

INTRODUCTION

The Bloomington Public Transportation Corporation (BPTC) was formed in 1982 to assume responsibility for the administration of Bloomington Transit which, since its creation in 1973, had been a department of the City of Bloomington.

The BPTC is a municipal corporation with authority to establish a property tax levy to fund public transportation projects in the Bloomington urbanized area, and to operate a public transit system. Funds from the tax levy are used in combination with grants from the State of Indiana Public Mass Transit Fund, the U.S Department of Transportation Federal Transit Administration, and revenues from fares, passes, interest income, and the sale of advertising to operate the BPTC's services.

A five-member Board of Directors governs the BPTC. Members are appointed by the Mayor of Bloomington or by the Bloomington City Council. These five people meet regularly and make policy decisions for the operation of the system. Board elections are held yearly for the positions of Chair, Vice Chair, Secretary and Treasurer.

The Board of Directors contracts with a transit management services company (currently RATP DEV America), to manage and operate the BPTC. Part of the contract calls for the management company to employ a general manager, who acts as chief administrative officer of the BPTC.

As a part of municipal government, the BPTC works very closely with the City of Bloomington. Currently, the City provides risk management, legal, and Information & Technology services to the BPTC.

The BPTC provides two transportation services. Bloomington Transit is a fixed route transit operation and BT Access offers transportation within Bloomington city limits for persons with disabilities who are unable to ride fixed-route buses.

In any company there exists the need for a concise set of policies, rules and standards. It is in this spirit that this manual has been developed, so that employees of the BPTC will know what is expected of them, and what they can expect from the company in return. All BPTC employees must become familiar with the policies spelled out in this book.

*This book and its descriptions of benefits and employment conditions apply to every BPTC employee. In cases where this book addresses issues that are negotiated on behalf of certain employees in the collective bargaining agreement between the company and AFSCME Local 613, those issues, (which are denoted by an asterisk *) for those employees, are governed by that agreement.*

THIS MANUAL AND THE POLICIES CONTAINED HEREIN DO NOT CREATE A CONTRACT OF EMPLOYMENT BETWEEN THE BLOOMINGTON PUBLIC TRANSPORTATION CORPORATION AND ANY EMPLOYEE AND MAY BE AMENDED OR ADDED TO AT ANY TIME BY THE BPTC.

MISSION STATEMENT

It is the mission of the Bloomington Public Transportation Corporation to provide safe, high quality transportation services to the Bloomington community in a cost-effective manner and to make BT and BTaccess services more attractive to increasing numbers of people, to give special consideration to those whose transportation needs can most often only be served by public transportation (senior citizens, persons with disabilities and the economically disadvantaged), to contribute and cooperate towards to the economic and social improvement of the community and to provide a safe work environment for BPTC employees based on respect, integrity and personal responsibility.

This book is divided into nine parts.

- 1) General Policies and Practices
- 2) Employee Benefits
- 3) Guidelines for Maintenance Personnel
- 4) Guidelines for Office Personnel
- 5) Guidelines for Bus Operators
- 6) Guidelines for BT Access Operators
- 7) Accident and Emergency Procedures
- 8) Remediation Procedures
- 9) Substance Abuse Policy

DEFINITIONS

Company: Company refers to the Bloomington Public Transportation Corporation.

Probationary Status: Every new employee is subject to a probationary period during which time the BPTC will observe and evaluate newly hired employees. New employees shall be on probationary status for the first 180 calendar days of employment. The company may dismiss an employee who is on probationary status if, in the judgment of an employee's supervisor, that individual's continued employment is not in the best interest of the company.

Regular Part Time Employees: Regular Part-time means all employees who are regularly scheduled to work no more thirty-five (35) hours per calendar week and whose term of employment is intended to exceed six (6) consecutive months. However, Regular Part-Time employees may work in excess of thirty-five (35) hours per calendar week, provided that all Regular Full-Time employees in the seniority unit have been offered overtime in accord with the procedure mutually established by the Employer and the Union. Regular Part-Time employees may work the Extra Board or pieces of work specially constructed for them by the Employer.

Regular Full Time Employees: Employees who are normally scheduled to work a minimum of thirty-seven (37) hours per calendar week and whose term of employment is intended to exceed six (6) consecutive months. Benefits are paid to regular full time employees according to schedules contained elsewhere in this manual or according to schedules in the collective bargaining agreement.

Temporary Full Time Employees: All employees who are normally scheduled to work a minimum of thirty-seven (37) hours but not more than forty (40) hours per calendar week and whose term of employment shall expire on or before the last day of the sixth consecutive month of employment. However, temporary full-time employees may work in excess of their scheduled run hours per calendar week, provided that all regular full-time employees in the seniority unit have refused overtime. Temporary full-time employees will not earn regular full time benefits.

Special Employees: Includes those employees who occupy job positions which may, from time to time, be created as a result of grants, supplemental assistance, grants-in-aid, or other such programs.

SECTION ONE

GENERAL POLICIES AND PRACTICES OF BPTC

1.01 BUSINESS ETHICS

BPTC is dedicated to the highest standards of integrity and ethics. The standards of conduct are applicable to employees at all levels.

Any employee who uses or has access to BPTC's physical assets or funds is accountable for their conduct in a fiduciary capacity in relation to the use or protection of those assets. Supervisory employees are also expected to monitor employees in their unit to assure that they handle BPTC assets or funds in a fiduciary manner. Accounts and records will be maintained and financial reports will be prepared in a manner which conforms to BPTC's policies and procedures.

Employees are not to engage in any activity, practice, or act which conflicts with, or appears to conflict with, the interests of BPTC, its customers or suppliers.

Reasonable measures must be taken to ensure the accuracy of information that is authorized for release to outside parties.

Employees are not to engage directly or indirectly, either on or off the job, in any conduct which is disloyal, disruptive, or damaging to the BPTC. Employees are not to conduct personal job searches or work on personal projects on company time.

Employees are not to give, offer, or promise directly or indirectly, anything of value to any representative of a customer, potential customer, contractor, or financial institution in connection with any transaction or business that the BPTC may have with such customer, potential customer, contractor, or financial institution. These provisions are not intended to apply to routine, reasonable business entertainment or gifts of minor value, customary in local business relations, provided that no law and/or company policy is violated and full disclosure is made to the employee's immediate supervisor.

Employees and their immediate family members are not to solicit or accept gifts or hospitality, except those of nominal value, or any special discounts or loans from any person or company doing, or seeking to do, business with BPTC. An employee should not allow themselves to reach a position whereby they might be perceived by others to have been influenced in making a business decision as a consequence of accepting such gifts or hospitality.

Employees shall not divulge or discuss any BTPC business not having previously been made public or disclose confidential information to any person unless directed to do so by their supervisor.

Violations of this policy may result in disciplinary action, up to and including termination. Employees involved in any situation or transaction which conflicts or may appear to conflict with the intent of the BPTC's business ethics must report it immediately to the employee's supervisor. Failure to promptly disclose involvement in any such activity may result in disciplinary action up to and including termination.

When it is not easy to decide between what is and what is not acceptable in terms of gifts or hospitality, the offer should be declined or advice sought from the employee's supervisor.

1.02 CONFLICT OF INTEREST

In order to maintain the integrity of the BPTC as well as the confidence that the public has in it, it is essential that employees of BPTC not use their positions for personal gain. In order to achieve this goal, all employees must act in an ethical manner and avoid conflicts of interest as provided by Indiana law.

Indiana law expressly prohibits BPTC employees from having a financial interest in a contract or purchase connected with an action by the BPTC, except in certain situations permitted by law with appropriate formal disclosure. A financial interest of an employee's spouse or dependent is also covered by the law. In addition, Indiana law prohibits bribery and other actions by BPTC employees to take advantage of inside knowledge gained by virtue of their employment, for their own or any other person's benefit. Violation of any of these rules is a criminal offense by the employee.

Compliance with the criminal statutes summarized above is the minimum standard of conduct demanded by the BPTC for its employees. In addition, the BPTC strives to avoid situations which have the potential for impropriety or the appearance of impropriety even where not expressly prohibited by state law.

Examples of situations that might violate these policies are: outside employment, contractual services, or advisory relationship, even if unpaid, with any person or entity doing business with the BPTC or regulated by the BPTC, or in field of endeavor regulated by the BPTC, any investment or ownership or other interest in any business, property or entity which does business with the BPTC or is regulated in any way by the BPTC or is involved in a field of endeavor regulated by the BPTC. Interests or activities of a spouse or dependent of an employee may also fall within the foregoing description. Whether a violation exists depends upon all the facts and circumstances.

Any employee who has a question as to whether or not their actions or activities may be in violation of this section should direct such inquiries to the Human Resource Administrator. The City of Bloomington Legal Department will make such determination. All employees must comply with disclosure or other measures of which they are advised. Any employee found to be in violation of this section shall be subject to possible disciplinary action up to and including termination.

1.03 NON-DISCRIMINATION

The BPTC is an equal opportunity employer. It is the policy of the BPTC to recruit, hire and promote without regard to race, religion, sex, age, color, ancestry, genetic information, veteran status, housing status, national origin, sexual orientation, disability, marital status, number of dependents, gender identity, or any other legally protected classification, in order to assure every applicant the opportunity for gainful employment with the BPTC based on the individual's own merits. This policy of non-discrimination applies to all terms and conditions of employment, including but not limited to recruiting, training, hiring, promotion, compensation and discharge. It is the policy of the BPTC to comply with all applicable federal, state and local laws governing employment. Employees who feel they have been discriminated against are encouraged to discuss the situation with an immediate supervisor or the general manager. The BPTC is committed to a policy of equal opportunity in employment to ensure that discrimination and under-representation in the workforce are eliminated.

1.04 ADA COMPLIANCE NOTICE

It is the policy of the BPTC not to exclude qualified individuals with disabilities from participation in or benefiting from the services, programs or activities of the BPTC. The BPTC shall not discriminate against a qualified individual with a disability in job application procedures, in hiring, advancement or discharge of employees, employee compensation or job training, or in any other terms, conditions and privileges of employment. It is the intention of the BPTC to comply with all applicable requirements of the Americans with Disabilities Act (ADA). It is the policy of BPTC not to discriminate in employment and to make reasonable accommodations for qualified candidates with disabilities in the workplace in accordance with The Americans with Disabilities Act and Title VII of the Civil Rights Act. Such accommodations could include modifications to telephone systems, computers, and office furniture. A Request for Accommodation can be obtained from the Human Resource Administrator.

1.05 HARASSMENT IN THE WORKPLACE

It is the policy of the BPTC to maintain a workplace free of harassment on the basis of race, sex, color, ancestry, genetic information, veteran status, housing status, national origin, religion, disability, age, sexual orientation, gender identity, marital status, number of dependents, any other protected classification or opposition to prohibited discrimination or participation in the statutory complaint process. For example, racial or ethnic slurs or derogatory epithets are prohibited in the workplace, regardless of whether a member of the racial or ethnic group is present when the statement is made. Pranks and practical jokes directed at an individual may be considered harassment. Harassment is strictly prohibited in the workplace and is subject to disciplinary measures up to and including termination.

1.06 SEXUAL HARASSMENT

Sexual harassment, like all forms of prohibited discrimination, will not be tolerated.

Sexually harassing conduct in the work place, whether committed by supervisors or other personnel, is prohibited. Examples of prohibited conduct include offensive sexual flirtation, advances, propositions, repeated verbal abuse of a sexual nature, graphic or verbal commentaries about an individual's body, sexual comments, obscene language, conversations of a sexual nature, discussion about sexual matters, stories with topics of a sexual nature and sexually degrading words directed toward an individual or jokes of a sexual nature. Physical contact, even if intended only in jest, could be deemed to qualify as sexual harassment.

In addition, no supervisor shall threaten or insinuate, directly or indirectly, that an employee's refusal to submit to sexual advances or other harassment will adversely affect the employee's continued employment, evaluation, wages, advancement, assigned duties or any other condition of employment or career development. Nor shall any supervisor threaten, insinuate, directly or indirectly, that an employee's submission to sexual advances or other harassment will favorably affect the employee's continued employment, evaluation, wages, advancement, assigned duties or any other condition of employment or career development.

The definition of sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men and conduct directed by women toward women. This also includes conduct by BT employees directed at passengers or other members of the public or vendors. This includes conduct that purposefully or not, substantially interferes with the affected employee's job performance or creates a hostile, offensive or intimidating environment.

The BPTC takes its nondiscrimination policy seriously, and will make every reasonable effort to educate its employees about this policy. Every new employee will be given a copy of this policy when hired, and will be trained on this policy during orientation. Sexual harassment refresher courses will be conducted as needed. A copy of this policy will be posted at a conspicuous site at BPTC. As this policy is amended, copies will be given to all employees.

1.07 COMPLAINT PROCEDURE

Managers and supervisors are responsible for creating an atmosphere free of any form of discrimination or harassment. Further, employees are responsible for respecting the rights of their co-workers.

If an employee experiences any form of job-related discrimination or harassment, the BPTC urges the employee to promptly report the incident to the employee's immediate supervisor or the general manager. Employees are urged to report incidents of harassment or discrimination before the situation becomes severe or pervasive. If the complaint of job-related harassment or discrimination is against the general manager, the employee is urged to promptly report the situation to the chair of the board of directors and the chair of the board

of directors can at his/her discretion appoint legal counsel to conduct the investigation and report back to the chair of the board of directors for the final decision. Confidentiality will be maintained to the maximum extent possible. Bloomington Transit prohibits any form of retaliation by supervisors or other personnel against employees who file complaints or persons who assist with the investigation of a complaint. Bloomington Transit understands that the nature of a sexual harassment complaint might render it more comfortable to talk to a person of one sex or the other. Every effort will be made to accommodate employees making complaints. Arrangements can be made for employees to make detailed complaints to another designee of the general manager, if requested. Bloomington Transit will conduct an impartial, prompt and thorough investigation of all complaints of harassment. If Bloomington Transit finds evidence that harassment has occurred or is occurring, appropriate, prompt and effective action will be taken to correct the situation up to and including termination.

1.08 FILING A COMPLAINT

If at all possible, complaints of harassment or discrimination should be made in writing.

The following information should be provided:

- Employee's name, department and position title, and the name of the person or persons committing the sexual or other form of harassment or discrimination, including their position titles, if known.
- The specific nature of the harassment/discrimination, how long it has gone on, and any adverse employment action taken as a result of the harassment or discrimination and other threats made as a result of the harassment or discrimination.
- Witness (es) to the incident (s) of harassment/discrimination.
- Information concerning any previous reports of harassment/discrimination, including the dates of the reports and the recipient of the reports.

The general manager is the person designated by Bloomington Transit to be the investigator of complaints of sexual or other forms of harassment or discrimination. If the general manager is not available or the complaint is filed against the general manager, the investigator shall be the chair of the board.

BPTC employees who believe they have been denied equal employment opportunities on the basis of race, sex, color, ancestry, veteran status, genetic information, national origin, religion, disability or age may file a complaint with the Equal Employment Opportunity Commission (EEOC) and/or with the Indiana Civil Rights Commission (ICRC). Complaint forms are available from the City of Bloomington Legal Department. Complaints must be filed with the EEOC or ICRC within 180 days of the alleged discriminatory conduct.

1.09 EEO POLICY STATEMENT

The Bloomington Public Transportation Corporation (BPTC) is committed to providing equal employment opportunities to all applicants for employment and to all employees seeking career advancement. It is and will continue to be the policy of the Bloomington Public Transportation Corporation not to discriminate against any employee or any potential employee on the basis of race, religion, color, sex, genetic information, veteran status, housing status, national origin, ancestry, sexual orientation, gender identity, age, disability or any other legally protected category.

Non-discrimination is emphasized and prevails throughout every aspect of the employment relationship at BPTC, including recruitment, hiring, promotion, examination, training, performance evaluation, transfer, compensation and benefits, discipline, layoff, recall and termination. All personnel actions are administered in accordance with the EEO laws. The Bloomington Public Transportation Corporation is further committed to taking affirmative action in order to encourage minorities and women to apply for employment and advancement within the company. This effort may include goals and timetables which may be helpful to overcome the effects of past discrimination on minorities and women. It is a goal of the BPTC to achieve an employee population representative of the locally available workforce. Successful achievement of this policy will allow the BPTC to reap the benefits of a diverse workforce.

The BPTC requires each employee to conduct him/herself in support of this policy to ensure the working environment is free from intimidation, harassment, and all other discriminatory actions. In addition, the BPTC management and administration will continue to encourage and implement employment practices based on fair and equitable job-related criteria. Overall job performance evaluations for managers and supervisors involved in EEO-related activities may contain elements of EEO performance and goal accomplishment. Reasonable accommodations for persons with disabilities, religious conviction, or belief will be pursued when such accommodation would enable an otherwise qualified individual to perform the essential functions of a position.

Policy oversight will be the responsibility of the General Manager, Lewis May, who is the designated Equal Employment Opportunity (EEO) Officer for the BPTC. Human Resource Administrator, Brenda Underwood, will assist the General Manager in the administration and implementation of the EEO program. Anyone with questions about his/her rights and responsibilities under this policy, or who needs an accommodation for a disability or for religious reasons, may contact either Mr. May or Ms. Underwood.

An applicant or employee who feels his/her rights under this policy have been violated may file a complaint by contacting the General Manager in writing. Employees and applicants may file a complaint alleging discrimination or participate in an investigation without fear of retaliation. An immediate investigation will ensue and a response will be made as quickly as possible. At any time, a complainant may pursue additional action by contacting the Indiana Civil Rights Commission (800-628-2909) and/or the Equal Employment Opportunity Commission (800-669-4000).

1.10 HIRING PRACTICES AND PROBATIONARY STATUS

The BPTC shall screen each applicant for a particular position using criteria which will include, but shall not be limited to, the following criteria, except when said criteria cannot be shown to be job related.

- Prior job related experience
- Education
- Physical ability required for the position
- Applicant's career interests
- Special qualifications, licenses, or certifications required by the position
- Bureau of Motor Vehicles driving record
- Drug and alcohol screen
- and any other relevant job requirements.

Probationary Status: Every new employee is subject to a probationary period during which time the BPTC will observe and evaluate newly hired employees. New employees shall be on probationary status for the first 180 calendar days of employment. The company may dismiss an employee who is on probationary status if, in the judgment of an employee's supervisor, that individual's continued employment is not in the best interest of the company, and progressive discipline will not ordinarily be used.

1.11 BACKGROUND AND CRIMINAL HISTORY CHECKS

Due to the nature of the public transit business, the company reserves the right to conduct background checks to review the criminal history of applicants upon employment, promotion or transfer. If an applicant has been convicted of a crime, a determination will be made by management as to whether the nature of the crime and conviction is incompatible with the job in question and if the applicant should be disqualified from consideration.

Applicants are required to list all convictions (including traffic violations, if part of job description) within the past three years. Falsification of this information will automatically disqualify an applicant from consideration. Convictions may or may not be grounds for disqualifications; each case will be judged separately.

1.12 ALTERNATES

Alternate(s) may be selected when filling any vacancy in any non-bargaining unit position. If, within 120 days of selection, a new employee resigns or is discharged, a designated alternate may be offered the position.

1.13 RE-EMPLOYMENT OF FORMER EMPLOYEES

Former employees (other than those on “lay-off” status) are eligible for re-employment under the following circumstances:

- Employee left the BPTC in good standing and followed proper termination procedure.
- Proper procedure includes providing proper notice, the return of all company property and a written resignation letter.
- Former employees must apply and meet the job requirements of the desired position. Former employees are considered along with other applicants applying for the position and are not given preferential treatment in the hiring process. Previous work record will be considered.

1.14 EMPLOYMENT OF RELATIVES AND HOUSEHOLD MEMBERS

BPTC may employ a relative or household member of an employee provided the individual possesses the normal qualifications for employment and the following conditions exist:

- The relative or household member does not work under the supervision or direct supervision of the related employee, and vice versa.
- The relative or household member is not related to a member of the board of directors.

A relative is defined as spouse, mother, father, son, daughter, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, niece, nephew or first cousin. This policy includes employees who become relatives or household members during their employment at BPTC and those who are related or household members at the time employment begins. This policy does not apply to any household member relationships that BPTC was notified about in writing prior to January 1, 2001.

If two employees should marry each other, and it places one in a supervisory relationship (direct or indirect) with the other, one of the two must resign from employment with BPTC.

1.15 DRUG-FREE WORKPLACE POLICY

It is the policy of BPTC to maintain a safe work environment where its employees are free from the effects of drugs, alcohol, and other job-impairing substances. Accordingly, the use, sale, or possession of alcohol, controlled or illegal substances, unauthorized medical drugs, or other substances which impair job performance, is strictly prohibited and will result in disciplinary action, up to and including termination. Furthermore, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace whether or not the employee is on duty. All employees must abide by the terms of the Drug Free Workplace policy as a condition of employment and employees must report to Bloomington Transit management, in writing, any conviction for a drug statute within five days of the conviction. Any employee who violates the Drug Free Workplace policy is subject to discipline, up to and including termination.

The BPTC reserves the right to conduct drug and alcohol testing in accordance with guidelines for federal workplace drug testing, US DOT procedures, and BPTC policies. Any employee who refuses to submit to testing is subject to disciplinary action, including suspension or termination. (See Section 9, Substance Abuse Policy).

Failure to comply with all requirements of 9.06, regarding prescription drugs, will also result in disciplinary action up to and including termination.

1.16 EMPLOYEE COUNSELING SERVICE

All BPTC employees and their families may receive free confidential counseling services through LifeServices EAP. You need not contact your supervisor to access this service. Your use of the employee counseling service will not become part of your personnel record nor will it jeopardize your opportunity for advancement.

