

**Southwest Area Regional Transit District**

# **DRUG AND ALCOHOL TESTING POLICY**

**Adopted by Board of Directors**

**Original June 5, 2012**

**Revised August 28, 2013**

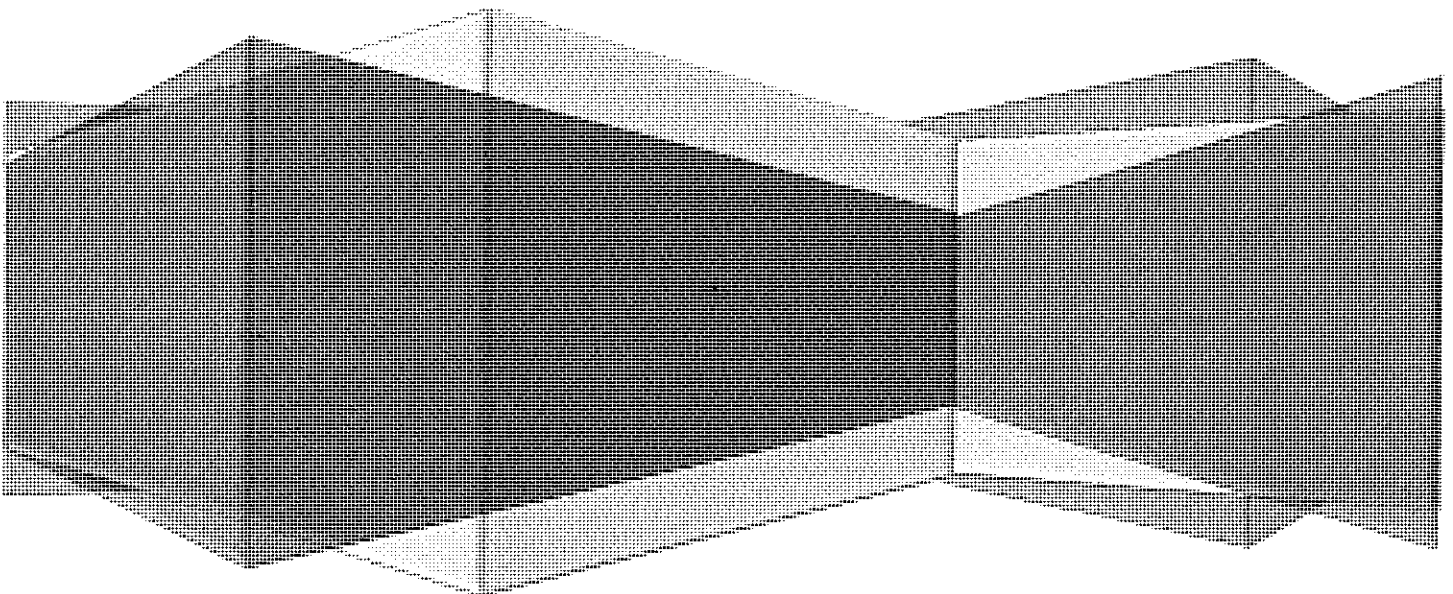
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1/2016

**ACKNOWLEDGEMENT  
OF  
EMPLOYER'S DRUG AND ALCOHOL TESTING POLICY**

I, \_\_\_\_\_, the undersigned, hereby  
*Print Full Name*

acknowledge that I have received a copy of the anti-drug and alcohol misuse program policy mandated by the U.S. Department of Transportation, Federal Transit Administration for all covered employees who perform a safety-sensitive function. I understand this policy is required by 49 CFR Part 655, as amended, and has been duly adopted by the governing board of the employer. Any provisions contained herein which are not required by 49 CFR Part 655, as amended, that have been imposed solely on the authority of the employer are designated as such in the policy document.

I further understand that receipt of this policy constitutes a legal notification of the contents, and that it is my responsibility to become familiar with and adhere to all provisions contained therein.

I will seek and get clarification for any questions concerning the provisions contained in the policy. I also understand that compliance with all provisions contained in the policy is a condition of employment.

I further understand that the information contained in the approved policy dated 02/17/2022, is subject to change, and that any such changes, or addendum, shall be disseminated in a manner consistent with the provision of 49 CFR Part 655, as amended.

\_\_\_\_\_  
*Signature of Employee*

\_\_\_\_\_  
*Date*

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**DRUG AND ALCOHOL TESTING POLICY**

**Southwest Area Regional Transit District,  
713 East Main  
Street Uvalde,  
Texas 78801**

**A. Purpose**

The Southwest Area Regional Transit District (SWART) provides public transit services. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, SWART declare that the unlawful manufacture, distribution, dispenses, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.

Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine and breathe alcohol Federal DOT Regulated Testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result or test refusal. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

Any provisions set forth in this policy that are included under the sole authority of SWART and are not provided under the authority of the above named Federal regulations are underlined.

**B. Applicability**

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full, part- time, and substitute) when performing any transit-related business including those covered through leases of vehicles or subcontract of services. SWART's Public Transit employees that do not perform safety-sensitive functions are also covered under this policy. A safety-sensitive function is any duty related to the safe operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or person controlling the movement of revenue service

vehicles and any other transit employee who is required to hold a Commercial Vehicle Operators License. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions that perform one or more of the above mentioned duties is provided in Attachment B. Supervisors are only safety sensitive if they perform one of the above functions.

A negative drug test result is a condition of employment.

Failure to abide by the terms of this policy will be grounds for the immediate termination of employment.

Reason for Termination:

- Any prohibited drug use on or off duty
- Test positive for prohibited Drug
- Test positive for Alcohol (.04 or greater)
- Receive a positive Drug or Alcohol test report (DOT/Non DOT) from previous employer. (See Forms)

Volunteers who operate a vehicle that requires a Commercial Vehicle Operators License (CDL), or receive remuneration for service in excess of actual expense, will be tested under DOT rules and regulations and placed in the DOT-Random Pool. Volunteer without a CDL and who do not receive remuneration for service in excess of actual expense, will be tested under Non-DOT and placed a Non-DOT Random Pool.

### **C. DEFINITIONS**

**Accident** means an occurrence associated with the operation of a vehicle even when not in revenue service in revenue service, if as a result--

1. An individual dies;
2. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
3. One or more vehicles incur disabling damage as the result of the occurrence and are transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

**Adulterated Specimen** A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

**Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

**Alcohol Concentration** is expressed in terms of grams of alcohol per 210 liters of breath as measured by a test under 49 CFR Part 40.

**Alcohol Screening Device (ASD)** any and all approved device listed on ODAPC's website.

**Canceled Test** A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled... A canceled test is neither positive nor negative.

**Confirmation Test** is a second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.

**Covered Employee under FTA authority** means an employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment B for a list of Safety Sensitive employees)

**Designated Employer Representative (DER)** An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

**Department of Transportation (DOT)** Modified to encompass all DOT agencies, including, but not limited to, FAA, FRA, FMCSA, FTA, PHMSA, NHTSA, Office of the Secretary (OST), and any designee of a DOT agency. For the purposes of testing under 49 CFR Part 40, the USCG (in the Department of Homeland Security) is considered to be a DOT agency for drug testing purposes. These terms include any designee of a DOT agency.

**Dilute Specimen.** A specimen with creatinine and specific gravity values that is lower than expected for human urine.

**Disabling Damage** means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage

which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

**Evidentiary Breath Testing Device (EBT)** Any and all approved devices as listed on ODAPC's website.

**Initial Drug Test (Screening Drug Test)** is the test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

**Initial Specimen Validity Test** is the first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.

**Invalid Drug Test** is the result reported by the HHS-certified laboratory in accordance with the criteria established for a specific drug or specimen validity test.

**Medical Review Officer (MRO)** means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

**Negative Dilute** A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

**Negative Test** means a verified presence of the identified drug or its metabolite below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 BAC is a negative test result.

**Non-Negative Test** result is a test result found to be adulterated, substituted, invalid, or positive for drug/drug metabolites.

**Performing (a safety-sensitive function)** means a covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

**Positive Test result** means a verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.

**Prohibited drug** means marijuana, cocaine, opioids, amphetamines, and phencyclidine, as specified in 49 CFR Part 40, as amended.

**Revenue Service Vehicles** include all transit vehicles that are used for passenger transportation service.

**Safety-Sensitive functions** include (a) the operation of a transit revenue service vehicle even when the vehicle is not in revenue service; (b) the operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the Vehicle Operator to hold a Commercial Vehicle Operators License (CDL); (c) maintaining a revenue service vehicle or equipment used in revenue service; (d) controlling the movement of a revenue service vehicle and (e) carrying a firearm for security purposes.

**Substance Abuse Professional (SAP)** A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

**Substituted Specimen** A specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

**Test Refusal:** The following are considered a refusal to test if the employee:

- Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, after being directed to do so by the employer
- Fails to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.;
- In the case of a directly observed or monitored collection, fails to permit the observation or monitoring of your provision of a specimen
- Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- Fails or declines to take a second test the employer or collector has directed you to take;
- Fails to undergo a medical examination or evaluation, as directed by the MRO, or as directed by the DER.
- Fails to cooperate with any part of the testing process.
- If the MRO reports that there is verified adulterated or substituted test result



- Fail or refusal to sign Step 2 of the alcohol testing form.
- Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- Possess or wear a prosthetic or other device used to tamper with the collection process.
- Admit to the adulteration or substitution of a specimen to the collector or MRO.
- Failure to remain readily available following an accident.

