confirmation test:

Type of Drug or Metabolite	Initial Test Level	Confirmation Test Level
1. Marijuana Metabolites a. THC	50 ng/ml	15 ng/ml
2. Cocaine Metabolites (Benzoyllecgonine)	300 ng/ml	150 ng/ml
3. Phencyclidine (PCP)	25 ng/ml	25 ng/ml
4. Amphetamines a. Amphetamine b. Methamphetamine	1000 ng/ml	500 ng/ml 500 ng/ml (Specimen must also contain amphetamine at a concentration \geq 200 ng/ml)
5. Opiate Metabolites a. Codeine b. Morphine c. 6 acetylmorphine	2000 ng/ml	2000 ng/ml 2000 ng/ml 10 ng/ml (Test for 6-AM conducted only when specimen contains morphine at a concentration \geq 2000 ng/ml)

Reference: 49 CFR Part 40, § 40.87, Federal Register, December 19, 2000 (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

Addendum E
Urine Specimen Collection Process

Urine specimen collection will adhere strictly with 49 CFR part 40 Subparts C, D, and E. Outlined below is the collection procedure, however, any technical interpretation will be based on the actual regulation.

1. The testing process will begin upon entry to the collection site without undue delay.
2. If an alcohol test is also required in conjunction with the drug test, alcohol testing will be performed prior to the drug screen collection.
3. Employee identification will be verified by a photo ID using either a valid Ohio Driver's license or GCRTA Identification card.
4. The collection process will be explained to the employee.
5. The employee will be requested to remove outer clothing such as coat, sweater, jacket, hat or overalls. All clothing and personal items such as a briefcase, purse or other items will be placed in a mutually agreeable location. Although the employee will not be required to remove all clothing, he/she will be requested to display the contents of pockets to ensure that no items are present which could be used to adulterate the specimen.
6. Prior to collection of the specimen, Step 1 of the custody and control form will be completed by the collector.
7. The employee will then be instructed to wash and dry his or her hands.
8. The employee will be provided a specimen container and directed to a secured restroom to collect a specimen.
9. The minimum specimen amount is 45 ml. If there is insufficient volume, the specimen collected must be discarded. At no time is it permitted to combine urine collected from separate voids to create a sufficient specimen. The employee has up to three hours to provide a specimen of at least 45 ml and may drink up to 40 ounces of water throughout the waiting period in order to provide a specimen. The employee will be notified when the three hour period begins and when it will end. The three hour period begins with the first unsuccessful attempt to provide a specimen. It is not considered a refusal if the employees chooses not to drink the 40 ounces of water. Failure to provide a specimen within the allotted time period will result in evaluation under the "shy bladder" procedure.
10. The temperature of the specimen will be obtained within four minutes after the specimen collection and the acceptable temperature range must be between 90° to 100° F.
11. The collector will pour the sample into two collection bottles, one bottle will contain at least 30 ml and the second bottle (the split) will contain at least 15 ml. This process will be performed in front of the employee.

12. In the presence of the employee, the collector will seal each bottle and then affix tamper-evident labels over each bottle. The collector will date each tamper-evident label and the employee will initial the bottle labels.
13. The custody and control form will be completed with the appropriate signatures, social security number, birth date and current date.
14. The appropriate portion of the custody and control form along with the primary sample and the split sample will be placed in a single shipping container and placed in secure storage until laboratory pick up.

Shy Bladder evaluation will be performed when an employee is unable to provide at least 45 ml of urine within three hours and being provided no more than 40 ounces of water. The procedure that will be utilized will strictly adhere to the requirements as defined in 49 CFR Part 40 Subpart I, specifically § 40.193 and § 40.195. Outlined below is the process that will be utilized, however, any technical interpretation will be based on the actual regulation.

1. If an insufficient specimen has been collected, it will be discarded unless the specimen was out of temperature range or it showed evidence of adulteration or tampering.
2. The collection procedure will be discontinued and documented on the custody and control form. The collector must notify Occupational Health and the MRO within twenty-four hours, however, it is expected that each collection site will notify Occupational Health immediately and will send the custody and control form with the documentation within the twenty-four hour period.
3. Occupational Health will consult with the MRO, and a licensed physician, acceptable to the MRO will be selected. The employee must be referred to the selected physician and evaluated by the physician within five days of the occurrence. Occupational Health will contact the employee with the selected physician's name, location and date of the evaluation.
4. The employee will be placed on administrative leave pending medical results.
5. The MRO shall confer with the evaluating physician and will provide Occupational Health with a written determination as soon as it is made.
6. If it has been determined that a medical condition exists, the test will be considered "cancelled" and the employee resumes working.
7. If it has been determined that no medical condition exists, the test will be considered "refusal to test because..." and the appropriate disciplinary action as outlined in this policy will be followed.

(Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

Addendum F
Breath Alcohol Collection Process

Breath alcohol testing will adhere strictly with 49 CFR Part 40 Subparts J, K, L, M and N. Outlined below is the testing procedure, however, any technical interpretation will be based on the actual regulation.

1. The testing process will begin upon entry to the collection site without undue delay.
2. Alcohol testing takes precedence over drug testing and will be performed before the drug screen collection.
3. Employee identification will be verified by a photo ID using either a valid Ohio Driver's license or GCRTA Identification card.
4. After testing procedures are explained to the employee, the BAT (Breath Alcohol Technician) will complete Step 1 of the Alcohol Testing Form (ATF) and the employee will complete Step 2 and sign the certification. A refusal by the employee to sign Step 2 of the ATF is a refusal to test.
5. The employee will select or the BAT will select a individually wrapped disposable mouthpiece. The BAT will insert the mouthpiece into the testing device.
6. The employee will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.
7. If the employee does not provide a sufficient amount of breath, the employee will be instructed to attempt again to provide a sufficient amount of breath. If the employee fails after this attempt, the BAT may provide a third opportunity and may use manual testing if BAT believes that results can be obtained. Failure after the third attempt will result in the employee being directed to undergo a medical evaluation for "Shy Lung".
8. After successful completion of the testing, the employee will be shown the results.
9. When the results of the test are a breath alcohol concentration of less than 0.02, the test will be considered negative. The BAT will sign and date Step 3 on the Alcohol Testing Form and transmit the information to Occupational Health in a confidential manner.
10. When the results of the test are a breath alcohol concentration 0.02 or greater, a confirmation test is to be performed. The confirmation test must be at least fifteen minutes, but not more than thirty minutes, after the completion of the initial test.
11. During the waiting period for confirmation testing, the employee will be instructed by the BAT not to eat, drink, smoke or place anything in his or her mouth or belch. The BAT will inform the employee that the test will be conducted at the end of the waiting period even if the employee disregards instructions. The BAT will observe the employee at all times and will

document any disregard of instructions in the "remarks" area of the Alcohol Testing Form.

12. Before confirmation testing, the BAT shall conduct an air blank test on the EBT. The reading should not be greater than 0.00.
13. The employee shall be shown the results of the confirmation test and BAT will inform the transporting supervisor of the results. Based on the results, the supervisor will take appropriate action based on the criteria outlined in this policy.
14. The BAT will immediately notify Occupational Health of results greater or equal to 0.02 BAC and send hard copy confidentially by U.S. Mail or courier.
15. In order to confirm that telephoned results are valid when received from the collection site, Occupational Health personnel will call the collection site after receiving concentration results over 0.02 to confirm the results and verify the identification of the person reporting the results.

Shy lung evaluation will occur when an employee attempts and is unable to provide an adequate amount of breath after following the procedure outlined above. The evaluation procedure will strictly adhere to the requirements as defined in 49 CFR Part 40 Subpart N specifically § 40.265. Outlined below is the process that will be utilized, however, any technical interpretation will be based on the actual regulation.

1. If the employee fails after two attempts, the BAT may provide a third opportunity and may use manual testing if the BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for "Shy Lung". When the employee has failed to provide adequate breath, the BAT will discontinue the test and note the fact on the "Remarks" line of the Alcohol Testing Form and immediately notify Occupational Health.
2. The BAT will direct the employee to continue to attempt to complete the breath alcohol test by utilizing a manual testing method for up to fifteen minutes from the time of the last failed attempt. If GCRTA's designated physician is available, the employee will then immediately proceed to a pulmonary assessment at the testing facility. If the physician is not available, the employee will be scheduled to receive a pulmonary assessment within five days of the occurrence. During the assessment period, the employee will be placed on administrative leave and will not be permitted to perform safety sensitive functions until the evaluation process is complete.
3. If no test results are obtained through the manual breath testing method to determine if there has been alcohol misuse and no immediate pulmonary assessment is available, additional alcohol testing may be performed under GCRTA authority. The employee will be permitted to volunteer for a blood screen for alcohol by immediately signing a written document requesting blood testing. This testing will be performed under GCRTA's authority and as non-DOT testing utilizing non-DOT forms. However, standard chain of

custody procedures will be carried out throughout the process. The blood will be drawn with sixty minutes of the initial unsuccessful EBT test so as to provide valid results regarding employee's use of alcohol at the time of the unsuccessful EBT test. The shy lung evaluation required under DOT requirements is in no way impacted by the results of the blood alcohol test. Any actions related to the results of the blood alcohol test are taken under GCRTA authority and do not apply to the results of the shy-lung evaluation conducted according to 49 CFR Part 40 testing requirements.

4. If the additional manual breath test(s) or blood alcohol screen test is negative and pulmonary assessment is successfully completed with no existing medical condition, which precludes the EBT test, the employee will be evaluated by a Substance Abuse Professional (SAP) and returned to work in accordance with the recommendation of the SAP. So long as the employee contacts the SAP within twenty-four hours of the initial testing, promptly schedules an appointment, reports to the SAP at the appointed time and place, and the SAP recommends an immediate return to work, the employee will be made whole for the time lost during this testing and evaluation process. If the SAP assessment identifies a substance abuse problem which requires treatment prior to return to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA's FMLA policy, if applicable, or other leave policies. Follow up testing will be performed in accordance with the SAP's recommendations.
5. If the blood test conducted under GCRTA authority is negative and the pulmonary assessment reveals an acceptable medical condition that explains the employee's inability to provide an adequate amount of breath for the EBT test, the employee will be returned to work. However, if it is determined medical treatment is required prior to returning to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA's FMLA policy if applicable, or other leave policies as needed.
6. If the pulmonary assessment does not reveal a medical condition to explain the inability of the employee to provide adequate breath for the EBT test, this is considered a positive test under DOT/FTA requirements.
7. If the employee fails to complete the additional manual breath test(s), does not choose to voluntarily submit to a blood alcohol test, refuses to obtain medical evaluation, refuses to be evaluated by the SAP or follow the SAP recommendations, and the pulmonary assessment does not find a valid medical explanation for the failure to provide sufficient breath, the employee will be immediately discharged as refusal to submit to testing.

(Res. 2007-128. Passed 8-21-07.)

Addendum G

Life Consequences of Drug Abuse and Alcohol Misuse

Both drug abuse and alcohol misuse are serious and complex issues that have far reaching consequences, not only for the individual affected, but on family, friends and co-workers. When an individual uses drugs or alcohol, everything that is important, such as family, friends, job, money and self respect are at risk. Addiction gradually consumes for and more of an individual's time, energy and health. Any list of behavioral signs cannot be completely accurate for everyone, however, the most important sign to watch for is a marked change in behavior that could signal that there is a drug or alcohol problem. Some of the possible symptoms of drug abuse or alcohol misuse are as follows:

- Physical Symptoms: Exhaustion, untidiness, blank stare, slurred speech, unsteady walk, changes in appearance after work break.
- Mood: Constant depression or anxiety, irritability, suspicion and mood swings.
- Actions: Argumentative, excessive sense of self-importance, avoids talking.
- Absenteeism: Frequent "emergency" absences, often absent on Monday mornings, frequent unexplained disappearances from work station.
- Accidents: Takes needless risks, disregards safety of others, higher-than-average accident rate.
- Work Patterns: Inconsistent work quality and productivity, mistakes and carelessness, lapses of memory, increased difficulty in handling complex tasks.
- Relationships: Overreacts to criticism, withdrawn, problems at home and/or work, borrows money from friends.

The effect of a drug or alcohol problem on co-workers is equally impairing. Impaired employees affect coworkers, work performance, customer relations and the company's reputation and can threaten company property, other employees and the public. (Res. 2002-50. Passed 3-19-02; Res. 2007-128. Passed 8-21-07.)

CHAPTER 627
Substance Abuse Policy for Non-Safety Sensitive Employees

627.01	Purpose/scope.	627.10	Action to be taken upon receipt of positive test results or refusal to test.
627.02	Reference(s).	627.11	Disciplinary consequences of drug use and misuse of alcohol.
627.03	Objectives.	627.12	Responsibility for program administration.
627.04	Definitions.	627.13	Confidentiality of records.
627.05	Policy application.		
627.06	Circumstances which warrant testing.		
627.07	Specific testing requirements.		
627.08	Types of testing required.		
627.09	Testing protocol.		

CROSS REFERENCES

Safety authority - see 49 U.S.C.A. 1618

Drug offenses - see Ohio R.C. Ch. 2925

Controlled substances - see Ohio R.C. Ch. 3719

Liquor law - see Ohio R.C. Title 43

Substance abuse policy for safety sensitive employees - see PERS. Ch. 626

627.01 PURPOSE/SCOPE.

It is the policy of the Greater Cleveland Regional Transit Authority (GCRTA) to provide the safest possible work environment for its employees. This policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program for non-safety sensitive employees and provides requirements for non-safety sensitive employees to submit to testing for the presence of drugs and/or alcohol. The Authority requires all employees to be free of drugs and/or alcohol when performing their job duties.

(Res. 2004-104. Passed 7-20-04.)

627.02 REFERENCE(S).

This policy is written in conjunction with rules and regulations as defined by:

- (a) 49 CFR Part 29, Drug-Free Workplace Act of 1998.
- (b) 41 USC 701 et seq., Drug-Free Workplace Act of 1988.
- (c) GCRTA Employee Performance Code.
- (d) Driver's License Requirement Policy 600.08 and Procedure 1700.07.
(Res. 2004-104. Passed 7-20-04.)

627.03 OBJECTIVES.

The objectives of this policy are:

- (a) To recognize, address and minimize the devastating effect pervasive drug use and alcohol misuse has on employees.
- (b) To encourage employees to participate in the Employee Assistance Program (EAP) and to assist employees who are plagued by problems associated with drugs or alcohol. (See Addendum F of this Policy.) Voluntary employee participation is confidential and will not adversely affect an employee's employment with the Authority.
- (c) To clearly and concisely outline the procedures required to comply with the Federal regulations.
(Res. 2004-104. Passed 7-20-04.)

627.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Accident" means an unplanned, unexpected or unintended event that occurs during the conduct of the employer's business during normal working hours either with an employer-supplied motor vehicle or a personal motor vehicle being used in conducting the employer's business.
- (b) "Adulterated specimen" means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.
- (c) "Cancelled test" is a drug or alcohol test that has an identified problem that cannot be or has not been corrected. A cancelled test is neither positive or negative.
- (d) "Dilute specimen" has creatinine and specific gravity values that are lower than expected for human urine.
- (e) "Evidential Breath Testing (EBT) device" is defined as a breath testing device that is capable of measuring a 0.02 alcohol concentration level and can distinguish alcohol from acetone. An EBT must be capable of conducting an air blank and performing an external calibration check.

- (f) "Intoxicant" includes, but is not limited to ethanol (alcohol), amphetamines, barbiturates and other hypnotics, cocaine, narcotics (opiates such as heroin, morphine, codeine, methadone), PCP and other hallucinogens, marijuana and any other cannabinoid (e.g.: hashish). The term "intoxicant" also includes any other substance that alters one's senses or could affect one's ability to function in his or her job.
- (g) "Invalid drug test" refers to the result of a drug test from a urine specimen that contains an unidentified adulterant or an unidentified interfering substance; has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.
- (h) "Medical Review Officer" (MRO) is a licensed physician responsible for receiving laboratory results generated by an employer's drug testing laboratory who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive tests result together with his or her medical history and any other relevant biomedical information. (See Addendum A.)
- (i) "Non-safety sensitive employee" is any employee at the Authority who does not perform a safety sensitive function as defined by the Substance Abuse Policy for Safety-Sensitive Employees. The non-safety sensitive employee does not operate a revenue service vehicle, whether in or out of service; operate a non-revenue service vehicle requiring a commercial driver's license; control the dispatch or movement of a revenue service vehicle; maintain a revenue service vehicle or equipment used in revenue service or carry a firearm for security purposes.
- (j) "On-call" duty is defined as being scheduled for specific after duty hours and the employee must report to duty when called. (Example: safety personnel.)
- (k) "Substance Abuse Professional (SAP)" is a licensed physician, a licensed or certified psychologist and a licensed or certified employee assistance professional, or certified alcohol and drug abuse counselor that has knowledge of and clinical experience in the diagnosis and treatment of substance abuse-related disorders. The role of the SAP is to evaluate if an employee with a verified positive test or who has refused a test is in need of assistance in resolving problems associated with prohibited drug use or alcohol misuse. The SAP also evaluates if an employee has complied with treatment recommendations, recommends when the employee is ready for return to duty testing and for follow up testing. The SAP then recommends the required number of follow up drug/alcohol tests after the employee returns to duty. (See Addendum A.)
- (l) "Substituted specimen" has a creatinine and specific gravity value that is so diminished that it is not consistent with human urine.

- (m) "Verified test" is a drug test result or a validity testing result from a Department of Health and Human Services (HHS) certified laboratory that has undergone review and final determination by the MRO.
(Res. 2004-104. Passed 7-20-04.)

627.05 POLICY APPLICATION.

This policy applies to all employees who are incumbents in non-safety sensitive positions, and to all applicants or employees who may apply for or who may transfer to a non-safety sensitive position.
(Res. 2004-104. Passed 7-20-04.)

627.06 CIRCUMSTANCES WHICH WARRANT TESTING.

(a) All non-safety sensitive employees are required as a condition of employment to submit to drug testing (urine specimen required) and alcohol testing (breath or blood sample required) under the following circumstances:

- (1) Drug testing at the time of the employment physical examination;
- (2) Drug testing at the time of or during a work-related physical examination;
- (3) Drug and alcohol as a condition of discipline due to previous offense under the policy;
- (4) At any time there is a reasonable suspicion of employee drug/alcohol use;
- (5) At the time of return-to-duty from rehabilitation as determined by the Substance Abuse Professional (SAP);
- (6) When an employee requires follow-up testing;
- (7) At the time of an accident as described in Section 627.08(c) of this policy.

(b) Pre-Duty or On-Duty Use of Alcohol.

- (1) All employees are prohibited from using alcohol or being under the influence of alcohol while performing their job duties. Supervisors with actual knowledge or reasonable suspicion that an employee is using alcohol or is under the influence will not permit the employee to perform or continue to perform his or her job functions. Moreover, supervisors shall complete the necessary documentation for reasonable suspicion for alcohol misuse and send the employee for testing based on the information obtained.
- (2) Supervisors will not allow an unscheduled employee to report to duty who acknowledges the use of alcohol. Employees that provide such acknowledgment will not be subject to disciplinary action under this policy.

(c) On-Call Employees. The consumption of alcohol is prohibited for employees during his or her specified on call hours.

(d) The consumption of any illegal drugs such as marijuana, cocaine, amphetamines, opiates and phencyclidine (PCP) and etc. or any other drug that may impair the function of an employee while performing his or her job duties is prohibited at all times and employees may be tested for these substances any time during the performance of their duty as noted in division (a) of this section.

(e) Non-safety sensitive employees are not permitted to consume alcohol while performing work within the course and scope of employment, which includes, but is not limited to, on/off site work during normal working hours. Further, the consumption and possession of alcohol is prohibited while on GCRTA property and at any time while driving a GCRTA vehicle.

(Res. 2004-104. Passed 7-20-04.)

627.07 SPECIFIC TESTING REQUIREMENTS.

(a) GCRTA will perform specific drug and alcohol testing that is based on the circumstances identified in Section 627.06 of this policy.

(b) All drug and alcohol testing will follow proper procedures as noted in Addendum E and F. The standard chain of custody process will be utilized and only non-federal chain of custody forms will be used.

(c) Each employee tested under GCRTA requirements will be notified of the purpose for the testing.

(d) A verified positive drug test result cannot be negated by an employee presenting negative results collected under other circumstances.

(Res. 2004-104. Passed 7-20-04.)

627.08 TYPES OF TESTING REQUIRED.

(a) Employment or Pre-Placement Testing. The purpose of pre-employment testing is to identify applicants who may have current drug. The Human Resources Department will send all applicants for employment for drug testing after a conditional offer of employment. An applicant may not perform job functions until employment drug tests are administered with verified negative results.

- (1) In the event drug and/or alcohol tests are considered a "cancelled test" or results are "invalid", the covered employee or applicant must retake the drug/alcohol test with verified negative results before starting a safety sensitive position.
- (2) Applicants who have not been placed in a position within 90 consecutive calendar days of their initial testing will be required to re-take the drug testing and have verified negative results before starting job duties.

(b) Reasonable Suspicion Testing. The purpose of reasonable suspicion testing is to provide a method to identify drug or alcohol affected employees who may pose a danger to themselves and others in their performance of job functions.

- (1) Reasonable suspicion testing will be performed when a supervisor(s), or other company official(s) who has been trained in detecting the signs and symptoms of drug use or alcohol misuse believe that the employee has used a prohibited drug and/or engaged in alcohol misuse.
- (2) The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.
- (3) The employee will be informed of the reason for testing and transported for testing immediately after the supervisor completes valid documentation.
- (4) Alcohol testing must be based on observations and documented as noted in division (b)(2) of this section and shall be performed only while the employee is performing job duties.
- (5) If alcohol testing is not performed within two hours following the determination to test, a written statement will be made on the reasonable suspicion document why the testing could not be performed. This documentation will be maintained in Medical Services.

(c) Accident Testing. GCRTA will require drug and alcohol testing of an employee who has had or who may have caused/contributed to an on the job accident as identified in Section 627.04(a) when there is a loss of life or for other non-fatal accidents.

- (1) The following events will require accident testing:
 - A. A fatality occurs of anyone involved in the accident;
 - B. Bodily injury that requires immediate medical attention;
 - C. Any vehicular damage that requires repair, or
 - D. Any performance or lack of performance of the employee that may have contributed to accident.
- (2) The decision to not administer a drug and/or alcohol test shall be based on the investigating person's determination, using the best available information at the time of the determination, that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decisionmaking process used to reach the decision not to test.

- (3) Post accident testing will be administered as soon as practicable following the accident. Every attempt should be made to complete alcohol testing within two hours of the accident. When it is not possible to perform testing within the two hour limit, the supervisor is required to document the reasons. Every effort should be made to continue to attempt to perform testing. When it is not possible to obtain a specimen within eight hours, the supervisor will cease attempting and update the two hour report. Alcohol use is prohibited by any covered employee required to take a post accident alcohol test for eight hours or until alcohol testing is performed, whichever occurs first after the occurrence.
- (4) The drug testing time limit is a maximum of 32 hours post accident. The supervisor will provide written documentation whenever testing cannot be performed within the specified time limit.
- (5) An employee who is subject to post accident testing shall remain readily available for testing. If he or she leaves the scene of the accident without notifying the investigator in charge or is not readily available for testing, it will be considered that the employee has refused to submit to testing.
- (6) The requirements to perform drug and alcohol testing should in no way require the delay of necessary medical attention or interfere with a law enforcement investigation.
- (7) When post accident testing is required based on GCRTA criteria, the collection site will use only non-federal custody and control forms.

(d) Return to Duty Testing. The purpose of return to duty testing is to provide a degree of assurance that an employee is currently drug and alcohol free and is able to return to work without undue concern of continued drug abuse or alcohol misuse after rehabilitation.

- (1) Whenever any of the following has occurred, the employee must first be evaluated by the Substance Abuse Professional (SAP) and pass a return to duty drug and/or alcohol test before returning to employment meeting the following criteria:
 - A. Has had verified positive drug test result (as noted in Section 627.11 of this policy);
 - B. Has had a breath alcohol content (BAC) of 0.02 or greater; or
 - C. Has been involved in any other activity that violates this policy including refusal to submit to testing.
- (2) Return to duty testing cannot occur until the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of his or her duties.

- (3) Follow-up testing will be performed when an employee returns to work as described in Section 627.08(d)(1). The purpose of follow-up testing is to serve as motivation to the employee to remain free of prohibited substances and to provide GCRTA assurance that the employee has not resumed the use of drugs or alcohol after rehabilitation. When an employee is returned to duty, unannounced follow-up testing will be performed as prescribed by the SAP.
- (4) The SAP must present GCRTA's Medical Services with a release to return to duty and a follow-up testing plan outlining the number and frequency of unannounced testing. Follow-up testing can be continued for up to 60 months after return to work.
- (5) Follow-up testing must be performed as recommended in the SAP's testing plan. If testing is not performed as outlined, the subjected employee will not be permitted to perform his or her job duties until testing is completed.
- (6) A follow-up test that has been determined by the Medical Review Officer as "cancelled" is not considered a completed test and must be recollected. (Res. 2004-104. Passed 7-20-04.)

627.09 TESTING PROTOCOL.

(a) Alcohol Testing. In order to protect the integrity of the breath testing process, GCRTA will utilize collection sites that have Evidential Breath Testing Devices (EBTs). The testing equipment must provide triplicate printed results, assign unique and sequential numbers, print the manufacturer's name for the device, the device's serial number and the time of the test.

- (1) The EBT must have a manufacturer-developed quality assurance plan approved by the National Highway Traffic Safety Administration (NHTSA) that includes the following requirements:
 - A. A designated method to be used to perform external calibration checks of the device;
 - B. A specified minimum interval for performing external calibration checks of the device;
 - C. A specified tolerance on an external calibration check; and
 - D. A specified inspection, maintenance and calibration requirement.
- (2) GCRTA will only utilize certified Breath Alcohol Technicians (BAT) which allows the performance of the screening and confirmation test to be performed at one collection site. The BAT will be trained to proficiency in the operation of the EBT. To protect the security of the

testing site and process the breath alcohol testing location must afford privacy, not permit unauthorized persons access, and the EBT must be stored in a secure location. The BAT will protect the testing process by testing only one employee at a time, complete the entire alcohol test procedure before starting another process on another employee and not leave the testing site until the procedure is completed.

- (3) The alcohol testing procedure is located in Addendum D.

(b) Drug Tests. Urine drug testing will consist of testing for marijuana, cocaine, opiates, phencyclidine and amphetamines. GCRTA reserves the right to test for other drugs such as barbiturates, non-barbiturate sedatives and non-amphetamine stimulants. Testing procedures will consist of specimen collection, laboratory testing, Medical Review Officer review and SAP referral, if needed.

- (1) The GCRTA is committed to insuring both the accuracy of testing procedures and the confidentiality of test results. Accordingly, the GCRTA will employ only certified Health and Human Service (HHS) testing laboratories that utilized state-of-the-art technology, follow accepted chain of custody procedures and strictly preserve confidentiality of all test results. GCRTA has contracted with a certified laboratory to perform drug testing and a secondary laboratory to perform split sample testing. (See Addendum A)
- (2) Under separate contract, specific collections sites are available throughout the Greater Cleveland area that are convenient for use and results are automatically sent to GCRTA's Medical Review Officer. Collection site personnel will meet the training and qualification standards for drug specimen collection that is required for the safety-sensitive collection process.
- (3) In order to protect the security and integrity of the urine collection each collection site will provide a privacy enclosure for urination, a toilet, a suitable, clean writing surface and a water source outside the private enclosure for hand washing. Access to each collection area will be restricted during specimen collection. A blue dye will be used in each toilet and all other water sources will be inoperable or secured. These procedures will be monitored by Medical Servers on a routine basis to assure integrity of the testing process.
- (4) The drug testing procedure is outlined in Addendum C.

(c) Medical Review Officer.

- (1) When a drug test result is confirmed as positive, adulterated, substituted, or invalid, the employee will be contacted by the Medical Review Officer (MRO). The Medical Review Officer will interpret the employee's confirmed positive test by the following method:

- A. Review the individual's medical history;
 - B. Afford the employee an opportunity to discuss the test result;
 - C. Decide whether there is legitimate medical explanation for the result;
 - D. Inform the employee that he or she has 72 hours in which to request a test of the split sample. This time period is inclusive of all weekends and holidays.
- (2) An employee may request a split sample by calling Medical Services at (216) 566-5106. If there is no answer, the employee will leave a voice mail message. Medical Services will contact the employee to obtain the required written verification and payment for testing. The Medical Review Officer will be notified by Medical Services that the employee has requested split sample testing.
 - (3) Medical Review Officer services are provided by contract with a certified physician who meets national qualification standards for substance abuse evaluation.
- (d) Observed Collection Procedure. Direct observed collection will be performed immediately with no advanced warning when:
- (1) The collector identifies an attempt to alter a specimen has occurred;
 - (2) The collector identifies an attempt to tamper with a specimen;
 - (3) A specimen is reported as invalid because there is no adequate medical explanation for the result;
 - (4) When a positive, adulterated or substituted test result is reported as a cancelled test because testing on the split specimen could not be performed; The temperature of the specimen falls out of the range of 90° - 100° F.
 - (5) Direct observation will not be performed when recollection is to occur for a dilute sample.
- (e) Observation in all instances will be made by the same sex. Observed collection will be performed immediately upon detection, and all specimens collected will be sent for analysis. The collection site will immediately notify GCRTA's Medical Services of the occurrence and request approval to perform observed collection. The reason to perform direct observation collection will be provided to the employee by either the collector or Medical Services personnel.
- (Res. 2004-104. Passed 7-20-04.)

627.10 ACTION TO BETAKEN UPON RECEIPT OF POSITIVE TEST RESULTS OR REFUSAL TO TEST.

Specific action will be required when a covered employee has a verified positive drug test or a confirmed alcohol test result of 0.02 or greater.

- (a) When positive drug results are received from the MRO, Medical Services will immediately notify authorized supervisor(s). The covered employee will be immediately removed from the duty. The appropriate disciplinary action will be implemented as outlined by this policy.
- (b) When a positive alcohol result of 0.02 or greater has been confirmed by BAT, the employee will not be permitted to return to service. The appropriate disciplinary action will be implemented as outlined by this policy. The employee will not be permitted to drive his or her own vehicle and an alternate means of transportation will be utilized.
- (c) If an employee refuses to submit to drug or alcohol testing, the employee will be removed from his or her job duties and appropriate disciplinary action will be implemented as outlined by this policy.

(Res. 2004-104. Passed 7-20-04.)

627.11 DISCIPLINARY CONSEQUENCES OF DRUG USE AND MISUSE OF ALCOHOL.

The GCRTA has implemented the following disciplinary process for any employee who tests positive for drugs and/or alcohol under this policy.

- (a) GCRTA requires of all employees to be free of drugs and alcohol when performing his or her job duties. Any employee with a verified positive drug test; an alcohol concentration of 0.02 or greater; or refuses to submit to testing will be removed from his or her job duties and must be evaluated by a Substance Abuse Professional (SAP).
- (b) Disciplinary Consequences for Positive Alcohol. When an applicant for employment or when an employee tests positive for alcohol within the prohibited time frames, the following disciplinary action occurs:
 - (1) Employees with less than 6 months service: Immediate Discharge
 - (2) Employees with greater than 6 months of service:
 - A. BAC of 0.02 or less Any value less than 0.02 is considered a negative test.
 - B. BAC of 0.02% to 0.079% First Offense: 30 calendar day conditional suspension. An employee suspended under this section will be referred to Substance Abuse Professional (SAP) at GCRTA's

established Employee Assistance Program (EAP) within seven days of the failed test. The employee must participate in the program as prescribed by the SAP and will not be eligible to return to work until completion of the suspension period or completion of the SAP's recommendations. Failure to comply with the SAP's recommended treatment program will result in discharge.

After release by the SAP to return to work, the employee will undergo a return to duty test with an alcohol result of less than 0.02%, will participate in any required aftercare program and submit to follow up testing as determined by the SAP.

An employee who fails to meet any of the conditions set forth in this section is subject to immediate termination. Furthermore, GCRTA reserves the right to discharge rather than suspend employees under this section if warranted by surrounding circumstances such as the nature of the incident in question and the employee's overall work record.

Second Offense under this policy within a 3 year period: Immediate Discharge

C. BAC of 0.08% or higher Immediate Discharge

The use, sale or possession on duty of any intoxicant (drug or alcohol) will result in immediate discharge.

(c) Disciplinary Consequences for Positive Marijuana-Related Substances:

- | | |
|---|---------------------|
| (1) Job Applicants | Not Hired |
| (2) Employees with less than 6 months of service: | Immediate Discharge |

- (3) Employees with more than 6 months service:

First Offense will result in a 30 calendar day conditional suspension. An employee suspended under this section will be referred to Substance Abuse Professional (SAP) at GCRTA's established Employee Assistance Program (EAP) within seven days of the failed test. The employee must participate in the program as prescribed by the SAP and will not be eligible to return to work until completion of the suspension period or completion of the SAP's recommendations. Failure to comply with the SAP's recommended treatment program will result in discharge.

After release by the SAP to return to work, the employee will undergo a return to duty test with a negative result, will participate in any required aftercare program and submit to follow up testing as determined by the SAP.

In the event that an employee tests positive for marijuana in a return to work test, s/he shall be conditionally suspended for an additional 30 calendar days subject to the conditions set forth above. In the event the employee fails his or her second return to work drug test, he or she shall be immediately discharged.

An employee who fails to meet any of the conditions set forth in this section is subject to immediate termination. Furthermore, GCRTA reserves the right to discharge rather than suspend employees under this section if warranted by surrounding circumstances such as the nature of the incident in question and the employee's overall work record.

supervisor with notification from the employee's doctor of the use of a prescription drug and an indication of the employee's ability to perform his or her job duties without impairment. When the employee's job duties would be impaired, the physician must indicate the duration of impairment.

Employees, required to use prescription drugs authorized by a licensed health care professional, are responsible for being aware of any effect such drug may have on the performance of their duties. A physician's prescription form will not be an acceptable excuse for the use or possession of an intoxicant and the employee will be subject to discipline as set forth.

(f) Disciplinary Consequences for Testing Positive for any Intoxicant. Such as hypnotics, barbiturates, hallucinogens, etc.

- | | |
|--------------------|---------------------|
| (1) Job Applicants | Not hired |
| (2) Employees | Immediate Discharge |

(g) Disciplinary Consequences for a Driver's License Suspension due to a DUI Conviction. This provision is in effect for employees that are covered by the Driver's License Requirement Policy and drive a non-revenue or company vehicle. In cases of driver's license suspension due to conviction for DUI, while operating a private vehicle, the employee will be required to enroll in and successfully complete a program through the Authority's SAP during the suspension period. The employee must make contact with the SAP within seven calendar days of the suspension and provide proof of contact to his or her supervisor. If convicted of DUI while operating an Authority vehicle, the employee will be discharged. (See Driver's License Requirement Policy.)