LEAP offers short-term counseling for problems relating to family, relationships, depression, anxiety, stress, drug, alcohol and tobacco abuse as well as credit problems. When appropriate, long-term or specialized counseling referrals may be made. For information, or to schedule an appointment, call LifeServices EAP at 1-800-822-4847 available 24-hours. This phone number can also be found on the employee information bulletin board. In addition, there is a multi-resource website available through LifeServices EAP free of charge. See the human resource administrator for details on passwords to access the site.

1.17 PUBLIC AND EMPLOYEE RELATIONS

Proper treatment of passengers, employees and the public in general is a very important function of all BPTC employees. The success and progress of Bloomington Public Transportation Corporation depends on a courteous and respectful attitude toward passengers, other employees and the general public. Because of this, continued employment will not be offered to employees who are rude or abusive with passengers, other customers, or fellow employees, either while on or off duty.

Employees shall not threaten or intimidate passengers, the general public, supervisors or other employees. Employees shall refrain from any form of altercation with passengers, profane or abusive language, any verbal abuse, fighting, inappropriate touching or sexual contact, threats or intimidation with the general public, supervisors or other employees. Incidents of conflict with passengers, the general public, or other employees shall be reported to a supervisor promptly.

Employees shall conduct and behave themselves appropriately with the public and with co-workers. Examples of inappropriate behavior and conduct include but are not limited to prolonged kissing, prolonged embraces, inappropriate touching, or sexual contact.

1.18 PROMOTION AND INTERNAL TRANSFER

When mutually beneficial, BPTC desires to provide employees with opportunities for new experiences and advancement within the company.

All current staff employees who have completed three months of service in their present position are eligible for consideration for a promotion and/or internal transfer.

1.19 EMPLOYMENT IN OTHER CAPACITIES

The BPTC will not retain employees whose outside activities or employment significantly conflict with their job responsibilities.

1.20 PAY CHECK DISTRIBUTION

Paychecks will be distributed every other Friday. No check will be given out prior to Friday. All employees must sign to verify that the hours on their paycheck are correct. Paychecks shall only be given directly to employees, unless the employee provides a signed authorization allowing distribution to another person. Employees or their authorized designee shall sign for receipt of paychecks.

1.21 OVERTIME

When operating requirements or other needs cannot be met during regular working hours, employees may be asked to work overtime work assignments. All overtime work must receive the supervisor's prior authorization. Attempts will be made to divide overtime assignments equally by seniority within the group of employees qualified to perform the required work.

Supervisors are expected to review staffing levels, workloads, and vacation schedules so as to minimize the need for overtime work.

Overtime compensation is paid to all nonexempt employees who work longer than a standard forty (40) hour week. They shall be paid at an overtime rate of one and one-half times their regular rate. Paid time off, holiday pay or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

1.22 RIGHT TO PRIVACY AND HIPAA

Personal information about employees shall not be given out without the employee's permission. Examples of personal information include phone numbers, addresses, social security numbers or past job performance information/verification of employment, to the extent permitted by law. Only the operations manager, the general manager, or the human resource administrator may provide verifications of employment. BPTC will protect employees' privacy to the extent permitted by law.

All employees who have access to any health information on other employees through their job shall restrict their use and disclosure of such information to the minimum necessary to

perform their authorized job function. This standard shall apply regardless of whether the information is covered by the privacy policy below.

Under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), persons covered by the group health plan have certain rights in the privacy of their protected health information. No BPTC employee may intimidate, threaten, coerce, discriminate against, or take other retaliatory action against a person who: exercises any right under HIPPA or the Privacy Policy; who testifies or otherwise assists with an investigation or compliance action there under; or who opposes in good faith and lawfully a practice that he/she believes violates HIPPA or the Privacy Policy.

Violations of this policy shall subject the violator to appropriate discipline up to and including termination.

1.23 CHANGE OF ADDRESS AND TELEPHONE

Bloomington Public Transportation Corporation employees must keep an operating telephone or cellular phone **at all times** as a condition of employment. The human resource administrator must be notified immediately of any change of address or telephone number. Employees who do not maintain a way for BPTC to reach them will be subject to discipline.

1.24 TOBACCO-FREE WORKPLACE POLICY

A tobacco-free environment helps create a safe and healthy workplace. Smoking and secondhand smoke are known to cause serious lung diseases, heart disease and cancer. Bloomington Public Transportation Corporation recognizes the hazards caused by tobacco use and exposure to secondhand tobacco smoke. Our policy to provide a tobacco-free environment for all employees and visitors was established to keep a safe and healthy workplace environment. This policy covers the smoking of any tobacco product and the use of oral tobacco products, “spit” tobacco, e-cigarettes, vaping, juul, or any version of these products. The policy applies to both employees and non-employee visitors of Bloomington Public Transportation Corporation.

No use of tobacco products including cigarettes, oral tobacco products, “spit” tobacco, e-cigarettes, vaping, juul, or any version of these products is not permitted within the facilities or on the property of Bloomington Public Transportation Corporation at any time.

The use of tobacco products including cigarettes, oral tobacco products, “spit” tobacco, e-cigarettes, vaping, juul, or any version of these products will be permitted only in personal vehicles located 25 feet outside the building entrance, operable windows, and ventilation systems of enclosed areas to prevent tobacco smoke from entering those areas. All materials used for smoking in personal vehicles, including cigarette butts and matches, shall be extinguished and disposed of in appropriate containers.

Violations of the Tobacco-Free Workplace Policy will be subject to disciplinary action up to and including termination.

1.25 SMOKING

Bloomington Public Transportation Corporation prohibits smoking, the use of any tobacco products, or electronic smoking devices within its facilities or on the property of Bloomington Public Transportation Corporation. This includes the administrative building, garage, bus wash, all offices, and outside grounds. Smoking, the use of any tobacco products, or electronic smoking devices is also prohibited on buses and in all company vehicles. Bus operators on breaks shall not smoke, use any tobacco products, or electronic smoking devices near open doors of their vehicles or in passenger waiting areas. Smoking, the use of any tobacco products, the use of any tobacco products, or electronic smoking devices is permitted outdoors only in designated smoking areas when bus operators are on breaks or layover points. Smoking, the use of any tobacco products, or electronic smoking devices is not permitted within eight (8) feet of a public entrance pursuant to IC 7.1-5-12. Cigarette butts should be disposed of properly. Bloomington Public Transportation Corporation employees are required to comply with the City of Bloomington Smoking Ordinance passed in March of 2003 and as amended April 2017 while on duty, breaks, and at layover points. The ordinance states “Smoking shall be prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles with more than one occupant and all other enclosed facilities.” All smoking outdoors must be eight (8) feet away from the buildings or buses so that smoke cannot enter from a door, window or vent. Persons found violating the City ordinance shall be subject to a \$100 fine for each violation of the ordinance. Violations will be subject to disciplinary action up to and including termination.

1.26 APPEARANCE

Management may send employees home if they are found to have the following:

- unclean or un-pressed clothing
- offensive body odor
- inappropriate uniform/attire.

Such an event may be considered a “miss-out” and appropriate disciplinary action will be taken.

1.27 PERSONAL PROPERTY

The company discourages the use or storage of personal property within BPTC facilities or vehicles and will not be held responsible for the loss or damage to an employee’s personal property that is brought to or left on the premises. Employees are advised not to bring personal items of value to their work area.

1.28 PERSONAL VEHICLES

Parking for employees' personal vehicles is provided in designated locations. Parking of personal vehicles in maintenance bays, in front of maintenance bays, in fire lanes, and in the bus storage area is prohibited without the advance approval of the general manager. Parking in the handicapped space without a proper handicapped permit or twenty-minute customer spaces is prohibited. BPTC is not responsible for loss or theft of vehicles, bicycles, personal items from vehicles, or damage to personal vehicles or bicycles on BPTC property except for damages caused by at-fault drivers operating company owned vehicles or damage by BPTC employees performing their job duties. The speed limit on BPTC property is 10 miles per hour at all times. Personal vehicles left on BPTC property for more than 24 hours without the advance approval of the general manager are subject to being removed at the employee's expense.

1.29 EMPLOYEE TRANSPORTATION AND CHILDCARE

Employees are responsible for providing their own transportation to and from work. Exceptions will only be made in unusual circumstances by a supervisor. Employees are encouraged to use their free riding privileges on BPTC's regular fixed route service. Children, friends and other family members are not permitted to accompany employees in company cars, trucks, or vans. Employees are not permitted to baby-sit or care for their own or other's children on the bus or in the workplace. It is the responsibility of the employee to arrange for proper childcare. Free fixed route transportation is available for BPTC employees, current lawful spouses and children living in the employee's home under the age of eighteen (18) years. In addition, BPTC provides a lifetime fixed route bus pass benefit to the lawful spouse of any BPTC employee who dies while employed at BPTC, to employees who retire from employment with the BPTC, and to the children living in the home of any BPTC employee who dies while employed at BPTC during the time which the children are under the age of eighteen (18) years. Employees, current lawful spouses, eligible children living in the employee's home under age eighteen (18), the lawful spouse and eligible children of BPTC employees who die while employed at BPTC shall obtain the required pass/ID and present such pass/ID to the BPTC fixed route driver upon boarding for free passage on the bus.

1.30 POLITICAL ACTIVITIES

Employees are urged to become interested in the political issues of their city, township, county, state and national governments and in the candidates who support or oppose their ideas of what is best for various governments. Employees are further urged to vote in elections and participate in political activities of their choice on their own time, as long as they:

- Do not attempt to use their official authority or position with BPTC to interfere with or affect the result of an election or nomination to public office.

- Do not directly or indirectly coerce or attempt to coerce, command or advise any state or local officer or employee to pay, lend or contribute anything of value to any entity or person for political purposes. To avoid potential violations of this policy, it is company policy that BPTC employees shall not solicit or accept political contributions of any sort from any BT or other government employee.
- May not become a candidate for office except in a nonpartisan election as defined by federal law.
- Do not allow their political activities to interfere with their BPTC job responsibilities.

No circulars, clippings or any other type of written or printed political communication shall be posted any place on company property other than campaign signs allowed when the BPTC facility is used as a polling place. Such campaign signs shall be in strict accordance with election laws and regulations and not handled by on-duty employees. It is preferred that employees avoid political discussions with customers during the time they are on duty. If a customer brings up the subjects, the employee should, in a diplomatic way, avoid entering into the discussion.

1.31 EMPLOYEE INFORMATION BULLETIN BOARDS AND MAILBOXES

All Bloomington Public Transportation Corporation employees are responsible for reading the bulletin boards and checking their mailboxes DAILY. This information may include route changes, special instructions, safety instructions, and information of general interest or information about employee benefits. Employees shall not deface or remove items posted on bulletin boards. No employee may place items on the bulletin board without permission from the operations manager or the general manager. Mailboxes are for official business only and not to be used for dissemination of personal opinions or any other non-official BPTC business such as phone messages or personal messages. Violation of this policy may result in disciplinary action up to and including termination.

The bulletin board shall be used to inform employees in a factual manner. Nothing offensive, vulgar or of a personal attack nature shall be posted on the bulletin boards. Any materials posted on bulletin boards shall not be defaced with graffiti or derogatory comments. Violation of this policy may result in disciplinary action up to and including termination.

1.32 ACCESS TO PERSONNEL AND MEDICAL FILES

It is the policy of Bloomington Public Transportation Corporation to permit employees access to their personnel files and CDL medical records. Employees who wish to review their personnel or CDL medical files may do so by request to the general manager or the human resource administrator. The employee shall review the file in the presence of the general manager or human resource administrator. Files may not be removed from the office. No item shall be entered without the knowledge of the affected employee, and the employee shall receive a copy of the same. Employees shall have the right to submit written statements of disagreement to disciplinary actions.

1.33 LAWS AND REGULATIONS

Employees must know, understand and abide by all laws, rules, regulations, procedures and practices applicable to performance of their duties. Violations must be reported to the Operations Manager the day the violation occurs. Violations will be subject to disciplinary action up to and including termination.

1.34 HONESTY AND TRUTHFULNESS

Employees shall be truthful and honest in the performance of all duties.

1.35 CELL PHONES AND OTHER ELECTRONIC DEVICES

For safety reasons employees shall not use cell phones (including headsets) or personal communications devices in any manner while operating a company vehicle. This includes checking voicemail and sending, reading, or receiving text messages. You may carry a personal cell phone with you while on-duty, however, fixed route operators shall limit the use of cell phones and personal communication devices to occasions when they are at the end of the line or at the downtown transfer facility. Operators of BT Access vehicles shall limit the use of cell phones and personal communication devices to circumstances in which no passengers are aboard and the vehicle is parked. Operators shall not use or wear earphones or Bluetooth type devices while operating company vehicles except those devices issued by Bloomington Transit. Employees operating non-revenue vehicles shall safely pull off the road before making or receiving cell phone calls or using text messaging functions. No employee, without the written approval of his/her supervisor, shall make any video and/or audio recording of any passenger, co-worker, or the public regardless of the type of recording device employed. Violations will be subject to disciplinary action up to and including termination.

1.36 WORK PLACE SAFETY

The BPTC is committed to providing a safe work environment. Employees are expected to perform their duties in a safe manner at all times. This includes using personal protective safety equipment and apparel; operating vehicles and equipment safely; taking all necessary precautions when lifting, bending, turning or any physical exertion; avoiding hazardous areas of the maintenance garage or facilities and maintaining all work areas in a safe and clean manner.

1.37 LOST AND FOUND PROCEDURES

Operators shall check their vehicle at the end of their shift, collect any items left on the bus and give them to a supervisor upon returning to the garage. Lost items such as purses, wallets, knapsacks etc. shall not be examined for valuables or money by the operator. The items should simply be collected and given to a supervisor at the end of their shift. In some cases, a passenger may contact a supervisor and request information as to where the bus can

be located so that the passenger may recover the lost item directly from the bus. With the approval of a supervisor, a passenger may recover lost items directly from the operator. Items turned in by operators to a supervisor shall be logged into the "Lost and Found" logbook, tagged with the date and secured in the locked lost and found closet. The supervisor receiving lost items from operators shall be responsible for completely and accurately logging the item into the logbook, tagging the item and securing it in the lost and found room at the end of their shift. The lost and found room should always remain locked. Items should not be left in the dispatch area unsecured. Wallets should be placed in clear baggies and marked with the date and name of the owner and locked in the bottom of the safe in dispatch. Supervisors should attempt to contact the owner by phone or email.

Customers may contact a supervisor to claim lost items. In cases where items have identification markings or other documentation, the supervisor shall require the customer to show proper identification to claim the item. In cases where the item has no identification present, the customer must provide an adequate description of the item without seeing it in order to claim it. All recovered items shall be logged out of the log book by the supervisor including the date recovered and the supervisor's and owner's signature should be included.

Items not recovered after thirty days shall be donated to charity. Any money left in a wallet or purse after thirty days shall be deposited in the BPTC's general fund in the miscellaneous revenue line item. Under no circumstances are customers or employees who find and turn in lost items entitled to keep such lost items if unrecovered by their owner.

1.38 PAY ADVANCES

Paychecks will be distributed every other Friday. No check will be given out prior to Friday.

1.39 SEPARATION

Upon resignation or retirement, employees shall provide a written resignation letter including dates and the reason for separation. Barring unusual circumstances, in order to resign in good standing, an employee should provide a minimum of two weeks' notice prior to the last date of work. Failure to give written notice may result in ineligibility for re-employment. No payment will be made for any accrued compensatory time, holiday leave, or birthday after an employee's resignation has been received by the BPTC except as required by the Federal Fair Labor Standards Act. Employees will not be paid for accumulated sick leave upon termination, resignation, or leave of absence. Upon retirement, full time employees shall be paid an amount equal to 60 percent of their accumulated sick leave bank at their current rate of pay not to exceed a maximum of eight hundred ninety six (896) hours. This amount may vary by contract. Please consult your current union contract for details.

An employee shall be considered to have retired upon the occurrence of either of the following events:

- (1) providing at least two (2) weeks' notice of retirement to BPTC and upon reaching the minimum age necessary for drawing PERF retirement benefits; or

(2) upon reaching the minimum age necessary for drawing PERF retirement benefits and filing a petition for retirement benefits with PERF. Any employee discharged as a disciplinary action shall not be eligible to be paid for accrued benefit time.

An employee may be dismissed for good cause. Good cause shall include, but not be limited to violations of work rules, regulations, or policies established by the BPTC. Good cause shall also include any action which while not a specific violation of a rule or policy of the BPTC, is so deleterious to efficient employer operations or to the public interest that discipline or discharge could reasonably be expected to result.

1.40 LAYOFFS

A layoff is the separation of employees from the active work force due to a lack of work or funds or due to the abolition of positions because of changes in the organization.

BPTC shall notify affected employees and AFSCME forty-five days prior to the intended effective date of a planned layoff. Layoff and recall shall be accomplished according to unit seniority. Under specific circumstances, an employee may request demotion in lieu of layoff. See the collective bargaining agreement for specifics.

1.41 NON-REVENUE VEHICLES

Personal use of company vehicles is not allowed. Seat belts must be worn by employees when using company vehicles. Employees are required to maintain proper licenses to operate BPTC vehicles. Nonemployees, including friends or family members are not allowed to ride in or drive a non-revenue vehicle without approval of a supervisor. No BPTC vehicles are to be used for personal use (such as picking up snacks, coffee, soft drinks, cigarettes, lunch, etc.) on the way to meet your bus or coming back to the Administration Building. Smoking, the use of any tobacco products, or electronic smoking devices is also prohibited in all company vehicles.

1.42 PARKING LOT PROCEDURES

A ten mile per hour speed limit is set and posted for the parking lot area. Travel around the lot is restricted to a counter clockwise direction around the canopy bus lot. All parked buses should be left under the canopy until the operator has completed their pre-trip and is ready to leave the lot. All pre-trip lift/ramp checks should be done at the designated area on the east side of the canopy. Personal vehicles will only be allowed to be parked in designated areas. Temporary parking of personal vehicles or company vehicles behind buses is prohibited. Parking of any vehicles in maintenance bays or in front of garage/maintenance bays is prohibited by all employees with the exception of company vehicles by maintenance personnel. Parking in the handicapped space without a proper handicapped permit or twenty-minute customer spaces is prohibited. Violations are subject to disciplinary action up to and including termination.

SECTION TWO

EMPLOYEE BENEFITS

2.01 HOURS OF WORK

The payroll period shall be a two-week period beginning at 12:01 A.M. Sunday and ending at midnight the following Saturday two weeks hence. The payroll day shall begin at 12:01 A.M. and end at midnight. The payroll period shall consist of two weeks.

All hours of work must be accounted for through ADP Workforce Now. An exception form should be filled out anytime a scheduled run is not worked or additional work is performed outside your regular scheduled run. Overtime is strictly prohibited without prior approval by an employee's direct supervisor. Altering or falsifying time worked through ADP Workforce Now or exception sheets is strictly prohibited. Employees may not clock in for other employees or complete an exception sheet for other employees. Failure to comply with these rules may result in discipline up to and including termination.

2.02 LOCKERS

Lockers are provided for operations and maintenance employees for the storage of items like jackets, radios, or seat cushions. Employees are required to provide locks at their own expense to secure lockers. BPTC is not responsible for loss or theft of any item from lockers. BPTC reserves the right to open and inspect lockers at any time.

2.03 EMPLOYEE BUS TRANSPORTATION

All employees, their spouses and children under eighteen who are living at home are provided with free riding privileges on BPTC regular fixed route service. BPTC will issue identification cards to employees and their families for this purpose. BPTC encourages employees to use transit service as a form of alternative transportation. Joy riding is not allowed. In addition, BPTC provides a lifetime fixed route bus pass benefit to the lawful spouse of any BPTC employee who dies while employed at BPTC, to employees who retire from employment with the BPTC, and to the children living in the home of any BPTC employee who dies while employed at BPTC during the time which the children are under the age of eighteen (18) years. Employees, current lawful spouses, eligible children living in the employee's home under age eighteen (18), the lawful spouse and eligible children of BPTC employees who die while employed at BPTC employment shall obtain the required pass/ID and present such pass/ID to the BPTC fixed route driver upon boarding for free passage on the bus.

2.04 PUBLIC EMPLOYEE RETIREMENT FUND - PERF

BPTC participates in the state administered Public Employees Retirement Fund (PERF). An employee becomes eligible for PERF upon becoming a regular full time employee. PERF participation is required of all full time employees by Indiana law. A fixed percentage of earnings is deducted from an employee's paycheck and is placed in an annuity savings account set up for the employee. The BPTC contributes a percentage in addition to the

employee's regular pay. The BPTC percentage is determined each year by PERF. It is possible for employees to make additional voluntary contributions to their PERF fund that will not be matched by the BPTC. Information is available from the human resource administrator. Employees can access their PERF account at MYINPRSRetirement.com to view their contributions and credited interest.

2.05 DEFERRED COMPENSATION PROGRAM (457)

Employees may choose to participate in the United Conference of Mayors deferred compensation program for public employees, also known as Nationwide Life Insurance Company. Employees may reach Nationwide at their customer service number (877) 677-3678. This program allows employees to choose to deposit their earnings pre-tax into a variety of mutual funds or a fixed rate income account as allowed by federal law.

2.06 DIRECT DEPOSIT

All employees are required to have their pay directly deposited into their bank accounts. It takes approximately two pay periods to set up a direct deposit. Employees will receive an itemized statement of their wages in lieu of a check. A direct deposit authorization form will be made available upon hire. It must be signed and dated and a voided check attached to it with routing and account numbers. Employees who do not have a bank account can be assisted by Bloomington Public Transportation Corporation in obtaining one through BPTC's current financial institution.