**Verified negative test** means a result reviewed by a medical review officer and determined to have no evidence of prohibited drug use at or above the minimum cutoff levels established by the Department of Health and Human Services (DHHS).

**Verified positive test** means Test result reviewed by a medical review officer and determined to have evidence of prohibited drug use at or above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

#### **D. Education and Training**

Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.

All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse. Information on the signs, symptoms, health effects, and consequences of alcohol misuse is presented in Attachment B of this policy.

#### **E. Prohibited Substances**

Prohibited substances addressed by this policy include the following:

Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1308.11 through 1308.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S.

Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. It is important to note that the use of marijuana in any circumstances remains completely prohibited for any safety-sensitive employee subject to drug testing under USDOT regulations. The use of marijuana in any circumstance (including under state recreational and/or medical marijuana laws) by a safety-sensitive employee is a violation of this policy and a violation of the USDOT regulation 49 CFR Part 40, as amended.

Federal Transit Administration State DOT Regulated Testing regulations (49 CFR Part 655) require that all covered employees be tested for marijuana, cocaine, amphetamines, Opioid, and phencyclidine as described in this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

1. 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 must be reported to General Manager (Drug and Alcohol Program Manager – DAPM) or Assistant General Manager. The employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
2. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances containing alcohol in a manner which violates the conduct listed in this policy is prohibited. A random, reasonable suspicion, or follow-up alcohol test can only be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions. Under SWART's General Manager (Drug and Alcohol Program Manager – DAPM) or Assistant General Manager or a trained supervisor authority, a NON-DOT alcohol test can be performed any time a covered employee is on duty.

## **F. Prohibited Conduct**

1. Illegal use of the drugs listed in this policy and as defined in 49 CFR Part 40, as amended is prohibited at all times. All covered employees are prohibited from reporting for duty or remaining on duty if they have used a prohibited drug as defined in 49 CFR Part 40, as amended.
2. Each covered employee is prohibited from consuming alcohol while Performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they

are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities.

3. SWART shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.
4. Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed. SWART will not be responsible for compensation.
5. No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
6. No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
7. SWART under its own authority also prohibits the consumption of alcohol at all times employee is on duty, or anytime the employee is in uniform.
8. Consistent with the Drug-free Workplace Act of 1988, all SWART employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including SWART premises, transit and/or agency vehicles, and while in uniform or while on personal business.

#### **G. Drug Statute Conviction**

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the General Manager (Drug and Alcohol Program Manager – DAPM) or Assistant General Manager of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in this policy.

#### **H. Testing Requirements**

Analytical urine Federal DOT Regulated Testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40. All covered employees shall be subject to testing prior to employment, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy. All covered employees who have tested positive for drugs or alcohol, or who refuse to test, on a random, reasonable suspicion or post-accident will be terminated.

A drug test can be performed any time a covered employee is on duty. A random, reasonable suspicion, or follow-up alcohol test can only be performed just before, during, or after the performance of a safety-sensitive job function. Under SWART's

trained management's authority, a NON-DOT alcohol test can be performed any time a covered employee is on duty.

All covered employees will be subject to urine Federal DOT Regulated Testing and breath alcohol testing as a condition of ongoing employment with SWART. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

#### **I. Federal DOT Regulated Testing Procedures**

Testing shall be conducted in a manner to assure a high 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 Service (DHHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the testing procedure, and the validity of the test result.

The drugs that will be tested for include but is not limited to: marijuana, amphetamines, Opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, as which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy. Each specimen will be accompanied by a DOT Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a DHHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the confirmatory test are at or above the minimum thresholds established in 49 CFR Part 40, as amended.

The test results from the DHHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and Federal DOT Regulated Testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory

test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the employer. If a legitimate explanation is found, the MRO will report the test result as negative.

Any covered employee who questions the results of a required Federal DOT Regulated Test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second DHHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. The employee will ensure that the cost for the split specimen are covered in order for a timely analysis of the sample, however, SWART may seek reimbursement.

If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled. Employees do not have access to a test of their split specimen following an invalid result.

The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.

Observed collections are required in the following circumstances:

- All return-to-duty tests;
- All follow-up tests;
- Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90°F - 100°F;
- Anytime the employee is directed to provide another specimen

- because the original specimen appeared to have been tampered with;
- Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the result;
- Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.

#### **Procedures for direct observation Instructions**

- raise clothing above waist
- lower clothing and underpants
- turn around to permit detection of any type of prosthetic or device

#### **J. Alcohol Testing Procedures**

Tests for breath 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). A list of approved EBTs can be found on ODAPC's Web page for "Approved Evidential Breath Measurement Devices". Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHSTA. A list of approved ASDs can be found on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids". If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

An employee who has a confirmed alcohol concentration of 0.04 or greater, will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q. of this policy. Even though an

employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.

SWART affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.

#### **K. Pre-Employment Testing**

All applicants for covered transit positions shall undergo urine Federal DOT Regulated Testing prior to performance of a safety-sensitive function.

1. All offers of employment for covered positions shall be extended conditional upon the applicant passing a Federal DOT Regulated Test. An applicant shall not be hired into a covered position unless the applicant takes a Federal DOT Regulated Test with verified negative results,
2. A non-covered employee shall not be placed, transferred or promoted into a covered position until the employee takes a Federal DOT Regulated Test with verified negative results
3. If an applicant fails a pre-employment Federal DOT Regulated Test, the conditional offer of employment shall be rescinded. Failure of a pre-employment Federal DOT Regulated Test will disqualify an applicant for employment. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.
4. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
5. When an employee being placed, transferred, or promoted from a non-covered position to a covered position submits a Federal DOT Regulated Test with a verified positive result, the employee shall be subject for termination in accordance with Section Q herein.
6. If a pre-employment/pre-transfer test is canceled, SWART will require the applicant to take and pass another pre-employment Federal DOT Regulated Test.
7. In instances where a covered employee does not perform a safety-sensitive function for a period of 90 days or more regardless of reason, and the employee is not in the random testing pool during that time, the employee will be required to take a drug and alcohol test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.

8. An applicant with a dilute negative test result will be required to retest. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.

Applicants are required (even if ultimately not hired) to provide SWART with signed written releases requesting USDOT drug and alcohol records from all previous, USDOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. SWART is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a USDOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a USDOT covered employer, the applicant must provide SWART proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

#### **L. Reasonable Suspicion Testing**

All SWART safety sensitive employees will be subject to a reasonable suspicion drug and/or alcohol test when there are reasons to believe that drug or alcohol use is impacting job performance and safety. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one supervisor 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 possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under SWART authority, a NON-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.

A SWART supervisor or designated employee shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section Q.4-5 and 9 of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be terminated in accordance to Section Q.3 of this policy.

A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation prior to the release of the test results. This written record shall be submitted to the General Manager (Drug and Alcohol Program Manager – DAPM)



or Assistant General Manager and shall be attached to the forms reporting the test results.

When there are no specific, contemporaneous, particularly objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred to the SAP for an assessment. The General Manager (Drug and Alcohol Program Manager – DAPM) or Assistant General Manager will then follow procedures to place the employee on administrative leave in accordance with the provisions set forth under Section Q.9 of this policy. Testing in this circumstance would be performed under the direct authority of the General Manager (Drug and Alcohol Program Manager – DAPM) or Assistant General Manager. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority. However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.9.

#### **M. Post-Accident Testing**

**FATAL – ACCIDENTS** - A covered employee will be required to undergo urine and breathe testing if they are involved in an accident with a transit vehicle regardless of whether or not the vehicle is in revenue service that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.

**NON-FATAL ACCIDENTS** - A post-accident test of the employee operating the public transportation vehicle will be conducted if an accident occurs and at least one of the following conditions is met:

- a. The accident results in injuries requiring immediate transportation to a medical treatment facility away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident; or
- b. One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident.

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, will be tested.

- As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test.
- The supervisor will make the determination using the best information

available at the time of the decision. Appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and within 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the Federal DOT Regulated Test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

- Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test.
- An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
- Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. In the rare event that SWART is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), SWART may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

#### **N. Random Testing**

All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.

1. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
2. The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testing-rates>.
3. Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection and notification of the individuals who are to be tested.
4. Covered transit employees that fall under the Federal Transit

Administration regulations will be included in one random pool maintained separately from the testing pool of employees that are included solely under SWART authority.

5. Random tests can be conducted at any time during an employee's shift for Federal DOT Regulated Testing. Alcohol random tests can only be performed just before, during, or just after the performance of a safety sensitive duty. However, under SWART authority, a NON-DOT random alcohol test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.
6. Employees are required to proceed immediately to the collection site upon notification of their random selection.

#### **O. Return-To-Duty Testing**

SWART does not test for Return-To-Duty as the agency has in a place a zero tolerance requirement. Any safety sensitive employees who test positive for either a drug or alcohol will be immediately terminated.

However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, all return-to-duty testing will be conducted in accordance with 49 CFR Part 40.

"Zero Tolerance" The agency has a "Zero Tolerance" program, therefore any employee that has been tested and had a positive result on prohibited substances or an alcohol level of 0.04 or greater will immediately be removed from all safety sensitive duties and will not be employed by SWART. If a covered employee has an alcohol concentration of 0.02 or greater but less than 0.04, the agency will not permit the employee to perform a safety sensitive function. Employee will resume his/her next regularly scheduled duty period, but in no case, less than eight (8) hours following the administration of the test.

#### **P. FOLLOW-UP TESTING**

SWART does not test for Follow-Up Testing as the agency has in a place a zero tolerance requirement. Any safety sensitive employees who test positive for either a drug or alcohol will be immediately terminated.