(h) Other Disciplinary Consequences.

- (1) The Drug Free Workplace Act, Federal Regulation 49 CFR Part 29, provides that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on the Greater Cleveland Regional Transit Authority property. Furthermore, it is a violation of company rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.

- (2) Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace is required to notify his or her supervisor no later than five working days following his or her conviction. Compliance is required of all recipients of federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.
- (3) The following behavior constitutes a refusal to submit to drug and alcohol testing:
- A. Verbal or written refusal by any employee to submit to urine and/or breath test or refusal to sign the testing forms;
 - B. Any employee who refuses to submit to a direct observation collection;
 - C. Declination by an employee to submit to a second test when requested by the Authority or the collector;
 - D. Failure of the employee to remain at the testing site until collection is complete;
 - E. Refusal by an employee to make an attempt to provide a urine sample after the allotted time period of three hours and up to 40 ounces of water;
 - F. Any employee who has a verified adulterated or substituted test result;
 - G. Failure to undergo a medical examination or evaluation for either shy bladder or shy lung;
 - H. Any employee who fails to provide sufficient quantities of breath or urine without valid medical explanation by an Authority designated physician;
 - I. Refusal by an employee who normally voids by utilization of self-catherization but declines to do so;
 - J. Any employee whose conduct prevents the completion of required drug and/or alcohol test;
 - K. Failure of any employee to comply with the directions of the collector, such as refusing to leave outer garments, purses, briefcases etc in a secured location prior to obtaining a specimen;
 - L. Any employee who does not report to the collection site in the allotted time;
 - M. Any employee who is not readily available for post accident testing;
or
 - N. Any employee who leaves the scene of an accident without proper authorization.

All of these actions constitutes a refusal and have the same consequences as a positive test. The employee will be immediately discharged.

- (4) Any employee who attempts to tamper or alter a specimen or obstruct the collection procedure will be immediately discharged.
- (5) Recognizing that approaching a co-worker about an alcohol or drug problem is not an easy one, employees are encouraged to not cover up or correct errors of an impaired co-worker which only "enables" the employee to continue the problem. Co-workers are encouraged to suggest the use of the Employee Assistance Program or suggest contacting the EAP Facilitator at each district for assistance in obtaining information about the EAP program. Informing management of an employee's suspected drug/alcohol use should be viewed as a means of helping that individual and possibly saving their life and the lives of others.
(Res. 2004-104. Passed 7-20-04.)

627.12 RESPONSIBILITY FOR PROGRAM ADMINISTRATION.

(a) The Drug and Alcohol Program is administered by the Manager, Occupational Health. GCRTA's Occupational Health Services is located at the GCRTA Main Office Building, 1240 W. 6th Street, Cleveland, Ohio 44113. (See Addendum A)

(b) Any employee may review the referenced regulations and cited reference materials in the Substance Abuse Policy and/or procedures in the Medical Services Office by appointment. Requests for copies for regulatory information should be made in writing, addressed to Medical Services. A nominal processing fee may be involved for copies of regulatory information depending on the extent of the request.
(Res. 2004-104. Passed 7-20-04.)

627.13 CONFIDENTIALITY OF RECORDS.

Employees may request a copy of any of their own drug and alcohol test results. All requests must be in writing. Requests by telephone will not be honored in order to preserve the employee's confidentiality of results. Results will be mailed to the employee's home address or the employee may pick up results in person in Medical Services provided that the employee has a picture identification. Results of drug and alcohol testing will not be released to outside entities or any third party without the written consent of the employee.
(Res. 2004-104. Passed 7-20-04.)

Addendum A

MRO, SAP, Laboratory Services and GCRTA AdministratorMedical Review Officer (MRO)

Dr. Ronald Hawes, M.D.
East Side Occupational Health Center
4450 St. Clair Avenue
Cleveland, Ohio 44103
(216) 431-0927

Substance Abuse Professional (SAP)

Sharon Ryan-Hawley, CEAP
Recovery Resources
3950 Chester Avenue
Cleveland, Ohio 44114
(216) 431-4140

Laboratory Drug Testing

Clinical Reference Laboratory
DHHS, SAMHSA, National Laboratories Certification Program Certificate
8433 Quivira Road
Lenexa, Kansas 66215
1-800-445-6917

GCRTA Drug & Alcohol Program Administration

Linda K. Tancek
Medical Services Coordinator
Root McBride Building
1240 W. 6th Street
Cleveland, Ohio 44113
(216) 566-5106
(Res. 2004-104. Passed 7-20-04.)

Addendum B

Laboratory Testing Cut-Off Limits for the Minimum Quantity of Drug Detected

Type of Drug or Metabolite	Initial Test Level	Confirmation Test Level
Marijuana Metabolites THC	50 ng/ml	15 ng/ml
Cocaine Metabolites (Benzoylecgonine)	30 ng/ml	150 ng/ml
Phencyclidine (PCP)	25 ng/ml	25 ng/ml
Amphetamines Amphetamine Methamphetamine	1000 ng/ml	500 ng/ml 500 ng/ml (specimen must also contain amphetamine at a concentration \geq 200 ng/ml)
Opiate Metabolites Codeine Morphine 6 acetylmorphine	2000	2000 ng/ml 2000 ng/ml 10 ng/ml (test for 6-AM conducted only when specimen contains morphine at a concentration \geq 2000 ng/ml)
Barbiturates	300 ng/ml	300 ng/ml
Benodiazepines	300 ng/ml	300 ng/ml
Methodone	300 ng/ml	300 ng/ml
Methaquaione	300 ng/ml	300 ng/ml
Propoxyphene	300 ng/ml	300 ng/ml

Addendum C

Urine Specimen Collection Process

(a) Urine Specimen collection. Urine specimen collection outlined below is the collection procedure. The testing process will begin upon entry to the collection site without undue delay.

- (1) If an alcohol test is also required in conjunction with the drug test, alcohol testing will be performed prior to the drug screen collection.
- (2) Employee identification will be verified by a photo ID using either a valid Ohio driver's license or GCRTA identification card.
- (3) The collection process will be explained to the employee.
- (4) The employee will be requested to remove outer clothing such as coat, sweater, jacket, hat or overalls. All clothing and personal items such as a briefcase, purse or other items will be placed in a mutually agreeable location. Although the employee will not be required to remove all clothing, he or she will be requested to display the contents of pockets to ensure that no items are present which could be used to adulterate the specimen.
- (5) Prior to collection of the specimen, Step 1 of the chain of custody will be completed by the collector.
- (6) The employee will then be instructed to wash and dry his or her hands.
- (7) The employee will be provided a specimen container and directed to a secured restroom to collect a specimen.
- (8) The minimum specimen amount is 45 ml. If there is insufficient volume, the specimen collected must be discarded. At no time is it permitted to combine urine collected from separate voids to create a sufficient specimen. The employee has up to three hours to complete drug and may drink up to 40 ounces of water throughout the waiting period in order to provide a specimen. The employee will be notified when the three hour period begins and when it will end. It is not considered a refusal if the employee chooses not to drink the 40 ounces of water. Failure to provide a specimen within the allotted time period will result in evaluation under the "shy bladder" procedure.
- (9) The temperature of the specimen will be obtained within four minutes after the specimen collection and the acceptable temperature range must be between 90° to 100° F.
- (10) The collector will pour or "split" the sample of at least 15 ml in a separate collection bottle and leave the remaining specimen in the original container. This process will be performed before the employee.

- (11) Both bottles will be sealed and labeled in the presence of the employee. After the specimen has been labeled, the employee will initial the bottle labels.
- (12) The chain of custody form will be completed with the appropriate signatures, social security number, birth date and current date.
- (13) The appropriate portion of the chain of custody form along with the primary sample and the split sample will be placed in a single shipping container, initialed by the collector and placed in secure storage until laboratory pick up.

(b) Shy Bladder Evaluation. Shy bladder evaluation will be performed when an employee is unable to provide at least 45 ml of urine within three hours and being provided no more than 40 ounces of water. Outlined below is the process that will be utilized:

- (1) If an insufficient specimen has been collected, it will be discarded unless the specimen was out of temperature range or it showed evidence of adulteration or tampering.
- (2) The collection procedure will be discontinued and documented on the chain of custody. The collector must notify Medical Services and the MRO within 24 hours, however, it is expected that each collection site will notify Medical Services immediately and will send the chain of custody with the documentation within the 24 hour period.
- (3) Medical Services will consult with the MRO, and a licensed physician, acceptable to the MRO will be selected. The employee must be referred to the selected physician within five days of the occurrence. Medical Services will contact the employee with the selected physician's name, location and date of the evaluation.
- (4) The employee will be placed on administrative leave pending medical results.
- (5) The MRO shall confer with the evaluating physician and will provide Medical Services with a written determination as soon as it is made.
- (6) If it has been determined that a medical condition exists, the test will be considered "cancelled" and the employee resumes working.
- (7) If it has been determined that no medical condition exists, the test will be considered "refusal to test because..." and the appropriate disciplinary action as outlined in this policy will be followed.

(Res. 2004-104. Passed 7-20-04.)

Addendum D

Breath Alcohol Collection Process

(a) Breath Alcohol Testing. Outlined below is the testing procedure. The testing process will begin upon entry to the collection site without undue delay.

- (1) Alcohol testing takes precedence over drug testing and will be performed before the drug screen collection.
- (2) Employee identification will be verified by a photo ID using either a valid Ohio driver's license or GCRTA identification card.
- (3) After testing procedures are explained to the employee, the BAT will complete Step 1 of the Alcohol Testing Form and the employee will complete Step 2 and sign the certification.
- (4) The employee will select or the BAT will select a individually wrapped disposable mouthpiece. The BAT will insert the mouthpiece into the testing device.
- (5) The employee will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.
- (6) If the employee does not provide a sufficient amount of breath, the employee will be instructed to attempt again to provide an sufficient amount of breath. If the employee fails after this attempt, the BAT may provide a third opportunity and may use manual testing if BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for "shy lung".
- (7) After successful completion of the testing, the employee will be shown the results.
- (8) When the results of the test are an alcohol concentration of less than 0.02, the test will be considered negative. The BAT will sign and date Step 3 on the Alcohol Testing Form and transmit the information to Medical Services in a confidential manner.
- (9) When the results of the test are an alcohol concentration 0.02 or greater, a confirmation test is to be performed. The confirmation test must be at least 15 minutes, but not more than 30 minutes, after the completion of the initial test.
- (10) During the waiting period for confirmation testing, the employee will not be permitted to eat, drink, smoke or place anything in his or her mouth or belch. The BAT will inform the employee that the test will be conducted at the end of the waiting period even if the employee disregards instructions. The BAT will observe the employee at all times and will document any disregard of instructions in the "remarks" area of the testing form.

- (11) Before confirmation testing, the BAT shall conduct an air blank test on the EBT. The reading should not be greater than 0.00.
- (12) The employee shall be shown the results of the confirmation test and BAT will inform the transporting supervisor of the results. Based on the results, the supervisor will take appropriate action based on the criteria outlined in this policy.
- (13) The BAT will immediately notify Medical Services of results greater than 0.02 and send hard copy confidentially by U.S. Mail or courier.
- (14) In order to confirm that telephoned results are valid when received from the collection site, Medical Services personnel will call the collection site after receiving concentration results over 0.02 to confirm the results and verify the identification of the person reporting the results.

(b) Shy Lung Evaluation. Shy lung evaluation will occur when an employee attempts and is unable to provide an adequate amount of breath after following the procedure outlined above. Outlined below is the process that will be utilized.

- (1) If the employee fails after two attempts, the BAT may provide a third opportunity and may use manual testing if the BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for "shy lung". When the employee has failed to provide adequate breath, the BAT will discontinue the test and note the fact on the "remarks" line of the Alcohol Testing Form and immediately notify Medical Services.
- (2) The BAT will direct the employee to continue to attempt to complete the breathalyzer by utilizing a manual testing method for up to 15 minutes from the time of the last failed attempt. If GCRTA's designated physician is available, the employee will then immediately proceed to a pulmonary assessment at the testing facility. If the physician is not available, the employee will be scheduled to receive a pulmonary assessment within five days of the occurrence. During the assessment period, the employee will be placed on administrative leave and will not be permitted to perform safety sensitive functions until the evaluation process is complete.
- (3) If no test results are obtained through the manual breath testing method to determine if there has been alcohol misuse and no immediate pulmonary assessment is available, GCRTA will permit the employee to volunteer for a blood screen for alcohol by immediately signing a written document requesting blood testing. The blood will be drawn within 60 minutes of the initial breathalyzer test so as to provide valid results regarding employee's use of alcohol at the time of the breathalyzer test.

- (4) If the additional manual breath test(s) or blood alcohol screen test is negative and pulmonary assessment is successfully completed with no existing medical condition which precludes the breathalyzer test, the employee will be evaluated the Substance Abuse Professional (SAP) and returned to work in accordance with the recommendation of the SAP. So long as the employee contacts the SAP within 24 hours of the initial testing, promptly schedules an appointment, reports to the SAP at the appointed time and place, and the SAP recommends an immediate return to work, the employee will be made whole for the time lost during this testing and evaluation process. If the SAP assessment identifies a substance abuse problem which requires treatment prior to return to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA's FMLA policy, if applicable, or other leave policies. Follow up testing will be performed in accordance with the SAP's recommendations.
- (5) If the additional manual breath test(s) or blood test is negative, but the pulmonary assessment reveals a medical condition, the employee will be returned to work. However, if it is determined medical treatment is required prior to returning to work, the employee will utilize paid or unpaid leave in accordance to the GCRTA's FMLA policy if applicable, or other leave policies as needed.
- (6) If the pulmonary assessment does not reveal a medical condition, but the additional manual breath test(s) or blood alcohol test reveal alcohol concentration of 0.02 or above, the employee will be subject to the procedures and penalties outlined in this policy.
- (7) If the employee fails to complete the additional manual breath test(s), does not choose to voluntarily submit to a blood alcohol test, refuses to obtain medical evaluation, refuses to be evaluated by the SAP or follow the SAP recommendations, and the pulmonary assessment does not find a valid medical explanation for the failure to provide sufficient breath, the employee will be immediately discharged as refusal to submit to testing.

(Res. 2004-104. Passed 7-20-04.)

Addendum E

Life Consequences of Drug Abuse and Alcohol Misuse

Both drug abuse and alcohol misuse are serious and complex issues that have far reaching consequences, not only for the individual affected, but on family, friends and co-workers. When an individual uses drugs or alcohol, everything that is important, such as family, friends, job, money and self respect are at risk. Addiction gradually consumes more and more of an individual's time, energy and health. Any list of behavioral signs cannot be completely accurate for everyone, however, the most important sign to watch for is a marked change in behavior that could signal that there is a drug or alcohol problem. Some of the possible symptoms of drug abuse or alcohol misuse are as follows:

Physical Symptoms: Exhaustion, untidiness, blank stare, slurred speech, unsteady walk, changes in appearance after work break.

Mood: Constant depression or anxiety, irritability, suspicion and mood swings. Argumentative, excessive sense of self-importance, avoids talking.

Actions: Argumentative, excessive sense of self-importance, avoids talking.

Absenteeism: Frequent "emergency" absences, often absent on Monday mornings, frequent unexplained disappearances from work station.

Accidents: Takes needless risks, disregards safety of others, higher-than-average accident rate.

Work Patterns: Inconsistent work quality and productivity, mistakes and carelessness, lapses of memory, increased difficulty in handling complex tasks.

Relationships: Overreacts to criticism, withdrawn, problems at home and/or work, borrows money from friends.

The effect of a drug or alcohol problem on co-workers is equally impairing. Impaired employees affect co-workers, work performance, customer relations and the company's reputation and can threaten company property, other employees and the public.

(Res. 2004-104. Passed 7-20-04.)

CHAPTER 628
Fringe Benefits

EDITOR'S NOTE: Reference should also be made to the collective bargaining agreements referred to in Chapter 624, which agreements also provide fringe benefits for Authority personnel, and to Chapter 644.

628.01	Vacations.	628.035	Pick-up of additional service credits.
628.02	Unemployment compensation.	628.04	Deferred compensation.
628.03	Pick-up of P.E.R.S. contributions.	628.05	Housing allowance.
		628.06	Service recognition program.

CROSS REFERENCES

Labor standards - see 49 U.S.C.A. 1609
 Employees are eligible for P.E.R.S. - see Ohio R.C. 306.45
 Employment generally - see Bylaws Art. VIII, Sec. 2
 Fringe benefits - see Bylaws Art. VIII, Sec. 7; PERS. Ch. 644
 Appointments and promotions - see PERS. Ch. 622
 Collective bargaining agreements; Conditions of Employment - see PERS. Ch. 624
 Conditions of Employment - see PERS. Ch. 624
 Family and medical leave - see PERS. 646.145

628.01 VACATIONS.

(a) Policy for Employees Not in Collective Bargaining Units. The vacation policy set forth in this section shall apply to all employees in letter grades and to those in the unclassified service. Such policy shall be effective January 1, 1988. Eligibility, work requirements and amount of vacation shall be as set forth in Article I, Section 10, of the Conditions of Employment. (See Chapter 624 of these Policies and Procedures.)

(b) Vacation Accumulation Generally. Effective January 1, 1988, it shall be the policy of the Authority to allow employees not in bargaining units, i.e. employees in letter grades and those in the unclassified service, to accumulate a maximum of fifty days vacation. Vacation in excess of fifty days, if not taken in the current year, will be lost except as provided under subsection (c) hereof.

Vacation may be accumulated in one of two ways:

- (1) At the request of the employee involved, a matter of personal preference; and
- (2) Vacation not taken, because of business necessity, a matter beneficial to the Authority and at the request of the Authority.

Vacation accumulated at the request of the employee shall be compensated at the rate in effect for the employee on January 1 of the year in which the employee was first entitled to such vacation. Vacation accumulated at the request of or for the benefit of the Authority shall be compensated at the current salary. The Director of Personnel shall develop guidelines and procedures in accordance with this policy so as to properly and uniformly implement it.

(c) Vacation Accumulation in Excess of Fifty Days. Effective immediately upon the adoption of this vacation policy, the Director of Personnel shall make a determination of accumulated vacation of all employees in letter grades and in the unclassified service and so advise such employees. Employees in letter grades and in the unclassified service at the time of adoption of this policy shall have their accumulated vacation time fixed and shall be eligible to accumulate fifty-day vacations only, pursuant to this policy. Employees who have accumulated in excess of fifty days will be permitted to retain the accumulated time that is on file with the Director of Personnel. However, they will not be allowed to accumulate additional time.

(d) Retirement. Employees who retire are required to exhaust accumulated vacation time prior to the date of retirement. However, an employee may be compensated in a lump sum for vacation time accrued but not taken in the year of retirement. (Res. 1987-147. Passed 6-16-87.)

(e) Disputes. (EDITOR'S NOTE: Subsection (e) was repealed by implication by the adoption of the new Personnel Policies and Procedures Manual (Chapter 640 et seq.)

(f) Additional Provisions. See Section 646.04 for additional provisions regarding vacations.

628.02 UNEMPLOYMENT COMPENSATION.

(a) The Authority hereby elects to cover under Ohio R.C. Chapter 4141 services performed by all employees of the Authority.

(b) Notice of the election provided for in subsection (a) hereof shall be promptly transmitted by the General Manager/Secretary-Treasurer to the Administrator, Ohio Bureau of Employment Services, Columbus, Ohio.

(c) The General Manager/Secretary-Treasurer is hereby authorized and instructed to pay the amount of benefits incurred when billed by the Ohio Bureau of Employment Services.

(Res. 1976-2. Passed 1-20-76.)

628.03 PICK-UP OF P.E.R.S. CONTRIBUTIONS.

(a) A P.E.R.S. pick-up plan is hereby established for all employees of the Authority who are members of the Public Employment Retirement System (P.E.R.S.) and who are not covered by collective bargaining agreements and those who are covered by collective bargaining agreements, if such agreements require participation in the plan. On the effective date of this section (Resolution 1987-294, passed November 17, 1987) the authority shall reduce the current compensation payable to all employees who are members of P.E.R.S. and are eligible either as part of a group or as provided herein. The amount of contribution for each employee under this plan shall be equal to the mandatory employee contribution to P.E.R.S. as determined pursuant to Ohio R.C. 145.47, currently 8.5 percent of earnable compensation. The authority shall pay this amount to P.E.R.S. for each such employee but without withholding the same from the employee's compensation.

(b) Beginning on the effective date of this section (Resolution 1987-294, passed November 17, 1987), the Authority shall reduce the then current compensation payable to all of its employees who are members of P.E.R.S.; and who are not covered by collective bargaining agreements and, if the Authority enters into a collective bargaining agreement which requires the Authority to pick up employee contributions to P.E.R.S. for employees covered by such agreement, then by an amount equal to the mandatory employee contribution to P.E.R.S. as determined pursuant to Ohio R.C. 145.47, currently 8.5 percent of earnable compensation, and in addition shall pay (pick up) the employee contribution to P.E.R.S. for such employee, without withholding the same from the compensation of such employees.

1992 Replacement

(c) All employee contributions to P.E.R.S. made by the Authority pursuant to this section shall be considered part of the compensation of each employee affected by this section for purposes of determining the required employee contribution to P.E.R.S.

(d) All amounts contributed to P.E.R.S. by the Authority pursuant to this section shall be designated as employee contributions, but, although so designated, shall be paid by the Authority in lieu of contributions by employees affected by this section.

(e) Employees affected by this section shall not be given the option of choosing to receive the contributed amount directly instead of having them paid by the Authority to P.E.R.S.

(f) The General Manager/Secretary-Treasurer shall request a private letter ruling from the Internal Revenue Service that this section meets the requirements of Section 414(h)(2) of the Internal Revenue Code and the criteria set forth in Rev. Ruls. 81-35 and 81-36.

(g) This section shall become effective on the first day of the pay period after the Authority obtains the private letter ruling from the Internal Revenue Service and delivers such ruling, together with a copy of this section, to P.E.R.S.

(h) Employees shall become covered by this section on the first day of the first pay period occurring at least thirty days after the Authority notifies P.E.R.S. of the changes effected by this section.

(i) The General Manager/Secretary-Treasurer is hereby authorized to take such further action and execute and deliver such further documents as, acting with the advice of counsel, he or she shall deem necessary and appropriate to carry out the intent of this section.

(Res. 1987-294. Passed 11-17-87.)

(j) See Section 650.06 et seq. for additional provisions regarding pensions.

628.035 PICK-UP OF ADDITIONAL SERVICE CREDITS.

(a) All employees who are contributing members of the Public Employees Retirement System (P.E.R.S.) of Ohio may purchase additional service credits, tax-deferred.

(b) The Authority shall withhold the required service credit deduction from the gross pay of each person who elects to do so and shall pick-up such deduction to the P.E.R.S.

(c) A person electing this pick-up deduction shall not have the option of choosing to receive the payroll deduction directly instead of having this deduction picked up by the Authority.

(d) Members who have elected to participate in this plan cannot increase, decrease or terminate the amount of the pick-up deduction.

(e) The CEO/General Manager/Secretary-Treasurer is hereby authorized and directed to implement the provisions of this section to effect the pick-up of the payroll deduction for the purchase of additional service credit to the P.E.R.S. for the employees within the class established in subsection (a) herein.

(Res. 2001-33. Passed 2-27-01.)

628.04 DEFERRED COMPENSATION.

(a) The Board of Trustees hereby adopts the Ohio Public Employees Deferred Compensation Program and extends to all eligible employees the opportunity to join such Program.

2001-A Replacement

PERSONNEL CODE 34B

(b) The General Manager/Secretary-Treasurer is hereby authorized to execute an agreement with the Ohio Public Employees Deferred Compensation Board on terms and conditions which he or she determines are in the best interest of the Authority. Such agreement shall authorize the Board to offer the Program to all eligible employees of the Authority and thereafter to administer the Program on behalf of such employees.

(Res. 1977-65. Passed 2-22-77.)

628.05 HOUSING ALLOWANCE.

(a) It is the policy of the Greater Cleveland Regional Transit Authority to permit the General Manager, Secretary-Treasurer to negotiate a housing allowance for newly hired professionals and managerial exempt salaried employees who reside outside the Cleveland area and are subject to an employment contract or memorandum of employment with the Authority.

(b) This policy is established pursuant to Ohio R.C. 306.31, 306.34 and 306.35 and Article II, Article IV, and Article VII of the Bylaws of the Authority. To be eligible for a monthly allowance, the position for the new employee must be at least Grade 28 or above according to the Authority's job classification system in order to qualify for a housing allowance.

(c) The CEO/General Manager may, in special circumstances, negotiate a housing allowance for perspective employees in a lower grade classification.

(d) The amount of housing allowance shall not exceed a maximum dollar amount of two thousand dollars (\$2,000) per month and shall not exceed a period of thirty-six months from the effective date of employment.

(e) Payments for housing allowances authorized by this policy shall be made on a bi-weekly basis in accordance with established authority payroll procedures.

(f) The employee is responsible for compliance with all applicable Federal, State and local tax laws.

(g) If the employee decides to relocate to the Greater Cleveland area during the term of employment, the housing allowance shall end.

(Adopting Resolution; Res. 1999-147. Passed 10-26-99; Res. 2012-84. Passed 9-18-12; Res. 2013-95. Passed 9-17-13.)

628.06 SERVICE RECOGNITION PROGRAM.

(a) The service recognition program, providing awards as herein stated, is hereby adopted and made a policy of the Authority.

(b) Awards shall be made as follows:

- (1) After ten years of employment, a certificate will be presented to the employee at his or her worksite with the department director and the employee's immediate supervisor in attendance.
- (2) After fifteen years of employment, a certificate will be framed and it will be presented to the employee at his or her worksite by the division manager and the employee's department director in attendance.

[Text continues on Page 36C]

- (3) After twenty years of employment, a bronze-plated plaque will be presented to the employee in the General Manager/Secretary-Treasurer's office, with the department director and division manager in attendance.
- (4) After twenty-five years of employment, a silver-plated plaque will be presented by the General Manager/Secretary-Treasurer and the President of the Board of Trustees at a regular Board meeting.
- (5) After thirty years of employment, the procedure is the same as in paragraph (b)(4) hereof, but a gold-plated plaque will be presented.
(Res. 1978-92. Passed 4-11-78.)

CHAPTER 629
Indemnification Policies and Procedures

EDITOR'S NOTE: Chapter 629 was repealed by Resolution 2016-71, passed August 16, 2016.

[Chapter 630 begins on Page 38A]

CHAPTER 630
Infectious Disease Policy

- 630.01 Purpose; scope.
- 630.02 Discrimination prohibited.
- 630.03 Objectives.
- 630.04 References.
- 630.05 Definitions.
- 630.06 Procedures.
- 630.07 Rights of employees.

- 630.08 Personnel services.
- 630.09 Guidelines for handling body fluid spills.
- 630.10 Periodic review and amendment.

CROSS REFERENCES

Protecting public from persons with tuberculosis - see
Ohio R.C. 339.50 et seq.

Selling or donating contaminated blood - see Ohio R.C.
2927.13

Spreading contagion - see Ohio R.C. 3701.81

Dangerous communicable diseases - see Ohio R.C. 3707.04
et seq.

630.01 PURPOSE; SCOPE.

The Authority recognizes that infectious diseases, including, but not limited to, acquired immune deficiency syndrome (AIDS), tuberculosis and hepatitis, pose significant legal, medical and social concerns. In response to these growing concerns, and consistent with State and Federal laws and requirements, the Authority has adopted this comprehensive policy.

(Res. 1989-122. Passed 10-17-89.)

630.02 DISCRIMINATION PROHIBITED.

The Authority prohibits employment discrimination against any employee afflicted with an infectious disease.

(Res. 1989-122. Passed 10-17-89.)

630.03 OBJECTIVES.

The objectives of this comprehensive policy are to:

- (a) Provide Authority-wide guidelines and procedures for handling infectious disease issues;
- (b) Re-assert and clarify the Authority's procedures and employees' rights with respect to the prevention of employment discrimination due to infectious disease;
- (c) Reduce unwarranted fear and misunderstanding about infectious diseases through an educational program.

(Res. 1989-122. Passed 10-17-89.)

630.04 REFERENCES.

- (a) Safety Department Guidelines for Handling Body Fluid Spills (October 1989)
- (b) GCRTA Guidelines for Handling AIDS-Related Issues (October 1989)
- (c) RTA Bulletin No. 82-11, G.I. 3 (Accommodation for the Handicapped) (February 8, 1982)
- (d) Ohio Civil Rights Commission Policy Statement on the Treatment of Charges Alleging Discrimination based upon Acquired Immune Deficiency Syndrome (AIDS) (1987)
- (e) Ohio Revised Code Section 4112.02
- (f) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794)
- (g) Title 49 Code of Federal Regulations Part 27
- (h) Personnel Policies and Procedures for Greater Cleveland Regional Transit Authority (Revised), November 25, 1975
- (i) Conditions of Employment GCRTA, effective August 1, 1988
- (j) Collective Bargaining Agreement GCRTA and Fraternal Order of Police Ohio Labor Council, expiring January 31, 1992
(Res. 1989-122. Passed 10-17-89.)

630.05 DEFINITIONS.

As used in this chapter:

(a) "AIDS" (acquired immune deficiency syndrome) means a deadly affliction in which a virus, human immunodeficiency virus (HIV), attacks the body's immune system, leaving victims susceptible to a wide variety of infections and cancers.

(b) "ARC" (AIDS related complex) means a condition caused by HIV in which an individual tests positive for this virus and has a specific set of clinical symptoms which are often less severe than those with classic AIDS. Signs and symptoms of ARC are similar to AIDS. The condition may be mild or severely debilitating. It may continue for several years.

(c) "Handicapped person" means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment or is regarded as having such an impairment. "Major life activities," as used in this subsection, includes such functions as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. With respect to employment, a handicapped person who, with reasonable accommodation and within normal safety requirements, can perform the essential functions of the job in question is considered a qualified handicapped person.

(d) "Hepatitis" means inflammation of the liver caused by various viruses, including those causing infectious mononucleosis or yellow fever, and by alcohol or other drugs. The illness can progress to death, but is usually self-limited and resolves under medical care.

(e) "HIV" (human immunodeficiency virus) means a virus which attacks the immune system. HIV is not transmitted by casual contact or even by the close nonsexual contact that normally occurs at work, in school or at home. Transmission to another person must require transmission of body substances containing infected cells. HIV has been found in blood, tears, saliva, vaginal secretions and semen. However, transmission by tears, saliva, clothing or other personal objects used by an infected person, or by air, have not been reported.

(f) "Infectious diseases" means diseases caused by or capable of being communicated by the invasion and multiplication of micro-organisms, such as bacteria, viruses or parasites, in the body tissue.

(g) "Tuberculosis" means an infectious disease caused by bacteria most commonly growing in the lung from which source the disease can be communicated to others by coughing and inhalation of the bacteria.

(Res. 1989-122. Passed 10-17-89.)

630.06 PROCEDURES.

(a) Medical Determinations.

(1) The determination of whether or not an employee diagnosed as having an infectious disease is to be permitted to continue his or her employment in a capacity that involves contact with the public or other employees shall be made by the Authority's Medical Department on a case-by-case basis in consultation with the employee's treating physician, the employee and/or his or her representative and designated health official.

(2) In making such a determination, the Authority's medical staff shall consider:

A. The recommendation of the individuals identified in paragraph (a)(1) hereof;

B. The physical condition of the employee;

C. Whether or not the nature and extent of the disease precludes or impairs satisfactory job performance;

D. The probabilities that the disease will be transmitted to others in the normal work setting;

E. The potential health risk to the afflicted employee. Pending such a determination, the employee will be permitted to continue working in his or her current position unless it is determined by the Authority's Medical Director that the employee poses an immediate threat of danger to others.

Where a determination has been made by the Authority's Medical Director to permit an afflicted individual to remain in the workplace, no employee may refuse to work with this employee.

(b) Fitness for Duty.

(1) Where fitness-for-duty concerns arise, the recommendations of qualified medical authorities will be considered in the management of each situation on a case-by-case basis.

Any of the following actions may be taken by the Authority:

A. Assign the employee to return to his or her regular place of employment;

B. Assign the employee to a modified work assignment, where such accommodation is reasonable; or

C. Place the employee on a leave of absence or sick leave with pay, or recommend disability leave.

(2) To determine whether or not an accommodation would impose an undue hardship on the Authority, the following factors will be considered:

- A. The type of operation involved, including the composition and structure of the work force;
- B. The nature and cost of the accommodation needed; and
- C. The effect it has on program accomplishments, including safety.

(3) The employee will receive written notice of the Authority's determination. The employee may, at any time, request a reconsideration of the Authority's determination, provided that such a request is accompanied by medical evidence of an improvement in the employee's physical condition.

(4) The Authority will make every effort to accommodate an employee afflicted with an infectious disease. If no accommodation can be made, the employee will be considered ineligible for work and may be separated from the Authority. The employee's file will be documented to show what efforts were made to accommodate the employee.

(c) Employee Education/Assistance.

(1) An educational program on this policy shall be provided by the Authority.

(2) Employee participation will be required.

(3) The Authority's Employee Assistance Program (IMPACT) provides consultants and resource referral services to employees and their families on concerns regarding infectious diseases.

(Res. 1989-122. Passed 10-17-89.)

630.07 RIGHTS OF EMPLOYEES.

(a) The medical records of all employees shall remain confidential, except where disclosure is mandated by law.

(b) The identify of any infected employee shall not be revealed to the general public unless otherwise required by law.

(Res. 1989-122. Passed 10-17-89.)

630.08 PERSONNEL SERVICES.

This section outlines existing personnel services and provides supplemental information relevant to infectious diseases which include, but are not limited to, AIDS, hepatitis and tuberculosis.

(a) Employee Education/Assistance. The Office of Small Business and Employment Opportunity (formerly the Affirmative Action Office), in conjunction with other departments, including Training, Medical, Safety, Legal and Personnel, will provide information and training for dealing with infectious diseases in the workplace.

The Authority's Employee Assistance Program (IMPACT) provides consultation and resource referral services to employees and their families. Employees with infectious diseases or other life threatening illnesses, as well as employees who have concerns about such illnesses, are encouraged to take advantage of the IMPACT program.

In responding to employee concerns regarding infectious diseases, IMPACT's staff consults with and makes referrals to other appropriate treatment facilities, including those with which IMPACT is affiliated.