2.07 HEALTH INSURANCE AND EMPLOYEE WELLNESS

Regular full time employees are eligible to apply for health insurance. In addition, part time employees will be eligible for the health insurance as follows: part time employees who have completed training and work at least 20 hours a week of their employment shall be eligible to participate in the company health insurance program on the first of the month following eligibility. In order to maintain eligibility, said employee must continue to meet the average number of hours worked standard set by the company and the collective bargaining agreement. The BPTC may contribute a fixed percentage amount toward each employee's health insurance premium and a fixed dollar amount toward dependent coverage. (Please consult the current collective bargaining agreement for specific details). The remainder will be paid by the employee through payroll deduction. Health insurance carriers, limits of coverage, and premiums are reviewed annually, and are subject to change.

In order to promote wellness, BPTC will provide discounted memberships to Twin Lakes Recreational Center for employees and families. BPTC will pay fifty percent (50%) of the government discount rate for employee and dependent memberships to Twin Lakes Recreational Center.

2.08 BENEFITS CONTINUATION (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives eligible employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the BPTC's health plan when a "qualifying event" results in the loss of eligibility. Some common qualifying events are: resignation, termination of employment, death of an employee, a reduction in hours, leave of absence, divorce or legal separation and a dependent child ceasing to be a dependent.

Under COBRA, the employee or beneficiary pays 102% of the full cost of coverage at the current BPTC group rates. Each employee shall receive written notice describing rights granted under COBRA when a qualifying event occurs. Any COBRA related questions should be directed to the human resource administrator.

2.09 DENTAL AND VISION INSURANCE

Dental and vision insurance is currently available to employees who work an average of at least twenty (20) hours per week for their first fifty-two weeks of employment and all subsequent weeks. The BPTC may contribute a fixed percentage amount toward each employee's dental and vision insurance premium and a fixed dollar amount toward dependent coverage. (Please consult the current collective bargaining agreement for specific details). The remainder will be paid by the employee through payroll deduction. Dental and vision insurance carriers, limits of coverage, and premiums are reviewed annually, and are subject to change.

2.10 LIFE INSURANCE

The company provides life insurance to all regular full time employees as defined in Article 6, Section F of the collective bargaining agreement in the amount of \$20,000. The policy is term insurance and the company pays the full premium.

2.11 DISABILITY INSURANCE

A company paid short term disability insurance program covers all regular full time and part-time employees who work an average of at least thirty (30) hours per week for their first fifty-two (52) weeks of employment and all subsequent weeks. The disability insurance program protects against loss of wages caused by illness or injury. The policy pays sixty-six and 2/3 percent of the prior year's average salary for a maximum of 13 weeks in a twelve (12) month period. Payment is from the first day of an accident or from the eighth day of illness. Employees may not collect disability pay and sick leave simultaneously.

2.12 FELONIOUS ASSAULT INSURANCE

BPTC will provide at its cost a Felonious Assault insurance policy in the amount of \$200,000 for all fixed route and BT Access operators.

2.13 UNION MEMBERSHIP AND REPRESENTATION

Many full and part time hourly employees are eligible to join the American Federation of State, County, and Municipal Employees, AFSCME Local 613. Dues are deducted from the employee's paycheck. Positions currently covered by the collective bargaining agreement include:

- Full time bus operators
- Part time bus operators
- Master mechanics
- Service persons
- Full time Service attendants
- Part time Service attendants
- Full time BT Access Operators
- Part time BT Access Operators

2.14 INCENTIVE PLAN

All regular full time employees shall be eligible to earn the incentive. For each 3 month period (January through March, April through June, July through September, and October through December) the employee works with perfect attendance, no preventable accidents, and no disciplinary action, the employee will earn two hundred fifty dollars (\$250). Perfect attendance is defined as being at work except for time off for holidays, scheduled PTO, jury duty, military leave, funeral leave, and leave for Union business or court appearance for BPTC. For each three month period worked without taking any sick leave *or other leave without pay* (with or without prior approval) and without being subject to any disciplinary action, an employee earns \$250. Employees will not be eligible for the incentive plan while on unpaid leave, Short Term Disability, or any other leave of absence.

2.15 PAID TIME OFF

BPTC will allow employees a reasonable amount of paid time off (PTO) to be used for any purpose. Employees start to earn but cannot use PTO time during their probationary period. PTO that is used for sick leave will be considered an occurrence under the BPTC Absenteeism Policy.

BPTC desires to allow employees the maximum possible flexibility in the use and scheduling of time off while insuring that efficient service can be maintained to customers. Employees must properly use this privilege. Employees agree to use their time off responsibly. Such use includes but is not limited to the following responsibilities on the part of the employee: The employee shall provide at least two (2) hours advance notice of any unscheduled PTO. Failure to provide at least eight (8) hours' notice shall result in an occurrence under the BPTC Absenteeism Policy and subject to any disciplinary action that may be necessitated by the Absenteeism Policy. Unscheduled PTO shall be granted by BPTC based on availability. Employees should avoid using PTO at times when their absence will be detrimental to

BPTC's ability to provide services to the public. Using PTO in a manner that is detrimental to efficient operations shall be grounds for disciplinary action. BPTC has the right to deny unscheduled PTO.

Scheduled PTO shall be used by full-time employees in accord with Article 14 Section B of the collective bargaining agreement. Full-time employees may sign up for their scheduled PTO up to the maximum of their available PTO.

The employer shall determine the number of employees who can be off for PTO and other leaves based on the need to provide transit service to the public. The maximum number of operators who can be off on any given day for absences of any kind shall be ten (10). During the Indiana University breaks the maximum number shall be twelve (12). The Operations Manager may allow additional persons to be off in excess of the maximums stated above, if he determines, at his sole discretion, the needs of the department will allow such additional absences.

SICK BANK

The number of hours accumulated by employees under the sick leave policy in the contract that expired December 31, 2001 shall be the initial number of hours in the employee's Sick Bank. An employee's Sick Bank may never exceed a maximum of eight hundred ninety-six (896) hours. Employees will not be paid for accumulated Sick Bank hours upon termination, resignation or leave of absence. Upon *retirement*, an employee shall be paid an amount equal to sixty (60) percent of his/her accumulated Sick Bank at their then current rate of pay and, in addition, any accumulated PTO not in the employee's sick bank will be paid upon retirement at the then current rate of pay.

Employees shall be entitled to a Sick Bank for use only when the employee is medically ill or injured, and the employee is not otherwise compensated by BPTC or through Worker's Compensation. BPTC employees shall not be paid for the first day of illness after the first six incidents of illness in any single year. After six sick incidents in any one year have been used there shall be a one day waiting period before any other sick days are paid. Sick days will be paid only after they have been earned.

PTO

FULL TIME PTO

For full-time employees additional PTO shall be earned at the rate of four (4) hours per payroll period. This PTO shall be earned at the end of each payroll period and shall not exceed one hundred four (104) hours per year. Paid time off, bereavement leave, birthdays, and holidays shall count as time worked for the purposes of accrual of this PTO.

Full-time employees shall receive PTO based on years of service. Years of service shall include the employee's years of service as a part-time employee. PTO shall be awarded at the completion of the employee's anniversary year on the following schedule:

- Less than one year of service 0 hours
- One but less than two years of service 40 hours
- Two but less than six years of service 80 hours
- Six but less than twelve years of service 120 hours
- Twelve but less than nineteen years of service 160 hours
- Nineteen years and over only for employees hired before January 1, 2014 200 hours

If an employee is absent more than thirty (30) days in any year, his/her PTO shall be reduced proportionately to the time absent, expressed in whole hours. Part-time or extra-board employees shall not be awarded this PTO.

PART TIME PTO

Part-time employees who have at least one (1) year of service shall earn one hour and thirty minutes (1.5) of PTO per payroll period. This PTO shall be earned at end of each payroll period and shall not exceed forty (40) hours per year.

PTO must be taken within the calendar year and will not accumulate from year to year. However, each BPTC employee shall be entitled to carry over a maximum of sixty (60) PTO hours at the end of each calendar year. The employee can choose among any combination of the following regarding these sixty (60) PTO carryover hours. They can send them to the sick bank, carry them over for use in the following year or be paid for a maximum of sixty (60) hours. At the end of each calendar year, any PTO hour balance in excess of the sixty (60) carry over hours will be sent to the employee's sick bank. All pay for PTO hours shall be at the employee's straight time rate of pay. Payment for unused PTO hours shall be made in January based on the prior year's rate of pay.

2.16 ABSENTEEISM POLICY

Excessive absenteeism shall be defined as more than five (5) occurrences in a rolling twelve (12) month period. The term "occurrence" shall mean any continuous period of absence. For an absence eligible under FMLA or other extenuating circumstance approved by the Company, an occurrence can be as short as one (1) hour but shall be no longer than ten (10) working days. For an absence not eligible under FMLA, an occurrence can be as short as one (1) hour but shall be no longer than five (5) working days. All unapproved days off will be considered occurrences, except:

- scheduled PTO
- approved medical appointments scheduled at least twenty four (24) hours in advance of the employee's start time
- approved Birthday
- holidays (as per the collective bargaining agreement)
- approved funeral leave

- approved jury duty
- approved leave eligible under the Family and Medical Leave Act (FMLA)
- approved Workers Compensation leave
- approved leaves of absence
- approved summer leave for operators
- approved military duty leave
- documented proof of necessity to appear in court

All exceptions as shown above shall be approved in advance by the employee’s supervisor.

Disciplinary action for absenteeism shall be as follows:

<u>Occurrence</u>	<u>Action</u>
1	no action
2	no action
3	no action
4	no action
5	no action/counseling
6	written verbal warning
7	written warning
8	three day suspension/voluntary EAP counseling
9	termination

Nothing in this absenteeism policy shall change anything in Article 19 of the collective bargaining agreement.

Employees who are absent from work for three consecutive scheduled days without giving advance notice to their supervisor will be considered as having voluntarily quit. At that time, Bloomington Public Transportation Corporation will formally note the termination and advise the employee of the action by certified mail.

Any employee who is absent for more than three (3) consecutive scheduled working days shall present a statement from a physician licensed to practice in the State of Indiana.

Doctor’s slip must be presented to the dispatcher/supervisor prior to returning to duty. The doctor’s slip must have a return to work date. Employees must turn in their return to work slip prior to work schedule on the day they return to work. This must be turned into a dispatcher/supervisor. Abuse of sick leave shall be grounds for disciplinary action up to and including termination.

2.17 PART-TIME OPERATORS

Limited benefits are available to part-time operators after completing their training as outlined in section 2.15, Paid Time Off. Health, dental, and vision insurance is offered as outlined in Section Two, Employee Benefits.

Part-time fixed route operators will work reduced hours during Indiana University scheduled breaks. Any fixed route operator who has a bid run that does not operate on Indiana University scheduled breaks are required to call in at 6:00 p.m. each night to see if they are scheduled to work the following day. Regular part-time employees are those employees who are regularly scheduled to work no more than thirty-five (35) hours per calendar week and whose term of employment is intended to exceed six (6) consecutive months. However, regular part-time employees may work in excess of thirty-five (35) hours per calendar week, provided that all regular full-time employees in the seniority unit have been offered overtime in accord with the procedure mutually established by the Employer and the Union. Regular part-time employees may work the Extra Board or pieces of work specially constructed for them by the Employer.

2.18 BENEFIT TIME: SCHEDULED REGULAR PART TIME EMPLOYEES

Scheduled regular part time employees shall be eligible for ten (10) hours of paid benefit time for every three months worked. This time may be taken as sick, personal, or vacation time, provided it is taken four or eight hours at a time. No benefit time can be used while an employee is on probation.

2.19 HOLIDAYS

Holidays shall be paid for at the rate of eight (8) hours pay for full-time employees on five (5) day runs, ten (10) hours pay for full-time employees on four (4) day runs and six (6) hours pay for part-time employees. However, when the holiday falls on the off day of a full-time employee with a four (4) day schedule, the pay shall be eight (8) hours. Holiday pay shall be in addition to any monies the employee may earn on such holidays.

In order to qualify for holiday pay, the employee must work his/her full work assignments immediately preceding and following the holiday if assigned to do so, unless he is unable to work because of proven illness and/or has an approved PTO day before or after the holiday.

Paid holidays for full-time employees shall be as follows:

- | | |
|------------------------|------------------|
| Christmas Day | Labor Day |
| New Year's Day | Thanksgiving Day |
| Memorial Day | Independence Day |
| Martin Luther King Day | Christmas Eve |
| New Year's Eve | |

Paid holidays for part-time employees (not including trainees) shall be as follows:

- | | |
|---------------|----------------|
| Christmas Day | New Year's Day |
|---------------|----------------|

Thanksgiving Day
Memorial Day

Independence Day

Part-time operator trainees are not paid for holidays while in training status.

For the following paid legal holidays worked, the employee will receive a holiday allowance of two (2) times regular pay plus regular pay and employees not working will receive eight (8) hours holiday pay. These holidays shall be New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day. If any such holiday falls on Sunday, the following Monday shall be observed as the holiday. No holiday allowance will be paid to any employee who has not worked the last scheduled workday immediately preceding the holiday and the first scheduled work day immediately following the holiday unless the employee works the holiday.

For the following paid legal holidays worked, the employee will receive a holiday allowance of eight (8) hours holiday pay plus actual time worked on the holiday, employees not working shall receive holiday pay as described above. These holidays shall be Martin Luther King Day, Labor Day, Christmas Eve and New Year's Eve.

Shifts that overlap the holiday at midnight shall receive the pay premium described above only if the majority of the shift is worked on the actual holiday.

In addition, in the event an employee's regular schedule of work includes work on Easter Sunday, which is not a paid legal holiday within the meaning of this Article, said employee will receive a premium of one half (1/2) time in addition to his/her regular rate of pay.

Office staff must use their paid holidays according to Section Four Guidelines for Office Staff 4.03 Benefits and Compensatory Time.

2.20 LEAVES

Absence necessitated by the serious illness of a member of the immediate family (spouse, child, brother, sister, parent, parent of spouse, stepchild or step parent) will be approved, providing the total absence does not exceed two (2) days. These two (2) days shall be charged against the employee's accumulated sick leave bank or PTO days at the employee's option. Absences for the purposes of this section shall be limited to no more than three (3) days in any calendar year paid based on the hours the employee was scheduled to work on those days.

Should a death occur in the immediate family (spouse, child, brother, sister, parent, parent of spouse, stepchild or step parent), necessary time off for the attendance of funeral matters will be approved with pay providing the total absence does not exceed three (3) days. This section shall apply to part-time employees

In the case of death of a brother/sister-in-law, grandparent, or grandchild absence with pay will be approved providing the total absence does not exceed one (1) day. Absence due to

funerals of other relatives or friends shall be approved without pay at the discretion of the employee's supervisor.

This policy applies to leaves that do not qualify under Family Medical Leave Act and to requests for additional leave after exhausting the leave allowed by FMLA. When on leave of absence, employees must call in the first Monday of each month and check in with their immediate supervisor or the human resource administrator if the supervisor is unavailable. *This includes leave while on Worker's Compensation.* If leave qualifies under the FMLA, requirements to check in will be determined on a case-by-case basis.

Leave of absence without pay may be granted to any Regular Full-Time employee after one (1) year of employment with the BPTC, subject to the following conditions:

(A) Leave of absence shall not normally exceed six months but may, in special circumstances and with the approval of the BPTC General Manager, be granted for a period of up to one (1) year.

B) Leave of absence shall be requested at least one (1) week in advance and is subject to the advance approval of the General Manager where appropriate.

(C) Leave of absence may be granted for any reason deemed to be in the best interest of BPTC or the employee. Examples are job-related education or medical disability. In the case of medical disability, a physician acceptable to the Employer must certify that the employee is medically disabled.

(D) During a leave of absence, an employee shall remain eligible for benefits but such benefits shall not accrue or be used for the duration of the leave of absence and he/she has the right to return to his/her former job upon returning to work. During a non-medical leave of absence seniority shall be frozen for the duration of the leave of absence. Employees may retain their insurance benefits by paying the full premium including employer's share.

(E) **Military leaves of absence** may be granted to employees who leave BPTC employment for a tour of duty in the armed forces of the United States. These employees shall be considered on leave in compliance with federal law (38 U.S.C.A. Sections 2021-2026). It is the responsibility of the employee to reapply for their position within 90 days after separation from military service.

Any regular full time employee who is a member of the National Guard or any reserve component of the armed forces of the U.S. shall be entitled to an unpaid leave while they are engaged in the performance of official duty, while on annual summer military leave, or in the event of call up to active duty all benefits shall be retained. An employee must prior to the leave, file a copy of their official orders with the Human Resource Administrator.

In addition, non-temporary employees who are members of the Indiana National Guard are entitled to unpaid leave of absence for such time as they are on state active duty pursuant to IC 10-2-4-3.5 and 10-2-4-4.

(F) Jury Duty. Employees who are required to serve jury duty or to attend court as witness shall be excused from work for the days on which they serve. Payment shall be made to such employees as the difference between their straight time rate and the payment they receive for jury or court duty.

(G) Any fixed route operator who has a bid run that does not operate on Indiana University scheduled breaks are required to call in at 6:00 p.m. each night to see if they are scheduled to work the following day. However, fixed route operators shall suffer no loss of seniority if they take nonmedical leave during the University break. Such request for leave must be submitted in writing to the Human Resource Administrator at least thirty (30) days in advance of the leave start date. The request must be signed and dated by the employee. The number of employees allowed to be off will be determined by the Employer. An employee may retain his/her health insurance and life insurance benefits by paying the full premium (employer's and employee's share) while on the leave. Failure to pay the premium shall result in the immediate loss of coverage. PTO time shall not accrue during the leave. The operator's PTO time must be used for the leave until it is exhausted. The remaining leave will be unpaid.

BIRTHDAY LEAVE

All full-time employees who have completed the training period shall receive a birthday benefit. Employees can choose to have their birthday off with pay or receive payment in lieu of the day off.

Employees can choose to receive payment in lieu of time off for their birthday. At least two (2) weeks before their actual birthday, the employee must notify the Dispatcher that they are electing to work on their birthday. If they choose to work they shall receive eight (8) hours pay at their straight time rate of pay during the pay period in which the birthday occurs. This is not considered time worked for any other purpose in this Agreement. If the actual birthday falls on a scheduled off day, they shall receive eight (8) hours pay at their straight time rate of pay in addition to their pay for the week. No pay shall be provided for said day to any employee who has not worked the last scheduled work day immediately preceding the birthday and the first scheduled workday immediately following the birthday unless he/she is unable to work because of proven illness and/or has an approved PTO day before or after the holiday.

It is the employee's responsibility to inform his/her immediate supervisor within two (2) weeks of his/her birthday in order to allow proper scheduling. If employer requires that an employee work his/her birthday, then the employee shall receive premium pay for that day.

Salary employees cannot choose to receive pay for their birthday and shall only take their actual birthday off unless the actual birthday falls on a scheduled off day then they shall take their next scheduled day following their actual birthday.

2.21 FAMILY AND MEDICAL LEAVE ACT

Below is a summary of the BPTC policy for complying with the Family and Medical Leave Act of 1993. For a complete copy of BPTC policy and related forms, or if you have any questions or need to request a leave, please contact the human resource administrator.

- A. **Eligibility:** Any employee who has been employed by BPTC for at least 12 (twelve) months and who has provided at least 1250 hours of service to BPTC in the 12 months previous to the date leave begins is eligible under this policy. The twelve months of employment need not have been consecutive, but in counting the 1250 hour time, paid benefit times and unpaid leave are not counted.

- B. **Maximum Amount of Leave:** The maximum amount of leave available under this policy is 12 work weeks in any 12-month period. The 12-month period shall be measured forward from the date an employee first uses leave under this policy. When spouses are both employed by BPTC, they are jointly entitled to a combined total of twelve work weeks of family leave for the birth and care of a newborn child, for placement of a child for adoption or foster care, and/or to care for a parent with a serious health condition.

- C. **Qualifying Reasons for Leave:** This policy applies to leaves for the following purposes:
 - 1. The birth of a child of the employee and in order to care for such a child;
 - 2. Placement of a child with the employee for adoption or foster care;
 - 3. In order to care for the spouse, child or parent of the employee due to such person's serious health condition, or
 - 4. The serious health condition of the employee that makes the employee unable to perform the essential functions of his/her position.
 - 5. For a qualifying exigency arising from an employee's immediate family member being called to active duty or active duty status.
 - 6. In order to care for a family member who is a covered service member who received a serious injury or illness in the line of duty (up to 26 weeks leave).

- D. **Medical Certification:** Medical Certification on BPTC forms will be required to support a leave request due to the serious health condition of the employee or another person. BPTC may request second and/or third opinions at BPTC's expense as allowed by the policy. In addition, a medical fitness for duty certification will be required prior to an employee's return from leave that was due to the employee's serious health condition. Leave or return to work may be delayed or ultimately denied if the employee does not comply with the medical certification requirements of the policy. Periodic re-certification is required. Normally re-certification will be required every 30 days, but the policy sets forth in detail the circumstances in which a shorter or longer period applies.

- E. **Advance Notice:** The policy contains advance notice requirements. Thirty days advance notice is required for any unpaid leave or as soon as practicable in an emergency. For paid leave, the employee must give the advance notice required under BPTC's paid leave

policies for the kind of leave in question. Failure to provide the required notice may result in delaying the start or continuation of approved leave until the required time has passed. In some cases this could result in disciplinary action, up to and including termination, if the employee is off work without permission.