However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, all follow-up testing will be conducted in accordance with 49 CFR Part 40.

**Q. RESULT OF DRUG/ALCOHOL TEST**

Any covered employee that has a verified positive drug test, an alcohol test result of 0.04 or above, or who refuses to test will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available and referred to a list of USDOT qualified Substance Abuse Professionals (SAPs) for assessment. SWART is a zero tolerance agency and the employee will be terminated.

A positive drug and/or alcohol test, or test refusal, will also result in disciplinary action as specified herein.

As soon as practicable after receiving notice of a verified positive Federal DOT Regulated Test result, a confirmed positive alcohol test result, or a test refusal, the SWART Drug and Alcohol Program Manager will contact the employee's supervisor to let the supervisor know the employee has been terminated.

- Refusal to submit to a drug/alcohol test shall be considered equivalent to a positive test result and a direct act of insubordination and shall result in termination. A test refusal is defined as the following circumstances.
  - a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
  - b. Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
  - c. Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
  - d. In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
  - e. Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
  - f. Fail or decline to take a second test as directed by the collector or the employer for drug testing.
  - g. Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
  - h. Fail to cooperate with any part of the testing process.
  - i. Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
  - j. Possess or wear a prosthetic or other device used to tamper with

- the collection process.
- k. Admit to the adulteration or substitution of a specimen to the collector or MRO.
  - l. Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
  - m. Fail to remain readily available following an accident
  - n. As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.
- If an employee has an alcohol test result of  $\geq 0.02$  to  $\leq 0.039$  two or more times within a six month period, the employee will be removed from duty and referred to his or her physician for a medical explanation to be submitted to SWART. A warning will be given to employee if there is no medical explanation consequences for positive testing will apply upon the third test result of  $\geq 0.02$  to  $\leq 0.039$ .
  - The cost of any treatment or rehabilitation services will be paid directly by the employee. SWART is a zero tolerance agency and will not be responsible for medical treatment, the employee will be terminated immediately, and no accrued vacation time will be given to the employee.

#### **MRO VERIFICATION OF PRESCRIPTIONS**

When a tested employee is taking a prescribed medication, after verifying the prescription and immediately notifying the employer of a verified negative result, the MRO must then (after notifying the employee) wait five (5) business days to be contacted by the employee's prescribing physician before notifying the employer of a medical qualification issue or significant safety risk.

Specifically, in cases where an MRO verifies a prescription is consistent with the Controlled Substances Act, but that the MRO has still made a determination that the prescription may disqualify the employee under other USDOT medical qualification requirements, or that the prescription poses a significant safety-risk, the MRO must advise the employee that they will have five (5) business days from the date the MRO reports the verified negative result to the employer for the employee to have their prescribing physician contact the MRO. The prescribing physician will need to contact the MRO to assist the MRO in determining if the medication can be changed to one that does not make the employee medically unqualified or does not pose a significant safety risk. If in the MRO's reasonable medical judgment, a medical qualification issue or a significant safety risk still remains after the MRO communicates with the employee's prescribing physician, or after five (5) business days, whichever is shorter, the MRO must communicate this issue to the employer consistent with 49 CFR Part 40.327.

#### **R. GRIEVANCE AND APPEAL**

The consequences specified by 49 CFR Part 40.149(c) for a positive test or test refusal is not subject to arbitration.

## PROPER APPLICATION OF THE POLICY

SWART 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.

## **S. INFORMATION DISCLOSURE**

Drug / Alcohol testing records shall be maintained by the General Manager (Drug and Alcohol Program Manager – DAPM) and Assistant General Manager and, except as provided below or by law, the results of any drug / alcohol test shall not be disclosed without express written consent of the tested employee.

1. The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.
2. Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, Department Supervisor and Personnel Manager on a need to know basis.
3. Records will be released to a subsequent employer only upon receipt of a written request from the employee.
4. Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.
5. Records will be released to the National Transportation Safety Board during an accident investigation.
6. Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
7. Records will be released to the DOT or any DOT agency with

- regulatory authority over the employer or any of its employees.
8. Records will be released if requested by a Federal, state or local safety agency with regulatory authority over SWART or the employee.
  9. If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 necessary legal steps to contest the issuance of the order will be taken
  10. In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

## **ATTACHMENT A: CONTACTS AND CONTRACTORS**

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

### **Drug and Alcohol Program Manager:**

**Name: Sarah Hidalgo-Cook**

Title: General Manager

Address: 713 East Main Street

Uvalde, Texas 78801

Telephone Number: 830-278-4155

**Name: Cynthia Rodriguez (back up)**

Title: Assistant General Manager

Address: 713 East Main Street

Uvalde, Texas 78801

Telephone Number: 830-278-4155

### **Medical Review Officer**

Name: William Buhrow, MD

Address: 6704 Guada Coma Drive

Schertz, Texas 78154

Telephone Number: 210-967-6169

FAX Number: 210-967-9233

### **Collection Site – Drug and Alcohol**

Southwest Area Regional Transit District

Address: 713 East Main Street

Uvalde, Texas 78801

Telephone: 830-278-4155

Certified Collectors: Cynthia Rodriguez

Certified Collectors: Frank Villalobos

### **Third Party Administrator: Compliance Associates LP DBA CMI**

Address: 6704 Guada Coma Drive

Schertz, Texas 78154

Telephone Number: 210-967-6169

FAX Number: 210-361-8989

### **DHHS Certified Laboratory Primary Specimen**

**Name: CLINICAL Reference Lab**

Address: 8433 Quivira

Lenexa, Kansas 66215



## **ATTACHMENT B     SAFETY SENSITIVE JOB CLASSIFICATIONS**

The following Job Classifications have reviewed and accepted as Safety Sensitive positions:

**Operations Manager** (holds a CDL)

**Trainer** (holds a CDL)

**Dispatchers/Schedulers**

**Fleet Manager** (holds a CDL)

**Vehicle Technicians** (holds a CDL)

**Vehicle Technician Clerks/Assistants** (holds a CDL)

**Vehicle Operator – Full Time** (holds a CDL)

**Vehicle Operator – Part Time** (CDL and non-  
CDL)

**Vehicle Operator – Substitute** (CDL and non-  
CDL)

**Vehicle Operators covered due to leasing and/or outsourcing of vehicles**  
( SWART leases out vehicles to a sub-contractor)

**Vehicle Operators covered due to outsourcing of transit services (sub-  
contracted services)**

## **ATTACHMENT C    ALCOHOL FACT SHEET**

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

### **Signs and Symptoms of Use**

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stupor us condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

### **Health Effects:**

- The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:
- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic")
- Fatal Liver Diseases

Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma kidney disease

### **Pancreatitis:**

- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related).

### **Social Issues:**

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.

- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

#### The Annual Toll:

- 24,000 people will die on the highway due to the legally impaired Vehicle Operator.
- 12,000 more will die on the highway due to the alcohol-affected Vehicle Operator.
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents.

#### Workplace Issues:

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

## ATTACHMENT D DRUG USE FACT SHEET

### Effects of Drug Misuse

FTA requires that the Policy include a discussion of the effects of drug misuse on an individual's health, work, and personal life; signs and symptoms of a drug problem; and available methods of intervening when a drug problem is suspected.

### Marijuana

#### Health Effects:

##### Emphysema-like conditions

- One joint of marijuana contains cancer-causing substances equal to ½ pack of cigarettes.
- One joint causes the heart to race and be overworked. People with heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- Marijuana lowers the body's immune system response, making users more susceptible to infection.
- User's mental function can display the following effects: Delayed decision making Diminished concentration Impaired short-term memory Impaired signal detection Impaired tracking Erratic cognitive function Distortion of time estimation

#### Workplace Issues:

- THC is stored in body fat and slowly released.
- Marijuana smoking has long-term effects on performance.
- Increased THC potency in modern Marijuana dramatically compounds the side effects.
- Combining alcohol or other depressant drugs with Marijuana increases the impairing effect of both.

### Cocaine

When abused, it becomes a powerful physical and mental stimulant. The entire nervous system is energized. Muscles tense, the heartbeats faster and stronger, and the body burn more energy. The brain experiences exhilaration caused by a large release of neurohormones associated with mood elevation.

#### Health effects:

- Regular use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing damage to critical nerve cells. Parkinson's disease could also occur.

- Cocaine causes the heart to beat faster, harder, and rapidly increases blood pressure. It also causes spasms of blood vessels in the brain and heart. Both lead to ruptured vessels causing strokes and heart attacks.
- Strong dependency can occur with one “hit” of cocaine, usually mental dependency occurs within days for “crack” or within several months for snorting coke. Cocaine causes the strongest mental dependency of all the drugs.
- Extremely dangerous when taken with other depressant drugs. Death due to overdose is rapid.

#### Workplace Issues:

- Extreme mood and energy swings create instability. Sudden noise causes a violent reaction.
- Lapses in attention and ignoring warning signals increases probability of accidents.
- High cost frequently leads to theft and/or dealing.
- Performance is characterized by forgetfulness, absenteeism, tardiness, and missing assignments.

### Opioid

Narcotic drugs that alleviate pain and depress body functions and reactions.

#### Health Effects

- IV needle users have a high risk of contracting hepatitis or AIDS when sharing needles.
- Increase pain tolerance. As a result, a person may more severely injure him or herself and fail to seek medical attention as needed.
- Narcotic effects are multiplied when combined with other depressants causing an increased risk for an overdose.
- Because of tolerance, there is an ever-increasing need for more.
- Strong mental and physical dependence occurs.