(b) Fitness for Duty/Accommodation. Employees with handicaps must meet performance standards to maintain their job duties and responsibilities. Available reasonable accommodation will be provided to a handicapped employee if needed. Handicapped employees may continue to work in their current positions as long as they remain able and qualified to safely and regularly perform their job duties.

Section 504 of the Rehabilitation Act of 1973 requires reasonable accommodation to the known handicaps of an employee or of an otherwise qualified applicant for employment. Reasonable accommodation must be made unless the Authority can demonstrate that the accommodation would impose an undue hardship on its operations. If no undue hardship would result, the Authority must assign an employee who becomes handicapped and unable to safely perform his or her original duties to an alternative position with comparable pay if a position for which the employee qualifies is available. (Comparable pay does not necessarily mean the same pay received prior to becoming handicapped. It does mean pay comparable to the wages or salary being paid to other employees of similar experience and expertise performing the duties of the new job classification for which the handicapped employee qualifies.)

Each type of handicap or temporary incapacity to perform one's normal duties will require an individual assessment of the person's abilities and the matching of these abilities with available jobs.

To facilitate the Authority's efforts to accommodate the needs of employees who become handicapped (especially if the handicap is of short duration), the department where the employee normally works will seek to utilize him or her in some capacity which is not injurious to the employee,

given his or her medical restrictions. This process will include working with the Authority's Personnel Department to determine if the employee's regular job can be modified to accommodate the medical restrictions. If a job cannot be modified and an employee is no longer able to regularly perform his or her normal duties, the employee may be separated from that position.

If the employee's condition does not render him or her totally disabled from all employment, the employee shall be referred to the Personnel Department for placement. The employee will be placed on job search assistance status for six months and provided with assistance in locating another Authority position.

If no accommodation can be made, the employee will be considered ineligible for work and may be separated from the Authority. The employee's file will be documented to show what efforts were made to accommodate the employee's handicap.

(c) Employment/Labor Relations/EEO. In accordance with Federal and State statutes, the Authority does not discriminate on the basis of infectious diseases or other illnesses or conditions considered to be handicaps. Acquired immune deficiency syndrome (AIDS) is among those illnesses regarded as a handicap by the Ohio Civil Rights Commission. Any Authority employee who commits or participates in any action toward other employees or the public that may be construed as a violation of the Authority's nondiscrimination policy will be subject to disciplinary action. Any supervisor who actively or knowingly condones such discriminatory action will also be subject to disciplinary action. Employees involved in a work action or stoppage related to a protected illness will be subject to disciplinary action. Disciplinary action resulting from violations of the Authority's nondiscrimination policy may include suspension, demotion and/or discharge depending on the nature, extent and severity of the infraction.

The Authority maintains an equal employment opportunity staff to investigate charges of discrimination.

(d) Benefits. Hourly employees, in the bargaining unit, are eligible for short term disability benefits, for a maximum of twenty-six weeks, before applying for an unpaid leave of absence.

Salaried employees can use salary continuation days based on the Authority's schedule of permissible salary continuation before applying for an unpaid leave of absence.

If the employee has used up his or her permissible number of salary continuation days, he or she is eligible for short term disability benefits.

Years of Service

0 through 1 year 11 months

2 through 4 years

5 through 9 years

10 through 14 years

15 through 19 years

20 through 24 years

25 years and over

Salary Continuation

One day for each two months of service to maximum of 11 days

11 days

22 days

44 days

66 days

99 days

132 days

An unpaid leave of absence may be granted by the General Manager/ Secretary-Treasurer in accordance with approved policies of the Board of Trustees.

While on an unpaid leave of absence, the employee retains all medical and other group insurance coverages until he or she is separated from the Authority.

Upon separation from the Authority, an employee is eligible to pay for continuation of medical, dental and vision coverages, at group premium rates, in accordance with the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA). COBRA rights are not affected by an employee's separation due to a medically verified inability to work.

(e) Pension Benefits. If the employee meets service retirement requirements with the Public Employees Retirement System, he or she may retire at age sixty with five years of service credit, or on a reduced basis with twenty-five years of age fifty-five. With thirty years of service credit an employee may retire at any age, without reductions.

If vested, but ineligible for service retirement, an employee who becomes permanently disabled for the performance of duty before age sixty and has completed sixty months of contributing service is eligible for disability retirement with PERS.

An employee separated from the Authority may choose to withdraw his or her accumulated contributions if not eligible or not desirous of obtaining service or disability retirement benefits.

(Res. 1989-122. Passed 10-17-89.)

630.09 GUIDELINES FOR HANDLING BODY FLUID SPILLS.

(a) This section is intended to give some guidance as to how to handle the situations in which an exposure to AIDS or other blood-borne diseases may be possible. It is a fact that AIDS cannot be easily transmitted and that sexual contact or blood-to-blood contact must occur in order for a person to get infected with the disease. However, in the workplace in situations where contact with body fluids may

take place, full precautions are recommended. This makes sense for two reasons: it is not known whether the body fluids spilled may contain the AIDS virus and, secondly, there are other diseases, such as hepatitis, that may be caught from the improper handling of body fluids.

(b) Where body fluids have been spilled, the worker involved in clean-up should follow certain procedures, as recommended by the Centers for Disease Control:

(1) Latex or rubber gloves must be worn. Use care to avoid splashing of the material or contact with unprotected areas of the body.

(2) Saturate the area with a solution of household bleach, one part bleach to nine parts water. Let it sit on the spill area for three to five minutes.

(3) Soak up the spill as much as possible with absorbent material, such as paper towels.

(4) Saturate the spill area with cleaning solution; any industrial cleaner or even ordinary household detergent will do. CAUTION: Do not mix cleaning solutions, detergents or bleach together - adverse chemical reactions may result.

(5) Soak up the cleaning solution with absorbent materials, such as paper towels.

(6) Wash the area again with water.

(7) Have a trash bag on hand and immediately dispose of all materials used to clean the area. Normal methods of disposal are adequate.

(8) Use care when removing gloves and wash hands thoroughly with soap and water.

(c) Where a collision has occurred and persons have bleeding injuries, there is also potential for exposure. Operators who may be splattered by the blood of injured parties in the event of an accident should also have alcohol wipes available in the vehicle. Supervisors who may be involved in an evacuation of a bus or rail car will be supplied with disposable gloves.

(d) Extreme caution must be used at an accident scene. There may be broken glass and jagged edges of metal. Supervisors should minimize contact with victims who have bleeding wounds; emergency medical technicians will generally be better protected against exposure in these situations.

(e) All supervisors and employees who may conceivably be exposed to body fluids as described herein should be prepared for that possibility. This means that gloves and other supplies should be on hand and procedures in place so that when the potential for exposure arises, unnecessary risks will not need to be taken. If there are any questions or further information required, see the supervisor or contact the Safety Department. (Res. 1989-122. Passed 10-17-89.)

630.10 PERIODIC REVIEW AND AMENDMENT.

(a) This chapter shall be reviewed biannually by the Board of Trustees to determine that adequate procedures exist which do not conflict with existing personnel procedures and relevant laws and regulations.

(b) Amendments or revisions to these guidelines may be initiated by the General Manager/Secretary-Treasurer or by any member of the Board of Trustees.
(Res. 1989-122. Passed 10-17-89.)

CHAPTER 636
Sexual Harassment

636.01 Statement of policy.

636.02 Complaint procedure.

CROSS REFERENCES

Labor standards - see 49 U.S.C.A. 1609

Sex offenses - see Ohio R.C. Ch. 2907

Ethnic intimidation - see Ohio R.C. 2927.12

Threatening or harassing telephone calls - see
Ohio R.C. 2917.21; 4931.31

636.01 STATEMENT OF POLICY.

(a) Federal and State law provides that it shall be an unlawful discriminatory practice for any employer, because of the sex of any person, to discharge without just cause, to refuse to hire or otherwise to discriminate against that person with respect to any matter directly or indirectly related to employment. Harassment of any employee on the basis of sex violates the law.

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

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

(1) Submission to sexual conduct is an explicit or implicit term or condition of an individual's employment;

(2) Submission to or rejection of sexual conduct by an individual is the basis for any employment decision affecting that individual; or

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

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

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

(f) All management and supervisory personnel shall notify the Authority's Office of Small Business and Employment Opportunity immediately upon becoming aware of sexual harassment or gender discrimination.

(g) Employees are encouraged to consult the Affirmative Action Counselor assigned to their department and shall directly contact the Office of Small Business and Employment Opportunity should they have any questions related to sexual harassment and/or gender discrimination or wish to confidentially discuss a situation related to sexual harassment and/or gender discrimination. The Office of Small Business and Employment Opportunity will formally investigate all allegations.

(Res. 1999-11. Passed 1-19-99.)

636.02 COMPLAINT PROCEDURE.

The following complaint procedure is applicable to situations where an employee believes that he or she has been subjected to sexual harassment and/or gender discrimination at the workplace:

(a) Filing a Complaint. Any employee who feels he or she has been the victim of sexual harassment and/or gender discrimination shall contact the Authority's Office of Small Business and Employment Opportunity at (216) 566-5044 immediately upon the occurrence of the incident. This report can be oral or written, but a written and signed statement of the complaint must be submitted to the Office of Small Business and Employment Opportunity at 1240 West 6th Street, Cleveland, Ohio 44113, by the complaining employee as soon as practicable, but not to exceed five working days from the occurrence of the incident.

(b) Filing a Response. Upon notice of the initial report, the Office of Small Business and Employment Opportunity will contact the person who allegedly engaged in the sexual harassment and/or gender discrimination and inform him or her of the basis of the complaint and afford the individual the opportunity to respond. That person will then be required to fill out a written statement as soon as practicable, but not to exceed five working days.

If the person against whom the complaint of sexual harassment is filed fails to respond to the complaint, the complaint will be taken as true, and the appropriate disciplinary measure will be taken.

(c) Investigation. An investigation is immediately initiated by the Office of Small Business and Employment Opportunity upon receipt of any report of sexual harassment and/or gender discrimination. This investigation includes, but is not limited to, the interviewing of witnesses or any other person who may have information regarding the alleged harassment.

(d) Confidentiality. Every effort will be made to ensure the confidentiality of the investigation. However, due to the nature of the investigation, complete confidentiality cannot be guaranteed. The employees involved are, however, expected to maintain confidentiality. Moreover, the confidential files will be maintained in a secure locked location in the Office of Small Business and Employment Opportunity.

(e) Protection Against Retaliation. This Policy prohibits retaliation in any way against anyone who has complained in good faith about discrimination or harassment, whether the complaint relates to conduct directed at that individual or another. Any person found to have retaliated against another individual for reporting discrimination or harassment will be subject to the same disciplinary process provided under this policy.

636.02 PERSONNEL CODE 40B

(f) Determination of Disciplinary Action; Results of Investigation. All matters concerning discipline in connection with sexual harassment will be reviewed by a committee comprised of Legal, Labor Relations and Office of Small Business and Employment Opportunity representatives, who will be responsible for determining appropriate disciplinary action. Such determination shall be made in consultation with the supervisor or applicable department director. In the event consensus cannot be reached by the committee, the matter will then be referred to the General Manager/Secretary-Treasurer.

The person filing the complaint and the person alleged to have committed the offense shall be informed of the results of the investigation.

(Res. 1999-11. Passed 1-19-99.)

TITLE FOUR - Personnel Policies and Procedures

- Chap. 640. Introduction.
- Chap. 642. Employment.
- Chap. 644. Compensation and Benefits.
- Chap. 646. Paid and Unpaid Leaves of Absence.
- Chap. 648. Medical and Safety.
- Chap. 650. Records Retention and Release.
- Chap. 652. Use of Computer.
- Chap. 654. Subpoenas and Indemnification of Employees.

EDITOR'S NOTE: Employee Forms can be obtained by contacting the Human Resources Department.

CHAPTER 640

Introduction

EDITOR'S NOTE: This chapter, originally a codification of Resolution 1992-31, passed February 18, 1992 was repealed by Resolution 2001-119, passed August 21, 2001, codified herein.

- | | | | |
|--------|---------------------|--------|---|
| 640.01 | Disclaimer. | 640.04 | Employee responsibility for GCRTA property. |
| 640.02 | Code of ethics. | 640.05 | Employee communications with the media. |
| 640.03 | Political activity. | | |

CROSS REFERENCES

- Labor standards - see 49 U.S.C.A. 1609
- Civil service - see Ohio R.C. Ch. 124
- Officers generally - see Bylaws Art. II, Sec. 1
- Appointment of officers and employees - see Bylaws Art. VIII, Sec. 2
- Conditions of employment - see PERS. Ch. 624
- Service recognition program - see PERS. 628.06

640.01 DISCLAIMER.

(a) The policies set forth and adopted within this Manual supersede previous written and unwritten Greater Cleveland Regional Transit Authority ("GCRTA" or "Authority") personnel policies. In the event of a conflict between the policies and procedures set forth in this Manual and the provisions set forth in the Authority's

Collective Bargaining Agreements that exist between the GCRTA and the FOP and ATU respectively, the provisions set forth in the Collective Bargaining Agreements shall prevail for those employees covered under such agreements. In the event of any conflict between the GCRTA Bylaws and the policies set forth in this Manual, the Bylaws shall prevail.

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

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

(d) In the event of any conflicts between applicable Federal, State or local laws, rules and regulations applicable to the GCRTA, the Federal, State and local laws, rules and regulations shall prevail.

(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

640.02 CODE OF ETHICS.

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

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

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

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

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

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

(g) Any employee having doubt as to the applicability of a provision of the Code to a particular situation should consult his or her department director. Violations of the Code constitute a cause for disciplinary action up to and including termination. (Res. 2001-119. Passed 8-21-01.)

640.03 POLITICAL ACTIVITY.

(a) Employees are prohibited from engaging in partisan political activities which may interfere with various regulations governing agencies with programs financed by Federal grants. These activities include a candidacy for public office in a partisan election, using official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office and directly or indirectly soliciting contributions from subordinates in support of a political party or candidate. Authority employees may be a candidate for public office in a non-partisan election, campaign for and hold elective office in political clubs and organizations and campaign for candidates for public office in political fund-raising functions, provided that these activities are not conducted on Authority property and do not interfere with the employment activity of the employee or interfere in any way with related Authority activities.

(b) The CEO/General Manager may, at his or her discretion, review the political activities of any Authority employee. When these activities are found to interfere or to be incompatible with Authority employment and present a conflict of interest, the CEO/General Manager shall limit or request the employee to terminate such activities. (Res. 2001-119. Passed 8-21-01.)

640.04 EMPLOYEE RESPONSIBILITY FOR GCRTA PROPERTY.

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

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

(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

640.05 EMPLOYEE COMMUNICATIONS WITH THE MEDIA.

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

(Res. 2001-119. Passed 8-21-01.)

CHAPTER 642
Employment

EDITOR'S NOTE: This chapter, originally a codification of Resolution 1992-31, passed February 18, 1992, was repealed by Resolution 2001-119, passed August 21, 2001, codified herein.

<u>EQUAL EMPLOYMENT OPPORTUNITY</u>	<u>EMPLOYMENT AND SEPARATION</u>
642.01 Equal opportunity/affirmative action.	642.05 Employment at will.
642.02 Non-harassment and retaliation.	642.06 Employee selection.
642.03 Workplace and sexual harassment.	642.07 Employment of relatives.
642.04 Americans with Disabilities Act.	642.08 Employment eligibility verification.
	642.09 Relocation assistance.
	642.10 Reduction in workforce.
	642.11 Workforce accommodation.
	642.12 Transitional/alternative work.
	642.13 Pre-termination meeting.

CROSS REFERENCES

Labor standards - see 49 U.S.C.A. 1609
 Civil service - see Ohio R.C. Ch. 124
 Officers generally - see Bylaws Art. II, Sec. 1
 Appointment of officers and employees - see Bylaws Art. VIII, Sec. 2
 Conditions of employment - see PERS. Ch. 624
 Service recognition program - see PERS. 628.06

EQUAL EMPLOYMENT OPPORTUNITY

642.01 EQUAL OPPORTUNITY/AFFIRMATIVE ACTION.

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

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

(c) Direct responsibility for development and implementation of the Authority's Equal Opportunity Program lies with the Deputy General Manager, Legal Affairs, who reports to the CEO, General Manager/Secretary-Treasurer. However, all administrative personnel and supervisors are expected to cooperate in this effort, and their performance relative to ensuring equal employment opportunity will be evaluated just as their performance is in other areas of responsibility.
(Res. 2001-119. Passed 8-21-01; Res. 2005-166. Passed 11-15-05.)

642.02 NON-HARASSMENT & RETALIATION.

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

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

(c) It is the policy of GCRTA that employees who, in good faith, report violations of this policy or any of GCRTA's EEO policies will not be the subject of reprisals or other punishment as a consequence of reporting the violation.

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

(e) Employees should contact the Office of Equal Opportunity if they have any questions related to harassment and/or discrimination or wish to confidentially discuss

a situation related to harassment and/or discrimination. The Office of Equal Opportunity will formally investigate all allegations.

(Res. 2001-119. Passed 8-21-01; Res. 2005-166. Passed 11-15-05.)

642.03 WORKPLACE AND SEXUAL HARASSMENT.

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

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

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

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

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

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

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

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

(Res. 2001-119. Passed 8-21-01; Res. 2005-166. Passed 11-15-05.)

642.04 AMERICANS WITH DISABILITIES ACT.

(a) The Americans with Disabilities Act Amendments Acts of 2008 (ADAAA), Americans with Disabilities Act (ADA) of 1990, and the Rehabilitation Act of 1973 prohibit discrimination against a qualified individual with a disability in regards to terms, conditions and privileges of employment. The prohibition covers all aspects of the employment process, including but not limited to, application, testing, hiring, evaluation, training, promotion, termination, and benefits.

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

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

(Res. 2001-119. Passed 8-21-01; Res. 2005-166. Passed 11-15-05; Res. 2009-24. Passed 4-21-09.)

EMPLOYMENT AND SEPARATION

642.05 EMPLOYMENT AT WILL.

Employment at GCRTA for all non-bargaining employees is at will. That is, either the employee or the Authority may terminate the employment relationship at any time, with or without cause. The at will relationship remains in full force and effect

notwithstanding any statement to the contrary made by company employees or set forth in any documents.

(Res. 2001-119. Passed 8-21-01.)

642.06 EMPLOYEE SELECTION.

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

(Res. 2001-119. Passed 8-21-01.)

642.07 EMPLOYMENT OF RELATIVES.

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

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

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

(Res. 2001-119. Passed 8-21-01.)

642.08 EMPLOYMENT ELIGIBILITY VERIFICATION.

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

(Res. 2001-119. Passed 8-21-01.)

642.09 RELOCATION ASSISTANCE.

(a) It is the policy of the Greater Cleveland Regional Transit Authority to provide equitable reimbursement of relocation expenses to newly hired management and professional employees hired from outside the Greater Cleveland area.

(b) This policy is established pursuant to Ohio R.C. 306.31, 306.34 and 306.35, and Article II, Section 8, Article IV, Sections 1, 3 and 8 and Article VIII, Sections 1, 4 and 7 of the Bylaws of the Authority.

(c) To be eligible for relocation assistance, a new employee must meet the guidelines established by the Internal Revenue Service for the deduction of moving expenses on annual income taxes. Applicable taxes will be deducted from the employee's wages for any reimbursement made by the Authority that are not entitled to deduction based on the Internal Revenue Service Code. The position for the new employee must be at least Grade 28 or above under the Authority's job classification system in order to qualify for relocation expense payment.

(d) The CEO/General Manager may, in special circumstances, negotiate relocation assistance for perspective employees in a lower grade classification.

(e) The Authority will pay for moving the new employee's household goods to a new residence in the Greater Cleveland area within a radius of fifty miles of downtown Cleveland, including packaging and crating expense, all transportation charges and reasonable insurance for household goods charges.
(Res. 2013-95. Passed 9-17-13.)

642.10 REDUCTION IN WORKFORCE.

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

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

(c) The CEO/General Manager or his or her designee shall execute the necessary actions in the implementation of this policy that are related to non-bargaining personnel practices.
(Res. 2001-119. Passed 8-21-01.)

642.11 WORKFORCE ACCOMMODATION.

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

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

(Res. 2001-119. Passed 8-21-01.)

642.12 TRANSITIONAL/ALTERNATIVE WORK.

(a) A transitional/alternative work placement program may be offered to all full-time employees who may become disabled during employment with the Authority. Transitional work is a temporary work task that fits the parameters of ability as determined by the employee's medical condition. Alternative work is the placement of a disabled employee in a new job classification due to permanent medical restrictions.

(b) The CEO/General Manager shall implement the necessary administrative procedures to carry out this policy.

(Res. 2002-96. Passed 5-21-02; Res. 2013-95. Passed 9-17-13.)

642.13 PRE-TERMINATION MEETING.

(a) In an effort to be fair and impartial when a non-probationary employee or an employee that has completed their orientation period is involved in misconduct that may result in termination, the employee may present information relative to the alleged misconduct at a pre-termination meeting. Management will hold this meeting prior to the issuance of any action that may result in termination.

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

(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

[Chapter 644 begins on Page 55]

CHAPTER 644
Compensation and Benefits

EDITOR'S NOTE: This chapter, previously entitled "Compensation and Hours of Work", originally a codification of Resolution 1992-31, passed February 18, 1992, was repealed by Resolution 2001-119, passed August 21, 2001, codified herein.

<u>EMPLOYEE COMPENSATION</u>	<u>EMPLOYEE BENEFITS</u>
644.01 Work week and hours.	644.08 Health care coverage.
644.02 Compensation.	644.09 Prior service credit.
644.03 Payroll checks.	644.10 Ohio Public Employees Retirement System (OPERS).
644.04 Payroll deductions.	644.11 Workers' Compensation.
644.05 Overtime.	644.12 Unemployment compensation.
644.06 Call-out policy for exempt employees.	644.13 Tuition reimbursement.
644.07 Temporary salary adjustment.	644.14 Professional society membership.
	644.15 Service recognition program.

CROSS REFERENCES

Labor standards - see 49 U.S.C.A. 1609
 Employees are eligible for PERS - see Ohio R.C. 306.45
 Employment generally - see Bylaws Art. VIII, Sec. 2
 Fringe benefits - see Bylaws Art. VIII, Sec. 7; PERS. Ch. 628
 Appointments and promotions - see PERS. Ch. 622
 Collective bargaining agreements; conditions of employment - see PERS. Ch. 624

EMPLOYEE COMPENSATION

644.01 WORK WEEK AND HOURS.

(a) The normal work week for full-time non-bargaining non-exempt Authority employees is forty hours, generally five days per week, eight hours per day with a lunch period of uniform duration established by the department director. Lunch periods are unpaid and employees should be relieved from duty during this time.

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

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

(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

644.02 COMPENSATION.

(a) Compensation practices shall comply with sound personnel management principles. Efforts shall be made to compensate employees fairly and equitably in accordance with applicable laws and regulations. Employees subject to collective bargaining agreements shall be compensated in accordance with the terms and conditions of those agreements.

(b) In accordance with Article IV, Section 2 of the Greater Cleveland Regional Transit Authority Bylaws, the Board will set pay ranges for each grade of classified positions, as well as the pay ranges for all unclassified positions, subject to any legal or contractual limitation. The pay ranges will include both minimum and maximum compensation for each grade of classified positions and each unclassified position, with the maximum compensation for each being not less than 150 percent of the minimum. The CEO, General Manager/Secretary-Treasurer will determine the compensation of each individual employee within the pay range determined by the Board for that grade or position.

(c) Any employee promoted to a higher classification shall advance to the pay range designated for the classification at a rate within the range that reflects internal equity and/or market competitiveness as determined by the CEO, General Manager/Secretary-Treasurer.

(d) If a new position is established, the Director of Human Resources shall develop a job description and job title, evaluate the position to designate the appropriate grade level and pay range, and assign a classification number.

(Res. 2002-96. Passed 5-21-02; Res. 2013-95. Passed 9-17-13.)

644.03 PAYROLL CHECKS.

(a) The anticipated annual salary received by an exempt employee, as defined by FLSA, is divided into twenty-six equal parts. Exempt employees will receive the same, predetermined weekly salary for each week in which work is performed in accord with State and Federal law. Payroll checks, therefore, cover a full two-week period, starting on Sunday morning of the first week and terminating on Saturday of the second week. Non-exempt employees will be paid their regular rate of pay for all hours up to forty worked in each seven-day work period and time and a half their regular rate for overtime hours worked thereafter.

(b) The GCRTA utilizes a direct deposit program and all employees are encouraged to avail themselves of this service.
(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

644.04 PAYROLL DEDUCTIONS.

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

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

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

(c) The GCRTA may otherwise deduct money from an exempt employee's salary for full day absences for personal reasons or as otherwise permitted by applicable Federal and State law.
(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

644.05 OVERTIME.

(a) Overtime is defined as hours worked beyond the normal work week. In accordance with the Fair Labor Standards Act, positions are classified as exempt or non-exempt from the wage and hour provisions based on the nature of the duties.

Non-exempt positions are subject to a minimum wage and time and one-half rates of pay for hours worked beyond forty in one week. Typically, this includes clerical, technical, and unskilled positions. Exempt positions are not subject to the wage and hour provisions if the nature of the duties meets defined criteria. Typically, this includes executive, administrative, and professional positions. For those employees designated as eligible for overtime (non-exempt), additional time worked beyond the normal work week must be authorized by the immediate supervisor and approved by the department director. Employees will be paid for all hours actually worked, but employees who work overtime without prior authorization may be subject to disciplinary action.

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

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

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

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

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

(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

644.06 CALL-OUT POLICY FOR EXEMPT EMPLOYEES.

The salaries of exempt employees are based on compensation for performance of a job rather than performance on a time basis. In general, it is expected that an exempt employee will work overtime, when requested, without additional compensation in order to accomplish a specific assignment. However, it is recognized that business circumstances can arise which create a need for an employee to be called out in response to an emergency or other unusual or special circumstance. When such situations occur, eligible employees may receive call-out compensation.

(Res. 2002-96. Passed 5-21-02; Res. 2013-95. Passed 9-17-13.)

644.07 TEMPORARY SALARY ADJUSTMENT.

(a) For non-bargaining employees, a temporary work level adjustment shall be paid when an employee in a lower classification is required to work in a classification assigned to a higher pay grade or salary range. When a non-bargaining employee is assigned and is working in a temporarily vacant classification in a higher salary grade, for more than 30 calendar days, the Authority will increase the employee's current base salary by 10%, or up to the salary range minimum of the temporarily vacant position, whichever is greater, for the duration of the assignment. If it is necessary to pay more than the 10% or salary range minimum, the CEO, General Manager/Secretary-Treasurer may establish the amount, based on market and other applicable conditions. The temporary salary adjustment will be effective the first day following 30 continuous calendar days in the assignment, and will be retroactive to the first official day on the temporary assignment.

(b) A temporary work level adjustment shall not be paid for more than six pay periods unless approved by the CEO, General Manager/Secretary-Treasurer. (Res. 2002-96. Passed 5-21-02; Res. 2003-156. Passed 10-21-03.)

EMPLOYEE BENEFITS

644.08 HEALTH CARE COVERAGE.

(a) Health care benefits are available to all full-time Authority employees. Health care plans include medical, dental, vision, and life insurance coverage. These plans are provided by a number of insurance providers. Employees have an opportunity to select a plan that meets the medical needs of the employee and the employee's family where applicable. In the event that two GCRTA employees are married to one another, one of the employees must select family medical, dental, and vision coverage. In this instance, single coverage for medical, dental, and vision is prohibited.

(b) Non-bargaining employees may enroll annually during the open enrollment period. Coverage for new non-bargaining employees commences at the beginning of the month following the effective date of employment. (Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

644.09 PRIOR SERVICE CREDIT.

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

or more years of employment with the former agency or political subdivision. This information shall then be submitted to the Human Resources Department Employees requesting prior service credit from institutions and authorities not within the scope of the Ohio Revised Code are subject to the approval of the CEO/General Manager on a case-by-case basis.

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

(c) Questions concerning Prior Service Credit eligibility should be addressed to the Benefits Section of the Human Resources Department.
(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

644.10 OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM (OPERS).

(a) All employees of the Authority are required by State law to participate in the Ohio Public Employees Retirement System (OPERS). Employees hired after June 30, 1986, will be subject to the mandatory percentage of Medicare Tax. All OPERS contributions and Medicare tax withholding will be automatically deducted from the employees' wages.

(b) OPERS Pick-up Plan.

- (1) Internal Revenue Service Law makes it possible for an employer to pay (pick-up) employee contributions for members of OPERS. This is a technique that enables employers to designate employee contributions picked up by the employer as employer contributions.
- (2) The Federal law states that employer contributions to a qualified pension plan are nontaxable to the employee until such time as the contributions are received as a refund or as retirement benefits.
(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

644.11 WORKERS' COMPENSATION.

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

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

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

(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

644.12 UNEMPLOYMENT COMPENSATION.

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

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

(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

644.13 TUITION REIMBURSEMENT.

(a) Ongoing employment development is an important element in providing the best transit service to the citizens of the Greater Cleveland area. This includes the enhancement of existing internal employee development and training programs.

(b) The Tuition Reimbursement Program (TRP) shall be available to all Greater Cleveland Regional Transit Authority (Authority) employees.

(Res. 2002-96. Passed 5-21-02; Res. 2013-95. Passed 9-17-13.)

644.14 PROFESSIONAL SOCIETY MEMBERSHIP.

(a) The Authority encourages those employees who are employed in a professional capacity and who provide professional services to the Authority to become members of and participate in professional societies. To the extent that the Authority is legally permitted to do so, the Authority will reimburse payment of dues, licensure, registration, and/or membership fees in professional organizations for individual staff members upon prior approval by the employee's Deputy General Manager.

(b) Payment for professional dues, licensure, registration and/or memberships shall not exceed five hundred dollars (\$500.00) per employee annually and shall be reimbursed to the employee upon submission of proof of payment by the employee.

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

(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

644.15 SERVICE RECOGNITION PROGRAM.

To commemorate an employee's anniversary date with a token of thanks for their service and commitment to the Authority, the Greater Cleveland Regional Transit Authority presents distinctive graduating lapel pins to its employees for years of service at five year increments (5, 10, 15, 20, 25, 30, 35 and 40). (Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

[Chapter 646 begins on Page 67]

CHAPTER 646
Paid and Unpaid Leaves of Absence

EDITOR'S NOTE: This chapter, previously entitled "Time Off Benefits", originally a codification of Resolution 1992-31, passed February 18, 1992, was repealed by Resolution 2001-119, passed August 21, 2001, codified herein.

<u>PAID LEAVES</u>	<u>UNPAID LEAVES</u>
646.01 Holidays.	646.08 Unpaid leaves of absence.
646.02 Vacation for non-bargaining employees.	646.09 Family and medical leave.
646.03 Bereavement leave.	
646.04 Sick leave.	
646.05 Extended disability coverage.	
646.06 Jury duty; court leave.	
646.07 Military reserve leave.	

CROSS REFERENCES

Labor standards - see 49 U.S.C.A. 1609
 Employees are eligible for PERS. - see Ohio R.C. 306.45
 Employment generally - see Bylaws Art. VIII, Sec. 2
 Fringe benefits - see Bylaws Art. VIII, Sec. 7; PERS. Ch. 628
 Appointments and promotions - see PERS. Ch. 622
 Collective bargaining agreements; Conditions of Employment - see PERS. Ch. 624

PAID LEAVES

646.01 HOLIDAYS.

All non-bargaining, regular full-time employees shall receive holiday pay for the following holidays: January 1, Martin Luther King Day, Presidents Day, Memorial Day, July 4, Labor Day, Thanksgiving Day, December 24 and December 25. In addition, all non-bargaining employees shall receive three personal days each calendar year after six months from their date of hire. Personal days and holidays must be used prior to the end of the calendar year and may not be carried beyond December 31. Generally, holidays falling on Saturday shall be observed on the Friday before and those holidays falling on Sunday shall be observed on the Monday following. (Res. 2001-119. Passed 8-21-01; Ord. 2013-95. Passed 9-17-13.)

646.02 VACATION FOR NON-BARGAINING EMPLOYEES.

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

Per Pay Vacation Accrual Rate Schedule

Total Years of Active Service with GCRTA + Prior Service Credit	Vacation Accrual Rate per Pay-Ending Period	Maximum Number of Weeks Earned for 26 Pay Periods
Less than 1 year to less than 5 years	3.08 hours	2 weeks
5 years to less than 13 years	4.616 hours	3 weeks
13 years to less than 21 years	6.16 hours	4 weeks
21 years to less than 30 years	7.696 hours	5 weeks
30 years or more	9.232 hours	6 weeks

(b) An employee on active pay status at the beginning of the bi-weekly pay period will receive the "per pay vacation accrual" for that pay. An employee who is receiving payment for an occupational injury or who is on extended disability is not in active pay status and is not entitled to earn time for vacation or to receive additional payment for vacation. An employee shall not earn or accrue vacation for any time not in active pay status.

(c) The employee's rate of accrual shall be consistent with the employees anniversary date and total years of active service with RTA, plus prior service credit.

(d) Employees shall be able to use any vacation earned after six months from their date of hire or as determined by the CEO/General Manager. Employees shall be paid appropriate vacation hours as they correlate to their regular work schedule. The Department Director shall schedule vacation as necessary to minimize any disruption of service and to meet the operation needs of the department. The CEO/General Manager may revise vacation schedules whenever it is found to be in the best interest of the Authority.

(e) The CEO/General Manager, at his discretion, to attract highly qualified applicants, may offer a vacation accrual rate greater than the applicant's years of service would otherwise allow.

(f) Increases in the per pay vacation accrual rate will be effective in the first full pay period following the employee's anniversary date of hire.

(g) Vacation time may be accumulated to a maximum of 400 hours as of December 31 of any year. Accumulated vacation balances in excess of 400 hours as of December 31 of any year, will be lost. Upon prior approval of the CEO/General Manager in situations involving extraordinary circumstances, payment or other equitable arrangements may be made to an employee for vacation balances in excess of 400 hours as of December 31.

(h) Upon separation from employment, payment will be made at the current rate of pay for all unused vacation hours.

(i) The CEO/General Manager shall implement administrative procedures, including procedures for employees who transfer to jobs that result in a change in their non-bargaining or bargaining status.

(Res. 2002-96. Passed 5-21-02; Res. 2013-95. Passed 9-17-13.)

646.03 BEREAVEMENT LEAVE.

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

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

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

(Res. 2001-119. Passed 8-21-01.)

646.04 SICK LEAVE.

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

(b) Upon completion of a full pay period, eligible non-bargaining employees shall accumulate sick time at the rate of four hours for every pay period worked. Employees must be in an active pay status the entire pay period to receive sick time credit. Credit will be given for all hours in active pay status, including vacation and sick time, but not for any time in an unpaid leave of absence status or while receiving extended disability or Workers' Compensation benefits. An employee can accumulate sick time hours to a maximum of 1,440 hours, however, sick time can only be charged towards an employee's balance in 30 minute increments.