- F. Paid Leave: Employees are required to use their available paid leave during their FMLA leave.
- G. Health Insurance: During the leave, the employer will continue to pay the employer's share of health insurance premiums, but the employee must pay the employee's share during an unpaid leave and must make arrangements for such payments with the controller. BPTC will seek to recover premium payments made on behalf of an employee if the employee voluntarily chooses not to return to work or in a case where BPTC paid the employee's share due to the employee's failure to pay. Health insurance coverage will terminate effective upon the payment due date if a payment is more than 31 days past due. An employee whose coverage lapses during an FMLA leave is entitled to have coverage reinstated on the same terms as prior to taking leave when he/she returns to work, provided the employee makes any necessary contributions and enrolls for coverage within 31 days as allowed in Bloomington Public Transportation Corporation's Employee Benefit Plan.
- H. Other Benefits: Benefits do not accrue during unpaid leave.
- I. Restoration to Employment: Employees returning to work following FMLA leave are entitled to restoration of their prior or an equivalent position provided they are able to perform the essential functions of the position with or without reasonable accommodations. No benefits that had accrued prior to the leave will be lost, and health insurance coverage that lapsed during a leave will be restored in accordance with paragraph G.

2.22 WORKER'S COMPENSATION

Worker's compensation provides compensation for employees who are injured while in the course and scope of employment in accordance with the laws of the State of Indiana. Under State law, the employer directs the medical care of injured employees and employees must go to a clinic or physician specified by the human resource administrator. Self-referral for medical care is strictly prohibited and will not be covered by Worker's Compensation except in unusual circumstances. Medical care should not be sought without prior approval from the employer.

Employees must immediately report any on-the-job injury to their supervisor. Even minor injuries should be reported. An "employee's report of accident/injury" form must be completed within 24 hours of the injury and turned in to the human resource administrator. This form can be obtained from the human resource administrator or any supervisor on duty. Failure to complete and return this form within 24 hours may jeopardize your right to Worker's Compensation benefits, will delay your claim and may result in disciplinary action

for non-compliance. An employee who has returned to duties after sustaining a compensable injury and who is required by the worker's compensation doctor to receive additional medical treatment during regularly scheduled working hours may use his/her sick bank for doctor's appointments, physical, or occupational therapy sessions.

The employee's service with BPTC continues to accumulate during absence caused by an on-the-job injury. Employees receiving worker's compensation benefits will not receive paid time off. No sick leave shall be paid for a period covered by worker's compensation benefits. Benefits do not accrue during worker's compensation leave.

Employees away from work due to an on-the-job injury shall check in on Monday of each week with the human resource administrator. Failure to check in on Monday of each week with the human resource administrator or to report availability for work, failure to report release for work by a medical professional, failure to cooperate with an accident investigation, misrepresenting any facts concerning a worker's compensation injury, and missed medical appointments may result in disciplinary action up to and including termination. Refusal of light duty work or medical care may result in suspension or termination of workers compensation benefits.

The company will review all employee on-the-job accidents to determine the preventability or non-preventability of the accident. A preventable accident is any accident in which the employee failed to do everything he/she could have done to avoid it. By contrast a non-preventable accident is any accident in which the employee has done everything he/she could have done to avoid the accident.

Employees injured on the job shall receive their normal rate of pay for the first five (5) days of their normally scheduled work, provided a physician designated by the Employer certifies that the employee is unable to work. This five (5) day period shall not be charged against the employee's PTO or Sick Bank. Employees shall be entitled to the provisions of this section only once in any consecutive four (4) year period. An employee may receive a second opinion at employee's expense on the employee's time. If an employee is required by the employer to get a second opinion, it shall be at the employer's expense.

2.23 LIGHT DUTY POLICY

It is the intent of Bloomington Public Transportation Corporation to provide a safe work place and environment for all of its employees. However, on occasions, employees may suffer from work related accidents, illnesses and injuries. When this unfortunate event occurs, we at BPTC will provide the best and appropriate medical treatment needed to allow the injured employee to return back to their regular work assignment. It is BPTC's goal to assist employees who have been injured on the job to return to work as soon as possible. When an injured employee is released for light duty, they may be assigned to a special light duty job if light duty work is available based on the recommendations of the treating physician. This policy applies to all employees of BPTC.

Prior to performing any light duty work, all employees must sign a Light Duty Agreement. Light Duty assignments are scheduled based on the available light duty work and may be a different schedule than the employee's regular scheduled work assignment.

Employees have the right to decline alternate work when offered. However, when alternate work is declined the human resource administrator will file an application with Worker's Compensation to have lost wages discontinued immediately. Employees will receive no further pay from the company, as no work will be performed by the employee.

If employee declines alternate work he/she must sign a form declining the work which indicates that alternate work was offered to the employee, the date of the offer, and that the employee voluntarily declined the offer of alternate work with the understanding that Worker's Compensation payments would be reduced as outlined above. Employee medical payments will not be effected by declining alternate work.

Eligible employees receive 100% of their normal wage rate while performing light duty work. Benefits will continue to accrue for employees on light duty. The employee must notify the human resource administrator immediately after receiving full release to work their regular job. A written doctor's release is required.

2.24 MEDICAL EXAMINATIONS

To help assure that employees are able to perform their duties safely, medical examinations are required upon returning to work after an injury or extended illness. Such employees shall undergo a medical examination performed at BPTC's expense by a health professional designated by BPTC. Reassignment to duties is contingent upon satisfactory completion of the exam.

SECTION THREE

GUIDELINES FOR MAINTENANCE STAFF

3.01 GENERAL RESPONSIBILITIES

Maintenance staff is responsible for all fleet and shared buildings and grounds maintenance with IU Campus Bus. The maintenance manager, who reports to the general manager, directs, schedules, and supervises the work of the maintenance staff. Master mechanics are responsible for the repair of all fleet vehicles and operate under the direction of the maintenance manager. Service persons and service attendants are responsible for certain fleet preventive maintenance, fueling, cleaning, light repair, as well as general maintenance and cleaning buildings and grounds.

3.02 BENEFITS

Maintenance employees are eligible for benefits according to classification and years of service as outlined in Section 2. Service persons, master mechanics, and the maintenance manager are eligible for a monthly tool allowance. The company provides all maintenance staff with laundered uniforms. Maintenance employees are required to wear an approved pair of safety shoes while working. BPTC provides each member of the maintenance staff a yearly allowance to purchase an approved pair of safety shoes. Maintenance employees need to turn in an original receipt and reimbursement form to be reimbursed up to the amount outlined in the current Collective Bargaining Agreement but sales tax will not be reimbursed.

3.03 SAFETY PROCEDURES

All maintenance staff are to follow these guidelines in order to maintain an organized shop and to ensure compliance with all safety regulations:

- Always use protective clothing and gear including safety glasses, gloves, and respirators when handling any machinery, welder, batteries, toxic, or flammable substances or other chemicals.
- Always ventilate fumes by using the exhaust fans and opening the doors. The garage must be vented when using chemicals, paint, or when running engines.
- When closing garage doors be sure there are no vehicles or obstructions in the path of the doors.
- The garage floor is to be kept free of debris, tools, parts, and oil.
- The garage and floor are to be completely cleaned at least once a day.
- Know the locations of all fire extinguisher and emergency first aid materials.

- Company tools are to be properly secured in locked cabinets when not in use.
- The maintenance manager is responsible for maintaining a log of Materials Safety Data Sheets (MSDS) for all chemicals used at the maintenance facility.
- Maintenance employees are required to use seatbelts when operating BPTC vehicles.
- Speed limit for operation of any vehicle on BPTC property is ten miles per hour.
- Tampering with or disabling any equipment on vehicles will be grounds for disciplinary action up to and including termination.

3.04 INVENTORY, QUALITY, AND COST CONTROL

- A. Parts ordered and received must be accounted for in the company's inventory system, and stored in the proper location.
- B. Parts must not be taken out of inventory unless recorded on an approved work order.
- C. Every job vehicle repair must have a work order generated by the maintenance person performing the work.
- D. Any purchase must be approved by the maintenance manager or general manager as appropriate.
- E. Fuel and fluid levels must be checked in each vehicle daily by the assigned service attendant. All fuel and fluids dispensed must be recorded into the tracking system.
- F. All wheelchair lifts and ramps must be cycled every night by the assigned service attendant to ensure that they are operating properly.
- G. Wheelchair lifts must to be greased every preventative maintenance service (PM).

3.05 VEHICLE AND PASSENGER FACILITY CLEANLINESS

- A. All vehicles used in revenue service must be cleaned inside and out by the assigned service attendant, including wheels and rear of vehicle, at least once per day.
- B. Bus shelters must be cleaned by the approved service attendant at least once per week.

3.06 MISCELLANEOUS

- A. BPTC employees may not use the garage to repair vehicles not owned by the company.
- B. Parts or vehicles not owned by the company may not be left in the garage or on the property overnight.
- C. Vehicles not owned by the company shall not be parked inside the garage, in front of maintenance bays, or in fire lanes.

3.07 SMOKING

Bloomington Public Transportation Corporation prohibits smoking, the use of any tobacco products, or electronic smoking devices within its facilities or on the property of Bloomington Public Transportation Corporation. This includes the administrative building, garage, bus wash, all offices, and outside grounds. Smoking, the use of any tobacco products, or electronic smoking devices is also prohibited on buses and in all company vehicles. The use of tobacco products including cigarettes, oral tobacco products, “spit” tobacco, e-cigarettes, vaping, juul, or any version of these products will only be permitted in personal vehicles located 25 feet outside the building entrance, operable windows, and ventilation systems of enclosed areas to prevent tobacco smoke from entering those areas. Violations are subject to disciplinary action up to and including termination.

3.08 UNIFORMS AND PERSONAL HYGIENE

All maintenance employees are required to wear uniforms. The employee is expected to maintain a neat and clean appearance while on duty. Good grooming habits must be observed at all times.

3.09 EQUIPMENT AND SOFTWARE

Maintenance personnel are required to be proficient in the use of various equipment and computer software as a condition of employment. Demonstration of proficiency of equipment or software is required of maintenance employees after a reasonable period of time on the job.

3.10 LICENSES AND DOT PHYSICAL

Garage employees (mechanics and service person) must hold a valid Commercial Driver’s License (CDL), class A or B with air brake and passenger relations endorsements and current DOT physical exam documentation. Any traffic violations that affect the status of the employee's license must be reported to the company within 24 hours of the violation and before the employee next operates a company vehicle. Employees whose Bureau of Motor Vehicles record indicates any convictions, suspensions, citations, or violations may be judged uninsurable by the BPTC's insurer, and are therefore subject to dismissal.

Bloomington Public Transportation Corporation will pay for the first two CDL license tests for new hire employees. If additional testing is required, it must be paid for by the new hire employee.

Employees are responsible for paying the cost of their Commercial Driver's License (CDL) and for faxing their own CDL physical renewal forms to the BMV. Use of the BT fax machine is available. BPTC will pay for the biennial DOT physical for all employees whose job duties require a CDL license. The physical will be performed only by a doctor(s) designated by the Employer. Any other physical required for the employee to be certified to work at BPTC will be performed at the employee's cost by a DOT certified doctor selected by the employee.

3.11 TARDINESS

Timeliness and punctuality are crucial for the efficient operation of the BPTC. Tardiness occurs when an employee arrives for work after clock-in time. If possible, employees should notify a supervisor in advance of any tardiness.

3.12 MISS OUTS

A miss out is when an employee calls in absent less than two hours before clock-in time or fails to report for a scheduled shift and fails to notify a supervisor, maintenance manager, or the general manager. .

3.13 MAINTENANCE EXCEPTION TIME FORM

All maintenance employees must fill out the Maintenance Exception Time Form for any hours worked outside of their scheduled hours. This includes hours of overtime and hours which vary from normal schedules. *Employees will be paid only their scheduled hours unless this form is completed and approved by the Maintenance Manager.*

3.14 EMPLOYEE INFORMATION BULLETIN BOARDS AND MAILBOXES

All Bloomington Public Transportation Corporation employees are responsible for reading the bulletin boards and checking their mailboxes DAILY. This information may include route changes, special instructions, safety instructions, and information of general interest or information about employee benefits. Employees shall not deface or remove items posted on bulletin boards. No employee may place items on the bulletin board without permission from the operations manager or the general manager. Mailboxes are for official business only and not to be used for dissemination of personal opinions or any other non-official BPTC business such as phone messages or personal messages. Violation of this policy may result in disciplinary action.

3.15 NON-REVENUE VEHICLES

Personal use of company vehicles is not allowed. Seat belts must be worn by employees when using company vehicles. Employees are required to maintain proper licenses to operate BPTC vehicles. Nonemployees, including friends or family members are not allowed to ride in or drive a non-revenue vehicle without approval of a supervisor. No BPTC vehicles are to be used for personal use (such as picking up snacks, coffee, soft drinks, cigarettes, lunch, etc.) on the way to meet your bus or coming back to the Administration Building. Smoking, the use of any tobacco products, or electronic smoking devices is also prohibited in all company vehicles. Violations of this policy are subject to disciplinary action up to and including termination.

3.16 BREAKS

Two (2) fifteen (15) minute rest breaks will be authorized per weekday only. One (1) rest break can be taken in the first half of the shift and the other break can be taken in the second half of the shift.

SECTION FOUR

GUIDELINES FOR OFFICE STAFF

4.01 GENERAL RESPONSIBILITIES

The BPTC office staff conducts the administrative business of the BPTC, and provides operations and dispatch services for Bloomington Public Transportation Corporation, and BT Access. Office staff workers' responsibilities, although specifically defined, will overlap from time to time. Office staff is required to perform tasks assigned to them by a supervisor in a timely manner.

4.02 ADMINISTRATION

The administrative staff consists of the general manager, operations manager, fleet maintenance manager, inventory maintenance specialist, human resource/marketing administrator, human resource/marketing administrative assistant, customer service manager, controller, financial administrative assistant, training manager, receptionist, full time/part time customer assistance attendant, dispatchers/supervisors, fleet service supervisor, planning and special projects manager and other positions to be designated. The general manager reports to a management company home office and to the BPTC board of directors. The general manager, controller and the human resource/marketing administrator are responsible for obtaining funding, designing services, supervising personnel, approving all purchases, preparing reports for local, state and federal agencies, and general oversight of all BPTC services.

4.03 BENEFITS AND COMPENSATORY TIME

Office personnel are eligible for benefits according to their classification and years of service. These benefits follow the same schedule as outlined in Section 2. Premium pay for working holidays and overtime pay is not provided for salaried employees. Compensatory time off is available for salaried office personnel who work on recognized holidays and when a work week exceeds 45 hours. There must be a legitimate business reason for working in excess of 45 hours in any given week. Such compensatory time off shall be taken within 60 days of when the excess time was worked. All hours of work must be accounted for through ADP Workforce NOW and be completed for each payroll cycle and submitted to the department supervisors for approval on Monday following the end of the payroll period. Excess hours worked must be noted on time sheets and approved by the general manager. Any excess hours worked and eligible for compensatory time off shall be no less than one hour on a given day. Salaried employees who work three or more comp time hours in any given week shall get the advance approval of the general manager. Failure to get the general manager's advance approval for excess hours worked, to properly document excess hours worked on time sheets, or submit time sheets in a timely fashion may be grounds for denial of compensatory time off and/or disciplinary action.

Compensatory time off must be scheduled at least the day before with the employee's supervisor, human resource administrator or general manager. Compensatory time off cannot be used for unscheduled time off resulting from illness, family emergency or any other reason without the advance approval of the general manager. Upon termination of employment or notice of resignation, employees shall not receive payment or paid time off for any compensatory time balances.

Office personnel are eligible to participate in the company's incentive plan.

4.04 DEDUCTIONS FROM PAY OF EXEMPT EMPLOYEES

Employees classified as exempt under the Fair Labor Standards Act are paid on a salaried basis in order to retain their exemption from the overtime provisions of the law. Deductions from an employee's pay under the authority of this personnel manual will not cause any employee to lose salaried status for purposes of FLSA. In addition, the employer is not required to pay the full salary in an employee's initial or terminal week of employment if a full week is not worked.

It is the policy of BT to prohibit deductions from an employee's pay due to the quantity or quality of work, other than those expressly authorized by this personnel manual and/or the law.

COMPLAINT PROCEDURE:

Any employee who believes that an improper deduction from his/her salary has occurred should proceed as follows:

- Discuss the matter with their immediate supervisor as soon as the error has been noted. The supervisor will make a determination of whether the deduction was proper. If not satisfied with the determination, the employee may file a written appeal within five working days with the General Manager. If the General Manager determines that the deduction was made in error, the employee shall be reimbursed as soon as possible within the normal payroll cycle. In addition, all efforts will be made to correct the reasons for the improper deduction and avoid such improper actions in the future.

4.05 OFFICE REGULATIONS

Regular office hours are 8:00 a.m. to 4:30 p.m., Monday through Friday. Office staff is expected to maintain an appropriate professional attitude and behavior. Lunch breaks of 30-60 minutes are to be taken at noon, however because the office does not close during business hours there are times when staff may need to reschedule lunch breaks. The office shall be staffed at all times from open to close. Office staff may establish flexible hours of work where appropriate and approved by the general manager.

4.06 BREAKS

Two (2) fifteen (15) minute rest breaks will be authorized per weekday only. One (1) rest break can be taken in the first half of the shift and the other break can be taken in the second half of the shift. Violations will be subject to disciplinary action up to and including termination. Employees shall ensure coverage of telephones and other responsibilities before taking a break.

4.07 SMOKING

Bloomington Public Transportation Corporation prohibits smoking, the use of any tobacco products, or electronic smoking devices within its facilities or on the property of Bloomington Public Transportation Corporation. This includes the administrative building, garage, bus wash, all offices, and outside grounds. Smoking, the use of any tobacco products, or electronic smoking devices is also prohibited on buses and in all company vehicles. The use of tobacco products including cigarettes, oral tobacco products, “spit” tobacco, e-cigarettes, vaping, juul, or any version of these products will only be permitted in personal vehicles located 25 feet outside the building entrance, operable windows, and ventilation systems of enclosed areas to prevent tobacco smoke from entering those areas. Violations are subject to disciplinary action up to and including termination.

4.08 PERSONAL HYGIENE

All administrative employees are required to wear proper business attire while at work. Appropriate business attire for men and women should be worn when representing the company in public. Each employee is expected to maintain a professional, neat and clean appearance while on duty. Good grooming habits must also be observed at all times.

4.09 INTERPERSONAL COMMUNICATIONS

All office personnel are required to be knowledgeable in the use of the telephone and voice mail systems. Telephone and two-way radio communications shall be conducted in an appropriate, respectful and courteous manner at all times.

4.10 OFFICE EQUIPMENT

Office personnel are required to be proficient in the use of various office equipment and computer software. Demonstration of proficiency after a reasonable period of time in equipment and software is a condition of continued employment in office staff positions.

4.11 TARDINESS

Timeliness and punctuality are crucial for the efficient operation of the BPTC. Tardiness occurs when an employee arrives for work after the start of their shift. Employees must notify their supervisor in advance of any tardiness.

4.12 MISS OUTS

A miss out occurs when an employee fails to report for work or calls in absent less than two hours before clock-in time.

4.13 PERFORMANCE EVALUATIONS

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths and discuss positive, purposeful approaches for meeting goals.

BPTC conducts formal evaluations for all management/administrative employees on an annual basis.

4.14 INFORMATION TECHNOLOGY POLICY

BPTC provides information technology (computers and computer networks) to its employees as tools to support BPTC business. The following policy clarifies issues of appropriate employee conduct associated with the use of information technology.

Acceptable Use

- All use must comply with state, federal and local laws.
- All use must comply with BPTC's Equal Employment Opportunity policies, including the policy prohibiting harassment in the workplace.
- Employees may not use the BPTC network to cause, or attempt to cause disruptions of service whether within BPTC or elsewhere.
- Employees may not use BPTC's network to obtain, or attempt to obtain, unauthorized access to or unauthorized use of resources, whether within BPTC or elsewhere. These resources include, but are not limited to, computer accounts, messages, programs and data files.
- As with traditional paper files and correspondence, employees may not distribute e-mail or electronic files to anyone other than the author's intended recipient(s) without proper authorization. Employees generally shall not send unsolicited bulk e-mail. Messages sent en masse require prior written approval by the general manager.
- Information that is sent or posted externally shall reflect the standards and policies of BPTC.

Personal Use

Employees who, through the course of their employment, have access to BPTC owned equipment may use said equipment for personal use at any time which is not reported as paid working time, provided:

- Personal use must be non-commercial (that is, not related to any for-profit business or activity or any use for which the employee will receive remuneration).
- Time spent on personal use must not be included as time worked on daily time sheets, or wherever work time is tracked.
- The time, location and manner of use are subject to approval of the employee's supervisor and/or the general manager.
- Personal use is subject to the BPTC's personnel policies.

Access to Email and Files

No e-mail or file should be considered confidential, even if so designated by either the sender or the recipient. All electronic files and correspondence that are located on BPTC computers and file servers are the property of the BPTC and might be considered to be public record. Such records are subject to retention and public access requirement of state law. State law grants confidentiality protections only to certain limited categories of public records: e.g. attorney-client communications and personnel information. BPTC reserves the right to access its information technology systems, including employee e-mail and files, at its discretion in the ordinary course of business.

Security

Employees shall not allow unauthorized access to BPTC's computer systems. Allowing unauthorized access includes, but is not limited to: sharing passwords with other individuals, making authentication items such as passwords easily available, failing to log off when leaving a computer, and allowing unauthorized persons physical or electronic access to BPTC's systems.

Employees shall not establish external network connections using PC Anywhere or similar network communications software without the prior written approval of the general manager and the Information & Technology Services Department. Current approved file transfer applications include payroll, TrAMS, web page information, ECHO and electronic banking.

Employees must not install or execute software or hardware to any BPTC's computer without the prior approval of the general manager and ITS. Such software includes, but is not limited to, software files that have been downloaded from the Internet or sent as attachments to e-mail. All security issues shall be communicated immediately upon discovery to the general manager and ITS.

Intellectual Property

The BPTC shall own all rights, title and interest to programs, designs, documentation, databases, or other work products produced using the BPTC computer system. Any work product, including, but not limited to, programs, designs, documentation, databases, produced by an employee as part of their job, shall be considered "work for hire", and all rights, title and interest in the work product shall be owned by BPTC.