#### Workplace Issues:

- Side effects such as nausea, vomiting, dizziness, mental clouding and drowsiness place the user at high risk for an accident.
- Causes impairment of physical and mental functions.

### Amphetamines

Central nervous system stimulant that speeds up the mind and body,

#### Health Effects:

- High dose may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to increased blood pressure.
- Chronic use may cause heart or brain damage due to severe constriction of capillary blood vessels.
- Withdrawal may result in severe physical and mental depression

### Workplace Issues

- Since the drug alleviates the sensation of fatigue, it may be abused to increase alertness during periods of overtime or failure to get rest.
- With heavy use for decreasing fatigue, the short-term mental or physical enhancement reverses and becomes impairment.

### **Phencyclidine (PCP)**

Often used as a large animal tranquilizer. Abused primarily for its mood altering effects. Low doses produce sedation and euphoric mood changes. Mood can rapidly change from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare. Sudden noises or physical shocks may cause a “freak out” in which the person has abnormal strength, violent behavior and an inability to speak or comprehend.

### Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- If misdiagnosed as LSD induced, and treating with Thorazine, can be fatal.
- Irreversible memory loss, personality changes, and thought disorders may result.

### Workplace Issues

- Drug induced schizophrenia.
- Induced depression that may create suicidal tendencies and mental dysfunction.
- Toxic psychosis with visual and auditory delusions, paranoia and agitation.

### **Ecstasy (MMA)**

MDMA causes an increase in serotonin which plays an important role in the regulation of mood, sleep, pain, appetite, and other behaviors. Users experience long lasting confusion, depression, and selective impairment of working memory and attention processes. Ecstasy users make extremely dangerous Vehicle Operators. They can exhibit the same impairments as amphetamine, heroin, cocaine, and hallucinogen users. Some ways driving ability is affected by ecstasy use include:

- Slowed thinking and reflexes – making reaching difficult.
- Distorted visual and depth perception
- Difficulty making complex decisions
- Lengthened glare recovery time
- Overly confident in driving skills and judgment
- Lapses in attention and concentration – Vehicle Operator is unable to display continuous attention
- Distorted vision  
Auditory and visual hallucinations



## OFFICE FOR CIVIL RIGHTS

### Office for Civil Rights

U.S. Department of Health  
and Human Services

200 Independence Avenue, SW  
H.H.H. Building, Room 509-F  
Washington, D.C. 20201

#### TELEPHONE

1-800-368-1019

#### E-MAIL

occrmail@hhs.gov

#### TDD

1-800-537-7697

[www.hhs.gov/ocr](http://www.hhs.gov/ocr)

# KNOW THE RIGHTS THAT PROTECT US FROM DISCRIMINATION BASED ON RACE, COLOR OR NATIONAL ORIGIN

## What is Title VI?

Title VI of the Civil Rights Act of 1964 (Title VI) is a Federal law that prohibits recipients of Federal financial assistance from discriminating on the basis of race, color or national origin. Title VI also prohibits recipients of Federal financial assistance from discriminating on the basis of race, color or national origin in the provision of health or human services. For example, an individual who is a member of a minority group cannot be denied health or human services because of their race, color or national origin. Title VI also prohibits recipients of Federal financial assistance from discriminating on the basis of race, color or national origin in the provision of health or human services. For example, an individual who is a member of a minority group cannot be denied health or human services because of their race, color or national origin.

Title VI also prohibits recipients of Federal financial assistance from discriminating on the basis of race, color or national origin in the provision of health or human services. For example, an individual who is a member of a minority group cannot be denied health or human services because of their race, color or national origin.

Some of the institutions or programs that may receive Federal assistance and be covered by Title VI are:

- Hospitals and health clinics
- Medicaid and Medicare agencies
- Alcohol and drug treatment centers
- Extended care facilities
- Public assistance programs
- Nursing homes
- Adoption agencies
- Day care, mental health and senior citizen centers

## Forms of Illegal Discrimination

A recipient of Federal financial assistance may not, based on race, color or national origin:

- Deny services, financial aid or other benefits provided as a part of health or human services programs.
- Provide a different service, financial aid or other benefit, or provide them in a different manner from those provided to others under the program.
- Segregate or separately treat individuals in any matter related to the receipt of any service, financial aid or other benefit.
- Fail to take reasonable steps to ensure meaningful access by limited English proficient (LEP) persons to the recipient's programs or activities.

## How to file a complaint of discrimination with the Office for Civil Rights (OCR)

If you believe that you or someone else has been discriminated against because of race, color or national origin by an entity receiving financial assistance from HHS, you or your legal representative may file a complaint with OCR. Complaints must be filed within 180 days from the date of the alleged discrimination.

You may send a written complaint or you may complete and send OCR the Complaint Form available on our webpage at [www.hhs.gov/ocr](http://www.hhs.gov/ocr). The complaint form is also available on our webpage in a number of other languages under the Civil Rights Information in Other Languages section.

The following information must be included:

- Your name, address and telephone number.
- You must sign your name on everything you write. If you file a complaint on someone's behalf — e.g. spouse, friend, client, etc. — include your name, address, telephone number, and statement of your relationship to that person.
- Name and address of the institution or agency you believe discriminated.
- When, how and why you believe discrimination occurred.
- Any other relevant information.

If you mail the complaint, be sure to send it to the attention of the regional manager at the appropriate OCR regional office. OCR has ten regional offices and each regional office covers specific states. Complaints may also be mailed to OCR Headquarters at the following address:

Office for Civil Rights  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW.  
H.H.H. Building, Room 509-F  
Washington, D.C. 20201

To learn more:

Visit us online at [www.hhs.gov/ocr](http://www.hhs.gov/ocr)

Call us toll-free at 1-800-368-1019

Email us: [ocrmail@hhs.gov](mailto:ocrmail@hhs.gov)

TDD: 1-800-537-7697

Language assistance services for OCR matters are available and provided free of charge. OCR services are accessible to persons with disabilities.

[www.hhs.gov/ocr](http://www.hhs.gov/ocr)





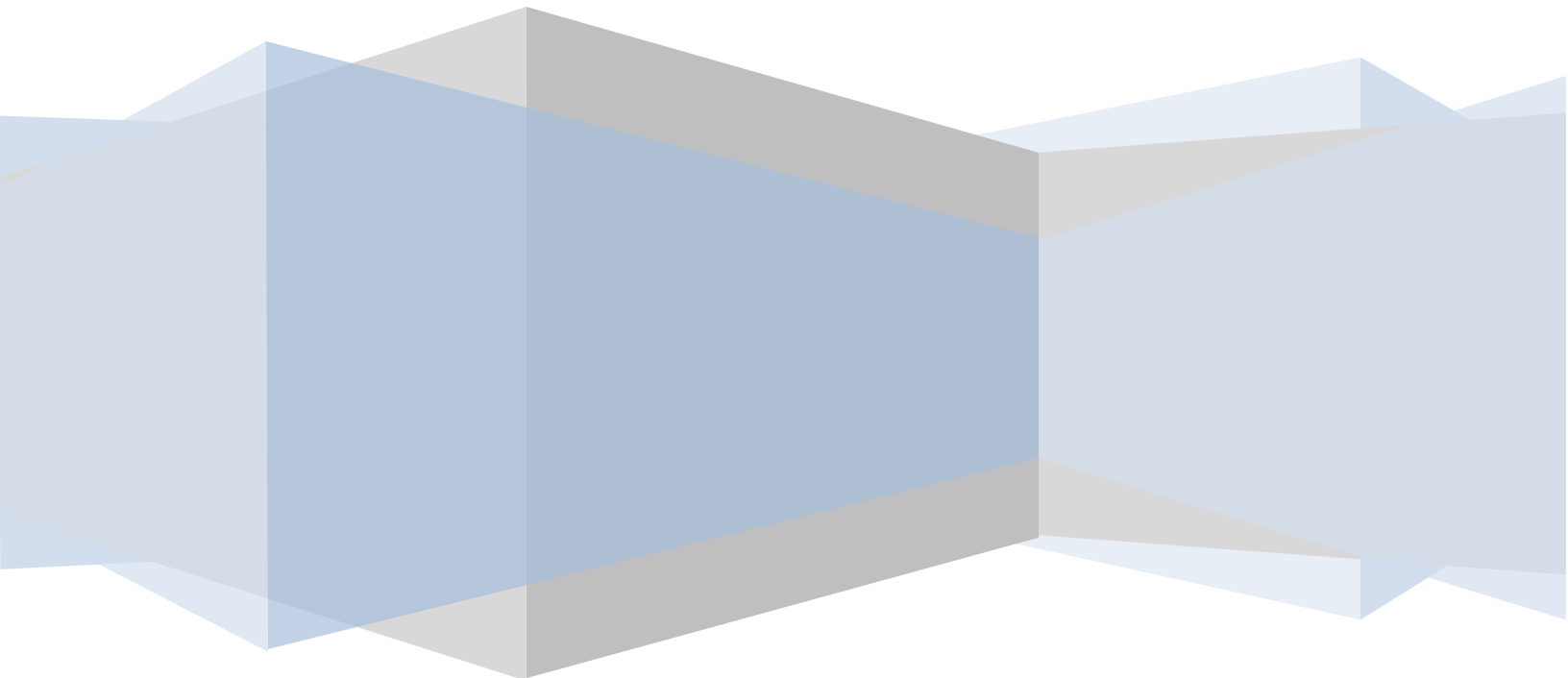
# **SAFETY POLICY**

**Adopted by Board of Directors – June 5, 2012**

**Revised by Board of Directors – August 30, 2017**

**Revised by Board of Directors – February 28, 2018**

**Revised by Board of Directors – October 21, 2020**



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## ATTACHMENTS

- A. , Elderly Nutrition, Public Transit Vehicle Operators Disciplinary Offense Report Form
- B. Vehicle Fleet Insurance: Covered Employee Disciplinary Offense Report Form

## **1.0 Introduction**

### **1.01 Introduction**

Due to the nature of passenger transportation, it is necessary to apply strict rules, regulations, and procedures to ensure the most effective system possible, as well as the safest system for passengers. In addition to the SWART Personnel Policies which apply to all personnel, the Safety and Job Performance Policy strictly regulates those employees who transport passengers and are covered under the District's vehicle fleet insurance. Vehicles covered under the District fleet insurance include any District owned vehicle and rented/leased vehicles. If these conflict with the general SWART Personnel Policies, these shall control.