(c) Upon separation from service through voluntary resignation or retirement, an employee with ten or more years of continuous full-time service will be paid for accumulated sick time balances at the rate of 25 percent to a maximum payout of 160 hours at the current rate of salary.

(d) The CEO, General Manager/Secretary-Treasurer shall establish administrative procedures, including procedures for those employees who transfer jobs resulting in a change from bargaining to non-bargaining status and non-bargaining status to bargaining status.

(Res. 2002-96. Passed 5-21-02.)

646.05 EXTENDED DISABILITY COVERAGE.

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

(Res. 2001-119. Passed 8-21-01.)

646.06 JURY DUTY; COURT LEAVE.

(a) Jury duty leave with full pay shall be granted to any employee who is summoned for jury duty by a court of competent jurisdiction. The employee shall provide his or her Supervisor or Department Director a copy of the summons for jury duty prior to the court appearance date.

(b) Any compensation for jury duty, when such duty is performed during the employee's normal working hours, will be turned over to the Director of Accounting.

(c) Court leave with full pay shall be granted to any employee who is subpoenaed to appear before any court, commission, Board, or other legally constituted body authorized by law to compel the attendance of witnesses where the matter is work-related and the employee is not a party to an action against the Authority.

(d) Any employee who is appearing before a court or other legally constituted body in a matter in which he or she is a party may be granted vacation time or other leave of absence without pay for purposes of attending the hearing. Such instances would include, but not be limited to, criminal or civil cases, traffic court, divorce proceedings, custody, or appearing as directed as parent or guardian of juveniles.

(e) The CEO, General Manager/Secretary-Treasurer shall implement the necessary procedures to carry out this policy.
(Res. 2002-96. Passed 5-21-02.)

646.07 MILITARY RESERVE LEAVE.

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

(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

UNPAID LEAVES**646.08 UNPAID LEAVES OF ABSENCE.**

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

(b) An authorized leave of absence is a temporary separation from active pay status, authorized by the appropriate Department Director, and the affected Deputy

General Manager, with the approval of the CEO/General Manager. An authorized unpaid leave of absence will not be granted to any employee seeking or engaging in other employment.

(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

646.09 FAMILY AND MEDICAL LEAVE.

The GCRTA will grant Family and Medical Leave (FMLA) in accordance with the requirements of applicable State and Federal law in effect at the time the leave is granted. No greater or lesser leave benefits will be granted than those set forth in such State or Federal laws. In certain situations, the Federal law requires that provisions of State law apply. In any case, employees will be eligible for the most generous benefits available under applicable law.

(Res. 2001-119. Passed 8-21-01; Res. 2009-24. Passed 4-21-09; Res. 2013-95. Passed 9-17-13.)

CHAPTER 648
Medical and Safety

EDITOR'S NOTE: This chapter, previously entitled "Employee Health and Related Benefits", originally a codification of Resolution 1992-31, passed February 18, 1992, was repealed by Resolution 2001-119, passed August 21, 2001, codified herein.

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|--------|---|--------|--------------------------------|
| 648.01 | Smoke-free workplace. | 648.07 | Safety policy. |
| 648.02 | Drug-free workplace. | 648.08 | Driver's license requirements. |
| 648.03 | Substance abuse. | 648.09 | Safety belt usage. |
| 648.04 | Employee assistance program. | 648.10 | Hazardous waste. |
| 648.05 | Infectious disease. | 648.11 | Workplace violence. |
| 648.06 | Biennial physical examination requirements. | | |

CROSS REFERENCES

- Labor standards - see 49 U.S.C.A. 1609
 Employees are eligible for PERS. - see Ohio R.C. 306.45
 Employment generally - see Bylaws Art. VIII, Sec. 2
 Health care coverage for Board of Trustees - see ADM. 220.05
 Fringe benefits - see Bylaws Art. VIII, Sec. 7; PERS. Ch. 628
 Appointments and promotions - see PERS. Ch. 622
 Collective bargaining agreements; Conditions of Employment - see PERS. Ch. 624
 Family and medical leave - see PERS. 646.09

648.01 SMOKE-FREE WORKPLACE.

(a) It is the policy of the Greater Cleveland Regional Transit Authority that employees, customers and passengers shall be afforded, to the extent possible, a smoke-free environment whenever at work or while using the transit system, including the "transit-waiting" environment. The CEO, General Manager/Secretary Treasurer is hereby authorized and directed to prohibit smoking in all revenue and non-revenue motor vehicles, rail vehicles, and at all indoor and outdoor areas of transit facilities, workplaces, and all other buildings owned, leased or rented by the Authority. The CEO, General Manager/Secretary Treasurer is hereby authorized and directed to post signs, as necessary, clearly prohibiting smoking at these facilities.

- (b) The term "smoking" means:
- (1) Inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant; and
 - (2) Using any electronic product or device that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.
 - (3) "Smoking" does not include the burning of incense in a religious ceremony.
(Res. 2001-119. Passed 8-21-01; Res. 2006-193. Passed 10-17-06; Res. 2013-95. Passed 9-17-13; Res. 2015-102. Passed 10-20-15.)

648.02 DRUG-FREE WORKPLACE.

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

(b) Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the GCRTA workplace and/or outside GCRTA workplace is required to notify his/her supervisor in writing no later than five working days following his/her conviction. Compliance is required of all recipients of Federal funding and is a prerequisite to continued employment with the Greater Cleveland Regional Transit Authority.
(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

648.03 SUBSTANCE ABUSE.

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

(b) For safety sensitive employees the policy establishes guidelines and procedures for the administration of the Authority's Drug and Alcohol Testing Program

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

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

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

(e) For more information refer to the Substance Abuse Policy for Safety Sensitive Employees and Substance Abuse Policy for Non-Safety Sensitive Employees. (Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

648.04 EMPLOYEE ASSISTANCE PROGRAM.

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

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

(c) Administrative oversight of the EAP Program is performed by the Benefits and Occupational Health sections.

(d) Information regarding EAP services may be obtained from Occupational Health. (Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

648.05 INFECTIOUS DISEASE.

(a) The Authority recognizes the impact of infectious diseases, including, but not limited to, Acquired Immune Deficiency Syndrome (AIDS), Methicillin Resistant Staph

(MRSA), tuberculosis, and hepatitis. Infectious diseases pose significant legal, medical and social challenges. Consistent with State and Federal laws and requirements, the Authority will make every effort to educate, train and protect employees who may encounter the devastating effect of an infectious disease.

(b) For more information refer to the Exposure Control Plan SOP.
(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

648.06 BIENNIAL PHYSICAL EXAMINATION REQUIREMENTS.

It is the policy of Greater Cleveland Regional Transit Authority (GCRTA) to perform biennial physical examinations in accordance with current Department of Transportation (DOT) regulations for all GCRTA bus and rail operators to assure that each vehicle operator is physically qualified to operate the train or bus.

(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

648.07 SAFETY POLICY.

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

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

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

(d) GCRTA Management will provide leadership in promoting safety throughout the organization. The CEO/General Manager and the executive staff will be continually and directly involved in formulating, reviewing and revising the Safety Policy and safety goals and objectives. GCRTA Management will provide the authority,

support and resources to establish and maintain high safety standards in operations, maintenance and training throughout the GCRTA.

(e) GCRTA Management will commemorate an employee's or a district's commitment and achievements in safety at GCRTA by providing recognition programs.

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

(g) For more information, refer to RTA Safety Rules.
(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

648.08 DRIVER'S LICENSE REQUIREMENTS.

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

(b) Any employee required to have a valid driver's license, whether operating, chauffeur, or CDL, must maintain that license as a condition of employment. Failure to do so and/or failure to have said license in his or her possession while operating an Authority vehicle will result in disciplinary action up to and including termination.
(Res. 2001-119. Passed 8-21-01.)

648.09 SAFETY BELT USAGE.

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

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

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

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

(e) Employees who violate this policy will be subject to disciplinary action up to and including termination.
(Res. 2001-119. Passed 8-21-01.)

648.10 HAZARDOUS WASTE.

(a) The Authority has established a Hazardous Waste policy in accordance with the Resource Conservation Recovery Act. This policy requires procedures be in place at GCRTA to ensure the Authority is in compliance with hazardous waste regulations set forth by Federal, State and local agencies.

(b) Any GCRTA employee who generates, handles, stores or in any way comes in contact with a hazardous waste while in the employ of the GCRTA shall comply with the hazardous waste procedures. Department managers are to make special note of their duties as established herein. Failure to comply with the respective environmental regulation could result in personal civil and criminal liability as well as disciplinary action up to and including termination.

(c) For more information, refer to the Hazardous Waste Procedures & Inspections SOP, Hazardous Waste Transportation "Buddy System" SOP, Universal Waste SOP and Waste Removal SOP.
(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

648.11 WORKPLACE VIOLENCE.

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

(b) Any and all acts of workplace violence will be fully investigated in accordance with procedures developed by the GCRTA. Employees involved in incidents of workplace violence may be removed from the premises until a review of the occurrence is performed. Employees who violate this policy will be subject to disciplinary action, up to and including discharge. Employees may also be subject to criminal prosecution by the victim and/or the Authority.

(c) The Workplace Violence policy applies to all employees of the GCRTA.
(Res. 2001-119. Passed 8-21-01.)

CHAPTER 650
Records Retention and Release

650.01 Personnel records.	650.05 Disposition of records - separations from employment.
650.02 Attendance records.	650.06 Confidential information (complying with requests to inspect and copy GCRTA records.
650.03 Electronic mail records. (Repealed)	
650.04 Compliance with records retention schedule.	

CROSS REFERENCES

Labor standards - see 48 U.S.C.A. 1609

Ohio Open Records Act - see Ohio R.C. Ch. 149

Employment generally - see Bylaws Art. VIII, Sec. 2

650.01 PERSONNEL RECORDS.

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

(b) The Authority is subject to the Ohio Open Records Act (Ohio R.C. Chapter 149) and certain portions of an employee's personnel file must be made available for public inspection upon request.
(Res. 2001-119. Passed 8-21-01.)

650.02 ATTENDANCE RECORDS.

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

(b) All departments will maintain such attendance records on the Greater Cleveland Regional Transit Authority's Time & Attendance System.
(Res. 2001-119. Passed 8-21-01.)

650.03 ELECTRONIC MAIL RECORDS. (REPEALED)

(EDITOR'S NOTE: Section 650.03 was repealed by Resolution No. 2013-95, passed September 17, 2013. See Section 650.04 for provisions regarding electronic mail records.)

650.04 COMPLIANCE WITH RECORDS RETENTION SCHEDULE.

(a) All GCRTA records shall be maintained and retained in compliance with the internal operating needs of the Authority and local, State, and Federal law.

(b) The Records Retention Schedule was developed to maintain lawful, consistent and effective record-keeping practices throughout the Authority. A "record" is defined as any document, device, or item, regardless of physical form or characteristic, including an electronic record that is created, received by, or comes under the jurisdiction of the Authority, and which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

(c) Before disposing of any RTA record, employees must ensure that destruction is permitted by the established Records Retention Schedule and follow the Records Retention Procedure.

(d) GCRTA shall have the right to access, and employees shall provide prompt access to, all records, regardless of their location and irrespective of whether they were created by or stored on non-GCRTA devices (e.g., business and/or personal computers; stationary and/or portable devices; storage media, including; local drives, network drives, CD, DVD, tape, and/or other storage facilities not owned by RTA).

(e) The Records Manager will coordinate an annual meeting of the Executive Records Management Committee to consider requests to modify records retention schedules, disposal of records included on the records retention schedules, and one time disposal of records. Other meetings of the Executive Records Management Committee will be scheduled as needed.

(f) The GCRTA Records Manager can provide assistance with any questions regarding the maintenance and destruction of records.

(g) For more information, refer to the Records Management Guide.
(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)

650.05 DISPOSITION OF RECORDS-SEPARATIONS FROM EMPLOYMENT.

It is the hope of the Authority that all employees enjoy continuous and uninterrupted employment during their tenure as Authority employees. However, at

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

(Res. 2001-119. Passed 8-21-01.)

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

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

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

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

(Res. 2001-119. Passed 8-21-01.)

CHAPTER 652
Use of Computer

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|--------|---|--------|--|
| 652.01 | Acceptable use of GCRTA Technology Assets Policy. | 652.03 | Use of internet and the GCRTA intranet. (Repealed) |
| 652.02 | Use of electronic mail message system (E-Mail), bulletin boards, shared folders and web pages. (Repealed) | | |

CROSS REFERENCES

Conditions of employment - see PERS. 624
Electronic mail records - see PERS. Ch. 650

652.01 ACCEPTABLE USE OF GCRTA TECHNOLOGY ASSETS POLICY.

(a) The GCRTA recognizes that the use of technology is essential to operating a successful transit authority. All users of GCRTA technology assets must abide by information technology procedures in order to ensure the integrity, security, and availability of GCRTA technology assets.

(b) GCRTA technology assets include but are not limited to, computing devices (servers, PCs, laptops), peripherals devices (printers, scanners, multi-functional printers, faxes, cameras), communication devices (routers, switches, PBXs, desk phones, mobile phones, probes, smart devices), software (operating systems, firmware, applications, productivity tools) and data. The procedures, Section 1500, define the acceptable use of any GCRTA-owned, leased or licensed technologies.

(c) Users are responsible for all activities performed with their personal user IDs. Users must report any use by anyone that may violate GCRTA Policies or be a threat to the GCRTA systems immediately to his or her supervisor or the Information Technology Department. Violations of this policy or the accompanying procedures may result in discipline up to and including discharge.
(Res. 2013-95. Passed 9-17-13.)

**652.02 USE OF ELECTRONIC MAIL MESSAGE SYSTEM (E-MAIL),
BULLETIN BOARDS, SHARED FOLDERS AND WEB PAGES.
(REPEALED)**

(EDITOR'S NOTE: Section 652.02 was repealed by Resolution No. 2013-95, passed September 17, 2013. See Section 652.01 for provisions regarding use of electronic mail message system (e-mail), bulletin boards, shared folder and web pages.)

652.03 USE OF INTERNET AND THE GCRTA INTRANET. (REPEALED)
(EDITOR'S NOTE: Section 652.03 was repealed by Resolution No. 2013-95, passed September 17, 2013. See Section 652.01 for provisions regarding use of internet and the GCRTA intranet.)

CHAPTER 654
Subpoenas and Indemnification of Employees

- 654.01 Complying with subpoenas and summons served upon the GCRTA. 654.02 Indemnification policies.

CROSS REFERENCES

Indemnification - see Bylaws Art IX., Sec. 4

654.01 COMPLYING WITH SUBPOENAS AND SUMMONS SERVED
UPON THE GCRTA.

(a) Any employee, upon receipt of any subpoena or summons involving the GCRTA's business, shall deliver it immediately to the General Counsel, Deputy General Manager for Legal Affairs, or his or her designee. The purpose of this policy is to ensure timely compliance with all subpoenas and summonses, and to protect the legal interests of the Authority and its employees.

(b) All subpoenas and summonses referred to the Legal Department will be handled in accordance with its internal procedures.
(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13; Res. 2016-72. Passed 8-16-16.)

654.02 INDEMNIFICATION POLICIES.

(a) GCRTA shall comply with its statutory duties to defend and/or indemnify employees, as outlined in Ohio R.C. Chapter 2744, as the same may be amended from time to time..

(b) In circumstances not governed by Ohio R.C. Chapter 2744, defense and/or indemnification may be available under the GCRTA Bylaws.
(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13; Res. 2016-72. Passed 8-16-16.)

TITLE SIX - Ethics; Conflicts of Interest
Chap. 660. Code of Ethics.

CHAPTER 660
Code of Ethics

- 660.01 Application of chapter.
- 660.02 Purpose and scope.
- 660.03 Compliance with Federal and State laws; legal references; conflicts.
- 660.04 Avoidance of the appearance of impropriety.
- 660.05 Definitions.
- 660.06 Conflict of interests; disclosure required.
- 660.07 Disclosure of confidential information.

- 660.08 Gifts, favors and other things of value.
- 660.09 Incompatible employment.
- 660.10 Nepotism.
- 660.11 Financial disclosure.
- 660.12 Ethics advisory opinions.
- 660.13 Violations.
- 660.14 Effective date.
- 660.15 Periodic reviews.
- 660.16 Amendments.

CROSS REFERENCES

Public officers; ethics - see Ohio R.C. Ch. 102

Officers shall devote entire time and hold no other office -
see Ohio R.C. 121.12

Theft in office - see Ohio R.C. 2921.41

Unlawful interest in a public contract - see Ohio R.C. 2921.42

Nepotism - see PERS. 642.10

660.01 APPLICATION OF CHAPTER.

The standards established in this Code of Ethics shall not preclude other more stringent standards or limit compliance with applicable Federal and State laws governing the conduct of Greater Cleveland Regional Transit Authority Board members, officers and employees.

(Res. 1990-28. Passed 3-6-90.)

660.02 PURPOSE AND SCOPE.

It is essential to the proper administration and operation of the Greater Cleveland Regional Transit Authority (GCRTA) that its Board of Trustees, officers and employees be and give the appearance of being independent and impartial, that service to and employment by the GCRTA not be used for private benefit; and that the public have confidence in the integrity of the GCRTA as a public agency.

In recognition of these goals the GCRTA has adopted this Code of Ethics which is applicable to all members of the Board of Trustees and to officers and employees of the GCRTA as defined herein.

The purpose of this Code is to establish standards of ethical conduct applicable to the GCRTA Board of Trustees, officers and employees in the discharge of their official duties by prescribing essential restrictions against conflicts of interest and other conduct not consistent with good ethical practices without creating unnecessary barriers to public service.

(Res. 1990-28. Passed 3-6-90.)

660.03 COMPLIANCE WITH FEDERAL AND STATE LAWS; LEGAL REFERENCES; CONFLICTS.

There are numerous Federal and State laws, rules and regulations which govern the conduct of public officers and employees. It is required that all Board of Trustee members, officers and employees comply with the applicable provisions of Federal and State law, and all other applicable rules and regulations governing the conduct of public officials, including, but not limited to, the Ohio Ethics Law (Ohio R.C. Chapter 102) and Offenses Against Justice and Public Administration (Ohio R.C. Chapter 2921). The standards in this Code of Ethics shall not preclude other more stringent standards required by law. Nothing in this Code of Ethics shall be construed to limit full compliance with applicable Federal and State laws and applicable rules and regulations governing the conduct of public officials now existing or hereinafter enacted.

Certain sections of this Code of Ethics are derived from provisions of State law governing public officials. References to State statutes are intended to advise GCRTA personnel of those statutes which may provide penalties in the event of violation. References to these statutes are not intended to incorporate them into this Code of Ethics. The criminal and civil penalties contained in these statutes and the procedural and evidentiary standards are considered to be independent of this Code of Ethics. Any penalty imposed under this Code is independent of any penalty that may be imposed under State law.

It is further recognized that certain professional employees of the GCRTA, including, but not limited to, attorneys, accountants, architects and engineers, may be subject to codes of professional conduct as members of their respective professions. Nothing contained herein shall be construed to limit full compliance with those applicable codes of professional conduct to GCRTA professional employees.

(Res. 1990-28. Passed 3-6-90.)

660.04 AVOIDANCE OF THE APPEARANCE OF IMPROPRIETY.

All members of the Board of Trustees and officers and employees of the GCRTA should conduct their official duties with integrity and impartiality and in a manner that avoids even the appearance of impropriety or a conflict of interest between public duties and private interests.

No Board member, officer or employee shall, by his or her conduct or participation in activities outside of his or her employment, give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official acts or actions, or that he or she is affected in the performance of his or her official acts or actions unduly by the kinship, rank or association with any person.

(Res. 1990-28. Passed 3-6-90.)

660.05 DEFINITIONS.

As used in this Code of Ethics, the singular includes the plural and the plural includes the singular, words of one gender include the other genders, and words in the present tense include the future. The following words or phrases shall be construed to have the following meaning unless the context otherwise requires:

(a) "Anything of value" means:

(1) Money, bank bills or notes, United States treasury notes and other bills, bonds or notes issued by lawful authority and intended to pass and circulate as money;

(2) Goods and chattels;

(3) Promissory notes, bills of exchange, orders, drafts, warrants, checks or bonds given for the payment of money;

(4) Receipts given for the payment of money or other property;

(5) Rights in action;

(6) Things which savor of the realty and are, at the time they are taken, a part of the freehold, whether they are of the substance or produce thereof or affixed thereto, although there may be no interval between the severing and taking away;

(7) Any interest in realty, including fee simple and partial interests, present and future, contingent or vested interests, beneficial interests, leasehold interests and any other interest in realty;

(8) Any promise of future employment;

(9) Every other thing of value. (Ref: ORC 1.03, 102.01(G))

(b) "Board member" means a member of the Board of Trustees of the Greater Cleveland Regional Transit Authority.

(c) "Beneficial interest" means any ownership by the Board member, officer or employee, or a member of his or her immediate family, or a business the Board member, officer or employee is associated with.

(d) "Benefit" means anything regarded as economic gain or economic advantage, including benefit to any other person in whose welfare the beneficiary is interested.

(e) "Business" includes, but is not limited to, any corporation, partnership, sole proprietorship, firm, enterprise, franchise association, organization, self-employed individual, consultant, holding company, joint stock company, receivership, trust, labor organization, union or any legal entity organized for profit or nonprofit.

(f) "Confidential information" means any information concerning the GCRTA that is not a matter of public knowledge, exempt from public inspection and copying or legally required to be kept confidential by the GCRTA.

(g) "Compensation" means money, thing of value or financial benefit. It also means payment in any form of real or personal property conferred on or received by a person to whom this Code of Ethics is applicable in return for services rendered or to be rendered by himself or herself or another. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties. (Ref: ORC 102.01(A))

(h) "Contract" means any agreement with the GCRTA, express or implied, executed or executory, oral or written, for the purchase or acquisition of property or services by or for the use of the GCRTA, or any agreement for the design, construction, alteration, repair or maintenance of any GCRTA property or property interest. (Ref: ORC 2921.42(E))

(i) "Employee" means any person holding a supervisory, managerial, administrative or professional position in the service of the GCRTA. "Employee" shall also mean any other person employed by the GCRTA whom the Board or the General Manager/Secretary-Treasurer determines shall be subject to this Code of Ethics. The term "employee" does not include officers or employees of independent contractors used by the GCRTA.

(j) "Employment" means rendering of service for pay.

(k) "GCRTA" means the Greater Cleveland Regional Transit Authority.

(l) "Gift" means a voluntary transfer of real or personal property of any kind or the voluntary rendition of services of any kind without consideration of equal or greater value, but not including:

(1) Any symbolic presentation, the nature of which is not to financially benefit the recipient;

(2) Any reasonable hosting, including travel expenses, entertainment, meals or refreshments furnished in connection with appearances, ceremonies and occasions reasonably relating to official GCRTA business if furnished by the sponsor of such public event;

(3) Relatively inexpensive items of personal property of less than twenty-five dollars (\$25.00) in value, such as a calendar, box of candy or bouquet of flowers, which are clearly being given as a simple act of human kindness, thoughtfulness and appreciation.

(m) "Immediate family" shall mean grandparents, parents, spouse, children, whether dependent or not, grandchildren, brothers and sisters and any person related by blood or marriage or any person residing in the same household. (Ref: ORC 2921.42, 102.01(D))

(n) "Officer" means any person selected by or from the membership of the Board of Trustees as authorized by the GCRTA Bylaws. "Officer" also includes the General Manager/Secretary-Treasurer.

(o) "Official act or action" means any administrative, appointive or discretionary act of the GCRTA, its Board members, officers or employees.

(p) "Participate" means to take part in official acts or actions or proceedings as a Board member, officer or employee through vote, approval, disapproval, decision, recommendation, rendering advice, investigation or failure to act or perform a duty or other substantial exercise of administrative discretion.

(q) "Person" means any individual, business, labor organization, representative, fiduciary, trust or association, whether paid or unpaid, and includes any Board member, officer or employee of the GCRTA.

(r) "Property" means any property, whether real or personal, tangible or intangible, and includes currency and commercial paper.

(Res. 1990-28. Passed 3-6-90.)

660.06 CONFLICT OF INTERESTS; DISCLOSURE REQUIRED.

No member of the Board of Trustees or officer or employee of the GCRTA, whether paid or unpaid, shall engage in any business or transaction or have a financial or personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties in the public interest or which would tend to impair his or her independence of judgment or action in the performance of his or her official duties, without first making a public disclosure thereof and then abstaining from voting thereon or from making a decision related thereto. Personal interest, as distinguished from financial interest, includes an interest arising from blood or marriage relationships or close business or political association.

(Res. 1990-28. Passed 3-6-90.)

660.07 DISCLOSURE OF CONFIDENTIAL INFORMATION.

No member of the Board of Trustees or officer or employee of the GCRTA shall disclose or use, without appropriate authorization, any information acquired by him or her in the course of his or her official duties which is confidential because of statutory provisions, or which has been clearly designated to him or her as confidential when such confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and when preserving its confidentiality is necessary to the proper conduct of the Authority or government business. (Ref: ORC 102.03(B))
(Res. 1990-28. Passed 3-6-90.)

660.08 GIFTS, FAVORS AND OTHER THINGS OF VALUE.

(a) No Board member, officer or employee shall use or authorize the use of his or her office or employment to secure anything of value or the offer or promise of anything of value that is of such a character as to manifest a substantial and improper influence on him or her with respect to his or her duties. (Ref: ORC 102.03(D))

(b) In addition, no Board member, officer or employee shall:

(1) Solicit, accept or agree to accept anything of value that is of such a character as to manifest a substantial and improper influence upon him or her with respect to his or her duties. (Ref: ORC 102.03(E))

(2) Solicit, accept or agree to accept any benefit as consideration for the Board member's, officers or employee's decision, opinion, recommendation, vote or other exercise of discretion as a public servant.

(3) Solicit, accept or agree to accept any benefit as consideration for a violation of a duty imposed by law on the Board member, officer or employee.

(4) Solicit, accept or agree to accept any benefit from a person the Board member, officer or employee knows is interested in or is likely to become interested in any GCRTA contract or transaction.

(5) Use his or her official position or employment, or GCRTA's facilities, equipment or supplies, for personal use or to obtain or attempt to obtain private gain or advantage.

(Res. 1990-28. Passed 3-6-90.)

660.09 INCOMPATIBLE EMPLOYMENT.

(a) No Board member, officer or employee shall engage in or accept private employment or render service for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independent judgment or action in the performance of his or her official duties.

(b) No Board member, officer or employee shall represent private interests in any action or proceedings against the interest of the GCRTA in any manner in which the GCRTA is a party.

(c) No present or former Board member, officer or employee shall, during his or her public employment or service or for twelve months thereafter, represent a client or act in representative capacity for any person on any matter in which he or she personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or other substantial exercise of legislative or administrative discretion. (Ref: ORC 102.03(A)) (Res. 1990-28. Passed 3-6-90.)

660.10 NEPOTISM.

(a) No Board member, officer or employee of the GCRTA with the authority to directly appoint or hire GCRTA personnel, whether such authority is granted by statute or delegated by the Board to the General Manager/Secretary-Treasurer, shall exercise that authority in favor of persons in the immediate family of any GCRTA Board member or of the officer or employee exercising such authority.

This provision shall not apply to those persons appointed through competitive examination.

This provision shall not prevent the retention or advancement of any person who has been continuously employed in his or her position prior to the appointment of the Board member, officer or employee in the immediate family of such person; provided, however, that the Board member, officer or employee related to that person shall not participate in any deliberation, voting or appointment process directly related to that person.

In order to avoid even the appearance of nepotism, no Board member, officer or employee shall conduct a performance evaluation of, or participate in disciplinary action for, a member of his or her immediate family. Any employee shall disclose such a conflict to the General Manager/Secretary-Treasurer who will designate an appropriate person to conduct a fair and impartial evaluation.

(Res. 1990-28. Passed 3-6-90.)

(b) See Section 642.12 for additional provisions regarding nepotism.

660.11 FINANCIAL DISCLOSURE.

(a) Board Members. All Board members shall file a financial disclosure statement with the Ohio Ethics Commission on a form to be provided by the Ethics Commission with complies with the requirements of the Ohio Ethics Law (Ohio R.C. Chapter 102).

Board members, who may also be elected officials, legally required to file financial disclosure statements with the Ohio Ethics Commission, shall have met their obligations under this section when such disclosure statement has been filed and shall not be required to file a duplicate statement.

(Res. 1990-28. Passed 3-6-90.)

(b) Employees. The General Manager/Secretary-Treasurer shall file a financial disclosure statement with the Director of Internal Audit, a copy of which shall be provided to the President of the Board of Trustees.

The following employees shall file a financial disclosure statement with the General Manager/Secretary-Treasurer: Deputy General Managers, Executive Directors and department directors who report to the General Manager/Secretary-Treasurer, the Executive Director of Internal Audit and any other employee whose job duties the General Manager/Secretary-Treasurer determines from time to time should require the filing of a financial disclosure statement to avoid the appearance of impropriety.

Employees who fail to file the required financial disclosure statement shall be subject to disciplinary action.

(Res. 1999-146. Passed 10-26-99.)

(c) Financial Disclosure Statements. The financial disclosure statement required by GCRTA employees shall be on a form to be provided that contains the following information:

(1) The name of the individual filing, his or her spouse and dependent children, and the names under which the individual does business;

(2) Identification of all sources of income over five hundred dollars (\$500.00) and a description of the services for which the income was received;

(3) Identification of investments of over five thousand dollars (\$5,000), or businesses in which the individual holds an office or has a fiduciary relationship;

(4) A list of real estate interests owned by the individual located in Cuyahoga County (not including personal residence or real estate used primarily for personal recreation);

(5) The name and instrument of debt of all debts in excess of five thousand dollars (\$5,000) owed by the reporting individual, as well as the name and instrument of debt of all debts in excess of five thousand dollars (\$5,000) owed to the reporting individual, but only if the creditor or debtor, respectively, or any guarantor of the debt, has done

work for or business with GCRTA in the preceding calendar year. Debt instruments issued by financial institutions whose normal business includes the making of loans of the kind received by the reporting individual, and which are made at the prevailing rate of interest and other terms and conditions standard for such loans at the time the debt was contracted, need not be disclosed. Debt instruments issued by publicly held corporations, and purchased by the reporting individual on the open market at the price available to the public, need not be disclosed.

(6) A list of all sources of gifts worth more than five hundred dollars (\$500.00) received during the preceding year, excluding gifts received from parents or grandparents and distributions from a trust established by a spouse or ancestor.

(d) Filing of Statements. All Board members shall certify to the General Manager/Secretary-Treasurer by March 1 of each year whether they have filed the required financial disclosure statement with the Ohio Ethics Commission.

The financial disclosure statement required by GCRTA employees shall be filed in the following manner:

(1) The statement shall be notarized and filed with the General Manager/ Secretary-Treasurer no later than March 1 of each year.

(2) The statement shall be on a form provided by the General Manager/ Secretary-Treasurer and is to be filed by each and every employee listed herein pursuant to this section, whether or not any gifts, salaries, wages or commissions are in fact received and accepted, and in the event that no gifts, salaries, wages or commissions are in fact received or accepted that would be reportable, the statement shall so state.

(3) The notarized statement shall remain in the General Manager/ Secretary-Treasurer's office as a matter of public record for five years.

(Res. 1990-28. Passed 3-6-90.)

660.12 ETHICS ADVISORY OPINIONS.

Board members, officers or employees seeking further interpretation of this Code of Ethics as it applies to specific factual situations may seek advisory opinions from the Ohio Ethics Commission or from the Deputy General Manager - Legal Affairs for the GCRTA. The Deputy General Manager - Legal Affairs may, in his or her discretion, submit any question presented to him or her to the Ohio Ethics Commission.

However, the Deputy General Manager - Legal Affairs shall, under no circumstances, owe a professional duty to the individual Board member, officer or employee seeking such an opinion. The issuance of advisory opinions shall not establish an attorney-client relationship between the Deputy General Manager - Legal Affairs and the GCRTA Board member, officer or employee with regard to the subject matter of the request.

All GCRTA Board members, officers and employees fall within the substantive conflict of interest provisions of Chapter 102 and Sections 2921.42 and 2921.43 of the Ohio Revised Code and are subject to investigation by the Ohio Ethics Commission for alleged violations of these provisions. All Board members, officers and employees are encouraged to contact the Ohio Ethics Commission concerning the applicability of these sections of the Ohio Revised Code.
(Res. 1990-28. Passed 3-6-90; Res. 1999-147. Passed 10-26-99.)

660.13 VIOLATIONS.

(a) Board Members and Officers. Any person who has any information that indicates that a Board member may have violated provisions of the Ohio Ethics Law should provide that information to the Ohio Ethics Commission which may conduct a confidential investigation to determine whether there is misconduct that falls within the jurisdiction of the Ohio Ethics Law. The Ohio Ethics Commission may conduct an appropriate investigation and proceed as it is required to do by law or take any other action it feels appropriate.

(b) Employees. The General Manager/Secretary-Treasurer or other authorized GCRTA official may impose such sanctions and penalties against an employee who is found to have violated this Code as may be appropriate, including official reprimand, suspension or dismissal from employment. All disciplinary action shall be consistent with the GCRTA personnel policies and procedures.

(c) Contractors. Any business contracting with GCRTA which offers, confers or agrees to confer any benefit as consideration for a Board member's, officer's or employee's decision, opinion, recommendation, vote or other exercise of discretion as a public servant, or in exchange for the Board member's, officer's or employee's having exercised his or her official powers or performed his or her official duties, or which participates in the violation of any provision of this Code, may have its existing GCRTA contracts terminated and may be excluded from future business with GCRTA for a period of time determined by the GCRTA Board of Trustees. These determinations shall be made by the Board of Trustees of GCRTA or its designee in accordance with procedural requirements governing the suspension and debarment of contractors. All bid documents and contracts issued by the GCRTA shall remain a provision advising a prospective bidder and contractor of this section.
(Res. 1990-28. Passed 3-6-90.)

660.14 EFFECTIVE DATE.

The effective date of this Code of Ethics shall be the date of adoption by the Board of Trustees (Resolution 1990-28, passed March 6, 1990).

The propriety of any official act or action taken by a transaction involving any Board member, officer or employee prior to the effective date of this Code shall not be affected by the enactment of this Code.

(Res. 1990-28. Passed 3-6-90.)

660.15 PERIODIC REVIEWS.

This Code will not be subject to any scheduled review but shall remain in full force and effect until modified or amended by the Board of Trustees.

(Res. 1990-28. Passed 3-6-90.)