4.15 HOUSEKEEPING

Employees shall maintain their work areas in a safe, clean and orderly fashion at all times. Employees shall ensure any space heaters or other electrical appliances are used safely and turned off at the end of their shift.

SECTION FIVE

GUIDELINES FOR BUS OPERATORS

Because bus operators are the company's primary link to our customers, and are counted on to perform without a supervisor present, the company has assembled the following information to help drivers understand what is expected of them.

5.01 PRE-TRIP INSPECTION

The pre-trip inspection damage report form must be completed prior to leaving the garage and must then be returned to the pre-trip mailbox. Inspections must also include a check of all operating systems including air pressure, engine temperature, oil pressure, brakes, wheelchair lift or ramps, voltage meter, lights, turn signals, mirrors, radio, fare tanks, window glass, public address systems and any other accessibility equipment.

These systems must be monitored frequently. To avoid serious damage, any indications or warnings of engine or transmission malfunction must be reported to the office immediately.

5.02 CYCLING LIFTS

Operators using a lift or ramp-equipped bus must cycle the lift or ramp before leaving the bus storage lot in the morning.

5.03 OPERATORS TROUBLE REPORT

Any repair that a bus may need must be reported on the operators trouble report form.

5.04 FARES

Operators must collect the correct fare from every passenger or verify the possession of a valid Indiana University student or staff ID card, or such other identification card as BPTC may recognize and notify operators of in writing. Operators may examine a pass or ID card closely to ensure its validity.

Operators must verify eligibility for reduced fares. The only acceptable form of reduced fare identification for reduced fare privileges are a photo ID issued by BPTC, a BPTC student reduced fare ID card, or a Medicare card. If a passenger without the proper identification refuses to pay the full fare after being asked, the operator should notify a supervisor.

5.05 TRANSFERS

Transfers must be checked for correct time and date. Transfers can be used only to transfer from one route to another and cannot be used for a return trip, unless authorized by a supervisor. If operators are unsure about whether to accept a transfer, they should contact the BPTC office. Transfers from Rural Transit can be accepted at locations where the Rural

Transit routes intersect BPTC routes. To reach a destination, a passenger may transfer from a Rural Transit bus onto BPTC and transfer a second time to a BPTC bus, if appropriate.

5.06 TRANSFERRING PASSENGERS

Buses shall wait no more than three minutes past their scheduled departure time from the Transit Center in order to accept transferring passengers. Exceptions may be made if approved by a supervisor. When passengers request a driver to ask other buses to wait to enable a transfer, the driver shall make an appropriate radio call to the other bus(es) or to the dispatcher on duty.

5.07 SCHEDULES AND TIME POINTS

Operators are responsible for knowledge of the pull out times, schedules and time points for all BPTC routes. Operators are responsible for pulling out at the scheduled time and for being at the starting point for their run on time. Operators are never to run early or shall never negligently or willfully run late. An operator who is more than 5 minutes late on route must notify the office. Operators must have a reliable watch at all times. Operators must ensure they have a supply of current bus schedules and system maps for distribution to passengers. Operators are responsible for having a good working knowledge of all areas served by BPTC routes.

5.08 PASSENGER STOPS

Operators shall refrain from making any passenger stops that may result in any hazards to passengers and traffic. Operators should use established bus stops where possible when boarding and deboarding passengers. (Certain bus stops are mandatory whether a stop request has been made or not. A current list of required stops is available from the operations supervisors).

5.09 RAILROAD GRADE CROSSINGS

Operators must always stop no closer than fifteen feet and no further than fifty feet from any railroad grade crossing. Operators shall open their front door and listen and look in both directions for an approaching train or for signals indicating the approach of a train. Bus operators should not cross until both directions of the railroad track are observable for an adequate distance. Four way flashers must be used. In the case of defective signals, operators must have supervisory permission before crossing the tracks.

5.10 DESTINATION SIGNS AND INTERIOR LIGHTS

Operators must display the correct destination information on the front and side signs at all times. Interior lights must be on while in service when daylight is not present including layover time. If a passenger is still aboard a bus when the bus reaches the out-of-service point at the end of the shift, the bus operator shall leave the interior lights on and contact a supervisor for instructions.

5.11 TWO WAY RADIOS

Two-way radios must always be on and at adequate volume. Radios are to be used for essential transit business only. Radio communications must be concise and as brief as practicable. Personal conversations are prohibited at all times. Ten codes should be used whenever possible. Radio communications between all employees shall be done in an appropriate, respectful and courteous manner at all times.

Names, nicknames, initials, or impromptu code numbers to identify passengers or members of the public shall not be used on the radio unless requested by a supervisor. No driver shall provide any passenger or member of the public with information concerning the whereabouts of another passenger or member of the public.

5.12 UNRULY PASSENGERS

When encountering passengers that are abusive, disruptive, or who otherwise pose a threat, bus operators should courteously ask the passenger to stop. If the annoyances continue, the operator should contact the office for assistance. Unruly passengers may be asked to leave the bus if necessary upon approval of a supervisor and passengers may not be refused the right to board any bus without the specific permission of a supervisor.

5.13 ANIMALS AND CARRY-ON ITEMS

The only animals allowed on buses are service animals and service animals in training. Bicycles and other items that cannot be adequately secured are not allowed on the bus. Motor fuels and unauthorized weapons are prohibited. Alcoholic beverages are not allowed unless they are unopened. Passengers can bring aboard only a reasonable number of items that can be securely placed. Operators should call the transit office if there is any question of what is permitted on the bus.

5.14 SMOKING, EATING, OR DRINKING

Bloomington Public Transportation Corporation prohibits smoking, the use of any tobacco products, or electronic smoking devices within its facilities or on the property of Bloomington Public Transportation Corporation. This includes the administrative building, garage, bus wash, all offices, and outside grounds. Smoking, the use of any tobacco products, or electronic smoking devices is also prohibited on buses and in all company vehicles. Bus operators on breaks shall not smoke, use any tobacco products, or electronic smoking devices near open doors of their vehicles or in passenger waiting areas. Smoking, the use of any tobacco products, the use of any tobacco products, or electronic smoking devices is permitted outdoors only in designated smoking areas when bus operators are on breaks or layover points. Smoking, the use of any tobacco products, or electronic smoking devices is not permitted within eight (8) feet of a public entrance pursuant to IC 7.1-5-12. Cigarette butts should be disposed of properly. Bloomington Public Transportation Corporation employees are required to comply with the City of Bloomington Smoking Ordinance passed in March of 2003 and as amended April 2017 while on duty, breaks, and at layover points. The

ordinance states “Smoking shall be prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles with more than one occupant and all other enclosed facilities.” All smoking outdoors must be eight (8) feet away from the buildings or buses so that smoke cannot enter from a door, window or vent. Persons found violating the City ordinance shall be subject to a \$100 fine for each violation of the ordinance. Violations will be subject to disciplinary action up to and including termination.

Eating or drinking is prohibited while driving a bus.

5.15 LICENSES AND DOT PHYSICALS

All operators must hold a valid Commercial Driver’s License (CDL), class A or B with air brake and passenger relations endorsement and current DOT physical exam documentation. Any traffic violations that affect the status of the employee's license must be reported to the company immediately. Operators whose Bureau of Motor Vehicles record indicates any convictions, suspensions, citations, or violations may be judged as uninsurable by the BPTC's insurer, and are therefore subject to dismissal. Operators are responsible for paying the cost of their Commercial Driver’s License (CDL) and BPTC will pay for the biennial DOT physical exam required of employees. The physical will be performed only by a doctor(s) designated by the Employer. Any other physical required for the employee to be certified to work at BPTC will be performed at the employee’s cost by a DOT certified doctor selected by the employee. Any suspension of a CDL or driver’s license must be reported to the operations manager within 24 hours of the suspension and before the employee next operates a company vehicle.

Bloomington Transit will pay for the first two CDL license tests for new hire employees. If additional testing is required, it must be paid for by the new hire employee.

Employees are responsible for paying the cost of and maintaining their Commercial Driver’s License (CDL). Employees are responsible for maintaining their DOT physical exam as well as for faxing their own CDL physical renewal forms to the BMV. Use of the BPTC fax machine is available.

5.16 UNATTENDED BUSES

When making a shift change or waiting for a relief, the operator must attend the bus until the relief operator can take over. If it is necessary to leave a bus unattended with passengers aboard, the operator must leave the doors closed but release the air to the doors so they may be opened manually.

5.17 TARDINESS

Timeliness and punctuality are crucial for the efficient operation of the BPTC. Tardiness occurs when an employee arrives for work after scheduled report time. If possible, employees should notify a supervisor in advance of any tardiness.

5.18 MISS OUTS

A miss out is when an employee calls in absent less than two hours before scheduled arrival time or fails to report for a scheduled shift and fails to notify a supervisor or the general manager, making it necessary to call in another employee. An employee will be considered to have missed out once the supervisor calls in the replacement. In the case of a miss out of a bus driver, the missing driver loses that day's shift and is then obligated to take an extraboard assignment, if needed. Part time Operators are responsible for checking in for their run assignments and must inform a supervisor of any unavailability. Part time operators may request one (1) day off without pay one (1) time each calendar month. The request must be in writing on a BPTC provided form. The request and the fully completed form must be submitted to the employee's supervisor at least two (2) working days prior to the requested day off. Days off will be granted at the discretion of BPTC based on the needs of providing service to customers. The request shall specifically state the date and shifts requested. The form must be signed and dated by the employee and approved by the supervisor. Failure to provide a fully completed form and gain approval of the supervisor shall result in disciplinary action for absence without approved leave.

5.19 UNIFORMS AND PERSONAL HYGIENE

Operators are required to only wear uniforms and hats purchased from Bloomington Transit unless approved by the human resource administrator. Employees are expected to maintain a neat and clean appearance while on duty. Uniforms must be kept clean and in good repair. Shirt tails must be tucked into pants and skirts at all times. Good grooming habits must be observed at all times. The employer shall provide one pair of approved shoes to be used by operators the approved pair of shoes must be a black tennis shoe or black work boot. Shoes must be of sufficient construction as to not hinder the safe operation of a vehicle. Sandals are prohibited. The shoe may be charged as part of the annual uniform allowance. To be reimbursed the shoe allowance for one pair of shoes the employee must provide an original receipt and description of the pair of shoes. Any alteration of BPTC uniforms must be approved. The BPTC shall set minimum uniform standards for bus operators. Uniform shorts will be available for operators to wear May 1st until September 30th each year. Each full-time operator shall receive an annual allowance with uniform suppliers approved by the employer in the amount of two-hundred forty five dollars (\$245). Each subsequent January 1st, beginning on January 1, 2018, the annual allowance will be increased ten dollars (\$10). The uniform allowance as outlined in the Collective Bargaining Agreement (Article 27 F) may not be carried over from year to year if the entire balance is not spent on uniforms in any calendar year. Items with the BT logo affixed to them with a sewn on patch or embroidery shall not be given, sold, or loaned to anyone other than a BT employee.

5.20 ENERGY CONSERVATION

To conserve energy, operators should not start their buses until ten minutes before departure time, accelerate rapidly, or brake hard.

5.21 JOY RIDERS

Passengers are not allowed to joy ride or stay on a bus for multiple trips. A passenger may make one complete round trip cycle: that is, he or she may ride until the bus returns to the point where the passenger boarded. Operators shall ensure that passengers comply with this guideline.

Employees are not allowed to baby-sit children on the bus or in the workplace.

5.22 COMPLETION OF ROUTE

Operators are required to follow the assigned route to its last time point. Deleting any portion of a route without authorization is not allowed. If a passenger is still aboard a bus when the bus reaches the out-of-service point at the end of the shift, the bus operator shall leave the interior lights on and contact a supervisor for instructions.

5.23 USE OF PERSONAL RADIOS AND OTHER ELECTRONIC DEVICES

Personal radios may be used on buses as long as the volume is kept on low and does not cause any disruption to passengers or to the safe operation of the bus. The company reserves the right to restrict the use of personal radios any time while at work. No personal headphones or earphones are permitted at any time.

For safety reasons employees shall not use cell phones (including headsets) or personal communications devices in any manner while operating a company vehicle. This includes checking voice_mail and sending, reading, or receiving text messages. You may carry a personal cell phone with you while on-duty, however, fixed route operators shall limit the use of cell phones and personal communication devices to occasions when they are at the end of the line or at the downtown transfer facility. Operators shall not use or wear earphones or Bluetooth type devices while operating company vehicles except those devices issued by Bloomington Transit. Employees operating non-revenue vehicles shall safely pull off the road before making or receiving cell phone calls or using text messaging functions. No employee, without the written approval of his/her supervisor, shall make any video and/or audio recording of any passenger, co-worker, or the public regardless of the type of recording device employed. Violations will be subject to disciplinary action up to and including termination.

5.24 EXTRA EFFORTS FOR PEOPLE WITH DISABILITIES

Bus operators are responsible for certain extra efforts on behalf of persons with disabilities that are required by company policy or by the Americans with Disabilities Act of 1990

(ADA). These include assisting persons with disabilities, securing wheelchairs within the bus, calling out major bus stops, treating individuals with disabilities in a respectful and courteous way and other steps as directed.

5.25 LAWS, REGULATIONS AND NOTICES

Operators must know, understand and abide by all laws, regulations, rules, procedures, and practices applicable to performance of their duties.

Occasionally, the company will issue a memorandum as a reminder about policies outlined in this manual, or to deal with a situation not addressed here. All employees are required to familiarize themselves with these instructions, and to observe the directions outlined therein. Employees are required to read and follow BPTC posted notices. *All* BPTC employees are responsible for reading the bulletin boards and checking their mailboxes DAILY. This information may include route changes, special instructions, safety instructions, and information of general interest or information about employee benefits. Employees shall not deface or remove items posted on bulletin boards or in mailboxes. No employee may place items on the bulletin board without permission from the operations manager or the general manager. Mailboxes are for official business only and not to be used for dissemination of personal opinions or any other nonofficial BPTC business such as phone messages or personal messages.

5.26 CALLING OUT STOPS

In accordance with ADA rules and regulations, the main bus stops along any given bus route must be announced. BT buses are equipped with enunciators to make such announcements automatically. If the annunciators are not functioning properly operators are responsible for making the call by using the public address system. Set the speaker switch to “both” to activate both internal and external speakers. Calls must be made even if the public address system does not work. Failure to provide this service is subject to disciplinary action.

Bloomington Public Transportation Corporation policy requires that announcements be made both internally and externally at pre-determined locations along the various routes. Operators shall promptly report inoperable public address systems on their daily pre-trip inspection form. To assist operators in executing this policy a “Called Stop” book is issued to all operators. This book must be in your possession at such times as you may need it. The “Called Stop” book contains a list of the designated stops and the appropriate internal call for each of them. Stops requiring an internal call are also marked by a red reflector on the bus stop sign. In addition, passengers may request that you call a certain stop which their disability may prevent them from recognizing. All internal calls shall be made as you approach a designated stop in time for a passenger to respond but not so far ahead as to confuse the visually impaired.

External announcements are required at stops served by multiple routes if passengers are waiting. Such stops may be identified by multiple route signs beneath the bus stop sign. These announcements shall also be made just prior to departing the Transit Center. The

wording for these external announcements is listed in the grey area of the “Called Stop” book for inbound and outbound calls. Operators shall use the wording as printed.

To meet the objective of the ADA regulations and BPTC policy bus operators shall:

Be mindful that sight impaired people are defined as those with “hidden disabilities” and as such their disability may not be readily recognizable.

Make internal stop calls that are listed in the book plus those which may be requested.

Make external announcements at stops serving more than one route if passengers are waiting or boarding the bus. Make external announcements at turnaround points.

Use the wording in the grey area at the top of each page in the “Called Stop” book for external announcements. Make such calls before you leave the stop. Watch for response to your announcement.

Use the public announcement microphone in a manner that aims our voice directly into the mouth piece so your call out is audible throughout the bus and on the external speaker. Set the speaker switch to “BOTH” to activate both internal and external speakers.

5.27 USE OF LIFTS, RAMPS, AND KNEELERS

The lifts, ramps and kneelers must be used upon a passenger’s request. When temperatures are below freezing, mechanical ramps and lifts should be operated *instead of* kneelers upon the passenger’s request. Operators shall promptly report inoperable lifts or ramps on their daily pre-trip inspection form.

5.28 EQUIPMENT

Operation of specialized equipment (fare boxes, radios, destination signs, public address system, etc.) is part of a bus operator’s job. Proficiency in the use of such equipment is a condition of continued employment as a bus operator. Tampering with or disabling any equipment on vehicles will be grounds for disciplinary action up to and including termination. Fare boxes shall not be put in by-pass mode without permission of a supervisor or maintenance employee.

Public address systems shall only be used for calling out bus stops or to address passengers in the event of an emergency or unusual situation.

5.29 OPERATING OFF ROUTE

Operators are required to precisely follow the required route and schedule for their run. Any deviations or detours in the prescribed route or schedule are subject to approval of a supervisor in advance. This specifically includes turn around procedures at layover points.

Out of service buses traveling to or from Grimes Lane prior to entering service or after going out of service shall follow direct routes unless instructed otherwise by a supervisor.

5.30 DOORS

Operators and all employees are required to keep vehicle doors closed at all times while the vehicle is in motion. Operators shall not deactivate the door interlock system unless approved in advance by a supervisor. Operators shall exercise great care to ensure passengers are completely off the bus before closing doors.

5.31 SEAT BELTS

Operators are required to wear seat belts at all times when driving BPTC vehicles.

5.32 SHIFT SWITCHING

Full-Time bus operators will be allowed to switch their bid run for a day with another full-time operator's bid run a maximum of three (3) times per month. Part-time operators with scheduled bid runs will be allowed to switch their run with another part-time operator with a bid run a maximum of one (1) time per month.

When a bus operator wants to switch his/her run, he/she will get approval from the Operations Manager or his designee. Operators may only switch if the switch would not cause BPTC to incur overtime. Operators may only switch to a run that is less than or equal to the pay time in their original run.

Switches shall be on a first come, first served basis and must be requested no later than 6:00 p.m. on the day before the desired switch. Same day switches will not be allowed.

Switched shifts will be tracked by a dispatcher/supervisor.

5.33 CALL IN PROCEDURES FOR PART TIME OPERATORS

If an operator has an assigned extraboard run, it is the responsibility of the operator to check on their altered schedule on any day when BPTC is not running a full schedule (e.g. Christmas Break, Spring Break, Thanksgiving break, fall break, Labor Day, Martin Luther King Day, and final exam weeks at Indiana University.). Any fixed route operator who has a bid run that does not operate on Indiana University scheduled breaks are required to call in at 6:00 p.m. each night to see if they are scheduled to work the following day. A failure to check in that results in a missed run will result in a miss out and a subsequent write up.

5.34 SUMMER BREAK FOR OPERATORS

Fixed Route Operators shall suffer no loss of seniority if they take non-medical leave during University breaks. Such request for leave must be submitted in writing to the Human Resource Administrator at least thirty (30) days in advance of the leave start date. The request

must be signed and dated by the employee. The number of employees allowed to be off will be determined by the Employer. An employee may retain his/her health insurance and all other insurance benefits by paying the full premium (employer's and employee's share) while on the leave. Failure to pay the premium shall result in the immediate loss of the coverage. PTO time shall not accrue during the leave. The operator's PTO must be used for the leave until it is exhausted. The remaining leave will be unpaid. In addition, three weeks prior to the start of the fall semester each operator on leave must contact the operations manager to confirm their date of return to work.

5.35 HOLIDAYS FOR PART TIME OPERATORS

Paid holidays for Part time operators (not including trainees) shall be Christmas Day, Thanksgiving Day, New Year's Day, Independence Day, and Memorial Day. In order to qualify for holiday pay, the employee must work his/her regular work assignments immediately preceding and following the holiday.

5.36 EXCEPTION FORMS

All drivers must fill out an exception form any time they work outside of their normally scheduled hours, including union meetings.

5.37 DISTRACTED DRIVING

Operators shall not allow passengers to stand near the driver and carry on a conversation while the bus is in motion. Operators shall courteously request that the passenger take a seat until the bus comes to a stop.

SECTION SIX

GUIDELINES FOR BT ACCESS OPERATORS

Because van and bus operators are the company's primary link to our customers, and are counted on to perform without a supervisor present, the company has assembled the following information to help drivers understand what is expected of them.

6.01 PRE-TRIP INSPECTION

The pre-trip inspection damage report form must be completed prior to leaving the garage and must then be placed in the pre-trip mailbox. Inspections must also include a check of all operating systems including engine temperature, oil pressure, brakes, wheelchair lift or ramp voltage meter, lights, turn signals, mirrors, radio, fare tanks, window glass, and any other accessibility equipment.

These systems must be monitored frequently. To avoid serious damage, any indications or warnings of engine or transmission malfunction must be reported to the office immediately.

6.02 CYCLING LIFTS

Operators must cycle the lift before leaving the bus storage lot in the morning.

6.03 OPERATORS DEFECT CARD

Any vehicle repair must be reported on the operators defect card.

6.04 FARES

Operators must collect proper fare or punch passes from every passenger as they board and document it accurately. Operators shall not make change. Any deviations from the manifest need dispatcher or supervisor approval before departure. If a passenger without the proper fare or pass refuses to pay the full fare after being asked, the operator shall notify a supervisor before departure.

6.05 TRANSFERS

Transfers must be checked for correct time and date. Transfers can be used only to transfer between Rural Transit and BT Access. If operators are unsure about whether to accept a transfer, they should contact the BPTC office.

6.06 MANIFESTS

An operator who is more than 10 minutes late on route must notify the office. Operators must have a reliable watch at all times.