Such employees which this policy will affect include:

1. SWART Vehicle Operators
2. SWART Personnel covered by the Fleet Insurance

## **2.0 Hiring & Employee Responsibilities for Public Transit Vehicle Operators**

### **2.01 Hiring**

All prospective applicants for positions of public transit Vehicle Operator, Operations Manager, Trainer, and Vehicle Technicians must meet the following qualifications at the time of their interview:

1. A valid Texas Driver's License.
2. CDL License Holders Must pass DOT physical and drug/alcohol screening.
3. Must pass a personal background check as outlined by funding sources. Must be clear of any misdemeanor or felonies for the past 7 years.
4. Must have a clear Texas Motor Vehicle Report (MVR) for the past seven (7) years.

### **2.02 Drug & Alcohol Testing**

Testing will be done at the following times (refer to SWART Drug & Alcohol Policy for Safety Sensitive Employees):

1. Pre-employment
2. Reasonable Suspicion
3. Post Accident
4. Random

### **2.03 Training and Certification Requirements**

Within 2 weeks of hire (annually if required thereafter), each Vehicle Operator shall complete the following:

First Aid & CPR (Every two years)

PASS training (Certification every two years) (In-house refresher course annually)

- Recognize when and how to call for emergency services
- Emergency Procedures use of fire extinguishers
- Wheelchair lift operation
- Recipient Safety
- ADA Training
- How and when to call for emergencies
- Dealing with client behavior and or violent behaviors
- Bus Safety
- Wheelchair lift operation
- Confidentiality
- Communication
- Distracted Driving
- PASS Information & Techniques
- Mobility Device and securing of Mobility Device in transportation
- Vehicle emergency evacuation
- Vehicle Operator Safety

Defensive driving (Certification every two years)

- Weather related safety

Blood Borne Pathogens (Annually)

On the job Training

Pre-trip inspections

Vehicle Operator required paperwork

Pass an annual physical exam (DOT Medical Examination Report)

## **2.04 District Certification Requirement Schedule**

1. SWART will obtain the Texas Motor Vehicle Report for all Vehicle Operators on an annual basis.
2. An evaluation after 180 days of service and yearly evaluation thereafter.
3. SWART will obtain a Background Check for all Vehicle Operators on an annual basis.
4. SWART will perform an annual non-DOT drug test to meet requirements of funding sources on an annual basis.

## **3.0 Hours for Transit Employees**

### **3.01 Hours**

All Vehicle Operators will be assigned hours of work which meet the needs of routes and passengers. Due to the nature of public transportation, changes are required to meet routing demands. It is the responsibility of the Vehicle Operators to check schedules daily, either by calling in, checking their email, or checking in before starting their assigned routes.

Overtime hours will not be permitted unless prior approval from the supervisor is given.

### **3.02 Absenteeism and Lateness**

Vehicle Operators are expected to report to work as set in their schedule. Unnecessary absenteeism and lateness is expensive and disruptive. It places unfair burden on other employees and the supervisor. Unsatisfactory attendance will result in disciplinary action as per the SWART Personnel Policy.

### **3.03 Vacation and Leave**

Due to the nature of public transportation and transportation, an employee will be required to submit a vacation request at least 2 weeks in advance for any vacation requests of three days or more. If the employee requests fewer than 3 days, a week notice is required. Leave will not be granted until a replacement is found or arrangements made. Emergencies will be considered by the Supervisor on a case-by-case basis and a decision will be made at that time based on each specific situation.

As a special number of Vehicle Operators are required to operate routes, dates for vacations will be granted on a first request basis.

### **3.04 Holidays**

Due to the nature of public and medical transportation operations, Employees may be required to work on holidays.

Employees working on holidays will take their holiday on another day. Such arrangements must be made with Supervisor. Requests for time off during working holidays must be made at least one month in advance. Days off for holiday leave will be granted on a first request basis.

### **3.05 Bad Weather**

SWART generally does not cancel service due to weather unless it is extreme. The Transit Director, or designee, will determine if services are to be disrupted due to bad weather. However, employees failing to report to work, because of bad weather, without approval of the Supervisor will acquire points as described in Section 5.00 based on Section 3.00 Absenteeism and Lateness.

Bad Weather is defined as tornado, flooding, high winds, hail, severe thunderstorms, snow, and ice, etc...

## **4.0 Accidents, Incidents, & Traffic Violations for Employees Covered Under District Fleet Insurance**

### **4.01 Accident, Incident, and Traffic Violations**

Employees should report to their supervisor all observed safety and health violations, potentially unsafe conditions, and all accidents and incidents (no matter how minor), involving property, clients, passengers, or employees before the close of business on the date of the incident.

Covered employees must follow the procedures below:

1. A call will immediately be made to the immediate supervisor and/or dispatch.
2. Proper local authorities (police, sheriff, highway patrol) will always be called by central dispatching (or by Vehicle Operator if out on an out-of-area route), unless they have already been notified.
3. A written incident/accident report shall be filed with the supervisor within 24 hours.
4. A copy of the police report will be turned into the supervisor within ten (10) days. It is the responsibility of the Vehicle Operator/covered employee to obtain and submit the police report.
5. Vehicle Operators/covered employees found at fault in any accident will accumulate disciplinary points (See Section 5.00).
6. A Drug & Alcohol test will be administered based on SWART Drug & Alcohol Policy for Safety Sensitive Employees.

#### **4.2 Preventable Incidents and Accidents**

A preventable incident and accident is defined as an incident and accident in which the employee is found at fault.

#### **4.3 Distracted Driving**

Distracted driving is defined as any action which distracts the Vehicle Operator/covered employee from safe operation of a vehicle. This includes but is not limited to talking on a cell phone, texting, talking to passengers, eating, drinking, reading manifests, radio dialing, etc...

#### **4.4 Handheld Mobile Telephone Use for Employees with Commercial Vehicle Operators Licenses**

As per Federal Highway Regulations, Vehicle Operators with a Commercial Vehicle Operator's License are prohibited from the use of handheld mobile telephones while driving any Commercial Motor Vehicle.

## **5.0 General Disciplinary Procedures for Public Transit Vehicle Operators**

### **5.01 Point System Evaluation**

Accumulated Total within a Twelve Month Calendar Period (January through December).

#### **Point System**

5-10 Points	Personal Review with verbal warning, written report/memorandum on file.
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20 Points	Written reprimand with warning that additional points may result in termination.
30 Points	Termination (Mandatory)

Offense	Points
Possession of/ under the influence of intoxicants, narcotics, amphetamines or other dangerous substances while driving on or off duty.	30
Failure to report any accident/incident - on duty	30
Failure to report any accident - off duty	10
Preventable accident (with bodily injury to others and/or damage in excess of \$5000) - on duty	30
Preventable accident (other) - on duty	20
Boarding or disembarking passengers at other than designated spots	10
Proven improper passenger relations	30
Personal use of company equipment or time.	10
Failure to report defective equipment, or falsifying daily inspection reports	10
Failure to maintain contact with central office/dispatch	5
Conviction of a DWI (on or off duty)	30
Speeding on duty with passengers (in excess of 6 miles per hour over the speed limit)	30
Speeding on duty without passengers (in excess of 6 miles per hour over the speed limit)	20
Failure to report any traffic citation (on duty)	15
Failure to report any traffic citation (off duty)	10
Vehicle Operator's License Expired	10
Valid client complaints.	10
Smoking in vehicle	10
Taking gifts, tips, or gratuity	5
Failure to perform a pre-trip/post trip inspection on District vehicle.	10
Failure to secure or properly secure any passenger.	30
Distracted Driving	30
Failure to wear a seatbelt	10
Failure to report damage to an District vehicle (reprimand issued)	10
Failure to attend required training	10
Failure to follow safety dress code	10
Use of handheld mobile telephone for CDL Vehicle Operators while driving a CMV	30

## 6.0 General Disciplinary Procedures for Employees Covered Under the District Fleet Insurance

### 6.01 Point System Evaluation

Accumulated Total within a Twelve Month Calendar Period (January through December).