660.16 AMENDMENTS.

Any amendment or revision to this Code must be approved by the Board of Trustees. Consideration of an amendment or revision may be initiated by any Board member, the General Manager/Secretary-Treasurer or the Director of Internal Audit.

(Res. 1990-28. Passed 3-6-90.)

POLICIES AND PROCEDURES
OF THE
BOARD OF TRUSTEES
OF THE
GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

PART EIGHT - VEHICLES AND OPERATION CODE

TITLE TWO - Vehicles Generally

Chap. 820. Vehicle Equipment.

Chap. 822. Vehicle Replacement Policy.

TITLE FOUR - Vehicle Operation

Chap. 840. Commissions and Fare Structure.

Chap. 842. Comprehensive Fare Policy.

Chap. 848. Parking on Authority Property.

Chap. 850. Public Assembly on Authority Property.

Chap. 852. Reward Program.

Chap. 854. Smoking Policy. (Repealed)

Chap. 856. Smart Commute Program.

POLICIES AND PROCEDURES
OF THE
BOARD OF TRUSTEES
OF THE
GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

PART EIGHT - VEHICLES AND OPERATION CODE

TITLE TWO - Vehicles Generally
Chap. 820. Vehicle Equipment.
Chap. 822. Vehicle Replacement Policy.

CHAPTER 820
Vehicle Equipment

820.01 Vehicle equipment.

CROSS REFERENCES

Expenditure of funds in connection with acquisition
of buses, bus equipment, or bus related facilities -
see 49 U.S.C.A. 1602(h)
Bids for passenger seats functional specifications -
see 49 U.S.C.A. 1608(g)
Vehicle equipment and loads generally - see Ohio R.C.
Ch. 4513
Regulations re lights on buses - see Ohio R.C. 4513.07
Maximum width, height and length of vehicles - see Ohio
R.C. 5577.05
Vehicle replacement policy - see VEH. & OP. Ch. 822

820.01 VEHICLE EQUIPMENT.

All new revenue service vehicles purchased by and titled to the Authority will be purchased in compliance with Federal, State and local laws, including the Americans with Disabilities Act.

(Res. 1989-42. Passed 4-18-89; Res. 2016-89. Passed 9-27-16.)

CHAPTER 822
Vehicle Replacement Policy

- 822.01 Adoption.
- 822.02 Purpose; scope.
- 822.03 Legal authority.
- 822.04 Replacement cycles.

- 822.05 Replacement decisions.
- 822.06 Transportation Improvement Program.

CROSS REFERENCES

- Purchase or operation of buses - see 49 U.S.C.A. 1602(f)
- Conditions for assistance for bus purchases - see 49 U.S.C.A. 1602a(a), (b)
- Bus defined - see Ohio R.C. 4501.01(I), 4511.01(L)
- Vehicle equipment and loads generally - see Ohio R.C. Ch. 4513; VEH. & OP. Ch. 820
- Public motor transportation companies - see Ohio R.C. Ch. 4921
- Private motor transportation companies - see Ohio R.C. Ch. 4923
- Load limits on highways - see Ohio R.C. Ch. 5577

822.01 ADOPTION.

The vehicle replacement policy set forth in this chapter is hereby adopted.
(Res. 1988-162. Passed 8-16-88.)

822.02 PURPOSE; SCOPE.

(a) The vehicle replacement policy set forth in this chapter is designed to guide decisions on replacement of revenue vehicles (bus, paratransit and rail) and nonrevenue vehicles (zone, police cars, trucks, etc.) owned by the Authority.

(b) The policy covers the following areas:

- (1) Replacement cycles;
 - (2) Replacement decisions; and
 - (3) Replacement programming.
- (Res. 1988-162. Passed 8-16-88.)

822.03 LEGAL AUTHORITY.

This chapter was established pursuant to Ohio R.C. 306.31, 306.34, 306.35 and 306.43, and Circular UMTA C9030.1A Section 9 Formula Grant Application Instructions as follows: IV-3a 1 Bus Requirements and IV-3a 2 Rail Requirements. (Res. 1988-162. Passed 8-16-88.)

822.04 REPLACEMENT CYCLES.

(a) Minimum normal service life standards are established to ensure that publicly funded vehicles are maintained and remain in mass transit use for their normal service life.

(b) The replacement cycle based on the minimum normal service life is as follows:

- (1) Standard (forty feet) transit buses - at least twelve years service or an accumulation of at least 500,000 miles, whichever is attained first;
- (2) Medium (thirty feet) transit buses - at least ten years service or an accumulation of at least 350,000 miles, whichever is attained first;
- (3) Small (under thirty feet) transit buses - at least seven years service or an accumulation of at least 200,000 miles, whichever is attained first;
- (4) Rail vehicles - at least twenty-five years service regardless of accumulated mileage;
- (5) Other vehicles (nonrevenue trucks, automobiles, etc.) - at least four years service or an accumulation of at least 100,000 miles, whichever is attained first.

(c) The Board of Trustees will be promptly notified of any vehicle withdrawn from service prior to meeting the criteria set forth in subsection (b) hereof. This will not include vehicles out of service scheduled for repair, unless the reason for repair affects more than ten percent of a given fleet.

(Res. 1988-162. Passed 8-16-88.)

822.05 REPLACEMENT DECISIONS.

(a) The actual service life of a vehicle can be either the same as or longer than the replacement cycle set forth in Section 822.04(b) due to the actual purpose, use and specialized nature, if any, of the vehicle.

(b) The actual replacement of any given vehicle is predicated on:

- (1) Actual condition;
- (2) Use;
- (3) Maintenance history;
- (4) Anticipated maintenance needs; and
- (5) Availability of funding for a replacement.

(c) A vehicle that has met the replacement threshold on either age or mileage, but can continue to be cost-effectively maintained, will be retained, provided a suitable use and need for such vehicle continue to exist.

(d) Where insufficient funds are available for replacement, the vehicle may have to be retained.

(e) The vehicle being replaced is not necessarily retired immediately upon receipt of a replacement vehicle. New vehicles should be assimilated into the fleet and be operating satisfactorily before older vehicles are removed from service and sold.

(f) The concurrence of the Board of Trustees will be sought for the award of sale of retired vehicles.

(Res. 1988-162. Passed 8-16-88.)

822.06 TRANSPORTATION IMPROVEMENT PROGRAM.

(a) On an annual basis, the five-year Transportation Improvement Program will be reviewed and updated. This review with respect to vehicles will constitute an identification of additional vehicles which are needed, a deletion of vehicles which are no longer needed and a reconsideration of the timing and priority of all vehicles to be included in the Program. Particular emphasis will be placed on the Annual Element which is the first year of the Program.

(b) The approval of the Board of Trustees will be sought on an annual basis for the Program.

(c) The current Annual Element of the Program shall be utilized as the initial guidance for any current grant application. The vehicle replacement needs shall be reviewed again as part of the grant preparation process.

(d) The approval of the Board will be sought for all grant applications.
(Res. 1988-162. Passed 8-16-88.)

TITLE FOUR - Vehicle Operation

- Chap. 840. Commissions and Fare Structure.
 Chap. 842. Comprehensive Fare Policy.
 Chap. 848. Parking on Authority Property.
 Chap. 850. Public Assembly on Authority Property.
 Chap. 852. Reward Program.
 Chap. 854. Smoking Policy. (Repealed)
 Chap. 856. Smart Commute Program.

CHAPTER 840

Commissions and Fare Structure

- | | | | |
|---------|--|--------|--|
| 840.01 | Commissions for the sale of tickets and passes. | 840.12 | Temporary promotional discount fares. |
| 840.02 | Student fare discount program. | 840.13 | Family fares. (Repealed) |
| 840.03 | Fares. | 840.14 | Annual pass program. |
| 840.04 | Senior citizen and handicapped fares. (Repealed) | 840.15 | Fare schedule for community circulator service. (Repealed) |
| 840.05 | Downtown Loop service fares. (Repealed) | 840.16 | Day pass program. (Repealed) |
| 840.06 | Children's fares. | 840.17 | Waterfront Line service. (Repealed) |
| 840.07 | Public personnel and miscellaneous fares. | 840.18 | Off-peak pass program. (Repealed) |
| 840.08 | Sunday passes. (Repealed) | 840.19 | Ride happy or ride free program. |
| 840.09 | Fares for rides outside of County. | 840.20 | Promotional free fare programs to community-sponsored public events. |
| 840.095 | Fares for travel from Lake and Lorain Counties to Cuyahoga County. | 840.21 | Guaranteed ride home program. |
| 840.097 | Fares for travel from Medina County to Cuyahoga County. | 840.22 | College pass incentive program. |
| 840.099 | Fares for travel from Cuyahoga County to Lake County on Route No. 39. (Repealed) | 840.23 | Football flyer. (Repealed) |
| 840.10 | Transfers. | 840.24 | Waiver of fixed-route fares for paratransit users. (Repealed) |
| 840.11 | Owl service fares. (Repealed) | 840.25 | Proof of payment fare system. |
| | | 840.26 | Multiple day fare pass program. |
| | | 840.27 | Fares for personal care attendants. |

CROSS REFERENCES

- Fares for elderly and handicapped persons - see 49 U.S.C.A. 1604(m), 1604b
 Regulation of operation of systems, rates, rentals, or other charges; compliance with undertakings - see 49 U.S.C.A. 1608(d)
 Public motor transportation companies - see Ohio R.C. Ch. 4921
 Rates, fees and charges of public motor transportation companies - see Ohio R.C. 4921.23 et seq.
 Private motor transportation companies - see Ohio R.C. Ch. 4923
 Fees and charges of private motor transportation companies - see Ohio R.C. 4923.13
 Authority of General Manager to suspend collection of fares during emergency - see ADM. 242.07
 Comprehensive fare policy - see VEH. & OP. Ch. 842
 Discount fare cards - see SERV. 1084.01, 1084.02

840.01 COMMISSIONS FOR THE SALE OF TICKETS AND PASSES.

(a) The sales commission rates for the Authority's authorized ticket and pass outlets are hereby fixed as follows:

<u>Fare Media</u>	<u>Commission</u>
Ticket (each)	\$0.01
Weekly pass (each)	0.25
Monthly pass (each)	0.60

(b) These commissions are to be paid only to authorized ticket and pass sales outlets.
 (Res. 1991-128. Passed 6-18-91.)

(c) The General Manager/Secretary-Treasurer or his or her designate is hereby authorized to enter into agreements with business entities, employers, etc., for the sale of tickets and passes and the payment of the commissions set forth in subsection (a) hereof.
 (Res. 1980-319. Passed 9-16-80.)

840.02 STUDENT FARE DISCOUNT PROGRAM.

(a) (1) Any student in grades kindergarten through twelve residing within the County and attending a private or public school certified by the Ohio Department of Education will be entitled to purchase or receive student tickets at a cost as set forth in Section 840.03, good for a full fare on all Authority services.

- (2) Student tickets shall be available to any school system certified by the Department that elects to sell and/or distribute such tickets to its student population.
- (3) Any rider using a student ticket is responsible for maintaining in his or her possession proof of enrollment in a school and/or system certified by the Department and must produce such evidence if so requested by any Authority personnel.
- (4) Any student who wishes to utilize Authority service without a student ticket must pay the full applicable rate of fare.

(b) The General Manager/Secretary-Treasurer is hereby directed to notify all schools and systems within the County that are certified by the Department of the Authority's revised student fare discount program and to complete agreements for the sale and/or distribution of new student tickets.

(Res. 1982-242. Passed 8-19-82; Res. 2006-78. Passed 5-16-06)

840.03 FARES.

The following fare media, with the rates of fares to be charged, are established as follows:

	Effective 8/14/16	Effective 8/18
Cash Fares		
Senior/Disabled	\$1.25	\$1.35
Student K-12	\$1.75	\$2.00
Bus/Rapid/BRT	\$2.50	\$2.75
Park-n-Ride	\$2.75	\$3.25
Out-of-County	\$3.75	\$4.25
Tickets/Farecards		
Student K-12 - single trip	\$1.75	\$2.00
Student K-12 - 5 trip	\$8.75	\$10.00
Senior/Disabled - 5 trip	\$6.25	\$6.75
5-ride Bus/Rapid/BRT - 5 trip	\$12.50	\$13.75
Park-n-Ride Bus - 5 trip	\$13.75	\$16.25

1 and 2 ride tickets available for authorized agencies. Students must have proper photo identification, if applicable.

Passes (Unlimited Rides within County)	Effective 8/14/16	Effective 8/18
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Daily Passes

Senior/Disabled All-day	\$2.75	\$3.00
Children All-Day (ages 6-12 accompanied by adult)	\$2.75	\$3.00
Bus/Rapid/BRT/All-Day	\$5.50	\$6.00
Student All-Day K-12	\$4.50	\$5.00
1-Day Cleveland Pass (Limited Distribution)	\$5.50	\$6.00
2 Day Cleveland Pass (Limited Distribution)	\$11.00	\$12.00
4 Day Cleveland Pass (Limited Distribution)	\$22.00	\$24.00

7-Day Passes

Senior/Disabled	\$12.50	\$13.50
Bus/Rapid/BRT	\$25.00	\$27.50
Park-n-Ride	\$27.50	\$32.50

Monthly Passes

Senior/Disabled	\$48.00	\$53.00
Bus/Rapid/BRT	\$95.00	\$105.00
Park-n-Ride	\$105.00	\$120.00

Paratransit	Effective 8/14/16	Effective 8/17	Effective 8/18	Effective 8/19
Cash fare	\$2.50	\$2.75	\$3.00	\$3.25
All Day pass	\$7.00	\$7.50	\$8.00	\$8.50

Paratransit	Effective 8/14/16	Effective 8/17	Effective 8/18	Effective 8/19
7-Day pass	\$27.50	\$30.00	\$32.50	\$35.00
Monthly pass	\$105.00	\$110.00	\$115.00	\$120.00

(Ord. 2006-78. Passed 5-16-06; Res. 2006-131. Passed 7-18-06; Res. 2008-63. Passed 4-15-08; Res. 2008-142. Passed 10-14-08; Res. 2010-11. Passed 2-16-10; Res. 2010-19. Passed 3-23-10; Res. 2010-43. Passed 6-22-10; Res. 2012-91. Passed 10-23-12; Res. 2016-36. Passed 6-7-16.)

840.04 SENIOR CITIZEN AND HANDICAPPED FARES. (REPEALED)

(EDITOR'S NOTE: Section 840.04 was repealed by Resolution 2006-78, passed May 16, 2006.)

840.05 DOWNTOWN LOOP SERVICE FARES. (REPEALED)

(EDITOR'S NOTE: Section 840.05 was repealed by Resolution 2006-78, passed May 16, 2006.)

840.06 CHILDREN'S FARES.

Each adult paying the applicable fare may be accompanied by up to three children under six years of age riding free and up to three children aged six through twelve using Child All-Day Passes.

(Res. 2004-126. Passed 9-21-04. Res. 2006-78. Passed 5-16-06; Res. 2008-63. Passed 4-15-08; Res. 2008-142. Passed 10-14-08; Res. 2010-11. Passed 2-16-10; Res. 2010-19. Passed 3-23-10.)

840.07 PUBLIC PERSONNEL AND MISCELLANEOUS FARES.

(a) Greater Cleveland Regional Transit Authority trustees, employees and persons retired from the Greater Cleveland Regional Transit Authority or its predecessor companies shall be permitted to ride free upon presentation of an identification card issued by the Authority.

(b) All duly appointed full-time Municipal Police Officers, Cuyahoga County Sheriffs, Ohio State Highway Patrol Troopers and full-time Municipal Fire Department Personnel shall be permitted to ride free on GCRTA vehicles while in uniform and upon presenting their official badge and proper identification.

(c) All persons on active duty with the Armed Forces of the United States of America shall be permitted to ride free on GCRTA vehicles while in official uniform.

(d) The requisite uniform that will be recognized by GCRTA for the free fare privilege established by this section will be the duly authorized official uniform of the Municipal Police Force or the Municipal Fire Department of the community the police officer or firefighter is employed by, the Cuyahoga County Sheriff's Department, the Ohio State Highway Patrol and the branches of the United States Armed Forces. (Res. 1993-119. Passed 7-20-93; Res. 2006-78. Passed 5-16-06; Res. 2008-63. Passed 4-15-08; Res. 2008-142. Passed 10-14-08; Res. 2010-11. Passed 2-16-10; Res. 2010-19. Passed 3-23-10; Res. 2012-38. Passed 4-17-12.)

840.08 SUNDAY PASSES. (REPEALED)

(EDITOR'S NOTE: Section 840.08 was repealed by Resolution 1993-1, passed January 12, 1993.)

840.09 FARES FOR RIDES OUTSIDE OF COUNTY.

On routes that extend more than one mile outside of the County, the fare for traveling to or from any point outside the County will be as follows:

- (a) Prevailing cash fare;
 - (b) Bus/rapid farecard or pass plus one dollar twenty-five cents (\$1.25);
 - (c) Park-n-Ride Bus farecard or pass plus one dollar (\$1.00); and
 - (d) Senior disabled customers pay no additional fare for out-of-county service.
- (Res. 2006-78. Passed 5-16-06; Res. 2008-63. Passed 4-15-08; Res. 2008-142. Passed 10-14-08; Res. 2010-11. Passed 2-16-10; Res. 2010-19. Passed 3-23-10.)

840.095 FARES FOR TRAVEL FROM LAKE AND LORAIN COUNTIES TO CUYAHOGA COUNTY.

Bus passengers traveling from Lorain County or Lake County to Cuyahoga County and presenting a valid transfer from Lorain County Transit or Laketran, respectively, shall pay the following fares:

- (a) Rides to the express fare zone \$1.50
 - (b) Rides to the local fare zone \$1.25
- (Res. 1998-36. Passed 3-17-98.)

840.097 FARES FOR TRAVEL FROM MEDINA COUNTY TO CUYAHOGA COUNTY.

(a) RTA bus passengers traveling from Medina County to Cuyahoga County and presenting a valid transfer from Medina County Transit shall pay one dollar and fifty cents (\$1.50) for trips to the express fare zone and one dollar and twenty-five cents (\$1.25) for trips to the local fare zone.

(b) RTA bus passengers traveling from Medina County to Cuyahoga County and presenting a valid transfer from Brunswick Transit shall pay one dollar and fifty cents (\$1.50) for trips to the express fare zone and one dollar and twenty-five cents (\$1.25) for trips to the local fare zone.

(c) Conflicts between the fare schedule established elsewhere in this chapter and the provisions of this section shall be resolved in favor of the provisions of this section. (Res. 1999-72. Passed 5-25-99.)

840.099 FARES FOR TRAVEL FROM CUYAHOGA COUNTY TO LAKE COUNTY ON ROUTE NO. 39. (REPEALED)

(EDITOR'S NOTE: Section 840.099 was repealed by Resolution 2006-78, passed May 16, 2006.)

840.10 TRANSFERS.

A customer is not entitled to receive a transfer when paying a cash fare. Customers who need to transfer can do so using passes or farecards. Each trip on a farecard provides a two and one-half hour boarding privilege. Bus/Rapid/BRT passes and farecards can be used on Park-n-Ride bus service upon payment of an additional twenty-five cents (\$.25) per boarding. Effective August 2018, Bus/Rapid/BRT passes and farecards can be used on Park-n-Ride bus service upon payment of an additional fifty cents (\$.50) per boarding.

(Res. 1990-206. Passed 11-27-90; Res. 2006-78. Passed 5-16-06; Res. 2008-63. Passed 4-15-08; Res. 2008-142. Passed 10-14-08; Res. 2010-11. Passed 2-16-10; Res. 2010-19. Passed 3-23-10; Res. 2016-36. Passed 6-7-16.)

840.11 OWL SERVICE FARES.

(EDITOR'S NOTE: Section 840.11 was repealed by Resolution 1997-19, passed January 21, 1997.)

840.12 TEMPORARY PROMOTIONAL DISCOUNT FARES.

(a) The General Manager/Secretary-Treasurer is hereby authorized to implement temporary promotional discount fares with a duration of up to sixty days.

(b) This authorization extends to ticket and pass prices as well as cash fares.

(c) The promotional discount fares authorized by this section shall not be less than fifty percent of the rates of fare provided in this chapter, or as may be subsequently established by the Board of Trustees.

(d) The General Manager/Secretary-Treasurer shall report the results of each promotion to the Board.

(Res. 1993-120. Passed 7-20-93.)

840.13 FAMILY FARES. (REPEALED)

(EDITOR'S NOTE: This section was repealed by Resolution 2004-126, passed September 21, 2004. See Section 840.06.)

840.14 ANNUAL PASS PROGRAM.

(a) An annual pass program, effective June 1, 1995, shall provide monthly passes for twelve consecutive calendar months of travel for four hundred ninety-five dollars (\$495.00) (local) or five hundred ninety-four dollars (\$594.00) (express), paid in advance.

(b) Sales commission rates for monthly passes dispensed under this program by ticket and pass sales outlets shall be consistent with the commission rates established for monthly passes in Section 840.01.

(Res. 1995-58. Passed 4-18-95.)

840.15 FARE SCHEDULE FOR COMMUNITY CIRCULATOR SERVICE. (REPEALED)

(EDITOR'S NOTE: Section 840.15 was repealed by Resolution 2006-78, passed May 16, 2006.)

840.16 DAY PASS PROGRAM. (REPEALED)

(EDITOR'S NOTE: This section was repealed by Res. 2004-126, passed September 21, 2004. See Section 840.06.)

840.17 WATERFRONT LINE SERVICE. (REPEALED)

(EDITOR'S NOTE: This section was repealed by Resolution 2002-38, passed February 26, 2002.)

840.18 OFF-PEAK PASS PROGRAM. (REPEALED)

(EDITOR'S NOTE: This section was repealed by Resolution 2002-38, passed February 26, 2002.)

840.19 RIDE HAPPY OR RIDE FREE PROGRAM.

The General Manager is authorized to initiate a "Ride Happy or Ride Free Program" beginning in February 2001. The General Manager is also authorized to terminate the program if he deems it to be ineffective.

(Res. 2001-15. Passed 1-23-01.)

840.20 PROMOTIONAL FREE FARE PROGRAMS TO COMMUNITY-SPONSORED EVENTS.

(a) The General Manager is hereby authorized to implement promotional free fare service on specific regularly scheduled public transit routes to public events.

(b) "Public event" shall mean any community-sponsored activity open to all members of the general public that may occur on or near established routes of regularly scheduled public transit service.

(c) The duration of the promotional free fare programs authorized by this section shall not exceed a period of 72 hours for each event.

(d) The General Manager shall consider the economic impact to the Authority when considering the promotional free fare programs authorized by this section. (Res. 2002-150. Passed 9-10-02.)

840.21 GUARANTEED RIDE HOME PROGRAM.

(a) A "Guaranteed Ride Home Program" will be implemented effective March 1, 2003.

(b) Participation in the Guaranteed Ride Home Program will be open to all RTA commuters who purchase their prepaid fare media from their employers through the Authority's Commuter Advantage Program.

(c) All eligible commuters will be required to enroll in the Guaranteed Ride Home Program prior to participation.

(d) A ceiling of thirty-five dollars (\$35.00) will be established for each emergency trip occurrence. Based on the utilization rate experienced by similar programs, it is anticipated that only .4 percent of eligible rides will be taken. Five thousand dollars (\$5,000) from the General Fund - Marketing and Communications Department has been allocated to this program.

(e) The General Manager is authorized to implement administrative procedures that all enrolled participants will be required to follow for scheduling an emergency ride home and submitting reimbursable expenses.

(f) This program may be terminated at the discretion of the General Manager. (Res. 2003-020. Passed 2-18-03.)

840.22 COLLEGE PASS INCENTIVE PROGRAM.

(a) The General Manager/Secretary-Treasurer of the Authority is authorized to enter into agreements with colleges, universities, and other institutions of higher learning to provide school term transit access for all eligible students at a mutually agreeable fee per student, payable with tuition and other fees.

(b) GCRTA will assist in underwriting the cost of the transit fare for each eligible students provided like assistance is provided by the colleges or universities up to twenty-five dollars (\$25.00) a month.

(Res. 2011-93. Passed 10-18-11.)

840.23 FOOTBALL FLYER. (REPEALED)

840.24 WAIVER OF FIXED-ROUTE FARES FOR PARATRANSIT USERS. (REPEALED)

840.25 PROOF OF PAYMENT FARE SYSTEM.

(a) Juvenile Violation Fare.

- (1) All passengers, including juveniles, are required to have in their possession proof of purchase of a valid, paid fare whenever present in any facilities or vehicles that have been restricted to passengers with a pre-purchased fare. Any juvenile found without proof of a valid, paid fare is in violation of this requirement. On the first offense, the juvenile shall be given a warning. On the second and subsequent offenses, the juvenile shall be charged a violation fare of twenty-five dollars (\$25.00).
- (2) The violation fare shall be paid within thirty days of the mailing of the notice of fare violation by U.S. mail, GCRTA website, or in person at the GCRTA Customer Service Center.
- (3) If the juvenile fails to pay the violation fare within the thirty days notice of the violation, the record may be forwarded to the Cuyahoga County Prosecutor's Office, Juvenile Division, for referral to the county's Community Diversion Program.

(b) Adult Administrative Fee.

- (1) Effective November 1, 2011, adults found to be in violation of the proof of payment fare collection system may pay an administrative fee of twenty-five dollars (\$25.00) within seventy-two business hours and a criminal citation will not be filed. If, however, the administrative fee is not paid within seventy-two business hours, the citation will be referred to the appropriate court for criminal prosecution.
- (2) The twenty-five dollar (\$25.00) administrative fee shall be paid within seventy-two hours to the Greater Cleveland Regional Transit Authority by U.S. mail, GCRTA website, or in person at the GCRTA Customer Service Center.

- (3) Adults who receive a violation citation after November 1, 2011 and, thereafter, receive an additional violation citation within twenty-four months are not eligible for the administrative fee in lieu of the filing of a criminal citation.
- (4) After twenty-four months from a previous violation, the twenty-five dollar (\$25.00) administrative fee described in subsection (b)(1) hereof may be paid and a criminal citation will not be filed.
(Res. 2011-81. Passed 9-20-11; Res. 2011-82. Passed 9-20-11.)

840.26 MULTIPLE DAY FARE PASS PROGRAM.

(a) The General Manager is authorized to implement a multiple day fare pass program for 1-day, 2-day and 4-day passes, priced consistent with the price of a daily pass.

(b) The General Manager is authorized to offer other multiple day passes, provided that these passes are also priced consistent with the price of a daily pass.

(c) The General Manager is authorized to offer tiered pricing options as a function of group size for large group purchases of the multiple day passes.
(Res. 2012-10. Passed 2-21-12.)

840.27 FARES FOR PERSONAL CARE ATTENDANTS.

Personal care attendants (PCAs), as defined in Federal ADA regulations shall ride free on Paratransit vehicles and pay the regular fare on buses, trains and BRT when accompanying ADA-eligible Paratransit riders.
(Res. 2016-36. Passed 6-7-16.)

CHAPTER 842
Comprehensive Fare Policy

842.01	Objectives.	842.06	Pre-paid fares.
842.02	Fares tailored to market conditions.	842.07	Surcharges for service outside Cuyahoga County.
842.03	Operating ratios; annual review of fare and service levels.	842.08	Special services.
842.04	Consideration of costs of services.	842.09	Fare structures; ease of payment and collection.
842.05	Transfers. (Repealed)	842.10	Cooperation and coordination of services with third parties.

CROSS REFERENCES

Fares for elderly and handicapped persons - see 49 U.S.C.A. 1604(m), 1604b

Regulation of operation of systems, rates, rentals or other charges; compliance with undertakings - see 49 U.S.C.A. 1608(d)

Rates, fees and charges of public motor transportation companies - see Ohio R.C. 4921.23 et seq.

Fare increases; public hearings - see ADM. 214.03

Authority of General Manager to suspend collection of fares during emergency - see ADM. 242.07

Commissions and fare structure - see VEH. & OP. Ch. 840

Special services - see SERV. 1020.04(c)

Service outside County - see SERV. Ch. 1078

Discount fare cards - see SERV. 1084.01, 1084.02

842.01 OBJECTIVES.

The Board of Trustees affirms that the Authority is both a tax-supported public service agency and a business-like enterprise that competes for customers in the marketplace. This dual role sometimes necessitates balancing disparate goals. When establishing and adjusting Authority fares, the Board of Trustees will seek to balance the following general policies, recognizing that an action that furthers one of these policies will sometimes run counter to another one.

(Res. 1996-72. Passed 5-21-96.)

842.02 FARES TAILORED TO MARKET CONDITIONS.

Within the constraints of law and regulation, the Board of Trustees will maximize ridership by using a market-based approach that tailors fares to market conditions. That means:

- (a) Fares for each type of service will be determined by the market segment served and the value provided.
- (b) The fare structure will be reasonable and equitable in the view of the market, including riders, taxpayers and community leaders.
- (c) The timing and amount of fare adjustments will be sensitive to market conditions such as the price of competing services.

(Res. 1996-72. Passed 5-21-96.)

842.03 OPERATING RATIOS; ANNUAL REVIEW OF FARE AND SERVICE LEVELS.

To promote financial stability, the Board of Trustees will maintain an operating ratio of at least twenty-five percent and will strive toward an operating ratio of thirty percent or higher if Federal operating funds are reduced. (Sales tax revenue currently represents approximately sixty-five percent of total revenue.) The operating ratio will be reported quarterly, and fare and service levels will be reviewed annually during the budget process to determine whether adjustments to fares or operating expenses are needed.

(Res. 1996-72. Passed 5-21-96.)

842.04 CONSIDERATION OF COSTS OF SERVICES.

In order to maintain the desired operating ratio system-wide, the Board of Trustees will consider the cost of providing each type of service when establishing or adjusting the fare for that service.

(Res. 1996-72. Passed 5-21-96.)

842.05 TRANSFERS. (REPEALED)

(EDITOR'S NOTE: Section 842.05 as repealed by Resolution 2006-78, passed May 16, 2006)

842.06 PRE-PAID FARES.

The Board of Trustees will encourage the use of discounted pre-paid fare media to increase the Authority's overall share of the travel market. In determining the percentage discount (i.e. the spread between cash fares and pre-paid fares), the Board will take into account that some low-income customers must use cash because they cannot afford to buy pre-paid media.

(Res. 1996-72. Passed 5-21-96.)

842.07 SURCHARGES FOR SERVICE OUTSIDE CUYAHOGA COUNTY.

Since the Cuyahoga County sales tax provides the majority of the Authority's operating funds, service to other counties will be subject to fare surcharges, private-sector subsidies and/or tax support from other jurisdictions, as stated in Chapter 1078.

(Res. 1996-72. Passed 5-21-96.)

842.08 SPECIAL SERVICES.

As set forth in Section 1020.04(c), special services, such as special event shuttles, should recover a minimum of twenty-five percent of their fully-allocated cost from passenger revenues and subsidies. Fare levels for special services should be set at such a level to insure this minimum.

(Res. 1996-72. Passed 5-21-96.)

842.09 FARE STRUCTURES; EASE OF PAYMENT AND COLLECTION.

The Board of Trustees will avoid fare structures that are too complex to be successfully communicated to customers or administered by Authority staff. However, recognizing the need for innovation, the Authority will continually seek new technology that makes fare payment and collection more convenient for customers and staff.

(Res. 1996-72. Passed 5-21-96.)

842.10 COOPERATION AND COORDINATION OF SERVICES WITH THIRD PARTIES.

As the largest provider of public transportation services in Cuyahoga County, the Authority explores opportunities for joint cooperation and public-private partnerships with third party entities that generate a high volume of ridership and/or manage their own parking demand, such as colleges, universities and large employers. Coordination could involve employer pass subsidies, guaranteed ride home programs and on-site automated fare media dispensers.

(Res. 1996-72. Passed 5-21-96.)

2002 Replacement

VEHICLES AND OPERATION CODE 12H

CHAPTER 848
Parking on Authority Property

848.01	General regulations.	848.04	Towing companies.
848.02	Posting of signs.	848.05	Enforcement program.
848.03	Notice of violation; towing.		

CROSS REFERENCES

Safety authority - see 49 U.S.C.A. 1618

Towing illegally parked vehicles - see Ohio R.C.
4511.67, 4511.681

Parking prohibitions on private property; private
tow-away zones - see Ohio R.C. 4511.681, 4513.60

Towing requirements - see Ohio R.C. 4513.32

Local, noncriminal parking infractions - see Ohio
R.C. Ch. 4521

Mutual aid agreements - see ADM. 280.04

848.01 GENERAL REGULATIONS.

This chapter is established to ensure a safe and orderly use of parking facilities and roadways on Authority property.

- (a) Parking is prohibited within all Authority bus loops.
- (b) Parking is prohibited in access lanes to bus loops, rapid transit stations or district garages.
- (c) Parking is prohibited in areas on Authority property which are designated as bus stops.
- (d) Parking is prohibited in areas where such signs are posted unless express written permission is granted by the GCRTA Transit Police Department.
- (e) Certain areas on Authority property may be designated for employee parking only, and parking in these areas without a valid permit will be prohibited.

- (f) No vehicle shall be parked on Authority property in a manner which creates a nuisance or inhibits the use thereof.

(Res. 1978-137. Passed 5-23-78; Res. 2016-90. Passed 9-27-16.)

848.02 POSTING OF SIGNS.

All areas on Authority property in which parking is prohibited will be posted with "no parking" signs which conform to the Manual on Uniform Traffic Control Devices, as set forth in Ohio R.C. 4511.09, and certain areas will be designated and posted as "tow away" zones.

(Res. 1978-137. Passed 5-23-78; Res. 2016-90. Passed 9-27-16.)

848.03 NOTICE OF VIOLATION; TOWING.

Vehicles found to be in violation of any of the provisions of Section 848.01 will be posted with a notice of violation and, if necessary, will be removed by towing.

(Res. 1978-137. Passed 5-23-78.)

848.04 TOWING COMPANIES.

Towing will be done by a towing company selected through the competitive bidding process. (Res. 1978-137. Passed 5-23-78.)

848.05 ENFORCEMENT PROGRAM.

The Transit Police Department is hereby authorized to formulate and administer a parking enforcement program consistent with this chapter.

(Res. 1978-137. Passed 5-23-78; Res. 2016-90. Passed 9-27-16.)

CHAPTER 850
Public Assembly on Authority Property

850.01	Intent.	850.06	Time, place and manner of activities.
850.02	Application of chapter.	850.07	Denial, refusal and cancellation of permits.
850.03	Definitions.	850.08	Political campaign activity.
850.04	Permit required; application information.		
850.05	Permit: issuance; transferability; renewal; exclusions.		