Operators shall follow the manifest as it appears. Any deviations from the manifest need supervisor approval before arrival or departure. Operators shall park at the curb of the address to pick up and drop off passengers unless otherwise instructed by a supervisor or the manifest.

Operators will review the manifest at the end of the shift to ensure accurate record keeping. Actual pickup and drop off times shall be recorded on the manifest for each passenger. Actual odometer readings shall be recorded on the manifest for each pickup and drop off.

6.07 RAILROAD GRADE CROSSINGS

Operators must always stop no closer than fifteen feet and no further than fifty feet from any railroad grade crossing. Operators shall open both the driver's side window and the front passenger side window or door to listen and look in both directions for an approaching train or for signals indicating the approach of a train. Operators must not cross until both directions of the railroad track are observable for an adequate distance. Four way flashers must be used. In the case of defective signals, operators must have supervisory permission before crossing the tracks.

6.08 TWO WAY RADIOS

Two-way radios must always be on and at adequate volume. **Radios are to be used for transit business only. Personal conversations are prohibited at all times.** Ten codes should be used whenever possible. Radio communications between all employees shall be done in an appropriate, respectful and courteous manner at all times.

6.09 UNRULY PASSENGERS

When encountering passengers that are abusive, disruptive, or who otherwise pose a threat, operators should courteously ask the passenger to stop. If the annoyances continue, the operator should contact the office for assistance. Unruly passengers may be asked to leave the vehicle if necessary, only upon approval of a supervisor and passengers may not be refused the right to board any vehicle without the specific permission of a supervisor.

6.10 ANIMALS AND CARRY-ON ITEMS

The only animals allowed on BT vehicles are service animals and service animals in training. Items that cannot be adequately secured are not allowed on the BT vehicles. Motor fuels and unauthorized weapons are prohibited. Alcoholic beverages are not allowed unless they are unopened. Passengers can bring aboard only a reasonable number of items that can be securely placed. Operators should call the transit office if there is any question of what is permitted on the vehicle.

6.11 SMOKING, EATING, OR DRINKING

Bloomington Public Transportation Corporation prohibits smoking, the use of any tobacco products, or electronic smoking devices within its facilities or on the property of Bloomington Public Transportation Corporation. This includes the administrative building, garage, bus wash, all offices, and outside grounds. Smoking, the use of any tobacco products, or electronic smoking devices is also prohibited on buses and in all company vehicles. Bus operators on breaks shall not smoke, use any tobacco products, or electronic smoking devices near open doors of their vehicles or in passenger waiting areas. Smoking, the use of any tobacco products, the use of any tobacco products, or electronic smoking devices is permitted outdoors only in designated smoking areas when bus operators are on breaks or layover points. Smoking, the use of any tobacco products, or electronic smoking devices is not permitted within eight (8) feet of a public entrance pursuant to IC 7.1-5-12. Cigarette butts should be disposed of properly. Bloomington Public Transportation Corporation employees are required to comply with the City of Bloomington Smoking Ordinance passed in March of 2003 and as amended April 2017 while on duty, breaks, and at layover points. The ordinance states “Smoking shall be prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles with more than one occupant and all other enclosed facilities.” All smoking outdoors must be eight (8) feet away from the buildings or buses so that smoke cannot enter from a door, window or vent. Persons found violating the City ordinance shall be subject to a \$100 fine for each violation of the ordinance. Violations will be subject to disciplinary action up to and including termination.

Eating or drinking is prohibited while driving or when passengers are present.

6.12 LICENSES AND DOT PHYSICALS

All operators must hold a valid Commercial Driver’s License (CDL), class A, B, or C with passenger endorsement and current DOT physical exam documentation. Any traffic violations that affect the status of the employee's license must be reported to the company immediately. Operators whose Bureau of Motor Vehicles record indicates any convictions, suspensions, citations, or violations may be judged as uninsurable by the BPTC's insurer, and are therefore subject to dismissal. Operators are responsible for paying the cost of their Commercial Driver’s License (CDL) and BPTC shall pay for the biennial DOT physical exam required of employees. The physical will be performed only by a doctor(s) designated by the Employer. Any other physical required for the employee to be certified to work at BPTC will be performed at the employee’s cost by a DOT certified doctor selected by the employee.

Bloomington Transit will pay for the first two CDL license tests for new hire employees. If additional testing is required, it must be paid for by the new hire employee.

Employees are responsible for paying the cost of acquiring and maintaining their Commercial Driver’s License (CDL). Employees are responsible for maintaining their DOT physical

exam as well as for faxing their own CDL physical renewal forms to the BMV. Use of the BPTC fax machine is available.

6.13 UNATTENDED VEHICLES

If the operator must leave the vehicle, the vehicle must be secured and keys removed. Passengers shall not be left alone onboard the vehicle unless the operator is assisting other passengers to and from a building and the vehicle. The electronic or paper manifests shall be hidden from sight when operators leave the vehicle to protect the privacy of passengers.

6.14 TARDINESS

Timeliness and punctuality are crucial for the efficient operation of the BPTC. Tardiness occurs when an employee arrives for work after scheduled report time. If possible, employees should notify a supervisor in advance of any tardiness.

6.15 MISS OUTS

A miss out is when an employee calls in absent less than two hours before scheduled arrival time or fails to report for a scheduled shift and fails to notify a supervisor or the general manager, making it necessary to call in another employee. An employee will be considered to have missed out once the supervisor calls in the replacement. In the case of a miss out of an operator, the missing driver loses that day's shift and is then obligated to take an extraboard assignment, if needed. Part time Operators are responsible for checking in for their run assignments and must inform a supervisor of any unavailability. Part time operators may request one (1) day off without pay one (1) time each calendar month. The request must be in writing on a BPTC provided form. The request and the fully completed form must be submitted to the employee's supervisor at least two (2) working days prior to the requested day off. Days off may be granted at the discretion of BPTC based on the needs of providing service to customers. The request shall specifically state the date and shifts requested. The form must be signed and dated by the employee and approved by the supervisor. Failure to provide a fully completed form and gain approval of the supervisor shall result in disciplinary action for absence without approved leave.

6.16 UNIFORMS AND PERSONAL HYGIENE

Operators are required to only wear uniforms and hats purchased from Bloomington Transit. Employees are expected to maintain a neat and clean appearance while on duty. Uniforms must be kept clean and in good repair. Shirt tails must be tucked into pants and skirts at all times. Good grooming habits must be observed at all times. The employer shall provide an approved shoe to be used by operators the approved shoe must be a black tennis shoe or black work boot. Shoes must be of sufficient construction as to not hinder the safe operation of a vehicle. Sandals are prohibited. The shoe may be charged as part of the annual uniform allowance. The BPTC shall set minimum uniform standards for operators. Uniform shorts will be available for operators to wear May 1st until September 30th each year. Each full-time operator shall receive an annual allowance with uniform suppliers approved by the employer

in the amount of two-hundred forty five (\$245). Each subsequent January 1st, beginning on January 1, 2018, the annual allowance will be increased ten dollars (\$10). The uniform allowance as outlined in the Collective Bargaining Agreement (Article 28 F) may not be carried over from year to year if the entire balance is not spent on uniforms in any calendar year.

6.17 ENERGY CONSERVATION

To conserve energy, operators should not start their vehicles until ten minutes before departure time, accelerate rapidly, or brake hard. If you will be at a layover point for more than 3 minutes shut the vehicle down if temperatures are between 32 degrees and 80 degrees unless a supervisor or the maintenance department advise to leave your bus running.

6.18 USE OF PERSONAL RADIOS AND CELL PHONES

Personal radios may be used on vans and buses as long as the volume is kept low and does not cause any disruption to passengers or to the safe operation of the vehicle. The company reserves the right to restrict the use of personal radios any time while at work. No personal headphones or earphones are permitted at any time.

For safety reasons employees shall not use cell phones (including headsets) or personal communications devices in any manner while operating a company vehicle. This includes checking voicemail and sending, receiving, or reading text messages. You may carry a personal cell phone with you while on-duty, however, operators of BT Access vehicles shall limit the use of cell phones and personal communication devices to circumstances in which no passengers are aboard and the vehicle is parked. Operators shall not use or wear earphones or Bluetooth type devices while operating company vehicles except for those devices issued by Bloomington Transit. Employees operating non-revenue vehicles shall safely pull off the road before making or receiving cell phone calls or using text messaging functions. No employee, without the written approval of his/her supervisor, shall make any video and/or audio recording of any passenger, co-worker, or the public regardless of the type of recording device employed. Violations will be subject to disciplinary action up to and including termination.

6.19 EXTRA EFFORTS FOR PEOPLE WITH DISABILITIES

Operators are responsible for certain extra efforts on behalf of persons with disabilities that are required by company policy or by the Americans with Disabilities Act of 1990 (ADA). These include assisting persons with disabilities, securing wheelchairs within the vehicle and treating individuals with disabilities in a respectful and courteous way and other steps as directed.

6.20 LAWS, REGULATIONS, AND NOTICES

Operators must know, understand and abide by all laws, regulations, rules, procedures, and practices applicable to performance of their duties.

6.21 USE OF LIFTS

The lifts must be used upon a passenger's request. Operators shall not ride the lift, nor stand on the lift unless it is resting flat on the ground.

6.22 EQUIPMENT

Operation of specialized equipment (fare boxes, radios, etc.) is part of an operator's job. Proficiency in the use of such equipment is a condition of continued employment as an operator. Tampering with or disabling any equipment on vehicles will be grounds for disciplinary action up to and including termination.

6.23 OPERATING OFF ROUTE

Operators are required to precisely follow their manifest. Operators shall take the most efficient route between destinations. Any deviations or changes in the prescribed manifest are subject to approval of a supervisor in advance.

6.24 DOORS

Operators and all employees are required to keep vehicle doors closed at all times while the vehicle is in motion. Operators shall exercise great care to ensure that passengers are completely off the vehicle before closing the door.

6.25 SEAT BELTS

Operators are required to wear seat belts at all times when driving BPTC vehicles. Operators shall ensure passengers are wearing seat belts while vehicle is in motion.

6.26 SHIFT SWITCHING

Operators cannot switch shifts without the advance approval of their immediate supervisor.

BPTC Full-Time operators will be allowed to switch their bid run for a day with another full-time operator's bid run a maximum of three (3) times per month. Part-time operators with scheduled bid runs will be allowed to switch their run with another part-time operator with a bid run a maximum of one (1) time per month.

When an operator wants to switch his/her run, he/she will get approval from the operations manager or his designee. Operators may only switch if the switch would not cause BPTC to incur overtime. Operators may only switch to a run that is less than or equal to the pay time in their original run.

Switches shall be on a first come, first served basis and must be requested no later than 6:00 p.m. on the day before the desired switch. Same day switches will not be allowed. Switched shifts will be tracked by a dispatcher/supervisor.

6.27 CALL IN PROCEDURES FOR BT ACCESS OPERATORS

BT Access operators must call the office the evening before each day they are scheduled to work to obtain their exact schedule for the following day. All operators must call a supervisor every evening between 5:30 p.m. and 6:30 p.m.

Operator's report time at the beginning of each *BT Access* run will be 10 minutes. This provides the drivers a total of 10 minutes from the time they report to the *BT Access* dispatch office to the time they pull-out from the garage. During these 10 minutes of report time, operators shall review their manifest and perform their pre-trip vehicle inspection.

Operator's report time at the end of each *BT Access* run will be 5 minutes. This provides the operator with a total of 5 minutes from the time they park their vehicle to check for any items left on the vehicle by passengers, to properly stow wheelchair restraints and seatbelts, and to review information on their manifest.

6.28 HOLIDAYS FOR PART TIME OPERATORS

Paid holidays for Part time operators (not including trainees) shall be Christmas Day, Thanksgiving Day, New Year's Day, Independence Day, and Memorial Day. In order to qualify for holiday pay, the employee must work his/her regular work assignments immediately preceding and following the holiday.

6.29 EXCEPTION FORMS

All operators must fill out an exception form anytime they work outside of their normally scheduled hours or do not work their assigned shift, use PTO, Sick Leave, Holidays, or attend union meetings.

6.30 BREAKS

BT Access operators shall not have scheduled unpaid lunch breaks. Possible exceptions to this may be scheduled by the dispatcher if a straight run equals or is greater than 9.5 hours daily and there is a natural break to schedule such a lunch break. The scheduling of lunch breaks is at the complete discretion of the supervisor.

Any *BT Access* operator who works more than one (1) run with total pay hours for those runs that exceed nine and one half (9 ½) hours for the day shall be paid an additional thirty (30) minutes of pay at their regular straight time rate of pay.

When there are gaps in the schedule of 60 minutes or more, the *BT Access* operator shall report back to the garage immediately following the last drop-off unless supervisor instructs otherwise. When there are gaps of less than 60 minutes, *BT Access* operators shall remain in their vehicles at all times so as to be within radio contact and prepared to handle any unscheduled pickups/drop-offs as assigned by a supervisor.

BT Access operators shall not park *BT Access* vehicles at places such as a personal residence (whether their residence or someone else's residence), a liquor store, a sexually-oriented place of business, a location outside the City boundaries, or in an isolated location unless a scheduled passenger pickup or drop off is on the manifest. *BT Access* operators shall never sleep while on-duty inside or outside a vehicle.

6.31 EMPLOYEE INFORMATION BULLETIN BOARDS AND MAILBOXES

Occasionally, the company will issue a memorandum as a reminder about policies outlined in this manual, or to deal with a situation not addressed here. All employees are required to familiarize themselves with these instructions, and to observe the directions outlined therein. Employees are required to read and follow BPTC posted notices.

All Bloomington Public Transportation Corporation employees are responsible for reading the bulletin boards and checking their mailboxes **DAILY**. This information may include road closures, special instructions, safety instructions, and information of general interest or information about employee benefits. Employees shall not deface or remove items posted on bulletin boards. No employee may place items on the bulletin board without permission from the operations manager or the general manager. Mailboxes are for official business only and not to be used for dissemination of personal opinions or any other non-official BPTC business such as phone messages or personal messages. Violation of this policy may result in disciplinary action up to and including termination.

SECTION SEVEN

ACCIDENT AND EMERGENCY PROCEDURES

7.01 PROCEDURES TO FOLLOW IN THE EVENT OF AN ACCIDENT

An accident is any happening or occurrence on or near a transit vehicle involving a passenger, another vehicle, bicycle, pedestrian, or a stationary object, which might result in a claim against or a claim being made by the BPTC.

All accidents no matter how minor must be reported immediately. Employees should:

- contact the office
- relay their location, and
- describe exactly what happened
- request an ambulance if there are injuries
- remain in radio contact with the office
- put on emergency flashers and set out reflectors, if necessary
- do not move the bus unless cleared to do so by a supervisor
- attempt to keep the other driver from moving his/her vehicle
- wait for the police or a supervisor to arrive
- do not discuss details of the accident with the other driver
- be sure to get the other driver's license and vehicle registration numbers
- completely fill out the accident report form as soon as possible
- distribute courtesy cards to anyone who has witnessed the accident.
- do not leave the scene of an accident without the advance authorization of a supervisor or law enforcement official.

Failure to cooperate with an accident investigation, including cooperation with law enforcement officials, insurance agents, City of Bloomington Risk Management employees or internal BPTC investigators, as well as attendance at court hearings and proceedings, if applicable, may result in suspension or termination of employment. In addition, misrepresentation of any facts concerning an accident involving BPTC vehicles may result in suspension or termination of employment.

7.02 PROCEDURE FOR MECHANICAL BREAKDOWNS

In the event of a mechanical breakdown, employees should do as follows:

- radio the office to give their location and describe the problem
- try to move their bus to a safe location that will not obstruct traffic
- turn on their emergency flashers; use reflectors if necessary
- shut down the engine; remain in radio contact with the office

- evacuate passengers from the bus to a safe location if there is a fire or otherwise necessary for safety.
- use the fire extinguisher if necessary
- wait for assistance and direct traffic if necessary.

7.03 PREVENTABLE AND NON PREVENTABLE ACCIDENTS

The Accident Review Committee will review all employee on the job motor vehicle accidents (including those involving support vehicles) to determine the preventability or non-preventability of the accident. The Accident Review Committee standard for these determinations is the standard established by the National Safety Council for preventable and non-preventable accidents and is described below.

A preventable accident is any accident in which the operator failed to do everything he/she could have done to avoid it. By contrast a non-preventable accident is any accident in which the operator has done everything he/she could have done to avoid it based on the criteria listed below. In interpreting preventable and non-preventable accidents, the Council defines the following as preventable accidents:

(A) INTERSECTIONS

It is the responsibility of professional operators to approach, enter and cross intersections prepared to avoid accidents that might occur through the action of other drivers. Complex traffic movement, blind intersections or failure of the other driver to conform to law or traffic control devices will not automatically discharge an accident as non-preventable. Intersection accidents are preventable even though the professional operator has not violated traffic regulations. The failure to take precautionary measures prior to entering the intersection is factors to be studied in making a decision. When a professional operator crosses an intersection and the obvious action of another driver results in an accident, that accident is preventable if there is sufficient reason to expect the operator to anticipate and thereby avoid the collision.

(B) VEHICLE AHEAD

Regardless of the abrupt or unexpected stop of the vehicle ahead, an operator can prevent rear end collisions by maintaining a safe following distance at all times. This includes being prepared for obstructions on the roadway, adverse weather and road conditions, and avoiding "overdriving" headlights at night.

(C) VEHICLE BEHIND

Investigation often discloses that operators risk being struck from behind by failing to maintain a margin of safety in their own following distance. Rear end collisions preceded by a roll back, an abrupt stop at a grade crossing, when a traffic signal changes, or when the

operator fails to signal a turn at an intersection, would be charged as preventable. Failure to signal intentions or to slow down gradually shall be considered preventable.

(D) PASSING

Failure to pass safely indicates faulty judgment and the possible failure to consider one or more of the important factors a driver must observe before attempting such a maneuver. Unusual actions of the operator being passed or of oncoming traffic might appear to exonerate an operator involved in a passing accident; however, the entire passing maneuver is voluntary and the operator's responsibility.

(E) BEING PASSED

Sideswipes and cut offs involving a professional operator while being passed are preventable when the professional operator fails to yield to the passing vehicle by slowing down or moving to the right when possible.

(F) ONCOMING

It is extremely important to check the action of the operator when involved in a head on or sideswipe accident with a vehicle approaching from the opposite direction. Exact location of vehicles prior to and at the point of impact must be carefully verified. Even though an opposing vehicle enters your traffic lane, it may be possible to avoid a collision. For example, if the opposing vehicle was in a passing maneuver and the operator failed to slow down, stop, or move to the right to allow the vehicle to re-enter his/her own lane, then the operator has failed to take action to prevent the occurrence. Failing to signal the opposing driver by flickering the headlights or sounding the horn should also be taken into account.

(G) FIXED OBJECTS

Collisions with fixed objects are preventable. They usually involve failure to check or properly judge clearances. Even though fixed objects may be obstructive, the operator must be constantly on the lookout for such conditions and make the necessary allowances.

(H) PEDESTRIANS

Traffic regulations and court decisions generally favor the pedestrian hit by a moving vehicle. An unusual route of a pedestrian at mid-block or from between parked vehicles does not necessarily relieve an operator from taking precautions to prevent such accidents. Whether speed limits are imposed on the area or not, speed too fast for conditions may be involved. School zones, shopping areas, residential streets, and other areas with special pedestrian traffic must be traveled at reduced speeds required for the particular situation. Bicycles, motor scooters, skateboards, and similar equipment are generally operated by young and inexperienced people. The operator who fails to reduce his/her sight distance has failed to take the necessary precautions to prevent an accident. Keeping within posted speed limits is not taking the proper precaution when conditions call for voluntary reduction of speed.

(I) PRIVATE PROPERTY

When an operator is expected to make pick-ups or drop offs at unusual locations, or on driveways not built to support heavy commercial vehicles, it is the operator's responsibility to discuss the situation with a supervisor before entering the area.

(J) PASSENGER ACCIDENTS

Passenger accidents in any type of vehicle are preventable when they are caused by faulty operation of the vehicle. Even though the incident did not involve the collision of the vehicle, it must be considered preventable when the operator stops, turns, or accelerates abruptly. Emergency action by the operator to avoid a collision that results in passenger injury should be checked to determine if proper driving prior to the emergency would have eliminated the need for the evasive maneuver.

(K) NON COLLISIONS

Many accidents, such as overturning or running off the road, may result from emergency action by the operator to preclude being involved in a collision. Examination of his/her driving procedure prior to the incident may reveal speed too fast for conditions or other factors. The operator's actions prior to involvement should be examined for possible errors or lack of defensive driving practices.

(L) MISCELLANEOUS

Improper use of doors, tampering with seat airlines, interlock systems, or passenger accidents resulting from passenger behavior such as hanging out of windows are preventable by the operator.

7.04 JUDGMENT OF ACCIDENTS

All employees involved in preventable accidents will be either classified as a Class I accident or a Class II accident for purposes of disciplinary action (if necessary).

A Class I accident is any accident which results in less than \$1200.00 in property damage (as determined by BPTC management) and no personal injury, nor results in any conviction of any traffic violation.

A Class II accident is any accident which results in more than \$1200 in property damage (as determined by the company), any personal injury or conviction of any traffic violation.

SECTION EIGHT

REMEDIATION PROCEDURES

8.01 GENERAL POLICY STATEMENT

Discipline situations at times may present unique sets of conditions which will be reviewed and decided upon in context of the employee's work history, attitude, nature of the offense and surrounding circumstances. In striving for fair and consistent remediation practice, the company may employ various measures when considered appropriate. The company uses employee conferences, two levels of warnings, remedial training programs, suspension, and in certain cases dismissal to enforce its rules of employee conduct. Minor policy violations are generally subject to a four-step discipline procedure; more serious policy violations are subject to three and two step procedures or immediate dismissal from employment. Any action that is so deleterious to efficient operations or the public interest that discipline or discharge could reasonably be expected to result is an offense that subjects the employee to possible immediate discharge. The purpose of this policy is to give employees notice, insofar as possible, of the employer's standards, requirements and expectations which are not covered elsewhere in these policies. Personnel policies described herein are not all inclusive and the omission of a specific policy prohibiting a particular kind of conduct does not mean the conduct is acceptable to the employer. In addition, this policy gives the employee the opportunity to correct a minor problem before it becomes a major one, while reserving the company's right to address more serious situations with more serious sanctions.