#### Point System

5-10 Points	Personal Review with verbal warning, written report/memorandum on file.
20 Points	Written reprimand with warning that additional points may result in termination.
30 Points	Termination (Mandatory)

Offense	Points
Possession of/ under the influence of intoxicants, narcotics, amphetamines or other dangerous substances while driving on or off duty.	30
Failure to report any accident/incident - on duty	30
Failure to report any accident - off duty	10
Preventable accident (with bodily injury to others and/or damage in excess of \$5000) - on duty	30
Preventable accident (other) - on duty	20
Personal use of company equipment or time.	10
Failure to report defective equipment, or falsifying daily inspection reports	10
Conviction of a DWI (on or off duty)	30
Speeding on duty	20
Failure to report any traffic citation (on duty)	30
Failure to report any traffic citation (off duty)	10
Vehicle Operator's License Expired	10
Smoking in vehicle	5
Failure to perform a pre-trip/post trip inspection on District vehicle.	10
Distracted Driving	30
Failure to wear a seatbelt	10
Failure to report damage to an District vehicle (reprimand issued)	10
Use of handheld mobile telephone for CDL Vehicle Operators while driving a CMV	30

## 7.0 Automatic Disciplinary Actions

### 7.01 Immediate Termination

The following violations will result in immediate termination for vehicle operators, operations managers, and vehicle technicians:

1. Failure to maintain a valid Texas Driver's license for public transit Vehicle Operators.
2. Conviction of a DWI on and off duty.
3. Speeding ticket in a District vehicle while on route with passengers in excess of 6 miles per hour.
4. Failure to report any tickets or moving violations.
5. Failure to inform the supervisor within 24 hours of a revocation or suspension of license for any reason.
6. Use of alcohol or drugs while driving a District vehicle or on SWART property.
7. Improper or fraudulent information given to the office upon application.
8. Theft of District property including fares.
9. Unreported accidents and incidents of any kind.
10. Carrying concealed weapons.
11. Failure to pass annual DOT physical examination for CDL holders.
12. Failure to secure and/or properly secure any passenger.
13. Distracted driving while operating a District vehicle including District rented vehicles.
14. Deliberate actions to conceal or obstruct line of sight of vehicle security cameras.

Accumulation of the following points within the specified period will result in termination:



1 year = 30 points per calendar year (January through December)  
3 years = 60 accumulated points from hiring date  
5 years = 75 accumulated points from hiring date

At the inception of the sixth (6) year, the accumulated points will be cleared and a new cycle begins.

## **8.0 General Work Regulations**

Although general work regulations are listed in this policy, a more in depth list of rules and general work operations are listed in the SWART Vehicle Operator's Manual. Please refer to this policy for clearer definitions of operational regulations.

### **8.01 Vehicle Cleanliness**

Covered Employees and Vehicle Operators are responsible for the internal and external cleanliness of the vehicle assigned to them. Vehicles must be wiped down and swept daily. Vehicles must be washed a minimum of once per week.

### **8.02 Vehicle Inspection**

1. Covered Employees and Vehicle Operators are responsible for performing daily pre and post vehicle inspections and for correcting items that require attention. (Air pressure to tires, add oil, add water/coolant, etc...)

### **8.03 Keeping Timely Schedules**

1. Vehicle Operators are responsible for adhering to all route schedules in a timely manner.
2. Vehicle Operators are responsible for turning in daily reconciled logs, mileage logs, fuel tickets, etc...
3. Vehicle Operators are responsible for turning in all fares on a daily basis.

### **8.04 Reporting Repairs**

1. Covered Employees and Vehicle Operators shall report needed repairs to their immediate supervisor. The supervisor will authorize repairs and/or assign a different vehicle.
2. It is the responsibility of the covered employee and/or Vehicle Operator to submit a Vehicle Maintenance Work Order along with the pre-trip/post trip vehicle inspection to their immediate supervisor.

### **8.05 Assistance to Passengers**

Vehicle Operators are to assist all passengers on and off of the vehicle, as instructed in training sessions. SWART adheres to a "Door to Door" policy for the elderly and disabled. All other riders will be serviced curb to curb. Employees shall be helpful and courteous at all times.

### **8.06 Smoking, Eating, and Drinking**

Eating and drinking is prohibited while driving a District vehicle.  
Smoking is prohibited at all times while on a District vehicle.

### **8.07**      **Change of Employee Status**

Employees are required to report immediately any status change to their supervisor. Such is as listed below:

Name  
Address  
Telephone Number  
Cell Number  
Email Address  
Person to notify in case of an emergency

### **8.08**      **Receiving Gifts**

Gifts for services rendered may not be accepted. Tips or gratuity will be cordially refused or will be put in the fare box and will be counted as fares.

## **9.0                      Uniforms and Appearance**

### **9.01**      **Requirements**

Vehicle Operators of the SMART Program are required to wear uniforms at all times while on duty. This includes name tags. SMART will cover the costs of 5 uniform shirts per year. If the employee should leave before their 180 day probationary period, costs of the uniforms will be garnished from their last payroll check.

#### **Uniform Includes:**

Vehicle Operators & Dispatchers:

- Shirt (provided by District)
- Khaki or Denim pants or shorts (provided by employee)
- Working shoes with rubber grip soles (provided by employee). The shoes must be low heeled and closed toe. (Included are boots, athletic shoes, and loafers.)
- Name Tag (provided by District)

Vehicle Technician:

- Shirt (provide by District)
- Work pant (provided by District)
- Safety Shoe (provided by District)
- Name Tag (provided by District)
- Overalls (provided by District)

Note: Vehicle Operators and Vehicle Technicians must provide their own jackets.

## **9.02      Restrictions**

Uniforms may not be worn for any other reason or time other than working for SWART during assigned work hours. Uniforms including pants/shorts must be clean, unwrinkled, and have no holes or tears.

Without unduly restricting individual tastes, the following personal appearance guidelines should be followed:

- Shoes must provide safe, secure footing, and offer protection against hazards. No flip flops or leisure sandals.
- Operators shall be required to wear agency provided uniforms and an easily identifiable company name tag. They must wear appropriate shoes to ensure safety. Open toe shoes and sandals are not permitted.
- Tank tops, spaghetti straps, tube or halter tops, or shorts may not be worn under any circumstances.
- Mustaches and beards must be clean, well-trimmed, and neat.
- Hairstyles are expected to be in good taste and present an appropriate professional appearance.
- Offensive body odor and poor personal hygiene is not professionally acceptable.
- Perfume, cologne, and aftershave lotion should be used moderately or avoided altogether, as some individuals may be sensitive to strong fragrances.
- Jewelry should not be functionally restrictive, dangerous to job performance, or excessive.
- Tattoos must be covered at all times.

# **SAFETY & JOB PERFORMANCE POLICY**

## **RECEIPT OF POLICY**

I, \_\_\_\_\_, have received a copy of the "Safety & Job Performance Policy" for Safety Sensitive Employees and Fleet Covered Insured Employees. I

understand and agree that it is my responsibility to read and become knowledgeable of this policy.

I am aware that this policy has been revised and becomes effective August 30, 2017..

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Employee Signature

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Date

# ATTACHMENTS

## Safety Sensitive Employee Disciplinary Offense Report For Public Transportation Vehicle Operators

Employee Name		1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Job Assignment		Date of Offense	Date of Offense	Date of Offense
Date of Action				
Date Action Terminates		Points Earned	Points Earned	Points Earned
Interviewed By				
Points Applied		Action Taken	Action Taken	Action Taken
Offense Description				

	Offense	Points
	Possession of/ under the influence of intoxicants, narcotics, amphetamines or other dangerous substances while driving on or off duty.	30
	Failure to report any accident/incident - on duty	30
	Failure to report any accident - off duty	10

	Preventable accident (with bodily injury to others and/or damage in excess of \$5000) - on duty	30
	Preventable accident (other) - on duty	20
	Boarding or disembarking passengers at other than designated spots	10
	Proven improper passenger relations	30
	Personal use of company equipment or time.	10
	Failure to report defective equipment, or falsifying daily inspection reports	10
	Failure to maintain contact with central office/dispatch	5
	DWI (on and off duty)	30
	Speeding on duty with passengers (in excess of 6 miles per hour over the speed limit)	30
	Speeding on duty without passengers (in excess of 6 miles per hour over the speed limit)	20
	Failure to report any traffic citation (on duty)	15
	Failure to report any traffic citation (off duty)	10
	Vehicle Operator's License Expired	10
	Valid client complaints.	10
	Smoking in vehicle	10
	Taking gifts, tips, or gratuity	5
	Failure to perform a pre-trip/post trip inspection on District vehicle.	10
	Failure to secure or properly secure any passenger.	30
	Distracted Driving	30
	Failure to wear a seatbelt	10
	Failure to report damage to an District vehicle (reprimand issued)	10
	Failure to attend required training	10
	Failure to follow safety dress code	10
	Use of handheld mobile telephone for CDL Vehicle Operators while driving a CMV	30

### **Point System**

5-10 Points	Personal Review with verbal warning, written report/memorandum on file.
20 Points	Written reprimand with warning that additional points may result in termination.
30 Points	Termination (Mandatory)

### **Covered Employees Disciplinary Offense Report**

Employee Name		1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Job Assignment		Date of Offense	Date of Offense	Date of Offense
Date of Action				
Date Action Terminates		Points Earned	Points Earned	Points Earned
Interviewed By				
Points Applied		Action Taken	Action Taken	Action Taken
Offense Description				

	Offense	Points
	Possession of/ under the influence of intoxicants, narcotics, amphetamines or other dangerous substances while driving on or off duty.	30
	Failure to report any accident/incident - on duty	30
	Failure to report any accident - off duty	10