CROSS REFERENCES

Unauthorized use of property - see Ohio R.C. 2913.04
 Disorderly conduct - see Ohio R.C. 2917.11
 Misconduct involving a public transportation system - see Ohio R.C. 2917.41
 Political activity by employees - see PERS 640.03
 Use of authority facilities for special events - SER 1066.02
 Real Estate Policies - FIN Ch. 470

850.01 INTENT.

- (a) The policies and guidelines established herein are necessary in order to:
- (1) Ensure that Authority property maintains its status as a non-public forum;
 - (2) Ensure that persons seeking to exercise constitutional rights of freedom and speech, expression, and assembly on Authority property may do so within the limitations of the policies and guidelines established herein;
 - (3) Restrict the time, place, and manner of the activities described herein to designated areas of Authority property;
 - (4) Protect transit patrons using Authority property from repeated communications or encounters which may constitute harassment or intimidation of a captive audience;
 - (5) Ensure the safe, free, and orderly flow of transit patron traffic through and on Authority stations, premises, and vehicles; and
 - (6) Further the purpose of the Authority, which is to transport passengers safely and efficiently via bus and rail.

(b) A person who wishes to engage in activities governed by these policies and guidelines on or at Authority premises, stations, and vehicles, including, but not limited to, the distribution of literature, shall be protected in accordance with these policies, provided the activities do not:

- (1) Constitute commercial activities, unless by written commercial agreement benefitting the Authority; or
- (2) Interfere with the transportation function or safe operation of the Authority stations, premises, or vehicles.

(Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.02 APPLICATION OF CHAPTER.

The policies and guidelines established herein apply to all persons using Authority premises, stations, vehicles, or other Authority property, whether Authority employees or members of the public, including, but not limited to, Authority visitors, delivery persons, contractors, and agents for the following activities:

- (a) Commercial Activity. A person may not engage in any commercial activity on Authority stations and premises except by written commercial agreement benefitting the Authority. Other commercial activity is expressly prohibited on Authority property.
- (b) Non-Commercial Free Speech Activity. As a non-public forum, the Authority has authority to limit free speech activities on its property. A person desiring to exercise constitutional freedoms, including, but not limited to, the distribution of literature or solicitation of funds, on, in, within, or about Authority property shall first obtain a written permit for these activities from the Authority. Free speech activities may be exercised only in accordance with the restrictions designated in the permit.

(Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.03 DEFINITIONS.

For the purposes of this policy, the following terms have the meanings indicated:

- (a) "Authority property" means all property owned, leased, operated, or controlled by the Authority in connection with public transit activities, including, but not limited to, all buses, rail cars, station areas, entrances, platforms, plazas, escalators, elevators, stairways, parking lots, transfer points, rapid transit vehicles, and other rapid stations.
- (b) "Authorized" means acting pursuant to a written contract, permit, or other evidence of right issued by the Authority.
- (c) "Commercial activity" means any activity undertaken for profit, including, but not limited to, the sale, provision, advertisement, or display of goods or services; the exchanging, trading, buying, hiring, soliciting, or peddling of commodities, goods, money, services, or property of any kind; or any other revenue producing activity.

- (d) "Emergency situation" means any event creating a condition or circumstance that interferes with the safe or efficient operation of the Authority system, or other conditions or circumstances as may be determined by the Authority to endanger the health, safety, and welfare of persons on or upon Authority property.
- (e) "Free speech activity" means any manner of exercising constitutionally protected freedoms of religion, speech, press, and assembly, including, but not limited to, campaigning for political candidates and issues.
- (f) "Person" means any individual, organization, firm, partnership, corporation, company, association, or joint stock association, and includes the trustee, receiver, committee, assignee, or other representative thereof.
- (g) "Transit patron" means a person in or upon Authority property for the purpose of using Authority public transportation service available at that site.
- (h) "Vehicle" means all buses and rapid transit cars owned by and/or operated by the Authority.
(Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.04 PERMIT REQUIRED; APPLICATION INFORMATION.

All persons desiring to use Authority property for non-commercial free speech activities governed by these policies and guidelines shall submit to the General Manager/Secretary-Treasurer of the Authority, or his or her designee, a written request in a form prescribed by the Authority setting forth at least the following:

- (a) The full name, mailing address, and telephone number of the entity/person sponsoring, promoting, or conducting the proposed activity;
- (b) A description of the proposed activity, indicating the type of communication to be involved;
- (c) The dates and hours during which the activity is proposed to be carried out;
- (d) The number of persons to be engaged in the activity;
- (e) The specific area of Authority property in which the proposed activity is planned; and
- (f) Whether handbills, leaflets, circulars, or other printed material will be distributed.

(Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.05 PERMIT: ISSUANCE; TRANSFERABILITY; RENEWAL; EXCLUSIONS.

(a) Upon receipt of a permit application containing the required information, as stated above, the Authority will issue a permit to the applicant, subject to the limitations set forth herein. The Authority will not exercise judgment regarding the purpose or content of the activity.

(b) Permits to use Authority property, if granted, will be issued on a first-come, first-served basis. As used herein, "first come" means the person who has first completed the procedural guidelines set forth herein.

(c) Permits are not transferable or assignable.

(d) The permit shall authorize the holder to conduct the activity for the date and duration of time defined in the permit.

(e) Permits may not be extended or renewed.

(f) Each permit shall specify the area, station, or property where the activity shall take place.

(g) The Authority reserves the right to cancel any permit, with or without advance notice to the permit holder.

(Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.06 TIME, PLACE AND MANNER OF ACTIVITIES.

(a) Time Regulations. A permit holder shall conduct the free speech activity only during the hour(s) prescribed in the permit.

(b) Place Regulations.

- (1) Free speech activity may only be conducted in the area specifically prescribed in the permit. In no circumstance shall a permit be issued for activity on transit platforms or "in revenue service" transit vehicles.
- (2) Free speech activity is specifically prohibited in any area that obstructs the safe, efficient, free, and orderly flow of passengers' ingress or egress or the operation of Authority business transactions.

(c) Manner Regulations.

- (1) Free speech activity shall be conducted only in a conversational tone.
- (2) The permit holder shall, upon request of an Authority employee, transit police officer, or other law enforcement official, display the permit.
- (3) In conducting free speech activity, a person may not:
 - A. Obstruct, delay, or interfere with the free movement of any other person or seek to coerce or physically disturb any other person;
 - B. Use any sound or voice-amplifying apparatus on Authority property;
 - C. Conduct any activity in a misleading or fraudulent manner;
 - D. Erect a table, booth, or other structure unless approval is designated in the permit;
 - E. Intentionally touch or make physical contact with another person unless that person has consented to physical contact; and

- F. Repeatedly attempt to distribute written or printed material to or solicit funds from another person when that other person has indicated to the solicitor that he or she is unreceptive.
- (4) If printed material or other object is handed out, the individual designated as the permit holder shall accept the responsibility of cleaning up or paying for the clean-up of any material or objects left on Authority property. A deposit may be required for this purpose.
 - (5) The failure of permit holder to remove all material that the permit holder brought onto Authority property may be grounds for refusal to grant future permits.
 - (6) The Authority will require the permit holder, or other person designated as the responsible party in the permit, to post insurance before free speech activity may commence. In determining the amount of insurance, the Authority will consider, among other factors, the extent to which the proposed activity increases the Authority's risk of liability.
(Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.07 DENIAL, REFUSAL AND CANCELLATION OF PERMITS.

An application for a permit shall be denied and/or canceled if one or more of the following occurs:

- (a) One or more of the statements in the permit application is untrue;
- (b) The applicant has not furnished all the information required for the permit;
- (c) An earlier-filed permit was granted for the same time and place;
- (d) A breach or violation of any provision of this chapter occurs, including, but not limited to, failure to demonstrate evidence of requisite insurance; and/or
- (e) A review of the permit application indicates that the activity cannot be conducted without violating this chapter.
(Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.08 POLITICAL CAMPAIGN ACTIVITY.

(a) A permit is required for political campaign activity. A permit will only be issued on a first-come, first-served basis for one campaign sponsor/candidate at any location, accompanied by one assistant.

(b) All time, place, and manner regulations cited above, in Section 850.06, are applicable.

(c) All restrictions and fees are contained in the Special Events Usage Policy, Chapter 1066, are applicable.

(Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

CHAPTER 852
Reward Program

852.01	Authority of General Manager/Secretary-Treasurer.	852.02	Amount of reward.
		852.03	Authority of Legal Committee.

CROSS REFERENCES

Safety authority - see 49 U.S.C.A. 1618
 Crime prevention and security - see 49 U.S.C.A. 1620
 Criminal damaging or endangering - see Ohio R.C. 2909.06
 Criminal mischief - see Ohio R.C. 2909.07
 Unauthorized use of a vehicle - see Ohio R.C. 2913.03
 Unauthorized use of property - see Ohio R.C. 2913.04
 Security/RTA Police Department - see ADM. Ch. 298
 Protection against internal losses of public assets - see FIN. Ch. 464

852.01 AUTHORITY OF GENERAL MANAGER/SECRETARY-TREASURER.

The Legal Committee of the Board of Trustees is hereby authorized to direct the General Manager/Secretary-Treasurer to make payment of a reward to any person (other than law enforcement officers or employees of the Authority) who furnishes information necessary to and resulting in the arrest and conviction of those persons guilty of crimes involving the property of the Authority or against persons employed by and/or utilizing the transportation facilities of the Authority.
 (Res. 1978-45. Passed 2-28-78.)

852.02 AMOUNT OF REWARD.

Upon the request of the President of the Board of Trustees, the Legal Committee shall determine the amount of the reward based upon the nature and severity of the crime involved. However, no reward recommended by the Committee shall be in excess of five thousand dollars (\$5,000).
 (Res. 1978-45. Passed 2-28-78.)

852.03 AUTHORITY OF LEGAL COMMITTEE.

All other terms, conditions, provisions, methods of payment, announcements and publications of such reward shall be within the discretion of the Legal Committee.
 (Res. 1978-45. Passed 2-28-78.)

CHAPTER 854
Smoking Policy

EDITOR'S NOTE: Chapter 854 was repealed by Resolution 2006-193, passed October 17, 2006. See Section 648.01 for provisions regarding a smoke-free workplace.

2016 Replacement

CHAPTER 856
Smart Commute Program

- 856.01 Authority of General Manager/ Secretary-Treasurer.
- 856.02 Participating homebuyers.

856.03 Distribution procedures.

856.01 AUTHORITY OF GENERAL MANAGER/SECRETARY-TREASURER.

The General Manager/Secretary-Treasurer is authorized to participate in the Smart Commute Program and establish an agreement with Fannie Mae for the distribution for free monthly passes to Smart Commute certified homebuyers.

(Res. 2004-110. Passed 8-17-04.)

856.02 PARTICIPATING HOMEBUYERS.

The homebuyer participating in the program will receive one free monthly pass for up to three months for single-wage-earner households and two monthly passes for up to three months for double-wage-earner households.

(Res. 2004-110. Passed 8-17-04.)

856.03 DISTRIBUTION PROCEDURES.

The General Manager/Secretary-Treasurer will develop procedures to administer the distribution of the free monthly passes.

(Res. 2004-110. Passed 8-17-04.)

POLICIES AND PROCEDURES
OF THE
BOARD OF TRUSTEES
OF THE
GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

PART TEN - SERVICES CODE

TITLE TWO - Service Policy

- Chap. 1010. General Provisions and Definitions.
- Chap. 1012. Legal and Regulatory Framework. (Repealed)
- Chap. 1014. Service Categories.
- Chap. 1016. Service Design.
- Chap. 1018. Service Quality Criteria and Guidelines.
- Chap. 1020. Service Utilization/Productivity/Efficiency.
- Chap. 1022. Service Management.
- Chap. 1024. Service Development/Approval/Implementation Process.
(Repealed)

TITLE FOUR - Miscellaneous Service Regulations

- Chap. 1050. Modification in Service.
- Chap. 1062. Bus Passenger Shelter Program Policy.
- Chap. 1064. Bus Park-and-Ride Facilities Program Procedures.
(Repealed)
- Chap. 1066. Promotional Activities.
- Chap. 1078. Service Outside County.
- Chap. 1080. Service to Activity Centers. (Repealed)
- Chap. 1082. Service to Auxiliary and Reserve Police. (Repealed)
- Chap. 1084. Service to Elderly and Handicapped.
- Chap. 1085. ADA Complementary Paratransit Plan.
- Chap. 1086. Accessible Transit Services Policy.

TITLE FOUR - Miscellaneous Service Regulations (Cont.)

Chap. 1088. Arts in Transit Program Policy.

Chap. 1090. Long Range Plan.

Chap. 1091. Strategic Plan.

Chap. 1092. Food and Beverage Sales Policy.

Chap. 1094. Newspaper Dispensing Boxes Policy.

Chap. 1096. Commitment on Sustainability Policy.

Chap. 1098. Commitment on Environmental Policy.

POLICIES AND PROCEDURES
OF THE
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- Chap. 1010. General Provisions and Definitions.
- Chap. 1012. Legal and Regulatory Framework. (Repealed)
- Chap. 1014. Service Categories.
- Chap. 1016. Service Design.
- Chap. 1018. Service Quality Criteria and Guidelines.
- Chap. 1020. Service Utilization/Productivity/Efficiency.
- Chap. 1022. Service Management.
- Chap. 1024. Service Development/Approval/Implementation Process.
(Repealed)

CHAPTER 1010
General Provisions and Definitions

- | | |
|---|----------------------|
| 1010.01 Purpose. | 1010.03 Definitions. |
| 1010.02 Revisions and amendments;
review by Operations
Committee. | |

CROSS REFERENCES

- Expenditure of funds in connection with acquisition of buses, bus equipment, or bus related facilities - see 49 U.S.C.A. 1602(h)
- Conversion of equipment and facilities loans to grants for public transportation facilities - see 49 U.S.C.A. 1602-1
- Approval of projects for acquisition, construction, and improvement of facilities and equipment, and payment of operating expenses; terms and conditions; regulations - see 49 U.S.C.A. 1604(d)
- Research, development and demonstration projects - see 49 U.S.C.A. 1605
- Regulation of operation of systems, rates, rentals, or other charges; compliance with undertakings - see 49 U.S.C.A. 1608(d)
- Charter service - see 49 C.F.R. Part 604
- School bus operations - see 49 C.F.R. Part 605
- Buy America requirements - see 49 C.F.R. Part 660
- Buy America requirements - Surface Transportation Assistance Act of 1982 - see 49 C.F.R. Part 661
- Transfer of commuter services - see 49 C.F.R. Part 670
- Service to auxiliary and reserve police - see VEH. & OP. 840.07;
SERV. Ch. 1082
- Reward program for crimes involving Authority property - see VEH. & OP.
Ch. 852
- Modification in service - see SERV. 1022.05; Ch. 1050
- Bus passenger shelter program policy - see SERV. Ch. 1062
- Promotional activities - see SERV. Ch. 1066
- Service outside County - see SERV. Ch. 1078
- Service to activity centers - see SERV. Ch. 1080
- Service to elderly and handicapped - see SERV. Ch. 1084

1010.01 PURPOSE.

(a) The purpose of this service policy (Title Two of Part Ten of these Policies and Procedures) is to establish goals, objectives, measures, standards and procedures for both the management of existing GCRTA (hereinafter referred to as the “Authority”) transit services as well as the planning and implementation of new transit services. It is also intended to provide direction for Authority staff as well as to provide elected officials and the general public with a clearer understanding of how both existing and new transit services are managed.

(b) It is intended that this policy will accomplish the following:

- (1) Provide consistent criteria for evaluating, maintaining and improving the quality and productivity of existing transit services;
- (2) Provide guidelines for planning and developing new transit services; and
- (3) Provide objective framework for the allocation of limited service resources among existing services and new services.

(Res. 2003-068. Passed 5-20-03.)

1010.02 REVISIONS AND AMENDMENTS; REVIEW BY OPERATIONS COMMITTEE.

(a) The service policies delineated in this service policy shall be subject to review and revision by the Board of Trustees on an as-needed basis.

(b) Amendments or revisions to this service policy may be initiated or proposed by any member of the Board of Trustees or by the General Manager/Secretary-Treasurer.

(c) Proposed amendments or revisions to this service policy shall be subject to review and study by the Operations Committee of the Board of Trustees. The Operations Committee will make recommendations on any proposed amendment or revision to the Board of Trustees. The Board of Trustees must approve any amendment or revision by majority vote, as defined in the Bylaws, before such amendment or revision will become official policy of the Authority.

(Res. 2003-068. Passed 5-20-03.)

1010.03 DEFINITIONS.

As used in this service policy:

- (a) “Charter service.” Public transportation service on an exclusive basis, rendered in a vehicle which is licensed to render that service and engaged at a single price for the trip or a period of time agreed on by the operating licensee, its agent or the chauffeur and the charter.
- (b) “Fixed route.” A transit route that is scheduled to always operate over the same alignment.

- (c) “Headway.” Time interval between vehicles moving along the same road or track in the same direction.
- (d) “Line-haul bus.” Bus service that is designed to provide travel between various origins and destinations along a travel corridor.
- (e) “Maximum load point.” The location along a transit line where the greatest vehicle loads occur.
- (f) “Park-n-ride.” A procedure that permits a patron to drive a private automobile to a transit station, park in the area provided for that purpose and ride the transit system to his or her destination.
- (g) “Peak-period,” or “Rush hours.” The hours, generally 6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m. during weekdays when the demand for transportation is greatest.
- (h) “Radial route.” A fixed-route bus service that extends outward from the Central Business District, or a concentrated activity center along a main arterial road.
- (i) “Route deviation.” A scheduled exception to the normal fixed route of a bus line in order to serve a specific activity center.
(Res. 2003-068. Passed 5-20-03.)

CHAPTER 1012
Legal and Regulatory Framework (Repealed)

EDITOR'S NOTE: Chapter 1012 was repealed by Resolution 2003-068, passed May 20, 2003.

CHAPTER 1014
Service Categories

1014.01 Basic categories.	1014.05 Special bus or rail services.
1014.02 Bus services.	1014.06 Charter services.
1014.03 Paratransit services.	1014.07 Job access services.
1014.04 Rail services.	

CROSS REFERENCES

- Expenditure of funds in connection with acquisition of buses, bus equipment, or bus-related facilities - see 49 U.S.C.A. 1602(h)
- Conversion of equipment and facilities loans to grants for public transportation facilities - see 49 U.S.C.A. 1602-1
- Approval of projects for acquisition, construction, and improvement of facilities and equipment, and payment of operating expenses; terms and conditions; regulations - see 49 U.S.C.A. 1604(d)
- Research, development and demonstration projects - see 49 U.S.C.A. 1605
- Regulation of operation of systems, rates, rentals, or other charges; compliance with undertakings - see 49 U.S.C.A. 1608(d)
- Charter service - see 49 C.F.R. Part 604
- School bus operations - see 49 C.F.R. Part 605
- Buy America requirements - see 49 C.F.R. Part 660
- Buy America requirements - Surface Transportation Assistance Act of 1982 - see 49 C.F.R. Part 661
- Transfer of commuter services - see 49 C.F.R. Part 670
- Service to auxiliary and reserve police - see VEH. & OP. 840.07; SERV. Ch. 1082
- Reward program for crimes involving Authority property - see VEH. & OP. Ch. 852
- Modification in service - see SERV. 1022.05; Ch. 1050
- Bus passenger shelter program policy - see SERV. Ch. 1062
- Promotional activities - see SERV. Ch. 1066
- Service outside County - see SERV. Ch. 1078
- Service to activity centers - see SERV. Ch. 1080
- Service to elderly and handicapped - see SERV. Ch. 1084

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1014.01 BASIC CATEGORIES.

This portion of the service policy describes the categories of service that the Authority currently operates or may choose to operate in the future. These categories are based on the type of vehicle utilized and the type of routing/schedule operated. Currently, the basic service categories are bus services, paratransit services, rail services, and special services. As it becomes desirable to do so in order to penetrate new transit markets, the Authority may establish new service categories.

(Res. 2003-068. Passed 5-20-03.)

1014.02 BUS SERVICES.

Bus services are currently operated using small, medium or large buses on fixed routes with fixed schedules. There are four categories of existing bus services: local/radial, express/flyer, crosstown/feeder and circulator. Another category of bus service under consideration for the future is subscription bus.

- (a) Local Radial Service. Local radial bus service is used to collect and distribute high-turnover traffic along developed corridors radiating to and from major trip generators such as the Cleveland Central Business District or other high-density activity centers. It is characterized by frequent stops, shorter passenger trips, a higher level of base or off-peak patronage, and slower bus speeds due to passenger boarding and alighting and traffic conditions.
- (b) Express/Flyer Service. Express service is used to provide fast line-haul service to major trip attractions under high peak-period ridership conditions. It generally serves suburban areas and/or park-n-ride facilities. This service is characterized by longer passenger trips, reduced levels of patron turnover, and fewer passengers per mile. There are three kinds of express bus services:
 - (1) Limited-stop arterial express routes (denoted by an "X") travel over regular arterial roads bypassing selected marked bus stops which are served by local service.
 - (2) Freeway flyer routes (denoted by an "F") operate their express segment on freeways rather than parallel arterial roads.
 - (3) Exclusive park-n-ride flyer routes collect the majority of their riders at designated park-n-ride lots and then operate via freeway to the Central Business District.
- (c) Crosstown/Feeder Service. Crosstown/feeder service is used to link routes or route segments. This type of service provides travel opportunities for patrons with dispersed trip origins and destinations. This service is characterized by patrons boarding throughout a large area and frequently transferring to another bus or to the rail to complete their trip.
- (d) Community Circulator Service. Community Circulator bus operations provide transportation to popular destinations within selected neighborhoods or communities. Vehicles utilized for this service are typically smaller than other bus types, often running frequently over a limited span of hours to supplement and/or complement other bus service. These routes best serve areas which have the following characteristics:

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- (1) High employment and diversified activities within a well-defined area;
or
 - (2) High residential density with poor access to fixed-route service and/or diversified activity centers.
 - (3) Future neighborhood flexible routings and/or flexible trip patterns based on passenger trip origins and destinations in specific geographic areas are envisioned under this category of service.
- (e) Downtown Loop Services. Downtown Loop buses collect/distribute passengers along the important business/commercial streets in the Cleveland CBD. The Loop Service:
- (1) Allows passengers to complete trips made on rail or line-haul bus routes;
and
 - (2) Provides internal transportation within the CBD.
- (f) Special Services. See section 1014.05 below.
(Res. 2003-068. Passed 5-20-03.)

1014.03 PARATRANSIT SERVICES.

Paratransit services are special transportation services designed to meet the needs of persons with disabilities who meet the Americans with Disabilities Act (ADA) eligibility criteria for functional mobility and eligible senior citizens. These services are typically provided with smaller vehicles and are generally operated on a demand-respective schedule (i.e., the schedule and routing may vary from day to day depending on the origins and destinations of the trips that are requested). There are two types of service provided based on the ADA Complementary Paratransit Service and eligibility guidelines.

- (a) Category #1 and Category #3 Door-to-Door Service. All ADA certified customers in categories #1 and #3 will be provided door-to-door paratransit service as follows:
- (1) For trips of five miles or less, the service will be provided without regard to whether or not there is parallel fixed-route service (three-fourths of a mile from a customer's trip origin/trip destination, limited to the day and times that such fixed route service operates).
 - (2) For trips greater than five miles, the provision of paratransit service is dependent on whether or not parallel fixed-route service (three-fourths of a mile from customer's trip origin/trip destination) is available at the desired time of travel.
- (b) Category #2: Call-A-Lift Service. This service allows ADA-eligible individuals to call 24 hours ahead and request that an accessible bus be used on a particular fixed-route at the time the person needs to travel. (Note: once RTA's bus fleet is 100% accessible, this service category will no longer be applicable.)
(Res. 2003-068. Passed 5-20-03.)

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1014.04 RAIL SERVICES.

Rail services consist of the heavy-rail Red Line and the light-rail Blue and Green Lines (which includes the Waterfront Line).

- (a) The heavy-rail and light-rail services differ as to how the cars are boarded.
 - (1) The heavy-rail Red Line service is boarded from high platforms which are at the same height as the car floors.
 - (2) The light-rail Blue and Green lines are boarded from low platforms which require climbing steps to enter the car.
 - (b) The heavy and light rail services also vary as to the nature of the train operation and speed over the right-of-way.
 - (1) The heavy-rail Red line is fully-grade separated right-of-way which permits it to operate at relatively high speeds between stations.
 - (2) The light-rail Blue and Green lines have three unique operating segments:
 - A. Fully-grade separated right-of-way west of Shaker Square to Tower City, which allows high-speed operations comparable to the heavy-rail service.
 - B. At-grade service in a boulevard median, with grade crossings at all cross streets (eastern termini to Shaker Square). Currently this service is subject to same traffic signals as the boulevard traffic, resulting in lower operating speeds.
 - C. Private right-of-way on the Waterfront Line alignment, from Tower City to South Harbor Station. This segment is a hybrid—from Tower City to Flats East Bank, there are signalized grade crossings; from Flats East Bank to South Harbor, the alignment is fully-grade separated.
- (Res. 2003-068. Passed 5-20-03.)

1014.05 SPECIAL BUS OR RAIL SERVICES.

(a) Special bus or rail services are operated for single events (e.g. Air Show, Grand Prix, etc.) or for an ongoing seasonal series of events (i.e., Cleveland Indians, Cleveland Browns or Cavalier's home games). or permanent service to a location that RTA normally would not serve. RTA normally does not provide service where, (1) service is out of Cuyahoga County or (2) a location that doesn't have enough travel demand to justify a regular bus route.

- (b) Such special service can be instituted by:
 - (1) A sponsor willing to compensate the Authority for the difference between the cost of operating the service and the fare revenues produced by the service; or
 - (2) The Authority, in order to prevent overcrowding on regularly scheduled services, to attract additional riders or to meet a community need or interest.
- (Res. 2003-068. Passed 5-20-03.)

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1014.06 CHARTER SERVICES.

- (a) The Authority can operate charter service.
- (b) The General Manager shall annually set charter rates that will fully recover costs.
- (c) The Authority will conform to Federal Charter regulations.
(Res. 2003-068. Passed 5-20-03.)

1014.07 JOB ACCESS SERVICES.

- (a) This specialized service was initiated under an agreement between RTA and the Cuyahoga County Board of Commissioners, authorized by the RTA Board of Trustees in June 2002. The service will continue as long as that agreement, or a successor agreement, remains in effect.
- (b) The service carries customers to and from jobs, job interviews, and job training opportunities, when regular transit service is not reasonably available.
- (c) Vehicle trips are routinely added, deleted, and modified by the RTA staff in response to changes in customer needs and resource availability.
- (d) The service is supported largely by funds that cannot be used for general transit operations.
(Res. 2003-068. Passed 5-20-03.)

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CHAPTER 1016
Service Design

- | | |
|----------------------------------|--|
| 1016.01 Criteria and guidelines. | 1016.04 Scheduling design guidelines. |
| 1016.02 Network design. | 1016.05 Bus stop/ passenger stops
guidelines. |
| 1016.03 Route design guidelines. | 1016.06 Transit Center guidelines. |

CROSS REFERENCES

- Expenditure of funds in connection with acquisition of buses, bus equipment, or bus-related facilities - see 49 U.S.C.A. 1602(h)
- Conversion of equipment and facilities loans to grants for public transportation facilities - see 49 U.S.C.A. 1602-1
- Approval of projects for acquisition, construction, and improvement of facilities and equipment, and payment of operating expenses; terms and conditions; regulations - see 49 U.S.C.A. 1604(d)
- Research, development and demonstration projects - see 49 U.S.C.A. 1605
- Regulation of operation of systems, rates, rentals, or other charges; compliance with undertakings - see 49 U.S.C.A. 1608(d)
- Charter service - see 49 C.F.R. Part 604
- School bus operations - see 49 C.F.R. Part 605
- Buy America requirements - see 49 C.F.R. Part 660
- Buy America requirements - Surface Transportation Assistance Act of 1982 - see 49 C.F.R. Part 661
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- Service to auxiliary and reserve police - see VEH. & OP. 840.07;
SERV. Ch. 1082
- Reward program for crimes involving Authority property - see VEH. & OP.
Ch. 852
- Modification in service - see SERV. 1022.05; Ch. 1050
- Bus passenger shelter program policy - see SERV. Ch. 1062
- Promotional activities - see SERV. Ch. 1066
- Service outside County - see SERV. Ch. 1078
- Service to activity centers - see SERV. Ch. 1080
- Service to elderly and handicapped - see SERV. Ch. 1084

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1016.01 CRITERIA AND GUIDELINES.

The service design section of this service policy addresses criteria and guidelines for the route network, individual route design schedules, and route facilities of the Authority's system. These criteria and guidelines ensure that:

- (a) New transit services are coordinated with the existing transit network.
- (b) New and existing services are aligned based on locations of activity centers and likely transit users.
- (c) Transit services provide the most direct and the fastest service possible, given the travel needs of the customers utilizing the service.
- (d) Service schedules are tailored to provide an attractive level of service to the target market.
- (e) Route facilities are located in a logical, orderly fashion which is at the same time responsive to the needs of customers.

(Res. 2003-068. Passed 5-20-03.)

1016.02 NETWORK DESIGN.

(a) Route coverage and spacing should be based on demonstrated need or potential demand.

(b) Network design should maximize bus/rail interface opportunities.

(c) Line-haul bus should use arterials.

(d) Network design should minimize route duplication, exceptions being:

- (1) Approach roads to CBD, rail stations, and other major trip generators.
- (2) Community Circulators can duplicate line-haul routes when such duplication provides the most cost-effective solution to linking key trip generators.

(Res. 2003-068. Passed 5-20-03.)

1016.03 ROUTE DESIGN GUIDELINES.

(a) Service Type.

(1) Line-haul route (local radial, express/flyer, crosstown/feeder, and downtown loop).

- A. Heavily-traveled corridor with many trip origins/destinations within walking distance of the main travel artery.
- B. Passenger volumes requiring larger-capacity vehicles.

(2) Community Circulator.

- A. Intended for collection/distribution within a neighborhood/community.
- B. Effective in situations where:
 - 1. There is a need for new intra-community service in a previously unserved area.

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2. There is a low-productivity branch or segment on a line-haul route.
3. There is a compelling need for an intra-community service directly linking residential with retail, institutional, and medical facilities, and it is more cost-effective to provide a dedicated service as opposed to increasing service levels on existing services.
4. Typically operated with smaller vehicles, which are more appropriate for neighborhood streets.

(b) Route Directness.

- (1) Two-way service on a street is desirable.
- (2) Service should utilize most direct routing possible so service is attractive.
- (3) Off-route deviations on line-haul routes should not be considered unless there is a compelling reason, such as a major activity generator. Benefits of such deviations must outweigh disadvantages to passengers. Factors to be considered include percentage of passengers benefiting from the deviation amount of time to make the deviation, and the additional costs.
- (4) It is not appropriate to deviate line-haul routes off-street to serve activity centers, except at a route terminus.

(c) Route Length. Route length should be limited by the ability to keep service operating on schedule.

(Res. 2003-068. Passed 5-20-03.)

1016.04 SCHEDULING DESIGN GUIDELINES.

(a) Days of Service.

- (1) New bus services. Days of service are designed according to anticipated travel demand and available resources.
- (2) Existing bus services. Requests for additional days of service will be evaluated according to the route's current productivity relative to its route group, as well as the potential ridership demand for the proposed service period. If the existing service is performing at or above the average for the route group and a strong ridership demand for the additional days of service exists, the request will be considered.
- (3) Rail service. All light and heavy rail services shall operate seven days a week.

(b) Service Span.

- (1) New bus service. Service spans are designed according to anticipated travel demand and available resources.
- (2) Existing bus service. Requests for a wider span of service in a day will be evaluated according to the route's current productivity performance relative to its route group, as well as the potential ridership demand for

the proposed service period. If the existing service is performing at or above the average for the route group and a strong ridership demand for the additional span of service exists, the request will be considered.

(c) Service Frequency.

- (1) Hourly service is generally considered a minimum service frequency for a regular transit route. When headways (i.e., time intervals between vehicles) of 10-59 minutes are required by ridership levels, RTA will, when practical, select headways that are factors of 60 minutes (i.e., 30, 20, 15, 12, or 10 minutes). Using these time intervals helps customers to remember the schedule because the pattern repeats itself every hour. When service operates at headways that are less than 10 minutes, remembering the schedule is not important for most customers.
- (2) Service frequency is based on ridership, but, during each time period that a route operates, the minimum number of trips per hour per direction will be as follows:

	5:00 a.m. - 10:00 p.m.	Other Times
Rail*	2	1
Bus*	1	1

* Does not apply to minor branches and special services

- (3) To maintain service coverage with limited resources, RTA may make an exception to the minimums shown above. RTA will conduct a public hearing before initiating such an exception.

(d) Schedule Coordination. To the extent possible, schedules will be coordinated to facilitate transfers.

(Res. 2003-068. Passed 5-20-03; Res. 2013-122. Passed 12-17-13.)

1016.05 BUS STOP/PASSENGER STOPS GUIDELINES.

(a) Bus Stop Location.

- (1) Bus stops should be located in proximity to known passenger activity centers (e.g., apartments, office buildings, hospitals, etc.) and on the basis of general spacing guidelines rather than required fixed spacing distances.
- (2) For any given route, stops shall be placed approximately 8 per mile, except in low-density areas approximately 4 per mile. The use of "flag stops," at which buses stop at locations requested by passengers, is permitted where warranted by local conditions and type of service.

(b) Passenger Shelters.

(1) General policies.

- A. The Authority will provide passenger shelters throughout the service area to protect waiting passengers from inclement weather conditions. Shelters may be installed outside the boundaries of Cuyahoga County, provided that the site meets the criteria for the placement of a shelter. However, first priority will be given to sites within the County.
- B. The goal of the shelter program is to provide shelters at all bus stops which meet the criteria set forth in this policy.
- C. Shelters will be installed at bus stops where:
 - 1. The daily passenger volume is sufficient to justify the expense of buying, installing and maintaining the shelter.
 - 2. The shelter can be installed without creating a safety hazard.
- D. The Authority will buy new shelters which are a mixture of sizes/types in order to be able to respond to different site circumstances and requirements. All Authority passenger shelters will meet ADA specifications and be of a consistent design to minimize initial and ongoing expense. The design will be durable and easy to maintain and will provide a safe and secure environment for the Authority's customers.
- E. New passenger shelters will be bought on a regular basis to ensure that requests for new shelter locations can be responded to in a reasonable period of time and that badly damaged shelters can be replaced expeditiously.
- F. All passenger shelters will be cleaned on a regular basis and repairs will be made as quickly as possible to ensure customer satisfaction and community acceptance.