This uniform disciplinary policy is not intended to create a contract of employment between Bloomington Public Transportation Corporation and its employees. This policy may be changed from time to time by the employer and employees will be notified of such changes.

8.02 EMPLOYEE CONFERENCES

Where appropriate, an employee's supervisor may confer with an employee about the employee's job performance, or about a specific complaint or incident. At this conference, the employee's supervisor may discuss a problem without issuing a formal sanction to the employee, or may take one of the steps outlined below.

8.03 STEP ONE WARNINGS

Step one warnings are used exclusively for minor policy violations. Successful completion of remedial training programs which may be required by the company will be noted with the warning where appropriate. Examples of employee's conduct that would result in the issuance of a step one warning follow; these are examples and are not all-inclusive. The omission of a specific example here does not mean that such conduct is acceptable to the company. A repeat instance within a two year period of conduct that required a step one warning will result in the issue of a step two warning. A third instance within two years will

result in suspension. A fourth instance within two years will result in dismissal from the company.

- Tardiness
- Pulling out late or willfully running late on route
- Running early on route
- Smoking in an unauthorized area
- Deleting any part of a route or failure to display proper front and side destination signs
- Neglected appearance and or failure to wear complete uniform
- Passing by passengers
- Failure to collect proper fare
- Minor preventable Work Comp injuries
- Failure to report on-the-job injuries in a timely fashion
- Failure to keep and submit in a timely manner accurate passenger count records, pre-trip inspection reports, vehicle and work place injury accident reports, other written records or administrative paperwork including, but not limited to, annual medical history questionnaires for group health insurance purposes
- Leaving vehicle unattended during a shift change or unsecured while away from the vehicle
- A minor traffic violation
- Improper use of two-way radios
- Failure to wear the seat belt or failure to keep both hands on the steering wheel
- Eating/drinking while driving
- Class I preventable accident
- Unauthorized uses of the garage or of company equipment.
- Potentially dangerous practical jokes or pranks.
- Use of cell phones while driving BT vehicles.

8.04 STEP TWO WARNINGS

Step two warnings are used usually for more serious policy violations or for a recurrence of a minor policy violation for which an employee received at least one step one warning within the preceding two years. After a step two warning is issued, subsequent occurrences of the same violations within 24 months of the first may result in suspension, and then dismissal. Successful completion of remedial training programs which may be required by the company will be noted with the warning where appropriate. Examples of employee conduct that will result in immediate step two warnings include, but are not limited to:

- Class II Preventable Accident
- Major preventable Work Comp accidents
- Miss out. A miss out is when an employee calls in absent less than two hours before scheduled arrival time or fails to report for a scheduled shift and fails to notify a supervisor or the general manager, making it necessary to call in another employee. An employee will be considered to have missed out once the supervisor calls in a

replacement. An attempt will be made to contact the missing employee before that employee will be considered to have missed out. In the case of a miss out of a bus operator, the missing operator loses that day's shift and is then obligated to take an extraboard assignment, if needed

- Calling in sick without legitimate reason
- Failure to follow a specific safety instruction
- Failure to follow a specific instruction intended to make Bloomington Public Transportation Corporation more accessible to people with disabilities, including failure to call out bus stops as instructed.

A fourth offense or incident, including but not limited to repetition of previous offenses or incidents within 24 months of the second offense or incident, will result in immediate discharge. It is the responsibility of the immediate supervisor to consult with human resources, the general manager and the legal department prior to discharge.

Bloomington Public Transportation Corporation reserves the right to decide upon the appropriate response to employee misconduct or unsatisfactory performance, including but not limited to counseling, retraining, reprimand, warning, suspension or discharge based on all relevant circumstances. The purpose of progressive discipline is to provide management the opportunity to put employees on notice that their conduct is unsatisfactory so that they may have an opportunity to correct or improve their conduct. Employees are required to verify receipt of such notice by their signature on the written warning forms. Where the circumstances indicate that progressive discipline is inappropriate or futile, BPTC may act accordingly.

8.05 SUSPENSION

Suspension of employees is reserved for cases of very serious violations of company policy, particularly those that relate to the public safety or to the treatment of customers. Suspension will also be imposed in cases of repeated minor violations of company policy, if the employee has received step one and/or step two warnings within the preceding 24 months. Suspension is an attempt by the company to retain rather than dismiss an employee who may otherwise demonstrate a potential for continued employment. Suspension is an un-paid "time-off" period so the employee can seriously think about his or her commitment to the job and whether the employee wants to continue working for the BPTC. Should the suspended employee decide to return to work, it is only with the understanding that the employee will demonstrate conduct in line with a renewed determination to abide by Company policies.

Participation in remedial training programs, whether required or optional, will be noted along with record of a suspension.

8.06 DISMISSAL

Dismissal is used when attempts by the company to retain an employee through the progressive remediation policies have failed, or when a violation of company policy is so grievous that dismissal can reasonably be expected to follow. The following list of actions that will result in dismissal is not intended to be all inclusive but rather illustrative in nature.

Examples of actions by an employee that will result in dismissal include:

- Consumption or possession of alcohol, illegal drugs, or any intoxicating substances either while on duty or any time before work that results in the impairment of the employee's ability to perform required duties
- Refusing to comply with the BPTC policy regarding drug/alcohol testing and/or unacceptable positive results from any such testing
- Theft, conversion, willful damage, or any unauthorized use of or access to BPTC property or records and files.
- Fighting, threatening, harassment, sexual harassment or any abusive behavior while on duty or on BPTC property
- Conviction of a felony
- Possession of a weapon while on duty or on BPTC property
- Falsification of any BPTC record
- Insubordination
- Promoting or inducing an illegal work stoppage or slow down
- Reckless driving of any BPTC vehicle or endangerment of passengers
- Verbal or physical abuse of a passenger, customer, employee, or any other person.
- Deliberately making or publishing false or malicious statements concerning any employee, supervisor, the company, or its equipment
- Suspension of driver's license or CDL license, failure to obtain the required driver's license or CDL license, expiration of driver's license or CDL license; or any traffic convictions including driving under the influence of alcohol or drugs, that results in an unacceptable insurance risk.
- Failure to obtain DOT physical exam documentation or having an expired DOT physical exam
- Failure to report an accident
- Leaving the scene of an accident without the advance authorization of a supervisor or law enforcement official.
- Unacceptable levels of alcohol and/or drugs after a transit-mandated drug and alcohol screen or a police-conducted drug or alcohol screen/impairment test.
- Unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace, whether or not the employee is on duty
- Second occurrence of conviction for off-duty driving under the influence of drugs or alcohol
- Failure to report violations.
- Failure to comply with a supervisor's orders.

- Unauthorized disclosure of any confidential information about BPTC or its employees.
- Any action which is so deleterious to efficient operations or to the public interest that discharge could reasonably be expected to result.
- Any pattern of preventable accidents that result in personal injury or damage to equipment.
- Accumulation of minor infractions.

8.07 WEAPONS POLICY

Possession of Weapons by BPTC Employees

No BPTC employee while on duty shall carry any weapon on their person, including any firearm. Violation of this policy may result in dismissal.

Possession of Weapons by BPTC Passengers

Except for firearms and except for properly authorized persons, including, without limitation, law enforcement personnel, the possession, carrying and use of weapons by BPTC passengers or others is strictly prohibited on or in any BPTC property, including, without limitation BPTC's vehicles, buildings, and other facilities.

Prohibition of Intentional Display of Firearms at BPTC Meetings

The intentional display of a firearm at a BPTC meeting, including, without limitation, meetings of the BPTC Board of Directors and/or any committee thereof, by any person attending such meeting, except for law enforcement personnel, is strictly prohibited.

SECTION NINE

SUBSTANCE ABUSE POLICY

9.01 PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect BPTC employees, passengers and the public from the risks posed by the use of prohibited drugs and misuse of alcohol. This policy is also intended to comply with all applicable federal regulations governing workplace anti-drug programs in the transit industry. The Federal Transit Administration (FTA) of the U.S. Department of Transportation has enacted 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive result. The U.S. Department of Transportation (DOT) has also enacted 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. In addition, the DOT has enacted 49 CFR Part 29, implementing the Drug-Free Workplace Act of 1988 which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA. Furthermore, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace, whether or not the employee is on duty. All employees must abide by the terms of the Drug Free Workplace policy as a condition of employment and employees must report to Bloomington Public Transportation Corporation management, in writing, any conviction for a drug statute violation occurring in the workplace within five days of the conviction.

9.02 GOALS AND STANDARDS

The BPTC's first and foremost concern is for the safety of its passengers, other users of the public roadways and BPTC employees. The BPTC has a paramount interest in being assured that BPTC employees are fit to perform their jobs. To meet these goals, it is the BPTC's policy to:

- 1) Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner.
- 2) Create a workplace environment free from the adverse effects of drug and alcohol abuse and misuse.
- 3) Prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances.
- 4) Encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

The BPTC prohibits the use, manufacture, dispensation, distribution, sale and/or possession of any controlled substances, as described above while at work, reporting for work or on breaks during the work day. Such conduct is prohibited in the workplace whether or not the employee is on duty. The company also prohibits employees from driving any BPTC vehicle while under the influence of alcohol. Failure of any employee to adhere to this policy will result in immediate termination of employment.

In addition, it is the policy of the BPTC that no employee shall possess alcohol while at work or on company property. No employee shall be in possession of an alcoholic beverage while at work or on company property. No employee shall transport any alcohol in a BPTC vehicle or sell alcohol while at work or on company property. Failure of any employee to adhere to this policy will result in immediate termination of employment.

The BPTC recognizes substance abuse as a progressive and chronic illness that can be arrested if identified and treated. When drinking and/or abuse of any drugs affect an employee's job, it becomes company business.

The BPTC recognizes that employees have certain rights to privacy so long as their off-duty activities do not impact their ability to safely perform their job duties or carry the possibility of having a negative impact on the business reputation or position of the BPTC in the community.

Federal law establishes specific testing standards for employees of public transit systems for drugs and alcohol. The BPTC is committed to upholding the law and those standards in the testing program outlined in this document.

While the BPTC will be compassionate and offer help to those employees who voluntarily seek treatment for drug and/or alcohol problems, the company will be firm in dealing with those whose problem is revealed through BPTC's testing program. The BPTC is committed to a "highest duty of care" safety standard in protecting the transit riding public which requires that we deal swiftly and severely with those employees who jeopardize our passengers' safety. Because the BPTC is in the business of providing safe public transportation, any employee who tests positive for an unacceptable presence of drugs or alcohol will have their employment with the BPTC terminated.

Effects of Alcohol. The following information is provided as required under 49 CFR Part 655.14. Alcohol is the most commonly abused drug in the United States and its effects on an individual's health, work and personal life are immense. It is estimated that each alcoholic affects four to five other people, including family, friends and co-workers. The average American pays \$1,000 annually to cover the hidden costs of alcoholism such as decreased productivity, accidents, increased health care costs, jail, and treatment costs.

Approximately 65 percent of murders, 60 percent of child-abuse cases, 40 percent of assaults, and 55 percent of domestic violence cases are alcohol-related. Additionally, alcohol is a major factor in the majority of the traffic fatalities that occur each year.

Alcoholics put themselves at constant risk of death and illness. Those who do not die in traffic accidents are likely to succumb to one of a number of alcohol-related illnesses, such as liver disease, malnutrition, and a weakened immune system.

There is a wide spectrum of signs and symptoms a person with an alcohol problem may manifest including:

- the urgency of first drinks
- feelings of guilt about drinking
- onset of memory blackouts
- increased dependence on alcohol
- decreased ability to stop drinking when others do so
- neglect of food and physical deterioration

If employees suspect they have an alcohol problem they should seek the help of a Substance Abuse Professional. This help is available through the Employee Assistance Program. These services are confidential and information about the Employee Assistance Program can be obtained by contacting the human resource administrator or calling (800) 822-4847, 24 hours.

9.03 APPLICABILITY

This policy applies to all BPTC employees (full time, part-time, temporary, volunteers and contractors) when they are on transit property even if not on duty, or when performing any transit related business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors and contract employees are governed by this policy while on transit premises and will not be permitted to conduct transit business if found to be in violation of this policy.

For the purpose of this policy, BPTC employee classifications have been divided into safety-sensitive and non-safety sensitive categories. All safety and non-safety sensitive personnel are subject to one or more of the drug and alcohol testing requirements in this policy. The authority to test "safety sensitive" employees rests with the U.S. Department of Transportation Federal Transit Administration. The testing of non-safety sensitive employees for pre-employment, reasonable suspicion, post-accident, and return-to-duty follow-up testing is a BPTC policy.

The FTA has determined that "safety-sensitive" employees and supervisors are those who perform the following functions:

- Operate revenue service vehicles when in revenue service or not in revenue service
- Operate nonrevenue service vehicles that require drivers to hold CDLs
- Dispatch or control revenue service vehicles
- Maintain revenue service vehicles or equipment used in revenue service except for contractors to Section 18 transit agencies
- Provide security **and** carry a firearm

The following positions have been designated the BPTC's safety sensitive positions:

Operators of Mass Transit Service

Trainees
Training Supervisor
Part Time Operators
Full time Operators

Operators of Demand Response Service

Trainees
Training Supervisor
Part Time Operators
Full time Operators

Dispatchers of Mass Transit Service

General Manager
Operations Manager
Dispatchers, including Customer Service Manager
Any employee who assists with dispatching in the absence of the regular dispatcher.

Dispatchers of Demand Response Service

General Manager
Operations Manager
Dispatchers, including Customer Service Manager and Planning and Special Projects Manager
Any employee who assists with dispatching in the absence of the regular dispatcher.

Maintenance of Revenue Service Vehicles

Maintenance Managers
Master Mechanics
Auto Servicepersons
Service Attendants

Based on FTA guidelines the BPTC has determined that non-safety sensitive employees include:

- Supervisors of safety-sensitive employees who do not themselves perform the above listed safety-sensitive functions
- All other BPTC employees

The following positions are the BPTC's non-safety sensitive positions:

Controller
Human Resource/Marketing Administrator
Human Resource/Marketing Administrative Assistant
Financial Administrative Assistant
Receptionist
Full Time Customer Assistance Attendant
Part Time Customer Assistance Attendant
Part Time Customer Information/Scheduling Clerk

9.04 PROHIBITED SUBSTANCES

"Prohibited substances" addressed by this policy include the following:

a. Illegal Drugs

Any illegal drug or any substance identified in Schedules I through V of section 202 of the Controlled Substance Act (21U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15. This includes, but is not limited to:

- marijuana
- amphetamines
- Opioids
- phencyclidine (PCP)
- cocaine

b. Legal Drugs

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills or judgment may be adversely affected shall be reported to supervisory personnel and medical advice shall be sought, as appropriate, before performing work-related duties.

A legally prescribed drug means that the individual has a prescription and written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing transit business is prohibited. See section 8.06.

c. Alcohol

The use of beverages containing alcohol or substances including any medication such that alcohol is present in the body while performing transit business is prohibited.

Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. Such alcohol use is prohibited.

9.05 PROHIBITED CONDUCT

a. Manufacture, Distribution, Dispensing, Possession and Use

Any employee engaging in the manufacture, distribution, dispensing, possession or use of prohibited substances on transit property, in transit vehicles, in uniform or while on transit business will be subject to termination. Law enforcement shall be notified where criminal activity is suspected.

Illegal use includes the use of any illegal drug, misuse of legally prescribed drugs and use of illegally obtained prescription drugs.

b. Intoxication/Under the Influence

Any BPTC employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Employees found to be under the influence of prohibited substances or who fail to pass a drug or alcohol test shall be removed from duty and terminated. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40.

c. Alcohol Use

Any BPTC employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from his/her position for eight hours unless a retest results in a concentration measure less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and be in violation of this policy.

No BPTC employee should report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her blood alcohol concentration is 0.04 or greater. No BPTC employee shall use alcohol while on duty, while performing safety-sensitive functions or just before performing a safety-sensitive function. No BPTC employee shall use alcohol within four hours of reporting for duty or during the hours that the employee is on call. "On Call" employees are defined as any supervisor in charge of vehicular operations while off site. Violation of these provisions will lead to termination.

d. Compliance with Testing Requirements

All BPTC employees will be subject to urine testing and breath alcohol testing. Any safety-sensitive or non-safety sensitive employee who refuses to comply with a request for testing under FTA-required testing shall be removed from duty immediately and their employment terminated. Refusing to take a test is a violation of BPTC policy and will subject the employee to termination or he/she may resign.

As an employee, you have refused to take a drug test if you:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA;
- (2) Fail to remain at the testing site until the testing process is complete; provided, that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused the test;
- (3) Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations; provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- (4) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen;
- (5) Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- (6) Fail or decline to take an additional drug test the employer or collector has directed you to take;
- (7) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under §40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test; or
- (8) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).

- (9) For an observed collection, fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- (10) Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- (11) Admit to the collector or MRO that you adulterated or substituted the specimen.
 - (a) As an employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.
 - (b) As an employee, if you refuse to take a drug test, you incur the consequences specified under DOT agency regulations for a violation of those DOT agency regulations.
- (12) As an employee, when you refuse to take a non-DOT test or to sign a non-DOT form, you have not refused to take a DOT test. There are no consequences under DOT agency regulations for refusing to take a non-DOT test.

As an employee, you have refused to take an alcohol test if you:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA;
- (2) Fail to remain at the testing site until the testing process is complete; provided, that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- (3) Fail to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations; provided, that an employee who does not provide an adequate amount of breath or saliva because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- (4) Fail to provide a sufficient breath specimen and the physician has determined through a required medical evaluation, that there was no adequate medical explanation for the failure;
- (5) Fail to undergo a medical examination or evaluation, as directed by the employer as part of the insufficient breath procedures outlined at §40.265(c);

- (6) Fail to sign the certification at Step 2 of the ATF, or
- (7) Fail to cooperate with any part of the testing process.

As an employee, if you refuse to take an alcohol test, you incur the same consequences specified under DOT agency regulations for a violation of those DOT agency regulations.

As an employee, when you refuse to take a non-DOT test or to sign a non-DOT form, you have not refused to take a DOT test. There are no consequences under DOT agency regulations for such a refusal.

9.06 EMPLOYEE RESPONSIBILITY TO NOTIFY PHYSICIAN

It is not appropriate for employees to work in their jobs when they have drugs (including alcohol) in their system that can potentially impair their performance and judgment. Only under the following circumstance can the use of legal prescription drugs be used while working:

- a. the drug(s) has been prescribed by a physician, **AND**
- b. the employee has informed the physician, verbally and in writing, as to the nature of their occupation with special regard to safety-sensitive functions, **AND**
- c. the physician has advised the employee, in writing, that he/she can safely work (perform his/her regular duties) while taking the prescribed drug.

Employees shall obtain written proof from their physicians each time a medicine is prescribed for them. This information shall be kept *by the employee* and made available if requested for verification purposes.

9.07 A TREATMENT REQUIREMENTS: VOLUNTARY AND SELF REFERRAL

All employees are encouraged to make use of the available resources for treatment of alcohol and substance abuse problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse. Any employee who refuses or fails to comply with the BPTC's requirements for treatment, aftercare or return to duty shall be subject to termination.

The BPTC's objective is to encourage and motivate employees to recognize and voluntarily seek professional assistance for alcohol and substance abuse problems and to assist the employee as long as the individual cooperates and follows the prescribed program of recovery. This prescribed program of recovery must be recommended by a Substance Abuse Professional (SAP). The company will maintain confidentiality and assure that the future job

or advancement opportunities, for these employees who have successfully completed a supervised drug and/or alcohol rehabilitation program and are no longer using illegal or abusing legal substances, are not jeopardized.

The Employee Assistance Program (EAP) is set up to assist with such problems whenever appropriate. Employees should contact the human resource administrator or their supervisor for specific information regarding voluntary treatment or may call directly to the EAP at 800-822-4847, 24 hours.

Voluntary treatment and self-referral for assistance in alcohol and substance abuse will be handled as treatment rather than discipline. ***An employee has only one opportunity for voluntary treatment and self-referral which must be requested before an employee is required to submit to an FTA required alcohol/drug screen.*** A commitment letter signed by the employee, union representative and BPTC management will:

- allow periodic follow-up testing for a period of one to five years for the employee
- require proof of attendance in an approved rehabilitation program
- clearly stipulate that the terms and conditions must be met in order to preserve employment

Employees who re-enter the work force must agree to a commitment letter. That letter may include, but is not limited to:

- a release to work statement from an approved SAP
- negative tests for drugs and/or alcohol
- agreement to unannounced frequent follow up testing for up to 5 years
- a statement of expected or related behavior
- an agreement to follow specified after care requirements with the understanding that violation of the commitment letter is ground for termination

If an employee takes advantage of this type of treatment, he/she will be allowed a leave not to exceed 180 days. Such employees may be eligible for medical leave under the FMLA. Depending on the employee's eligibility, the 180-day leave may include one or more of the following

- medical leave under the Family Medical Leave Act (if applicable)
- accrued benefit time and unpaid leave
- leave covered by Short Term disability, if allowed by insurance carrier

If an employee takes advantage of this type of treatment and does not complete the course of treatment, aftercare or return to duty, he/she will be terminated.