	Preventable accident (with bodily injury to others and/or damage in excess of \$5000) - on duty	30
	Preventable accident (other) - on duty	20
	Personal use of company equipment or time.	10
	Failure to report defective equipment, or falsifying daily inspection reports	5 10
	DWI (on and off duty)	30
	Speeding on duty	20
	Failure to report any traffic citation (on or off duty)	30
	Failure to report any traffic citation (off duty)	10
	Vehicle Operator's License Expired	10
	Smoking in vehicle	5
	Failure to perform a pre-trip/post trip inspection on District vehicle.	10
	Distracted Driving	30
	Failure to wear a seatbelt	10
	Failure to report damage to an District vehicle (reprimand issued)	10
	Use of handheld mobile telephone for CDL Vehicle Operators while driving a CMV	30

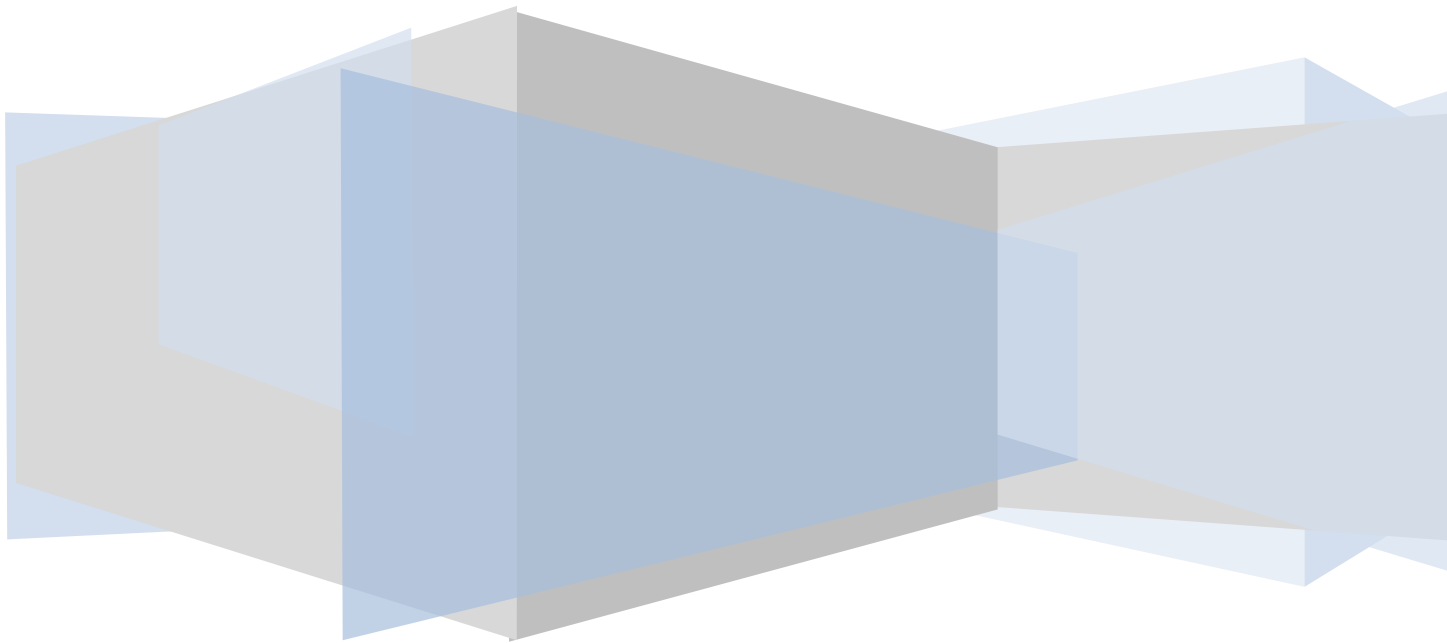
#### **Point System**

5 -10 Points	Personal Review with verbal warning, written report/memorandum on file.
20 Points	Written reprimand with warning that additional points may result in Termination.
30 Points	Termination (Mandatory)

**SOUTHWEST AREA REGIONAL TRANSIT DISTRICT**

**INTERNAL  
COMPLIANCE  
PROGRAM & CODE  
OF CONDUCT POLICY**

Approved by SWART Board of Directors on May, 24, 2017  
Revised by SWART Board of Directors on June 22, 2017





Southwest Area Regional Transit District (SWART) has established an Internal Compliance Program. The General Manager and the Assistant General Manager are charged with monitoring compliance within the organization and taking appropriate action in response to compliance related complaints. The General Manager or assigned supervisor will be primarily responsible for responding to evidence of non-compliance and taking appropriate action to prevent future non-compliances. These employees are responsible for oversight of financial reports and establishing and maintaining an adequate internal control structure with appropriate checks and balances.

SWART has taken all possible steps to avoid the delegation of substantial discretionary authority to individuals whom the organization knows, or should know, have a propensity to engage in illegal activities.

Criminal background checks are conducted annually for all SAFETY SENSITIVE EMPLOYEES and upon employment for all future employees in high-level positions, who are involved in handling financial documents or highly confidential information, and/or who admit a prior felony conviction.

SWART shall take all steps to ensure that compliance standards are effectively communicated to all of SWART's employees by requiring them to participate in training and by disseminating to them information that explains, in understandable language, the requirements of SWART's Internal Compliance Program.

A copy of the compliance policy, including any amendments and all related documents, (company handbook) will be made available to all employees. Training will be held during orientation and annually and each employee will sign a document acknowledging its receipt and their understanding of the policy's requirements and on ethical behavior generally.

SWART's Board of Directors will participate in annual training in ethics and in the compliance program and ethical behavior generally.

SWART shall notify all agents of the organization of the organization's compliance policy, and its expectation of ethical behavior and compliance with the law from individuals and companies it does business with through distribution of written materials, or mail-outs of information, electronic communication, or verbal communication methods.

Employees are required to immediately report any suspicion of noncompliance with law, or unethical behavior.

SWART has set up the following anonymous procedures for reporting noncompliance and unethical behavior. It is SWART's desire to provide whatever means possible to identify and address incidents of misconduct in an expeditious manner by fostering an atmosphere that encourages employees to spot potential compliance issues and bring them to the manager's attention.

Reports may be submitted anonymously by mail to:  
Southwest Area  
Regional Transit District  
713 East Main Street Uvalde, Texas 78801

Attention: Sarah Hidalgo-Cook, General Manager

Or by placement in a locked box that has been set up in the SWART Administrative Office lobby.

The General Manager or assigned Supervisor will be primarily responsible for responding to evidence of noncompliance and taking appropriate action. SWART's personnel policy defines disciplinary policy and actions that may lead to discipline and/or termination. Any employee who violates the ethics policy shall be subject to termination or other employment-related sanctions, as well as applicable civil or criminal penalties. The General Manager and Assistant General Manager shall be responsible for periodically assessing risks of criminal misconduct within the organization.

Respectfully,

A handwritten signature in black ink that reads "Sarah H. Cook". The signature is written in a cursive, flowing style.

Sarah Hidalgo-Cook

General Manager

Southwest Area Regional Transit District

## Employee and Board of Directors Acknowledgement

Employee Acknowledgement or receipt and training:.

I attest that I have been given a copy of Southwest Area Regional Transit District's Internal Compliance Program & Code of Conduct Policy as well as received training for such.

Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Table of Contents

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**General:**

**This policy prescribes the standards of ethical conduct for all employees of Southwest Area Regional Transit District. All employees must familiarize themselves with this policy. All employees must abide by applicable federal and state laws, administrative rules, and this ethics policy. An employee who violates any applicable federal or state law or rule may be subject to civil or criminal penalties in addition to any disciplinary action. The General Manager or assigned supervisor will be primarily responsible for responding to evidence of non-compliance and taking appropriate action to prevent future non-compliances**

**All employees shall perform their official duties in a lawful, professional, and ethical manner; practice responsible stewardship of organizational resources, and report any conduct or activity that they believe to be in violation of this policy. Employees shall not knowingly make false or misleading statements, oral or written, in the course of the conducting Southwest Area Regional Transit District business. Employees shall not disclose confidential or sensitive organizational business information without prior written authorization.**

**I. Record Retention**

Southwest Area Regional Transit District is committed to proper maintenance and retention of records. Records are defined broadly to include almost any type of business information, and the required retention period varies with the type of record. Falsifying records, deliberately concealing records, destroying records in bad faith, exploiting confidential information, or otherwise mishandling records is not acceptable.

As a local government, Southwest Area Regional Transit District must adhere to Local Government Code, Chapters 202-204, addressing record management. Records management includes the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping (Local Government Code 201.003(8)).

When a lawsuit is filed or is reasonably anticipated to be filed against Southwest Area Regional Transit District, or when an internal or governmental investigation is initiated, you must ensure that all information potentially relevant to the suit or investigation is preserved. You may not alter, conceal, or in any way destroy information potentially relevant to a suit or investigation. You must take steps to ensure potentially relevant information is not inadvertently destroyed pursuant to document retention schedules or by routine computer operations or common computer settings, such as the automated deletion of emails.

## **II. Fraud**

Fraud is broadly defined, and may include any type of intentional deception for the purpose of personal or business gain or damage to an individual or organization. Examples of fraud include lying on an employment application, falsifying records, or providing false receipts for reimbursement from Southwest Area Regional Transit District.

Employees must be good stewards of resources entrusted to them and exercise due diligence to prevent and detect criminal conduct and noncompliance with laws and policies. You must report suspected fraud, waste, abuse, or non-compliance to the appropriate supervisor or manager. Engaging in acts of fraud may result in civil or criminal liability.