(2) Program guidelines. The program guidelines set forth herein will ensure that passenger shelters are installed and/or replaced on an ongoing basis in a consistent and uniform pattern. As requests are received, all potential sites will be evaluated to ensure that they meet the established criteria. Passenger counts will be conducted and the sites will be inspected for operational considerations. The Authority will obtain permits and easements as required. Criteria for shelter placement shall be as follows:

- A. In general, shelters will be installed where physically feasible at stops with 50 or more daily boardings.
- B. At stops with fewer than 50 daily boardings, exceptions to the above guideline may be considered if special circumstances exist, such as transferring passengers, senior and/or disabled customers, or lack of any other shelter in the area.

- C. At stops with 50 or more daily boardings, a shelter is typically not installed if there is a building overhang, canopy, or other suitable place for passengers to wait.
- D. The Authority will consider installation of a shelter at locations not meeting these criteria if a sponsor provides funding for installation and maintenance.
(Res. 2003-068. Passed 5-20-03.)

1016.06 TRANSIT CENTER GUIDELINES.

- (a) Transit Centers in the RTA system fall into three categories:
 - (1) Transit hubs where multiple routes converge. An example would be a suburban hub where several regional bus routes and a community circulator meet. Another example would be a rail station where a train line and at least one bus line meet.
 - (2) Regional park-n-ride lots. Examples would be a rail station with a large customer parking lot and a suburban park-n-ride lot served by a flyer bus route.
 - (3) Small local park-n-ride lots which are served by arterial routes.
- (b) Common characteristics of both transit hubs and regional park-n-rides:
 - (1) Must be a component of a Board-approved plan.
 - (2) Ownership of the facility or a long-term lease at the facility is required.
 - (3) Should be designed for easy bus ingress/egress.
 - (4) Should be designed for easy transferring between routes.
 - (5) A sheltered passenger waiting area should be provided, which can be as simple as a bus shelter.
- (c) In addition, transit hubs should have the following features:
 - (1) Should be located near trip generators.
 - (2) Should have additional passenger amenities (e.g., schedule information).
- (d) In addition, regional park-n-rides should have the following features:
 - (1) Should be located near a freeway interchange.
 - (2) Should have sufficient customer parking to support an attractive, high-frequency service.
- (e) In order to build additional customer demand along arterial radial routes, RTA staff can negotiate with private property owners to lease small parking areas for use by RTA riders within existing parking lots.
(Res. 2003-068. Passed 5-20-03.)

CHAPTER 1018
Service Quality Criteria and Guidelines

- 1018.01 Purpose. 1018.03 Passenger loading standards.
1018.02 Schedule adherence.

CROSS REFERENCES

- Expenditure of funds in connection with acquisition of buses, bus equipment, or bus-related facilities - see 49 U.S.C.A. 1602(h)
Conversion of equipment and facilities loans to grants for public transportation facilities - see 49 U.S.C.A. 1602-1
Approval of projects for acquisition, construction, and improvement of facilities and equipment, and payment of operating expenses; terms and conditions; regulations - see 49 U.S.C.A. 1604(d)
Research, development and demonstration projects - see 49 U.S.C.A. 1605
Regulation of operation of systems, rates, rentals, or other charges; compliance with undertakings - see 49 U.S.C.A. 1608(d)
Charter service - see 49 C.F.R. Part 604
School bus operations - see 49 C.F.R. Part 605
Buy America requirements - see 49 C.F.R. Part 660
Buy America requirements - Surface Transportation Assistance Act of 1982 - see 49 C.F.R. Part 661
Transfer of commuter services - see 49 C.F.R. Part 670
Service to auxiliary and reserve police - see VEH. & OP. 840.07; SERV. Ch. 1082
Reward program for crimes involving Authority property - see VEH. & OP. Ch. 852
Modification in service - see SERV. 1022.05; Ch. 1050
Bus passenger shelter program policy - see SERV. Ch. 1062
Promotional activities - see SERV. Ch. 1066
Service outside County - see SERV. Ch. 1078
Service to activity centers - see SERV. Ch. 1080
Service to elderly and handicapped - see SERV. Ch. 1084
Food and beverage sales policy - see SERV. Ch. 1092

1018.01 PURPOSE.

(a) This chapter of the service policy is intended to address characteristics of system services which may influence a customer's actual or potential use of Authority services. The criteria and guidelines associated with those characteristics are intended to establish a direction in which the system should be oriented and to facilitate an

assessment of how well the system is progressing in that direction. They will assist in identifying areas where remedial actions are needed to improve service quality to Authority customers.

(b) The following service quality criteria and guidelines are intended to apply to transit services contracted by the Authority as well as to those directly operated by the Authority. These criteria and appropriate penalties violating them will be incorporated into service contracts.

(Res. 2003-068. Passed 5-20-03.)

1018.02 SCHEDULE ADHERENCE.

(a) The following standard applies to all modes:

- (1) A trip is deemed "late" if it arrives or departs more than five minutes after the scheduled time.
- (2) A trip is deemed "early" if it departs before the scheduled time.
- (3) A trip is deemed "on-time" if it is neither "late" nor "early" as defined in paragraph (a)(1) and (a)(2) above.

(b) The goal is that all services will be on time 100% (zero to five minutes late)

(c) Routes and/or individual trips identified as low performers shall be subject to review, with remedial action taken at the earliest opportunity.

(d) It is virtually impossible to achieve and maintain 100% on-time performance due to varying traffic, inclement weather conditions, and service scheduling limitations. However, objectives for improving system-wide on-time performance shall be established annually. The purpose here is to focus attention on continually improving on-time performance over time in an effort to achieve the schedule adherence goals established.

(Res. 2003-068. Passed 5-20-03; Res. 2013-122. Passed 12-17-13.)

1018.03 PASSENGER LOADING STANDARDS.

(a) The availability of seating/standing room on a transit vehicle is an important factor for both the transit customer and the transit operator. From the rider's perspective, if vehicles are repeatedly overcrowded, with no seats available and uncomfortable standing conditions, using public transit becomes a less attractive transportation option. From the transit operator's perspective, the objective is to achieve a balance between service efficiency and attractiveness.

(b) Table A shows, for both rush hours and non-rush hours, the allowable passenger load standards by service type. The standards are expressed as the interior vehicle area, in square feet, allowed per passenger. Following that, Table B below shows, by service type, some illustrative examples of how the RTA staff would apply the standards to calculate the allowable maximum loads per bus for rush hours and non-rush hours.

Table A

LOAD STANDARDS SQUARE FEET OF INTERIOR SPACE PER PASSENGER		
SERVICE TYPE	RUSH HOURS	NON-RUSH HOURS
Circulator	6	7
Park & Ride	4.5	5.5
Regular Bus	4.5	5.5
Heavy Rail	4.5	5.5
Light Rail	4.5	5.5
Bus Rapid Transit	4.5	5.5

Table B

MAXIMUM-LOAD STANDARDS		
SERVICE TYPE	RUSH HOURS	NON-RUSH HOURS
Park & Ride	54-63	49-57
Regular Bus (40-ft.)	54	44
Trolley (30-ft.)	36	36
Heavy Rail (per car)	142	117
Light Rail (per car)	132	108
Articulated bus & RTV	80	65

- (c) Adherence to allowable load standards is monitored as follows:
- (1) Passenger load counts are taken at the point on the route where the majority of trips are carrying their greatest load (maximum load point).
 - (2) Average per-trip passenger loads are calculated for 30-minute intervals during rush hours and 60-minute intervals during other time periods.
 - (3) Average per-trip loads that exceed the standards shown in Table A above constitute an overload.
 - (4) Once identified, appropriate service adjustments should be made in order to alleviate the overload situation.

- (5) If a single trip in a 30- or 60-minute interval carries a load above the standard in Table A above, that will not constitute an overload so long as the average load of the other trips in the interval is within the standard.
(Res. 2003-068. Passed 5-20-03; Res. 2013-122. Passed 12-17-13.)

CHAPTER 1020
Service Utilization/Productivity/Efficiency

- 1020.01 Purpose. 1020.03 Service utilization; route
productivity.
1020.02 Scheduling efficiency.

CROSS REFERENCES

- Expenditure of funds in connection with acquisition of buses, bus equipment, or bus-related facilities - see 49 U.S.C.A. 1602(h)
Conversion of equipment and facilities loans to grants for public transportation facilities - see 49 U.S.C.A. 1602-1
Approval of projects for acquisition, construction, and improvement of facilities and equipment, and payment of operating expenses; terms and conditions; regulations - see 49 U.S.C.A. 1604(d)
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Bus passenger shelter program policy - see SERV. Ch. 1062
Promotional activities - see SERV. Ch. 1066
Service outside County - see SERV. Ch. 1078
Service to activity centers - see SERV. Ch. 1080
Service to elderly and handicapped - see SERV. Ch. 1084

1020.01 PURPOSE.

- (a) This chapter of the service policy deals with the following issues:
- (1) How efficiently service resources (vehicles and labor) are utilized to produce transit service;
 - (2) How closely the service supply is being matched to the service demand; and

- (3) What percentage of the costs of operating transit services is being recovered through passenger fares and related revenues.
- (b) The objectives are to ensure that:
 - (1) Service resources are being used to produce the greatest amount of service possible.
 - (2) Service is allocated among various routes based on demonstrated demand.
(Res. 2003-068. Passed 5-20-03.)

1020.02 OPERATIONAL EFFICIENCY.

The policy objective is to ensure that service hours are utilized to the maximum extent possible in a revenue producing mode within the available service budget while complying with Authority/A.T.U. contract provisions and maintaining schedule reliability.

(Res. 2003-068. Passed 5-20-03.)

1020.03 SERVICE UTILIZATION; ROUTE PRODUCTIVITY.

(a) Intent. The policy objective is to ensure that service levels are correlated to demonstrated passenger demands for each route or service. The intent is to provide a level of service which is attractive to the rider, yet not wasteful of service resources, as well as to ensure a minimum level of ridership on all routes.

(b) Procedure for Annual Bus Route Performance Evaluation.

- (1) Each Authority bus service which has been in service for one full calendar year will be assigned to a service category (based on the primary market served) as follows:
 - A. Local radial bus;
 - B. Express/flyer bus;
 - C. Crosstown/feeder bus;
 - D. Community circulator bus;
 - E. Downtown loop; or
 - F. Seasonal/supplemental service.
- (2) Using ridership for the previous year, the following unfactored ridership indicators will be calculated for each route/service:
 - A. Boardings per trip;
 - B. Boardings per vehicle mile; and
 - C. Boardings per vehicle hour.

The system-wide averages calculated for each service group become the system guidelines against which route-level productivity is to be measured until the next annual performance evaluation is performed.

- (3) Authority services which are identified as not meeting performance criteria shall be prioritized for analysis and remedial action as follows:

- A. First priority. Substandard the previous year, has shown no improvement, or is in a worsened condition;
 - B. Second priority. First-time deficiency;
 - C. Third priority. Substandard the previous year, still substandard but improved performance; and
 - D. Fourth priority. After those routes which are substandard have been dealt with, those routes which are not substandard but which have opportunities for improvement.
- (4) Any individual route/service having any indicators falling below the system-wide average for its service group will be analyzed for possible causes of poor productivity. Recommendations will be developed for remedial actions to be taken, which may include:
- A. Targeted route promotions to increase ridership;
 - B. Realign the route in order to:
 - 1. Eliminate nonproductive route segments; and
 - 2. Reduce overall route mileage and/or increase speed.
 - C. Realign to ensure that major activity centers are served;
 - D. Coordinate schedules with shift times at major employment centers;
 - E. Short turn trips, reducing frequency on outlying route segments where ridership is low;
 - F. Increase headways and/or shorten service spans; and
 - G. Eliminate service.
- (5) An annual report will be prepared. This report will highlight those routes which are performing below standard and recommend remedial actions.
- (c) Rail Station Utilization.
- (1) Rail stations will remain in service as long as their utilization is sufficient to justify their costs. Therefore, rail station performance will be evaluated as follows:
- A. Station boardings. Based on passenger boardings per station, average and median station boardings volumes will be calculated within each category. Stations in the bottom quartile of their category warrant closer examination, including cost-benefit analysis. Stations are categorized as follows; based on maintenance costs:
 - 1. Stations with enclosed areas for passenger waiting;
 - 2. Stations without enclosed areas for passenger waiting but with one or more stairways; and
 - 3. Stations without enclosed areas for passenger waiting and without a stairway.
 - B. Station spacing. Appropriate station spacing will be based on convenient access and attractiveness for faster service. Wider

spacing provides speedy long-haul trips. Typically, close station spacing causes slower trips with higher vehicle maintenance costs. As much as possible, bus services should provide the block-by-block service and rail service the long-haul faster service.

- (2) Remedial actions that maybe taken to correct substandard rail station productivity are:
 - A. Determine if any operational changes could increase station productivity;
 - B. Explore various alternative service options and possible marketing campaigns;
 - C. Before closing any rail station, management must first hold a public hearing, as required in Section 1022.04(b)(1) and (2), and must present a report on the rail station evaluation to the Board of Trustees.
(Res. 2003-068. Passed 5-20-03.)

CHAPTER 1022
Service Management

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| 1022.01 Purpose. | 1022.04 Trial periods for new and modified services. |
| 1022.02 Management of existing services. | |
| 1022.03 Development of service proposals and annual service management plans. | |

CROSS REFERENCES

- Expenditure of funds in connection with acquisition of buses, bus equipment, or bus-related facilities - see 49 U.S.C.A. 1602(h)
- Conversion of equipment and facilities loans to grants for public transportation facilities - see 49 U.S.C.A. 1602-1
- Approval of projects for acquisition, construction, and improvement of facilities and equipment, and payment of operating expenses; terms and conditions; regulations - see 49 U.S.C.A. 1604(d)
- Research, development and demonstration projects - see 49 U.S.C.A. 1605
- Regulation of operation of systems, rates, rentals, or other charges; compliance with undertakings - see 49 U.S.C.A. 1608(d)
- Charter service - see 49 C.F.R. Part 604
- School bus operations - see 49 C.F.R. Part 605
- Buy America requirements - see 49 C.F.R. Part 660
- Buy America requirements - Surface Transportation Assistance Act of 1982 - see 49 C.F.R. Part 661
- Transfer of commuter services - see 49 C.F.R. Part 670
- Service to auxiliary and reserve police - see VEH. & OP. 840.07; SERV. Ch. 1082
- Reward program for crimes involving Authority property - see VEH. & OP. Ch. 852
- Modification in service - see SERV. 1022.05; Ch. 1050
- Bus passenger shelter program policy - see SERV. Ch. 1062
- Promotional activities - see SERV. Ch. 1066
- Service outside County - see SERV. Ch. 1078
- Service to activity centers - see SERV. Ch. 1080
- Service to elderly and handicapped - see SERV. Ch. 1084

EDITOR'S NOTE: Some service changes require public involvement. See Chapter 214, Public Hearing Process.

1022.01 PURPOSE.

(a) This chapter of the service policy deals with the procedures by which existing services are monitored, evaluated, and modified when necessary to improve their performance, as well as the process by which service improvements and new services are conceived, evaluated and implemented.

(b) This chapter is intended to ensure that:

- (1) Existing service is periodically monitored and evaluated in order to determine compliance with those provisions of the service policy regarding service quality and service productivity.
- (2) Existing services are monitored, evaluated, and modified as needed in order to increase their market share.
- (3) New services are planned and implemented in order to service new transit markets and increase the transit's overall market share.
(Res. 2003-068. Passed 5-20-03.)

1022.02 MANAGEMENT OF EXISTING SERVICES.

(a) Ongoing Service Monitoring.

- (1) Ridership monitoring and headway adjustment. The Authority will collect ridership data, in order to determine peak vehicle loadings, compared to the appropriate loading standards. When overloads occur, frequencies will be adjusted in order to bring loading within the standards.
- (2) Running time analysis. The Authority will collect information concerning proper running time. Schedules should be adjusted to ensure that the majority of trips operate "on-time" without requiring an operator to operate less than the normal traffic speed. Running times shall be set to allow operation within legal speed.
- (3) Routine service adjustments. In order to improve the performance of substandard routes, minor service adjustments may be performed to better match the service supply to the demonstrated ridership demand.

(b) Annual Route Performance Evaluation. An annual route performance evaluation will be conducted. (See Section 1020.03)
(Res. 2003-068. Passed 5-20-03.)

1022.03 DEVELOPMENT OF SERVICE PROPOSALS AND ANNUAL SERVICE MANAGEMENT PLANS.

(a) Service Proposals. Sources for service proposals will include:

- (1) The annual route performance evaluation. This evaluation, described in Section 1020.03, will be carried out early in the preliminary planning process, using ridership data from the previous year. Those lines that are identified as substandard in productivity will be prioritized for analysis

and remedial action based on their performance. Service proposals will be developed for these routes with the intent of improving their performance.

- (2) Suggestions and/or recommendations from the following sources:
 - A. Authority patrons;
 - B. Authority employees;
 - C. Civic leaders, elected officials; and
 - D. Studies carried out by the Authority through consultant services and by outside agencies.

(b) Developing the Annual Service Management Plan. Each year, as part of the development of the annual operating budget for the following year, staff will produce an annual Service Management Plan detailing the service changes to be implemented. Funding availability will dictate the nature of the service proposals to be considered in the Service Management Plan. Regardless of whether the budget projects an increase or decrease, the emphasis should always be on improving the productivity of services. Staff should aggressively pursue service proposals, which improve productivity so that service resources may be reallocated for promising service improvements or new service.

- (1) To improve service productivity, some of the strategies to be considered are:
 - A. Achieving savings without adversely impacting riders;
 - B. Reducing service where service is duplicated;
 - C. Eliminating excessive service where transportation alternatives exist;
 - D. Remove service from an area, if necessary.
- (2) With resources saved by productivity improvements, the following service improvements for the public may be considered:
 - A. Relief of existing service quality deficiencies;
 - B. Expansion/improvement of service to growing existing service markets;
 - C. New service to unserved markets.

(Res. 2003-068. Passed 5-20-03.)

1022.04 TRIAL PERIODS FOR NEW AND MODIFIED SERVICES.

(a) New routes or major modifications to existing service shall operate substantially as implemented for one year, at which time they are to be evaluated for productivity (boardings per vehicle hour, boardings per vehicle mile, and passengers per trip).

(b) At this time, the following types of service adjustments can be made based upon ridership performance to date:

- (1) Frequency changes warranted by passenger loading standards or customer comments;

- (2) Minor service reductions;
- (3) Minor route extensions or reroutes with the potential to improve overall ridership productivity for the route.

(c) If route performance is below the system average for its service group at the end of one year, remedial action shall be taken as specified in Section 1020(b)(4).

(d) After one year, the route will become part of the annual route performance review.

(Res. 2003-068. Passed 5-20-03.)

[Chapter 1024 begins on Page 37]

CHAPTER 1024

Service Development, Approval, Implementation Process (Repealed)

EDITOR'S NOTE: Chapter 1024 was repealed by Resolution 2003-068, passed May 20, 2003.

TITLE FOUR - Miscellaneous Service Regulations

- Chap. 1050. Modification in Service.
- Chap. 1062. Bus Passenger Shelter Program Policy.
- Chap. 1064. Bus Park-and-Ride Facilities Program Procedures.
(Repealed)
- Chap. 1066. Promotional Activities.
- Chap. 1078. Service Outside County.
- Chap. 1080. Service to Activity Centers. (Repealed)
- Chap. 1082. Service to Auxiliary and Reserve Police. (Repealed)
- Chap. 1084. Service to Elderly and Handicapped.
- Chap. 1085. ADA Complementary Paratransit Plan.
- Chap. 1086. Accessible Transit Services Policy.
- Chap. 1088. Arts in Transit Program Policy.
- Chap. 1090. Long Range Plan.
- Chap. 1091. Strategic Plan.
- Chap. 1092. Food and Beverage Sales Policy.
- Chap. 1094. Newspaper Dispensing Boxes Policy.
- Chap. 1096. Commitment on Sustainability Policy.
- Chap. 1098. Commitment on Environmental Policy.

CHAPTER 1050
Modification in Service

1050.01 Adoption of policy. (Repealed)

CROSS REFERENCES

- Regulation of operation of systems, rates, rentals, or other charges; compliance with undertakings - see 49 U.S.C.A. 1608(d)
- Charter service - see 49 C.F.R. Part 604
- School bus operations - see 49 C.F.R. Part 605
- Transfer of commuter services - see 49 C.F.R. Part 670
- Service to auxiliary and reserve police - see VEH. & OP. 840.07;
SERV. Ch. 1082
- Service outside County - see SERV. Ch. 1078
- Service to activity centers - see SERV. Ch. 1080
- Service to elderly and handicapped - see SERV. Ch. 1084

1050.01 ADOPTION OF POLICY. (REPEALED)

(EDITOR'S NOTE: Section 1050.01 was repealed by implication by Resolution 1990-70, passed 4-17-1990.)

CHAPTER 1062
Bus Passenger Shelter Program Policy

1062.01 Transit amenities.

1062.02 Facilities

1062.01 TRANSIT AMENITIES.

(a) RTA seeks to provide seating and shelter at bus stops and rail stations if sufficient space is available and fifty or more daily riders are expected to use the shelter. (RTA considers a canopy to be one form of passenger shelter.) RTA installs and services waste receptacles only on RTA property. Each municipality decides whether to install and service waste receptacles in the public right-of-way.

(b) On Rail/BRT, printed and/or digital service information is attached to walls and shelters if they exist; digital displays are provided at busier stations. On bus routes, printed and/or digital service information is provided at transit centers and park-ride lots.

(c) Elevators will be installed and maintained to the extent required by the Americans with Disabilities Act. Existing escalators will remain in service unless they become cost-prohibitive to maintain.

(Res. 2013-122. Passed 12-17-13.)

1062.02 FACILITIES.

(a) When making decisions about facilities, RTA will:

- (1) Comply with Title VI of the Civil Rights Act of 1964 and all other applicable laws and regulations.
- (2) Comply with the National Environmental Protection Act 23, CFR Part 771 and with Section 4(f) 23 CFR Part 774.
- (3) Comply with Section 106 of the National Historic Preservation Act, 36 CFR Part 800.
- (4) Evaluate the impact of facilities per Environmental Justice Executive Order 12898 (1994), DOT Order 5610.2(a) (May 2012) and FTA Circular 4703.1.
- (5) Seek to avoid negative impacts on areas and neighborhoods near the facility.

(b) Where impacts cannot be avoided, RTA will seek to mitigate negative impacts.
(Res. 2013-122. Passed 12-17-13.)

CHAPTER 1064

Bus Park-and-Ride Facilities Program Procedures (Repealed)

EDITOR'S NOTE: Chapter 1062 was repealed by implication by Resolution 2003-068, passed May 20, 2003. See Sections 1014.02 and 1016.06.

(Text continues on page 71)

CHAPTER 1066
Promotional Activities

- 1066.01 Authorization of programs. 1066.02 Use of Authority facilities for special events.

CROSS REFERENCES

- Research, development and demonstration projects - see 49 U.S.C.A. 1605
 Regulation of operation of systems, rates, rentals, or other charges; compliance with undertakings - see 49 U.S.C.A. 1608(d)
 Buy America requirements - see 49 C.F.R. Part 660
 Buy America requirements - Surface Transportation Assistance Act of 1982 - see 49 C.F.R. Part 661
 Commissions for the sale of tickets and passes - see VEH. & OP. 840.01
 Student fare discount program - see VEH. & OP. 840.02
 Downtown loop service fares - see VEH. & OP. 840.05
 Children's fares - see VEH. & OP. 840.06
 Sunday passes - see VEH. & OP. 840.08
 Fares for rides outside of County - see VEH. & OP. 840.09, 840.16(c)
 Temporary promotional discount fares - see VEH. & OP. 840.12
 Day passes - see VEH. & OP. 840.16
 Waterfront Line service - see VEH. & OP. 840.17
 Public assembly on Authority property - see VEH. & OP. Ch. 850
 Real estate policies - see FIN. Ch. 470

1066.01 AUTHORIZATION OF PROGRAMS.

The Authority is hereby authorized to conduct programs for the promotion of ridership. Such programs may offer fare incentives or complimentary rides for specific routes for limited periods of time.

(Res. 1976-122. Passed 4-27-76; Res. 2010-54. Passed 8-17-10.)

1066.02 USE OF AUTHORITY FACILITIES FOR SPECIAL EVENTS.

(a) The Authority will permit the use of its facilities for special events sponsored by organizations and members of the community so long as the use is not inconsistent with the public's use and need of such facility. The use of Authority facilities will be subject to certain terms and conditions as set forth below.

(b) Allowing its facilities to be used for special events and activities will benefit the Authority in several ways:

- (1) Provide revenue;

- (2) Help promote the existence and attractiveness of GCRTA services and facilities;
- (3) Improve the Authority's public image and relations; and
- (4) Facilitate positive neighbor relations with property owners and communities adjacent to or near Authority facilities.

(c) The Authority reserves the right to deny the request of any group or organization when a proposed use is inconsistent with the public interest; when the Authority and/or general public will not benefit from the proposed use; when the Authority will be negatively impacted; or when the group or organization refuses to abide by the guidelines and requirements set forth herein.

(d) Guidelines and Requirements.

- (1) Special events will be limited to passenger facilities (i.e. transit stations, parking lots, walkways) and, on a selected basis, district bus garages and other Authority property.
- (2) Use of a facility cannot cause undue disruption to Authority operations, customers, and/or employees.
- (3) The group sponsoring the special event must agree to hold the Authority harmless from any liability resulting from the event and shall obtain insurance which names the Authority as an additional insured and in an amount to be determined by the Authority. If alcoholic beverages are to be served, then the policy of insurance shall include a specific liquor liability endorsement.
- (4) The sponsoring party of the special event must adhere to all rules and regulations imposed by the Authority, including insurance and fees.
- (5) Food service and the dispensing of alcohol will be permitted provided the sponsoring group obtains and provides the Authority a copy of any required insurance, permits, and/or licenses prior to the event. The sponsoring party must provide all alcohol; B.Y.O.B. (bring your own bottle) is not permitted.
- (6) Unlawful activities, including, but not limited to gambling, are specifically prohibited.
- (7) The sponsoring party must execute, prior to facility usage, a written letter or agreement acknowledging awareness and acceptance of all facility usage rules and regulations.
- (8) The requirements of any applicable laws or easements, contracts or other agreements the Authority has entered into associated with a facility will take precedence over the provisions of this Policy whenever appropriate in a given situation.
- (9) Organizations may use the facility for benefits and fundraisers. These groups may sell tickets prior to the event but not on the premises or at

- the door. The ticket, or an example of the ticket, must be submitted to and approved by the Authority prior to being sold by the organization.
- (10) Permits issued to a sponsoring party must be used for the function stated on the permit only.
 - (11) No food, tickets, or alcoholic beverages are to be sold on the premises at any time.
 - (12) No smoking is permitted inside any Authority facility/structure.
 - (13) The sponsoring party shall sign all necessary permits and satisfy all applicable requirements of the Authority and the municipality where the facility is located.
 - (14) It will be the sponsoring party's responsibility to see that all members of their event abide by Authority rules and regulations regarding the special event. The Authority and/or local municipal authority decisions with regard to traffic, crowd control, and general welfare are final and binding.
 - (15) The General Manager shall assess an administrative and/or usage fee for the special event. The fee(s) may increase without notice, as determined by the discretion of the General Manager.
 - (16) The General Manager has the authority to make reasonable exceptions to the provisions of this Policy when the best interest of the Authority or the general public would be served by doing so.
 - (17) The General Manager will determine organizational responsibility for administering this Policy.
- (Res. 2010-54. Passed 8-17-10.)

CHAPTER 1078
Service Outside County

1078.01 Adoption of policy.

1078.02 Delineation of policy.

CROSS REFERENCES

Regulation of operation of systems, rates, rentals or other charges; compliance with undertakings - see 49 U.S.C.A. 1608(d)

Prohibition on use of Federal financial assistance for transfer of land, etc., between public bodies in geographical proximity - see 49 U.S.C.A. 1608(e)

Formula grant program for areas other than urbanized areas - see 49 U.S.C.A. 1614

Regional transit authorities - see Ohio R.C. 306.30 et seq.

Service to auxiliary and reserve police - see VEH. & OP. 840.07;
SERV. Ch. 1082

Fares for rides outside of County - see VEH. & OP. 840.09, 840.16(c), 842.07

Modification in service - see SERV. 1022.05; Ch. 1050

Service to activity centers - see SERV. Ch. 1080

Service to elderly and handicapped - see SERV. Ch. 1084

1078.01 ADOPTION OF POLICY.

A policy governing transit service conducted by the Authority in areas outside the County, as set forth in this chapter, is hereby adopted.
(Res. 1977-153. Passed 5-10-77.)

1078.02 DELINEATION OF POLICY.

(a) Route and/or route segments operating beyond the County shall generate sufficient revenue to cover expenses incurred by the Authority in the operation of those services.

(b) If routes or route segments are not performing at a break-even level or better, Authority staff will develop a range of alternatives which will improve the operating position of the route.

(c) Local decision-makers appointed by non-County communities served by the Authority shall select alternatives which will best serve the needs of commuters and improve or maintain the operating position of the route.

(d) In the event of deficit operation on non-County routes, communities may elect to subsidize such service from local funds. Any moneys pledged for this purpose may

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be supplemented by an equal amount from the individual county's Section 5 allocation up to that amount apportioned for each county.

(e) Routes will be evaluated quarterly to determine if their performance is meeting the goal of generating sufficient revenues to cover expenses.

(f) Authority standards of service (loading standards, vehicle assignments, service frequencies, etc.) will apply to non-County routes in the absence of a local subsidy for operations. If non-County communities choose to subsidize these services, then service levels, fare and customer amenities may be mutually determined by the Authority in cooperation with designated local representatives, provided that the cost of providing such amenities and services does not exceed total revenues (farebox, Section 5 allocation and local subsidy) for the route.

(Res. 1977-153. Passed 5-10-77.)

CHAPTER 1080
Service to Activity Centers (Repealed)

EDITOR'S NOTE: Chapter 1080 was repealed by implication by Resolution 2003-068, passed May 20, 2003.

CHAPTER 1082
Service to Auxiliary and Reserve Police

EDITOR'S NOTE: Chapter 1082 was repealed by Resolution 1993-119, passed July 20, 1993. See Section 840.07 of the Vehicles and Operation Code.

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CHAPTER 1084
Service to Elderly and Handicapped

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| 1084.01 Fee for disabled discount fare cards. | 1084.02 Fee for senior citizen discount fare cards. |
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CROSS REFERENCES

- Fares for elderly and handicapped persons - see 49 U.S.C.A. 1604b
- Maximum amount of fares for elderly and handicapped persons utilizing project facilities and equipment receiving assistance - see 49 U.S.C.A. 1604(m)
- Planning and design of mass transportation facilities to meet special needs of the elderly and the handicapped - see 49 U.S.C.A. 1612
- Nondiscrimination - see 49 U.S.C.A. 1615
- Human resources programs public transportation activities - see 49 U.S.C.A. 1616
- Transportation for elderly and handicapped persons - see 49 C.F.R. Part 609
- Senior citizen and handicapped fares - see VEH. & OP. 840.04
- Modification in service - see SERV. 1022.05; Ch. 1050
- Service outside County - see SERV. Ch. 1078
- Service to activity centers - see SERV. Ch. 1080
- Eligibility of non-ADA-certified senior citizens for ADA complementary paratransit service - see SERV. 1085.01

1084.01 FEE FOR DISABLED DISCOUNT FARE CARDS.

A fee of three dollars (\$3.00) shall be charged for new or replacement disabled discount fare cards to defray costs of card production and program administration. (Res. 1984-212. Passed 9-18-84.)

1084.02 FEE FOR SENIOR CITIZEN DISCOUNT FARE CARDS.

A fee of three dollars (\$3.00) shall be charged for new or replacement senior citizen discount fare cards to defray costs of card production and program administration. (Res. 1984-212. Passed 9-18-84.)

CHAPTER 1085
ADA Complementary Paratransit Plan

EDITOR'S NOTE: Resolution 1992-45, passed March 17, 1992, adopted the Americans With Disabilities Act (ADA) Complementary Paratransit Plan in accordance with 49 Code of Federal Regulations, Parts 27, 37 and 38; Transportation for Individuals With Disabilities; Final Rule, September 6, 1991. Resolutions 1997-33, passed February 18, 1997, and 2003-140, passed September 16, 2003, amended the Plan. Copies of this Plan, and of any amendments thereto, may be obtained, at cost, from the Secretary to the Board of Trustees.

Resolution 1997-186, passed October 21, 1997, authorized the replacement of the Paratransit Plan's no-show policy with a revised policy. Copies of such resolution and of the revised policy may be obtained, at cost, from the Secretary to the Board of Trustees.

Resolution 1994-73, passed May 17, 1994, authorized an agreement between LAKETRAN and the GCRTA for the coordination of ADA service in areas served by LAKETRAN and the Authority.

- 1085.01 Eligibility of non-certified customers for service.

CROSS REFERENCES

- Fares for elderly and handicapped persons - see 49 U.S.C.A. 1604b
 Maximum amount of fares for elderly and handicapped persons utilizing project facilities and equipment receiving assistance - see 49 U.S.C.A. 1604(m)
 Planning and design of mass transportation facilities to meet special needs of the elderly and the handicapped - see 49 U.S.C.A. 1612
 Nondiscrimination - see 49 U.S.C.A. 1615
 Human resources programs public transportation activities - see 49 U.S.C.A. 1616
 Transportation for elderly and handicapped persons - see 49 C.F.R. Part 609
 Senior citizen and handicapped fares - see VEH. & OP. 840.04
 Modification in service - see SERV. Ch. 1050
 Service outside County - see SERV. Ch. 1078
 Service to activity centers - see SERV. Ch. 1080

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1085.01 ELIGIBILITY OF NON-CERTIFIED CUSTOMERS FOR SERVICE.

(a) The General Manager/Secretary-Treasurer of the Authority is hereby authorized to certify all Community Responsive Transit (CRT) riders who are currently sixty-five years or older and all other persons who will be sixty-five years or older as of December 31, 1996, and who wish to use RTA paratransit services, and who are not otherwise eligible for special paratransit services as defined under the Americans With Disabilities Act (ADA) for mobility impaired persons (non-ADA-certified), as eligible for RTA ADA Complementary Paratransit Service - Category III.

(b) All Category III service trips that are five miles or less in length (origin to destination) will be provided curb-to-curb without regard to the RTA ADA Complementary Paratransit Service Plan definitions of service area (i.e. within three-quarters of a mile of a fixed route service) and service periods (i.e. days and hours that fixed route service is normally operated). All Category III service trips that are greater than five miles in length (origin to destination) will be provided as specified in the RTA ADA Complementary Service Plan (i.e. feeder to fixed route service).