9.07 B TREATMENT REQUIREMENTS FOR OFF-DUTY DRIVING UNDER THE INFLUENCE OR DRIVING WHILE IMPAIRED

Employees whose duties require having a valid driver's or CDL license who are convicted of off-duty driving under the influence of alcohol or drugs or driving while impaired are required to submit to mandatory referral and treatment for substance abuse. Any employee who refuses or fails to comply with the BPTC's requirements for treatment, aftercare or return to duty shall be subject to termination.

Employees must report any suspension or loss of their driver's license or CDL license for driving under the influence or driving while impaired to their supervisor before the start of their shift on the next work day and before they operate any company vehicle. Employees who are convicted of off-duty driving under the influence of alcohol or drugs will be referred to the company's Substance Abuse Professional (SAP) who shall prescribe a program of treatment and recovery. Safety sensitive employees whose license is suspended in connection with an arrest or conviction for off-duty driving under the influence of alcohol or drugs or driving while impaired will be placed on disciplinary suspension without pay for the duration of their license suspension.

The company shall maintain confidentiality and assure that the future job or advancement opportunities for employees who have successfully completed a supervised drug and/or alcohol rehabilitation program and are no longer using illegal substances or abusing legal substances are not jeopardized.

A second occurrence of an off-duty conviction for driving under the influence of alcohol or drugs or driving while impaired shall result in *termination of employment*.

Prior to returning to work, a commitment letter shall be signed by the employee, union representative, and BPTC management that will:

- require proof of attendance in an approved rehabilitation program acceptable to the company's SAP
- clearly stipulate that the terms and conditions of the commitment letter must be met by the employee in order to preserve employment
- include receipt by the employer of a release to work statement from an approved SAP
- include an agreement by the employee to unannounced and frequent follow-up testing for up to five (5) years
- include receipt by the employer of negative test results for all tests performed for drugs and/or alcohol for the employee
- include an agreement by the employee to follow specified after-care requirements with the understanding that violation of the after-care program is grounds for termination

Employees participating in the treatment requirements for Off-Duty Driving under the Influence or Driving While Impaired will be allowed a leave of absence not to exceed 180 days. Such employees may be eligible for medical leave under the terms and conditions of FMLA.

9.08 HEALTH INSURANCE COVERAGE DURING TREATMENT

Please refer to section 2.21 Family and Medical Leave Act. For any leave not covered by FMLA, see 2.20 (D).

9.09 NOTIFYING THE BPTC OF CRIMINAL DRUG CONVICTION

Any employee who fails to immediately notify the general manager of the BPTC of any criminal drug statute conviction shall be subject to disciplinary action, up to and including termination.

9.10 DRUG AND ALCOHOL TESTING

The different types of testing employed by the BPTC are:

Pre-Employment Random	Reasonable Suspicion Return to Duty	Post Accident Follow Up
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Analytical urine drug testing and breath testing for alcohol will be conducted when circumstances warrant or as required by federal regulations. All safety-sensitive and non-safety sensitive employees shall be subject to testing prior to employment, upon reasonable suspicion and post accident. Non-safety sensitive employees shall be subject to reasonable suspicion and post accident testing. In addition, all safety-sensitive and non-safety sensitive employees will be tested prior to returning to duty after completion of rehabilitation treatment. Safety-sensitive employees are subject to pre-employment testing if on a leave of absence of more than 90 days' duration.

Safety sensitive employees shall be subject to random testing for drugs and alcohol. Non-safety sensitive employees are not subject to random testing as part of this policy.

Testing shall be conducted in a manner to assure the highest degree of accuracy and reliability and using techniques, equipment and laboratory facilities, which have been approved by the U.S. Department of Health and Human Services (HHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended. The testing procedures followed as per 49 CFR Part 40 are done to protect the employee and the integrity of the drug testing process, safeguard the validity of the test results, and ensure the test results are attributed to correct covered employees.

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines and phencyclidine. An initial drug screen will be conducted on each specimen. For those specimens that are positive a Gas Chromatography/Mass Spectrometry will be performed to

confirm the results. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as follows:

Substance

Marijuana
Cocaine
PCP
Opioids
Amphetamine

A split urine sample will be collected. One portion of the sample will be tested initially. The second portion will be retained and tested if a re-test is requested. A strict specimen collection chain of custody control will be performed by the company that holds the contract to do this for the BPTC. The testing procedures followed as per 49CFR Part 40 are done to protect the employee and the integrity of the drug testing process, safeguard the validity of the test results, and ensure the test results are attributed to correct covered employee.

Tests for alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT). If the initial test indicates an alcohol concentration of 0.02 Breath Alcohol Content (BAC) or greater, a second test will be performed, after recalibration of the equipment, to confirm the results of the initial test. A safety-sensitive or non-safety sensitive employee who has a confirmed alcohol concentration of greater than 0.02 (BAC) but less than 0.04 (BAC) will result in removal from his/her position for eight hours unless a retest results in a concentration measure of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy.

Alcohol testing shall be accomplished 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. The collection, analysis, specimen and record storage for prohibited alcohol testing will be conducted consistent with the procedures set forth in 49 CFR Part 40 “Procedures for Transportation Workplace Drug Testing Programs”, as amended.

a. Pre Employment Testing

All safety-sensitive and non-safety sensitive position applicants shall undergo urine drug testing prior to employment. Non-safety sensitive applicants are to be tested under the authority of Bloomington Public Transportation Corporation rather than the DOT. Receipt by BPTC of a negative test result is required prior to employment or performance of any safety-sensitive duty. Any employee transferring from a non-safety sensitive position to a safety-sensitive position must undergo a urine drug screen prior to starting the new position. Any employee who is on leave from work for any reason that exceeds ninety (90) days whose name was removed from the

random pool shall be required to take a pre-employment drug test. Evidence of the successful completion of a rehabilitation program from an applicant who has previously failed a DOT drug test is required before employment. Employees must submit to secondary testing when the MRO notifies BPTC that a negative test result was dilute.

b. Reasonable Suspicion Testing

All BPTC employees may be subject to a fitness for duty evaluation, to include appropriate urine and/or breathe testing when there is any reason to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the long or short-term effects of substance abuse. Examples of reasonable suspicion include, but are not limited to:

1. Adequate documentation of unsatisfactory work performance or on the job behavior.
2. Physical signs and symptoms consistent with prohibited substance use such as behavior, speech or body odors.
3. Evidence of, or arrest for the manufacture, distribution, dispensing, possession, cultivation, or use of controlled substances, drugs, alcohol or other prohibited substances.
4. Occurrence of a serious or potentially serious accident that may have been caused by human error.
5. Physical fights, assaults and flagrant disregard or violations of established safety, security or other operating procedures.

Reasonable suspicion determinations will be made by a supervisor in the employee's department or unit who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse. Alcohol testing is authorized under this section only if the observations required by paragraph (b) of this section are made during, just preceding, or just after the period of the workday that the covered employee is required to be in compliance with this part. An employer may direct a covered employee to undergo reasonable suspicion testing for alcohol only 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. If an employee is instructed to take a reasonable suspicion test, he will be driven to the clinic by a supervisor or chosen company representative. Employees must submit to secondary testing when the MRO notifies BPTC that a negative test result was dilute.

c. Post-Accident Testing

All BPTC employees will be required to undergo urine and breath testing if they are involved in an accident while operating a transit vehicle (regardless of whether or not the vehicle is in revenue service) that results in a fatality. This includes all employees that are on duty in the vehicle(s) and any other employees whose performance could have contributed to the accident.

In addition, a post-accident test will be conducted on employees operating a transit vehicle (revenue or non-revenue vehicle) and any other covered employee whose performance could have contributed to the accident, if the accident results in injuries requiring transportation to a medical facility **unless such employee's performance can be completely discounted as a contributing factor based on the best information available at the time of the supervisor's decision**; or one or more vehicles incurs disabling damage that requires towing from the site. If no citation is given, the employee may still be tested if they could have contributed to the accident in the opinion of the supervisor.

Following an accident, the employee(s) will be tested within 2 hours of the accident. If the employee cannot be tested within 2 hours, BPTC shall file a report explaining why the testing attempts were unsuccessful and continue attempts to conduct a test. If the test cannot be successfully completed within 8 hours of the accident, BPTC shall cease attempts to conduct the test and update the 2-hour written report. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any employee who leaves the scene of the accident without a justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test and their employment terminated. Employees tested under this provision will include not only the personnel who operated the vehicle, but also any other covered employees whose performance could have contributed to the accident. Employees must submit to secondary testing when the MRO notifies BPTC that a negative test result was dilute.

d. Random Testing

Employees in safety-sensitive positions will be subjected to random, unannounced and immediate testing. Selection for random testing will be done by a confidential computer generated list and is scientifically valid, reasonably spread with no discretion by managers of the BPTC. Each employee shall have an equal chance of being tested each time selections are made.

The current testing goal is to annually complete random tests equivalent to 50 percent of the number of covered employees (drug testing) and 10 percent of the number of covered employees (alcohol testing). Dates for administering unannounced testing of randomly selected covered employees shall be spread reasonably throughout the calendar year.

Employees who are notified of selection for random drug and alcohol testing shall proceed immediately to the test site. 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. Employees must submit to secondary testing when the MRO notifies BPTC that a negative test result was dilute.

e. Return to Duty Testing

All employees who take leave to participate in a rehabilitation program for drugs or alcohol must test negative and be evaluated and released to duty by the SAP before returning to work. Employees must submit to secondary testing when the MRO notifies BPTC that a negative test result was dilute.

f. Follow up Testing

BPTC employees will be required to undergo frequent unannounced random drug and alcohol testing during the period of their commitment letter. A SAP will monitor this specific group. Employees must submit to secondary testing when the MRO notifies BPTC that a negative test result was dilute.

g. Employee Requested Testing

Any safety-sensitive or non-safety sensitive employee who questions the results of a required drug test may request, in writing, that an additional test be conducted. This test must be conducted at a different testing DHHS certified laboratory. Transfer of the specimen from one facility to another will be accomplished through a strict chain of custody between the laboratories. All costs for employee requested testing will be the responsibility of the employee. The method of collecting, storing and testing the sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a test must be made to the MRO within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documented facts that were beyond the control of the employee. A breath alcohol test may not be retaken under this clause. If the results of the second test differ from the results of the first; the results of the second test will be binding.

9.11 RIGHT TO EXAMINE RECORDS

1. Employee's rights to examine records

All employees are entitled, upon written request, to obtain copies of any records pertaining to their use of prohibited drugs and alcohol, including any records pertaining to their tests. The employer shall provide the records requested by employees upon receipt of the written request. Access to a covered employee's records shall not be contingent upon payment for records other than those specifically requested.

2. Employer's rights to examine records

The Bloomington Public Transportation Corporation is required to check on the drug and alcohol testing background of new hires and other employees beginning safety-sensitive work. Along with the applicant's written consent, BPTC will send the request for information to all other DOT-regulated employers for whom the candidate for the position has worked within the prior two-year period. BPTC will not allow the candidate to work for 30 days unless it has obtained, or made a good faith effort to obtain, this information. When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation, and treatment plan as described in Section 655.62. If BPTC finds the candidate has a violation on his/her record, and did not successfully complete a return to duty process, BPTC will immediately withdraw the offer of employment; or, if the candidate has already been hired, remove the employee from performing safety sensitive functions and terminate his/her employment. A sample request/consent form is attached as Appendix A.

In addition, BPTC will ask prospective employees if they have failed, or refused a DOT pre-employment drug or alcohol test, within the past two years from an employer who did not hire them. If the employee admits that he or she had a positive test or a refusal to test, BPTC will not use the candidate to perform safety-sensitive functions until, or unless, the candidate documents successful completion of the return-to-duty process. *Reference Section 40.25, Part 40.*

9.12 EMPLOYEE RESPONSIBILITY TO MEDICAL REVIEW OFFICER (MRO)

A medical review officer is a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by our testing program. The MRO has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's test results. In the event of a positive test, the employee will be contacted by the MRO to determine if there is a valid medical reason for the positive test. If the MRO is unable to reach the employee, the MRO may ask a designated BPTC representative to get in touch with the employee and have the employee contact the MRO. When contacted by the MRO or the BPTC representative, the employee will be responsible for providing proof of legitimate medical reasons for the positive drug test within five

working days. Employees must submit to secondary testing any time the MRO notifies Bloomington Transit that a negative test result was diluted.

9.13 ASSESSMENT BY SUBSTANCE ABUSE PROFESSIONAL (SAP)

An employee who voluntarily seeks treatment and self-referral for assistance in substance abuse prior to testing positive for the presence of drugs or alcohol through BPTC's testing program is required to be evaluated by a licensed or certified SAP.

The SAP shall:

- determine whether a covered employee is in need of assistance in resolving problems associated with prohibited drug or alcohol use
- recommend a course of action to the employee
- determine whether a covered employee has properly followed the SAP's recommendations
- determine the frequency and duration of follow-up testing for a covered employee

Such employee shall be required to take a minimum of six follow-up drug tests with verified negative results during the first 12 months after returning to duty. After that period of time, the SAP may recommend to the employer the frequency and duration of follow-up drug testing, provided that the follow-up testing period ends 60 months after the employee returns to duty. In addition, follow-up testing may include testing for alcohol, as directed by the SAP, to be performed in accordance with 49 CFR part 40.

9.14 TRAINING

a. Supervisors

All supervisory personnel will complete an initial two-hour training program designed to acquaint them with the effects and indications of substance abuse, supervisory responsibilities, and available resources and company policy. Ongoing training will be incorporated into the BPTC's training curriculum.

b. Other Employees

All employees will complete an initial one-hour training program designed to acquaint them with the effects and indications of substance abuse and company policy. On-going training will be incorporated in the BPTC's training curriculum.

9.15 SUPERVISOR RESPONSIBILITY

The BPTC is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy

in regard to subordinates, shall be subject to disciplinary action, up to and including termination. The supervisor is responsible for properly documenting:

- the behavior giving rise to reasonable suspicion testing
- the conditions giving rise to post accident testing
- any post-accident delay beyond two hours.

9.16 ADMINISTRATIVE RESPONSIBILITY

The administration of this policy is a shared responsibility. It is the responsibility that each supervisor ensures all aspects of this policy are accomplished throughout his/her unit. The operations manager provides coordination with all visitors, providers, vendors, contractors and employees. Questions regarding this policy must be referred to the operations manager.

9.17 EMPLOYEE RESPONSIBILITY

This policy applies to all active employees whether part time, full time, temporary or interns or special employees. The BPTC employee is responsible for cooperating when instructed to take an examination or test. This includes reporting to the clinic in a timely manner. In addition, employees will cooperate and follow instructions given by a MRO or SAP with regard to any treatment. Employees are required to notify their physicians of current job duties when drugs are prescribed. Employees must also notify the BPTC of any criminal drug statute conviction against them.

It is the responsibility of each employee to become familiar with and strictly adhere to all rules, regulations and special instructions of this policy. Ignorance of or misinterpretation of this policy is no excuse for failure to comply. If in doubt, or if you have any questions, please contact the system contact, the operations manager or the human resource administrator.

9.18 SYSTEM CONTACT

Any questions regarding this policy or any other aspect of the drug free and alcohol free transit program or the self-referral program should contact:

Title: Operations Manager
 Human Resource Administrator

Address: 130 West Grimes Lane, Bloomington, IN 47403
Telephone #: (812) 332-5688

9.19 MISCELLANEOUS

The BPTC will monitor testing and review these procedures to assure appropriate handling of samples and correct test results. These procedures are assumed to be valid and any changes

made in procedures will be implemented from that point on and will not impact results, which occurred before the procedural changes.

This policy is not intended to replace or modify any existing rules other than those specifically addressed and is intended to clarify the administration of procedures for drug and alcohol issues.

9.20 CONFIDENTIALITY

Confidentiality will be maintained throughout the drug/alcohol screening process. Individual test results may not be released to any other party, or parties, without a specific written authorization by the tested person to release the test results to others, except when:

1. the employee authorizes the transmittal of the information
2. the employee has signed a release form for the Employee Assistance Program or a commitment letter with BPTC in which the results of the screen must be known for further action concerning the employee
3. the employee has been sent for drug and/or alcohol testing, and the MRO (or designee) must inform the operations manager, quality control supervisor or general manager (or designee) of the test results
4. complying with state or federal requirements

Every effort will be made to carry out all actions relative to this policy in a manner which respects the dignity and confidentiality of those involved. In addition, all Employee Assistance Program records are regarded as confidential medical records and are not available to anyone without a signed release of information from the employee.

Employees are entitled, upon written request, to promptly obtain copies of any records in the possession of BPTC pertaining to their own use of prohibited drugs or alcohol, including any records pertaining to their drug and/or alcohol tests.

9.21 RECORD RETENTION

BPTC shall maintain records of its substance abuse prevention program as required by state and federal regulations. Substance abuse prevention program records and employee test results shall be maintained in a secure location with controlled access.

Drug Use Record Retention.

BPTC shall retain substance abuse prevention program records and employee test results in accordance with state and federal law. The following are the minimum retention periods for drug use records:

- Five years: Records of covered employee verified positive drug test results, documentation of refusals to take required drug tests, and covered employee

referrals to the SAP, and copies of annual MIS (Management Information Systems) reports submitted to FTA

- Two years: Records related to the collection process and employee training
- One year: Records of negative drug test results

Provided that BPTC shall comply with state law, which currently prohibits destruction of public records unless they are at least three years old and BPTC obtains permission from the Local Public Records Commission.

BPTC shall maintain specific records as follows:

Records related to the collection process including:

- Collection logbooks, if used
- Documents relating to the random selection process
- Documents generated in connection with decisions to administer reasonable suspicion drug tests
- Documents generated in connection with decisions on post-accident drug testing
- MRO documents verifying existence of a medical explanation of the inability of a covered employee to provide an adequate urine sample

Records related to test results:

- The employer's copy of the custody and control form
- Documents related to the refusal of any covered employee to submit to a drug test as required
- Documents presented by a covered employee to dispute the result of a drug test administered under DOT regulations

Records related to referral and return to duty and follow-up testing:

- Records pertaining to a determination by a SAP concerning a covered employee's need for referral for assistance in resolving problems associated with drug use
- Records concerning a covered employee's entry into and completion of the program of treatment recommended by the SAP

Records related to employee training:

- Training materials on drug use awareness and alcohol misuse, including copy of BPTC's policy on prohibited drug and alcohol misuse
- Names of covered employees attending training on prohibited drug use and the dates and times of such training

- Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug testing based on reasonable suspicion
- Certification that any training conducted under the DOT regulations complies with the requirements for such training
- Copies of annual MIS reports submitted to FTA

Alcohol Use Record Retention.

BPTC shall maintain records of its alcohol misuse prevention program. Records shall be maintained in a secure location with controlled access.

The following are the minimum retention periods for alcohol use records:

- Five years: Records of employee alcohol test results with results indicating an alcohol concentration of 0.02 or greater, documentation of refusals to take required alcohol tests, calibration documentation, employee evaluation and referrals as well as copies of the annual MIS reports
- Two years: Records related to the collection process (except calibration of EBT's), training records
- One year: Records of all test results less than 0.02

Provided that BPTC shall comply with state law, which currently prohibits destruction of public records unless they are at least three years old and BPTC obtains permission from the Local Public Records Commission.

BPTC shall maintain specific records as follows:

Records related to the collection process including:

- Collection logbooks, if used
- Documents relating to the random selection process
- Calibration documentation for evidential breath testing devices
- Documentation of breath alcohol technician training
- Documents generated in connection with decisions to administer reasonable suspicion alcohol tests
- Documents generated in connection with decisions on post-accident tests
- Documents verifying existence of a medical explanation of the inability of a covered employee to provide adequate breath for testing.

Records related to the test results:

- The employer's copy of the alcohol test form, including the results of the test
- Documents related to the refusal of any covered employee to submit to an alcohol test required by this part of the policy

- Documents presented by a covered employee to dispute the results of an alcohol test administered under this policy.

Records related to other violations of this policy:

- Records related to evaluations: records pertaining to a determination by a substance abuse professional concerning a covered employee's need for assistance. Records concerning a covered employee's compliance with the recommendations of the substance abuse professionals.
- Copies of the annual Management Information System (MIS) reports submitted to FTA
- Records related to education and training. Materials on alcohol misuse awareness, including a copy of the BPTC policy on alcohol misuse
- Documentation of compliance with the requirements of FTA requirements
- Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol testing based on reasonable suspicion
- Certification that any training conducted under this part complies with the requirements for training

9.22 CONTRACTOR COMPLIANCE

Contractors who provide safety-sensitive functions (as defined by 49 CFR Part 40, Part 655) for BPTC are required to fully comply with all aspects of drug and alcohol testing regulations. It is the responsibility of the BPTC to ensure ongoing compliance by contractors with the regulations. To uphold this responsibility, BPTC staff shall proactively take necessary actions to ensure such compliance including:

- Provide contractors with copies of regulations, implementation guidelines, FTA drug and alcohol regulation updates, and random drug testing manual
- Invite contractor program managers to attend BPTC education and training events
- Invite contractor safety-sensitive employees and supervisors to attend BPTC education and training events
- Offer BPTC assistance in establishing a scientifically valid random selection process
- Offer BPTC assistance to contractors in developing specifications and evaluation criteria for testing service vendors
- Offer BPTC assistance in reviewing drug/alcohol policies of contractors
- Offer BPTC assistance in the development by contractors of recordkeeping procedures and preparation of MIS reports
- Conduct semi-annual oversight of contractor drug/alcohol testing programs to include monitoring management reports on their testing programs, review of policy and recommendations to modify policies, changes in testing vendors, training conducted, and the number, type and results of tests conducted

- Take appropriate action to ensure contractor compliance including discontinuing to use contractors for safety-sensitive functions who are unwilling or unable to fully comply with all aspects of the drug and alcohol testing regulations

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