(c) In accordance with the ADA regulations that apply when there is insufficient capacity to meet all the trip demands of both ADA-certified and non-ADA-certified customers, all trip requests from ADA-certified customers must be fully accommodated before accommodating the trip requests of non-ADA-certified customers.

(d) A priority system to distinguish between ADA-certified and non-ADA-certified customers shall be developed and implemented to accommodate the provisions of subsection (c) hereof.
(Res. 1995-9. Passed 2-21-95.)

CHAPTER 1086
Accessible Transit Services Policy

1086.01	Purpose; scope.	1086.03	General policies.
1086.02	Legal authority.	1086.04	Implementation.

CROSS REFERENCES

Americans With Disabilities Act - see 42 U.S.C.A. 12101 et seq.
 General provisions and definitions - see SERV. Ch. 1010
 Accessibility to persons with disabilities - see SERV. 1014.03

1086.01 PURPOSE; SCOPE.

The purpose of this policy is to guide Authority activities relative to its various service modes so as to culminate in full system accessibility. This is accomplished through the integration of fixed rail and bus services with paratransit services (CRT) into a network of services comparable to that available to the general public. (Res. 1991-23. Passed 1-22-91.)

1086.02 LEGAL AUTHORITY.

This policy is developed in compliance with the newly enacted Americans With Disabilities Act (ADA) and revised rules issued by the U.S. Department of Transportation on October 4, 1990. These rules now require that:

- (a) All transit vehicles purchased after August 26, 1990, must be accessible; and
- (b) Transit operators must maintain current levels of paratransit service pending the issuance of final rules concerning supplemental services under ADA.

(Res. 1991-23. Passed 1-22-91.)

1086.03 GENERAL POLICIES.

(a) Integrated Accessible Transit Network. The continuing development of Authority's accessible transit system should be guided by the same principles of distribution as apply to general public services. Fixed rail and bus services should be the primary service modes available to all disabled persons who are physically capable of using these modes. Paratransit service (CRT) should supplement the fixed route network and its capacity dedicated to those persons who are unable to use the fixed route network.

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(b) Quality of Accessible Services. The quality and utility of accessible transit services shall be comparable to services offered to the general public. Disabled passengers shall be afforded similar access to destinations, trip distances, wait and ride times, safety and reliability as the general public.

(c) Community Participation. The Authority's efforts to implement full accessibility should be guided by the interests and needs of the disabled community.

(d) Coordination With Community Resources. The allocation of the Authority's accessible transit services should be coordinated with similar services offered by municipalities, private and public agencies, and the private sector in order to minimize duplication of effort and eliminate gaps in service availability.

(Res. 1991-23. Passed 1-22-91.)

1086.04 IMPLEMENTATION.

(a) Integrated Accessible Transit Network.

- (1) Staff should be directed to develop appropriate mechanisms to support utilization of substantial capacity offered by a fully accessible fixed route network, and to preserve limited paratransit capacity for those persons unable to utilize fixed route services. Staff considerations should include service levels, pricing strategies, and eligibility guidelines which will support full utilization consistent with the allocation of resources mandated by Federal regulations and Authority policy.
- (2) Examples of staff actions are as follows:
 - A. Assess the need for changes in CRT service levels, notably Saturdays, weekday evening/nights and weekday capacity;
 - B. Determine the appropriate relationship of fixed route and paratransit service fares;
 - C. Review and revise, as appropriate, the eligibility guidelines for paratransit service; and
 - D. Implement travel "buddy system" to assist disabled passengers using fixed route services.

(b) Quality of Accessible Services.

- (1) Staff should be directed to prepare a plan governing deployment of accessible vehicles leading to 100 percent accessibility of all bus lines, applying such criteria as residential distribution of disabled population, access to major destinations, and service performance guidelines similar to those adopted for the overall system. Rail station rehabilitation and

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retrofit projects should be prioritized for accessibility in consideration of passenger volumes, interface with accessible bus routes, and proximity to the disabled population. Physical barriers at designated transfer points caused by high curbs, street hardware and traffic signal devices should be identified, and actions taken with responsible jurisdictions to eliminate these barriers. Future paratransit service adjustments should focus on eliminating current gaps in service and should be preceded by appropriate management actions to maximize available service capacity.

- (2) Examples of staff actions are as follows:
 - A. Refine deployment criteria for accessible buses;
 - B. Develop accessible performance guidelines;
 - C. Prepare operator and administrative staff training and sensitivity awareness materials;
 - D. Eliminate physical barriers at rail stations and major transfer points;
 - E. Restructure cross-county medical service;
 - F. Optimize CRT passenger scheduling procedures; and
 - G. Increase monitoring of program performance.

(c) Community Participation.

- (1) Staff should be directed to establish a working advisory committee which is representative of all segments of the disabled community to review Authority vehicle deployment plans, rail system accessibility plans and paratransit service adjustments and to monitor program performance.
- (2) Examples of staff actions are as follows:
 - A. Hold public meetings; and
 - B. Meet with advisory committee on a regular basis.

(d) Coordination With Community Resources.

- (1) Staff should be directed to inventory all relevant transportation resources provided in the community and work with providers to coordinate such resources.
- (2) Examples of staff actions are as follows:
 - A. Maintain communications with other providers; and
 - B. Inventory available services.
(Res. 1991-23. Passed 1-22-91.)

CHAPTER 1088
Arts in Transit Program Policy

1088.01	Purpose and scope.	1088.04	Budget.
1088.02	Policies; art projects.	1088.05	Conflicts of interest.
1088.03	Implementation; Committee.		

CROSS REFERENCES

Approval of projects for acquisition, construction, and improvement of facilities and equipment, and payment of operating expenses; terms and conditions; regulations - see 49 U.S.C.A. 1604(d)
Bus passenger shelter program policy - see SERV. 1016.05; Ch. 1062

1088.01 PURPOSE AND SCOPE.

The purpose of this policy is to guide the activities of a public art program within the Authority. This policy incorporates all forms of art media as they impact the Authority's public transportation system.
(Res. 1991-172. Passed 8-20-91; Res. 2016-73. Passed 8-16-16.)

1088.02 POLICIES; ART PROJECTS.

(a) Visual, functional, performing and landscape art will be incorporated into as many Authority facilities, as is possible. This includes, but is not limited to, rail stations, passenger facilities, operating facilities and passenger vehicles.

(b) All art projects will be undertaken with the cooperation of the local arts community and the neighborhood surrounding any fixed facility being considered.

(c) Selection processes that ensure fair practices among art entries and reviews will be used for all Authority public art projects.

(d) Any art project or artistic treatment undertaken pursuant to this policy will become the sole property of the Authority.

(e) The public art installations shall meet all safety standards as established by the Authority.
(Res. 1991-172. Passed 8-20-91; Res. 2002-184. Passed 11-18-02; Res. 2016-73. Passed 8-16-16.)

1088.03 IMPLEMENTATION; COMMITTEE.

(a) The CEO, General Manager/Secretary-Treasurer will administer an Arts in Transit Program within the Authority.

(b) Committee.

(1) The CEO, General Manager/Secretary-Treasurer will designate a committee ("Committee") of individuals with interest and expertise in the arts and humanities.

(2) Committee members will be asked to donate their time and will be paid for travel and out-of-pocket expenses consistent with established Authority policies and procedures.

(Res. 1991-172. Passed 8-20-91; Res. 2002-184. Passed 11-18-02; Res. 2016-73. Passed 8-16-16.)

1088.04 BUDGET.

Staffing, administration and material costs of the Arts in Transit Program will be determined through the established Authority budgeting process.

(Res. 1991-172. Passed 8-20-1991; Res. 2016-73. Passed 8-16-16.)

1088.05 CONFLICTS OF INTEREST.

(a) Any participant taking part in an Authority public art project, including program development, project process, focus group sessions, proposal review, or jury selection are ineligible to submit entries on Authority public art projects.

(b) All paid and non-paid artists participating in focus groups or final design sessions for identifying public art opportunities, types of mediums and developing project criteria are ineligible for submitting entries for art projects supported by their assistance during project development.

(c) Committee members and sub-committee members are ineligible to submit entries for public artwork on projects supported by their assistance during project development. Current Committee members desiring to submit artwork for any Authority public art project, must resign from the Committee for the duration of the project process. Committee members can resubmit an application for membership reconsideration six months after project completion.

(Res. 2002-184. Passed 11-18-02; Res. 2016-73. Passed 8-16-16.)

CHAPTER 1090
Long Range Plan

EDITOR'S NOTE: This chapter, previously a Codification of Resolution 1993-81, passed April 20, 1993, which adopted Transit 2010, the Authority's Long Range Plan, was re-enacted in its entirety by Resolution 1998-23, passed February 17, 1998, which adopted a revised Long Range Plan.

Resolution 2004-162, passed December 21, 2004, adopted the Transit 2025 update.

1090.01	Adoption; purpose.	1090.03	Amendments.
1090.02	Incorporation into the transportation plan of the Northeast Ohio Areawide Coordinating Agency.	1090.04	Implementation.

CROSS REFERENCES

Affirmative Action and Disadvantaged Business Enterprise/Women's Business Enterprise Program - PERS. Ch. 620

Development of service proposals and annual service management plans - see SERV. 1022.03

ADA Complementary Paratransit Plan - see SERV. Ch. 1085

1090.01 ADOPTION; PURPOSE.

The Greater Cleveland Regional Transit Authority's Long Range Plan shall serve as a conceptual guide for long and short-term public transit plans and improvements in Cuyahoga County.

(Res. 1998-23. Passed 2-17-98; Res. 2004-162. Passed 12-21-04; Res. 2016-74. Passed 8-16-16.)

1090.02 INCORPORATION INTO THE TRANSPORTATION PLAN OF THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY.

The appropriate project elements of the Long Range Plan shall be incorporated into the transit element of the region's long-range transportation plan maintained by the Northeast Ohio Areawide Coordinating Agency, the region's metropolitan planning organization.

(Res. 1998-23. Passed 2-17-98; Res. 2004-162. Passed 12-21-04.)

1090.03 AMENDMENTS.

The Long Range Plan shall continue to receive periodic reviews/updates in order to reflect Authority priorities in meeting the travel needs of Cuyahoga County's citizens and visitors.

(Res. 1998-23. Passed 2-17-98; Res. 2004-162. Passed 12-21-04.)

1090.04 IMPLEMENTATION.

The CEO, General Manager/Secretary-Treasurer may take those steps necessary to carry out the implementation of changes and improvements called for in the Long Range Plan, subject to budgetary appropriations and project authorizations by the Board of Trustees.

(Res. 1998-23. Passed 2-17-98; Res. 2004-162. Passed 12-21-04; Res. 2016-74. Passed 8-16-16.)

CHAPTER 1092
Food and Beverage Sales Policy

1092.01 Purpose. 1092.03 Policy.
 1092.02 Application.

CROSS REFERENCES

Misconduct involving a public transportation system - see Ohio R.C. 2917.41

1092.01 PURPOSE.

The purpose of the policy set forth in this chapter is to regulate the sale of food and beverage at Authority facilities. The Authority's policy strives to balance providing customer amenities and revenue generation with increased safety and maintenance responsibilities created by such activities.

(Res. 1996-124. Passed 9-17-96; Res. 2016-91. Passed 9-27-16.)

1092.02 APPLICATION.

The policy set forth in this chapter shall govern the sale of food and beverages at Authority facilities. This policy shall apply to all present and future bus and rail passenger facilities, including rapid transit stations, park-n-ride lots and transit centers.

(Res. 1996-124. Passed 9-17-96; Res. 2016-91. Passed 9-27-16.)

1092.03 POLICY.

(a) The sale of food and beverages at Authority facilities shall be governed by the following policy:

- (1) The sale of food and beverages to the general public will be allowed from lunch counters, restaurants and food service areas inside the facility that are part of the Authority structure.
- (2) The sale of food and beverages from vending machines will be permitted at operating facilities for employee usage. The installation of vending machines at passenger facilities will be permitted on a case-by-case basis, as determined by the CEO, General Manager/Secretary-Treasurer.
- (3) All lessees and/or licensees of Authority facilities which operate as a food service must post signs at the point of vending or cash register and exit door(s) that the consumption of food and beverages on Authority vehicles or within posted areas of passenger facilities is prohibited by law.
- (4) The sale of food and beverages to the general public from cars, vans, wagons, movable stands, etc. at Authority passenger facilities, may be permitted on a case by case basis, as determined by the CEO, General Manager/Secretary-Treasurer.

(b) The consumption of food and/or beverages in areas where they are clearly marked as being prohibited is a criminal offense of misconduct involving a public transportation system, pursuant to Ohio R.C. 2917.41.

(Res. 1996-124. Passed 9-17-96; Res. 2016-91. Passed 9-27-16.)

CHAPTER 1094
Newspaper Dispensing Boxes Policy

1094.01	General policy statement.	1094.09	Permit sticker
1094.02	Policy description.	1094.10	Following application approval.
1094.03	Compliance date.	1094.11	Denial of application.
1094.04	Prohibited uses.	1094.12	Storage and disposal of unauthorized/non-compliant box(es).
1094.05	Definitions.	1094.13	Standards.
1094.06	Application process and procedures.		
1094.07	Box(es) installed prior to policy.		
1094.08	Indemnification and insurance requirements		

CROSS REFERENCES

Approval of projects for acquisition, construction, and improvement of facilities and equipment, and payment of operating expenses; terms and conditions; regulations - See 49 U.S.C.A. 1608(d)

Service quality criteria and guidelines - see SERV. Ch. 1018

Modification in service - see SERV. 1022.05; Ch. 1050

Bus park-and-ride facilities program procedures - see SERV. 1014.02; 1016.06; Ch. 1064

1094.01 GENERAL POLICY STATEMENT.

It is the Authority's responsibility to maintain its facilities in a safe and clean condition and to operate efficiently and effectively. The Authority wishes to provide a pleasant environment for present and new riders. It is the Authority's responsibility to be a "good" neighbor and member of the communities it serves.

Newspaper dispensing boxes have been installed, without Authority approval, at many locations. These installations have not been consistent and the physical condition and appearance of the boxes have not been maintained. In some instances maintenance has been non-existent. The box operators have expanded the variety of graphic tools to identify their box. The Authority's failure to correct this practice is inconsistent with its facilities improvement program and potentially creates the environment where patrons and/or Authority property could be injured / damaged.

(Res. 2001-62. Passed 4-24-01.)

1094.02 POLICY DESCRIPTION.

It is the policy and practice of the Authority that any newspaper dispensing box on Authority property shall have authorization from the Authority before installation. Dispensing boxes placed on Authority property without prior authorization must be removed immediately by the owner of the box. Otherwise, unapproved boxes will be removed by the Authority, or its designee. The box will be stored no longer than ten days. "The Authority will dispose of boxes left in storage" and all proceeds will be applied to administrative fees.

The Authority will permit box operators/owners with pending permit applications to leave the box in place until the application has been reviewed.
(Res. 2001-62. Passed 4-24-01.)

1094.03 COMPLIANCE DATE.

A complete application for the permit must be submitted thirty calendar days following the Authority's publication of a notice in a newspaper having regional circulation.

The Authority will remove any vending boxes on Authority property without a permit or a pending application thirty days from the date of public notification.
(Res. 2001-62. Passed 4-24-01.)

1094.04 PROHIBITED USES.

All dispensing devices, free or coin operated, dispensing advertising or similar products that would not be considered newspapers (general or regional circulation) are expressly prohibited from the use of Authority property. Such media have become an increasing maintenance problem and potential safety hazard to the Authority's ridership and operation of revenue equipment.
(Res. 2001-62. Passed 4-24-01.)

1094.05 DEFINITIONS.

This section provides a description of the terms used in this policy and standards for newspaper dispensing boxes.

- (a) "Approved dispensing box" means dispensing boxes that meet each of the standards for placement, shape, size, color, materials, and conditions and have received Authority approval.
- (b) "Box operator" means the party having legal authority/ authorization to install and place materials in the box on behalf of the box owner(s).
- (c) "Box owner" means a person or an agent or officer of a person in whom is vested ownership, dominion, control or title of a newspaper dispensing box.

- (d) "Dispensing box" means any self-service or coin operated box, container, storage unit or dispenser installed, used, or maintained for the display, distribution and sale of newspapers.
- (e) "Newspaper" means a publication either in full sheet size or tabloid form, intended for general circulation, and published regularly at short intervals, containing information of current events and news of general interest.
(Res. 2001-62. Passed 4-24-01.)

1094.06 APPLICATION PROCESS AND PROCEDURES.

It is the Authority's goal to act on a completed application within thirty working days from receipt. During the first year of the program, due to the number of boxes/sites requiring permits and probable process adjustments, it may take longer.

Upon receipt of the application, the Property Manager shall base approval on the standards set forth Section 1094.13.

When seeking approval for the installation of a box, the following process applies:

- (a) Application process.
 - (1) Applications shall be submitted to the Office of Property Management. Applications must be submitted prior to the applicant's installation of the newspaper box and will be considered in the order they are received on a first come, first served basis.
 - (2) Incomplete applications will not be accepted. No notice will be sent regarding non-acceptance.
 - (3) A completed application shall contain the following information in order to be considered for review and approval:
 - A. A non-refundable Application fee of fifteen dollars (\$15.00) shall be submitted with each application. Only checks or money orders will be accepted. Applicants whose applications are approved will be notified by mail and a Permit will be issued. MAKE CHECKS PAYABLE TO : Greater Cleveland Regional Transit Authority and Mail to: 1240 West 6th Street, Cleveland, OH 44113 Attention: Property Manager/ Newspaper Dispensing Box Program.
 - B. Name of box owner, address, and telephone and fax numbers.
 - C. Description of the product to be distributed, e.g. *The Plain Dealer*-general circulation daily newspaper.

- D. Model number, full description and color photograph of the box to be installed.
- E. Description of the proposed location for which approval is sought to install the box(es).
- F. A photograph(s) of the proposed location(s) and addresses of each location requested.
- G. Certificate of Insurance. See Section 1094.08 for explanation of requirements.
- H. Completed Hold Harmless declaration. See Section 1094.08 for explanation of requirements, sample to be provided by the Authority.

(b) Permit fees. A permit fee of sixty dollars (\$60.00) cash or other valuable consideration per approved dispensing box per year, shall be charged to the owner.

(c) Duration of permit. Permits shall be in force for a period no longer than one calendar year, beginning from the date of application approval.

(d) Permit renewal. Each application shall, if applicable, include a brief narrative containing the following information:

- (1) When the last permit was issued;
- (2) Location of boxes;
- (3) Any current permit numbers.

Each application shall be accompanied by:

- (1) A fifteen dollar (\$15.00) application renewal fee per permit.
- (2) A permit fee of sixty dollars (\$60.00) cash or other valuable consideration per approved dispensing box per year.
(Res. 2001-62. Passed 4-24-01.)

1094.07 BOX(ES) INSTALLED PRIOR TO POLICY.

All newspaper box(es) on Authority property must have been installed in conformance with this policy. Any boxes on Authority property not specifically approved under this policy or whose application is not currently pending with the Authority must be removed immediately. Failure to remove such boxes within thirty days of publication of notice of the policy in a newspaper having regional circulation will result in the newspaper box(es) being removed by the Authority and stored for a period not greater than ten days. Any box in the Authority's possession beyond the ten-day period will be disposed in the manner described in Section 1094.12.
(Res. 2001-62. Passed 4-24-01.)

1094.08 INDEMNIFICATION AND INSURANCE REQUIREMENTS.

(a) Indemnification. To the fullest extent permitted by law, box owner/operator shall be and remain liable to the Authority, and shall defend, indemnify and hold harmless the Authority and its officers, agents, and employees from all losses, damage, expense, suits, claims, demands, fines, penalties, awards, liabilities and costs, including reasonable attorneys' fees (hereinafter individually and collectively referred to as "liability"), to the extent that the liability, or the underlying harm causing the liability, is attributable to, arises out of or is in any way related to the installation or operation of the newspaper box(es), except to the extent that liability is caused solely by the Authority, its officers, agents, employees or invitees. Box owners/operators shall:

- (1) Defend the Authority at their own expense;
- (2) Pay on behalf of the Authority all fines, penalties, settlements, judgments and other sums related to any liability; and
- (3) Otherwise satisfy and cause to be discharged any judgments that may be obtained against the Authority, its officers, agents, and employees regarding any liability.

(b) Insurance.

- (1) Box owners/operators shall, at all times during the term of this agreement, maintain comprehensive general liability insurance in the amount of one million dollars (\$1,000,000) per occurrence for bodily injury and property damage claims and liabilities related to the installation and operation of the newspaper boxes.
- (2) The insurance policy or policies provided hereunder shall be with companies authorized to do business in Ohio and rated "A-VII" or above by A. M. Best Co., or equivalent. They shall name the Authority as an additional named insured. The policy shall also be endorsed to provide for a waiver of subrogation in favor of the Authority, and shall also provide thirty days prior to non-renewal, cancellation, or reduction of the insurance afforded by this policy, written notice will be sent by certified mail to the General Counsel of the Authority and to all other additional insureds involved."
- (3) Upon issuance of the permit the box owners/operators shall submit to the Authority a Certificate of Insurance as evidence of the coverage stipulated herein.

Copies of the Additional Named Insured and Waiver of Subrogation Endorsements will be attached to the certificate, if possible. In any case, the certificate shall contain a notation of the issuance of the endorsements (including form numbers) and a specific reference to this lease. The copies of endorsements may be provided under separate cover within thirty days of execution, if necessary. This section shall survive the expiration or termination of this lease.

(Res. 2001-62. Passed 4-24-01.)

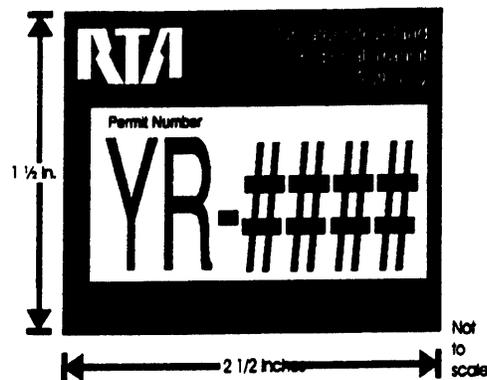
1094.09 PERMIT STICKER.

(a) Only Authority issued permits may be used as evidence of compliance with this policy (see Figure 1).

(b) Permits must be located in the prescribed location on the box during the approved period (see Figure 2).

(Res. 2001-62. Passed 4-24-01.)

Figure 1

**1094.10 FOLLOWING APPLICATION APPROVAL.**

Upon application approval, the owner/operator may proceed with the installation based on the standards immediately. The Authority must be notified of the installation date and upon completion of the installation.

(Res. 2001-62. Passed 4-24-01.)

1094.11 DENIAL OF APPLICATION.

The Authority has the sole and exclusive right to deny an application to install a newspaper dispensing box. Reasons for denial shall be described and provided to the applicant, in writing, within a reasonable time. Denial shall be one or more of the following factors:

- (a) Proposed use of a box that did not meet standards for box shape, color, style and size;
- (b) Proposed installation method does not meet criteria;
- (c) Proposed location does not meet criteria;
- (d) Failure to comply with Authority application process;
- (e) Previously granted permits have qualified for all of the available space at the requested location.

1094.12 STORAGE AND DISPOSAL OF UNAUTHORIZED/ NON-COMPLIANT BOXES).

(a) The Authority shall make reasonable efforts to notify operators of newspaper and tabloid dispensing boxes prior to disposal. Reasonable efforts shall include: one written notification will be sent to newspaper and tabloid operators identified through an inventory of dispensing boxes on Authority property following passage of this policy.

(b) Removal of unauthorized boxes. Boxes found not in compliance with this policy shall be designated as unauthorized boxes. The owner shall be responsible for their removal within ten days from notification by the Authority.

(c) Storage of boxes. All boxes will be stored on the Authority's property for a period of ten days.

(Res. 2001-62. Passed 4-24-01.)

1094.13 STANDARDS.

The following standards were created with the intent of reflecting policies adopted by cities and communities known to have existing standards and policies.

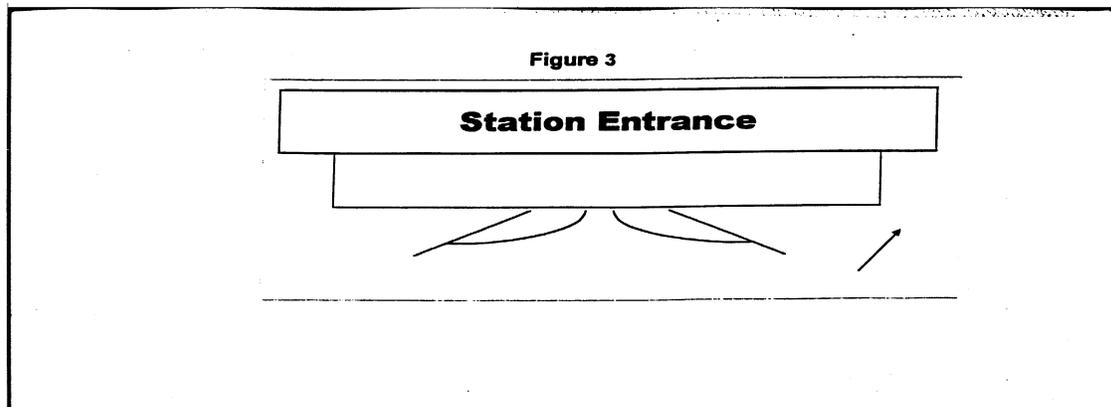
(a) Dispenser box characteristics (e.g., size, shape and color) and other approved uses.

- (1) Size and shape--Figure 2.
- (2) Base--A flush type base that will accommodate the installation method as outlined in subsection (c).
- (3) Color-- White.
- (4) Advertising--No advertising shall be permitted on the box.
- (5) Display cards--Display cards are not permitted on the box.
- (6) Newspaper or tabloid name--The name of the newspaper shall be printed on the door. The lettering style shall be in the same style as the newspaper/tabloid masthead.

(b) Site criteria. All boxes must be installed in the cement area at the primary entrance to a facility or station as designated by the Authority.

Station entrances and emergency entry/ exit points shall be kept clear of any installations. Boxes must be located in parallel with other boxes previously installed at the location. (See Figure 3)

Figure 3



- (1) Approved sites. Sites included within this section do not affect the general safe operation of the station's facilities, general entrance(s) and exit(s) normal flow of pedestrian traffic, maintenance and emergency equipment.
 - (2) Unacceptable sites. Proposed sites that will fail to receive approval would impair the safe movement of passengers to and from vehicle boarding areas and the maintenance of a station's facilities. Examples are:
 - A. Station tunnel walkways
 - B. Station platforms
 - C. Station sidewalks and other walkways
 - D. Station Parking Areas
 - E. Station interiors
 - F. Non-designated box placement areas.
- (c) Installation Procedures. All box(es) shall be stable, in order to withstand high winds and other adverse conditions. Installations shall be done as follows:
- (1) The addition of a bag or bags containing materials of sand, gravel or small aggregate, shall be added to bring the empty box weight up to 160 pounds or greater.
 - (2) All boxes shall be installed on the sidewalk cement of a station's entrance as designated by the Authority.
- (d) Prohibited installation procedures. No dispensing box shall be chained or tethered to any other object. This includes trees, passenger shelters, other dispensing boxes, etc.

- (e) Post Installation.
 - (1) The area around the box shall be left clean and clear. Any debris resulting from the box installation shall be removed immediately.
 - (2) Appropriate safety measures shall be employed as part of the box installation process.

- (f) Disposal of waste material. Dispensing box(es) owners/operators will be required to remove from the Authority's property any and all wrapping and strapping materials, old newspapers and any waste material belonging to the owners/operators.

- (g) Box physical condition requirements.
 - (1) All boxes shall be maintained in a safe and clean operating condition. No damaged, broken box panels or other components shall be permitted. Rust or other signs of physical decay shall be repaired.
 - (2) Only minor repairs shall be performed in the field. Damaged panels may be replaced if the repair does not require painting, sanding and refinishing of box components. Owner's engaging in repairs other than "minor repairs" in the field may have their authorization(s) revoked.
(Res. 2001-62. Passed 4-24-01.)

**GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY
NEWSPAPER DISPENSING DEVICE -- DESIGN STANDARD**

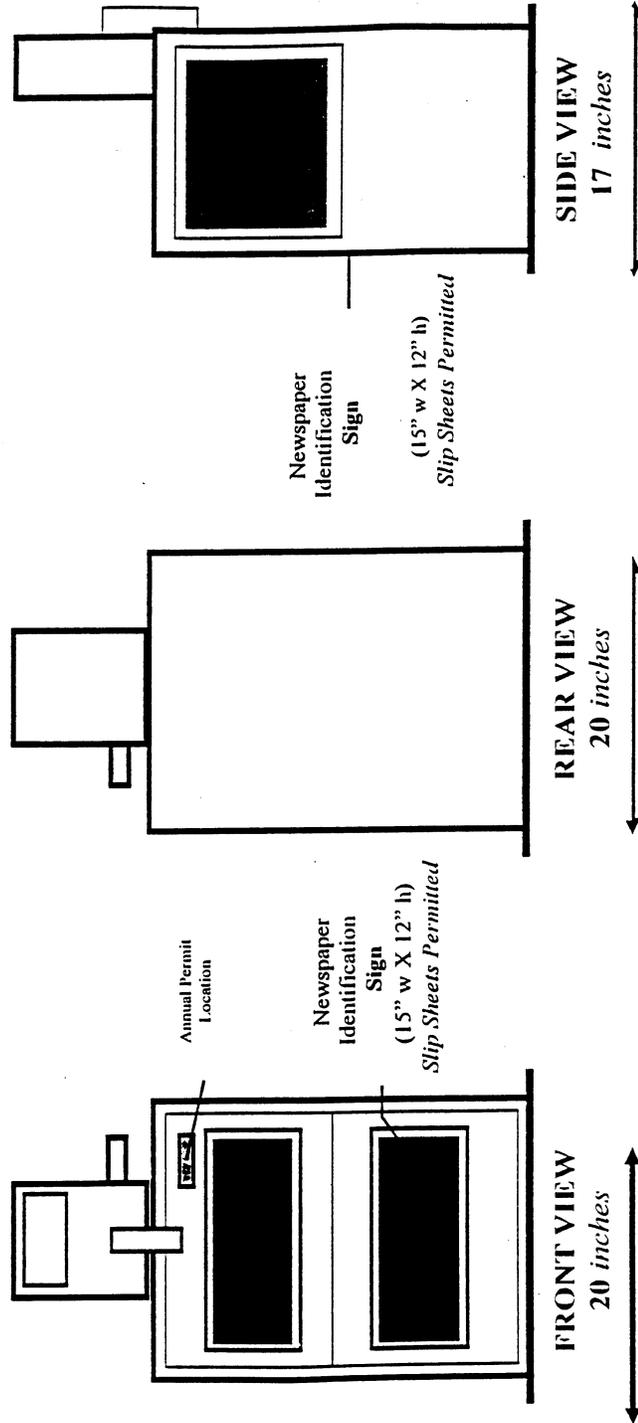


Figure 2

CHAPTER 1096
Commitment on Sustainability Policy

1096.01 Policy statement.

1096.02 Application of Policy.

1096.01 POLICY STATEMENT.

(a) The following sustainability statement and commitments were developed to evolve best practices on sustainability at the Greater Cleveland Regional Transit Authority (GCRTA).

(b) The Authority is committed to protecting the environment as it provides public transit services to northeast Ohio. We will provide sound business practices that integrate sustainable principles throughout every level of operation to create a healthier and livable environment for our customers and the community we serve. We will strive to provide the following environmental commitments:

- (1) Communicate and advance the use of environmental practices throughout GCRTA.
- (2) Make environmental concerns an integral part of planning and decision-making processes and implement effective environmental programs.
- (3) Reduce greenhouse gas emissions and increase energy efficiencies throughout its transit operations and facilities.
- (4) Prevent pollution and conserve resources by reducing waste, creating better disposal options, recycling and procure new and better products and technologies.
- (5) Educate the community and our customers on the environmental benefits of public transit, and encourage biking, walking, carpooling and van pooling.
- (6) Provide quality sustainable public spaces and amenities around our transit stations and bus shelters to promote walking and bicycle accessibility for link trip options.
- (7) Encourage the use of transit as a viable, environmentally friendly, sustainable commuting choice.
- (8) Incorporate sustainability and green building principles throughout the planning, design, construction and operations of our facilities.
- (9) Continue to explore and implement renewable energy solutions to reduce energy consumptions at our facilities.

- (10) Adhere to all State and Federal EPA regulations, standards and monitoring methods regarding environmental quality.

(Res. 2010-67. Passed 9-21-10.)

1096.02 APPLICATION OF POLICY.

This Policy applies to all employees, departments and facilities throughout the Authority. Participation of everyone is required in order to meet the commitments set forth in this Policy.

(Res. 2010-67. Passed 9-21-10.)

CHAPTER 1098
Commitment on Environmental Policy

1098.01 Policy statement.

1098.02 Application of Policy.

1098.01 POLICY STATEMENT.

(a) The following environmental policy statement and commitments were developed to evolve best practices on environmental and sustainability management at the GCRTA.

(b) GCRTA is committed to protecting the environment as it provides public transit services to northeast Ohio. We will utilize sound business practices that measure and improve our environmental performance through a formal Environmental and Sustainability Management System (ESMS). The ESMS will be integrated throughout the Authority to create a healthier and more livable environment for the staff, customers and the community we serve. GCRTA will make the following environmental commitments:

- (1) Communicate and advance the use of environmental practices and strategic frameworks throughout GCRTA.
- (2) Comply with all applicable local, State, Federal, and other environmental laws, regulations, standards and monitoring requirements.
- (3) Make environmental concerns an integral part of planning and decision-making processes and implement effective environmental programs.
- (4) Prevention of pollution and conservation of resources by reducing waste, creating better disposal options, recycling, and procuring new and better products and technologies.
- (5) Establish an ESMS that will be documented, implemented, and maintained.
- (6) Commit to continual improvement by reviewing GCRTA's ESMS performance at appropriate intervals to ensure that established objectives, targets, and programs are met.
- (7) Engage and empower the workforce and community through effectively communicating GCRTA's Environmental Policy Statement and Commitment.

(Res. 2013-108. Passed 10-22-13; Res. 2014-110. Passed 10-21-14.)

1098.02 APPLICATION OF POLICY.

This Policy applies to all employees, departments and functions throughout the Authority. Full participation by all staff is required in order to meet the commitments set forth in this Policy. This Policy will be communicated to all persons, including contractors and vendors, working for or on behalf of GCRTA.

(Res. 2013-108. Passed 10-22-13; Res. 2014-110. Passed 10-21-14.)