## **III. Equal Opportunity Employment**

Southwest Area Regional Transit District is an equal opportunity employer. It is Southwest Area Regional Transit District's policy to promote and ensure equal employment opportunity for all persons regardless of race, color, disability, religion, sex, national origin, or age. Discrimination has no place at Southwest Area Regional Transit District and will not be tolerated.

## **IV. Sexual Harassment and Sexual Misconduct**

Southwest Area Regional Transit District does not tolerate any form of sexual harassment in the workplace. Sexual harassment may include sexual advances, sexual solicitation, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

Sexual misconduct includes behavior that is short of sexual harassment, but nonetheless is unprofessional and inappropriate. Sexual misconduct is not permitted. All employees will treat one another and the general public with professionalism, respect, and fairness. You must conduct yourself with courtesy and restraint at all times on the job and whenever you may be perceived in any way as representing Southwest Area Regional Transit District.

If you feel that you are being subjected to sexual harassment or sexual misconduct by any person in the workplace, or if you witness any incident that appears to be a violation of sexual harassment and sexual misconduct policies, you must report the incident to the appropriate supervisor or manager. Alternatively, if the subject of your complaint is your supervisor or manager, you must report the complaint to the Assistant General Manager, a higher level supervisor or manager, or to the office responsible for internal

investigations. Employees who report sexual harassment are protected against retaliation by state and federal laws.

Supervisors or managers who receive reports of sexual harassment of sexual misconduct must report the complaint(s) to the appropriate authorities, regardless of the form of the complaint ("formal" or "informal") or whether it precisely follows Southwest Area Regional Transit District's complaint procedures. Supervisors and managers must keep accurate records of complaints and are responsible for taking appropriate action that actually stops the harassment or misconduct. Ignoring a report of sexual harassment or sexual misconduct is unacceptable.

## **V. Conflicts of Interest**

Conflict of interest is a situation in which your private interest (usually financial or economic in nature) conflicts with or raises a reasonable question of conflict with your job-related duties and responsibilities. Importantly, if you violate a conflict of interest law, you may face civil and/or criminal charges resulting in monetary fines or jail time.

An employee shall not:

1. Engage in any activity that would create a conflict of interest or even the appearance of a conflict,
2. Make a personal investment in any enterprise that would create a substantial conflict between the employee's private interest and Southwest Area Regional Transit District,
3. Engage in outside business or professional activities or accept employment if the activities create a conflict between the employee's private interests and Southwest Area Regional Transit District; use or appear to use information obtained in connection with the employee's duties for Southwest Area Regional Transit District, or could be expected to impair the employee's independence of judgment in the performance of the employee's duties for Southwest Area Regional Transit District,

Local public officials (including a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district including a transit authority or district) , as well as certain other employees involved with contracting, are subject to the conflict of interest provisions in Chapter 171 of the Texas Local Government Code.

Chapter 171 establishes the standard for determining when a local official has a conflict of interest that would affect his or her ability to discuss, decide, or vote on a particular item.

Other state and federal laws may be applicable to officials and employees in particular situations. For example, Chapter 176 of the Local Government Code requires members

of the governing body and executive officers of local government entities to file a conflicts disclosure statement relating to a person that the governmental entity has contracted with or is considering contracting with if the local officer or his or her family members have certain business relationships with that person.

## **VI. Personal Use of Organization's Property**

Property owned or leased by or provided to Southwest Area Regional Transit District may only be used for official purposes as authorized by the Board of Directors and the General Manager. Any misuse or unauthorized use of Southwest Area Regional Transit District's property, including information system resources, is subject to disciplinary action. Misuse of official property may also result in criminal prosecution.

## **VII. Gifts and Honoraria**

### **1. Gifts or Honoraria**

You should always ask yourself whether it is appropriate for you to accept something from a person who wants, or may want, or may be seen to want, an official favor within your authority. It is unethical to accept or give a gift that is meant to sway a decision in favor of the gift-giver.

Under Local Government Code Chapter 176, a local government officer must disclose a vendor's offer of gifts to the officer or to the officer's family member worth \$250 or more using the Conflict of Interest Form approved by the Texas Ethics Commission. The form requires disclosure even if the officer refuses the gift. An officer commits a Class C misdemeanor if the officer knowingly violates the disclosure requirements.

### **2. Giving Gifts or Honoraria to State Employees**

State employees are legally and ethically prohibited from accepting gifts and honoraria, except in very limited situations. You may be held criminally liable for offering or conferring any benefit to a state employee in exchange for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant. "Benefit" means anything reasonably regarded as a financial gain or financial advantage, including a benefit to any other person in whose welfare the beneficiary has an interest. Benefit does not include an item with a value of less than \$50 or a gift or other benefit conferred on account of kinship or an independent relationship.



# **Southwest Area Regional Transit District**

## **Limited English Proficiency Plan (LEP)**

**Approved by the SWART Board of Directors**

**Initial Approval on February 26th, 2014**

A stylized, three-dimensional graphic of a building or structure composed of several interconnected, angular, translucent blue and grey blocks. The word "SWART" is printed in large, bold, black capital letters on the rightmost block.

**SWART**

# **SOUTHWEST AREA REGIONAL TRANSIT DISTRICT LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

This limited English Proficiency (LEP) Plan has been prepared to address Southwest Area Regional Transit District's (SWART) responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964; Federal Transit Administration Circular 4702.1B, dated October 1, 2012, which states that the level and quality of transportation service is provided without regard to race, color, or national origin.

Executive order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discriminations do not take place. This order applies to all state and local agencies which receive federal funds.

SWART is the provider of public transportation in the Middle Rio Grande Region (counties of Dimmit, Edwards, Kinney, La Salle, Maverick, Real, Uvalde, and Zavala). SWART has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided by SWART. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, and the ways in which assistance may be provided. In order to prepare this plan, SWART undertook the U.S. Department of Transportation (U.S.DOT) four-factor LEP analysis which considers the following factors:

## **1. The number and proportion of LEP persons eligible to be served or likely to be encountered in the service area:**

Most people in the SWART area are proficient in the English language. Based on 2010 Census 59.8% of the population of the service area speaks a language other than English.

## **2. Frequency of Contact by LEP Persons with SWART Services:**

The SWART staff reviewed the frequency with which office staff, dispatchers and drivers have, or could have, contact with LEP persons. SWART dispatching/scheduling staff, drivers, trainers, mechanics, and administrative and management are bilingual in English and Spanish.

## **3. The importance of programs, activities or services provided by SWART to the LEP:**

There is a large geographic concentration of Spanish speaking individuals in the SWART service area. Although there is an overwhelming majority of the population that speaks English, or speaks another language such as Spanish; those that speak English speak **English** "very well" or "well." SWART staff is most likely to encounter LEP individuals through office visits, phone conversations and notifications from the office of impacts on services and fare increases.

## **4. The resources available to SWART and overall cost to provide LEP assistance:**

SWART reviewed its available resources that could be used for providing LEP assistance. SWART

utilizes the bi-lingual managers to translate documents into a Spanish translation if needed. Utilizing the resources of 211 InfoLine to collect information on language barriers is another option. 211 InfoLine has a very good language assistance program since they are a major resource in delivering non-emergency information services to the state's population. Based on the four-factor analysis, SWART developed its Language Assistance Plan (LAP) as outlined in the following section.

### **Plan Outline:**

How SWART staff may identify a person who needs language assistance:

1. Examine records to see if requests for language assistance have been received in the past, either at meetings or over the phone to determine whether language assistance might be needed at future events or meetings.
2. Have staff person greet participants as they arrive to SWART sponsored events. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English.
3. Translate all communication with clientele to read English and Spanish. This includes SWART website, brochures, client policies, flyers, posters, signs on vehicles, letters, memorandums, and any written form of communication.
4. Translate all agency communication to its employees to read English and Spanish. This includes SWART policies, reminders, letters, memorandums, flyers, and other forms of written communication.
5. Make trainings available in Spanish for those employees needing such translation.

### **Language Assistance Measures**

There are various ways in which SWART staff responds to LEP persons, whether in person, by telephone or in writing.

- Post the SWART Title VI Policy and LEP Plan on the agency website: [www.paseoswart.org](http://www.paseoswart.org)
- To the extent feasible, assign bilingual staff for community events, public hearings and Board of Directors meetings and on the customer service phone lines.
- Survey Drivers, Administrative and Management Staff, Dispatcher/Schedulers, Mechanics, and Trainers annually and Operational Managers related to their experience and contact with LEP persons during the previous year.

Staff Training:

The following training will be provided to SWART staff:

1. Information on SWART Title VI Procedures and LEP responsibilities.
2. Description of language assistance services offered to the public.
3. Use of Language Identification Flashcards if applicable.
4. Documentation of language assistance requests.

### **Providing Notice to LEP Persons/Outreach Techniques**

When staff prepares a document or schedules a meeting, for which the target audience is expected to include LEP individuals, documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population. Flyers shall be put in buses, the transit station, satellite offices and terminals, and other main transfer points in our service areas. Announcements will be posted on SWART's website and in the local newspaper.

### **Monitoring and Updating the LEP Plan:**

SWART will update the LEP plan as required by U.S.DOT. At minimum, the plan will be reviewed and updated when it is clear that higher concentrations of LEP individuals are present in the SWART service area. Updates include the following:

- How the needs of LEP persons have been addressed.
- Determine the current LEP population in the service area.
- Determine as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the needs.
- Determine whether SWART's financial resources are sufficient to fund language assistance resources as needed.
- Determine whether SWART has fully complied with the goals of this LEP Plan.
- Determine whether complaints have been received concerning SWART's failure to meet the needs of LEP individuals.

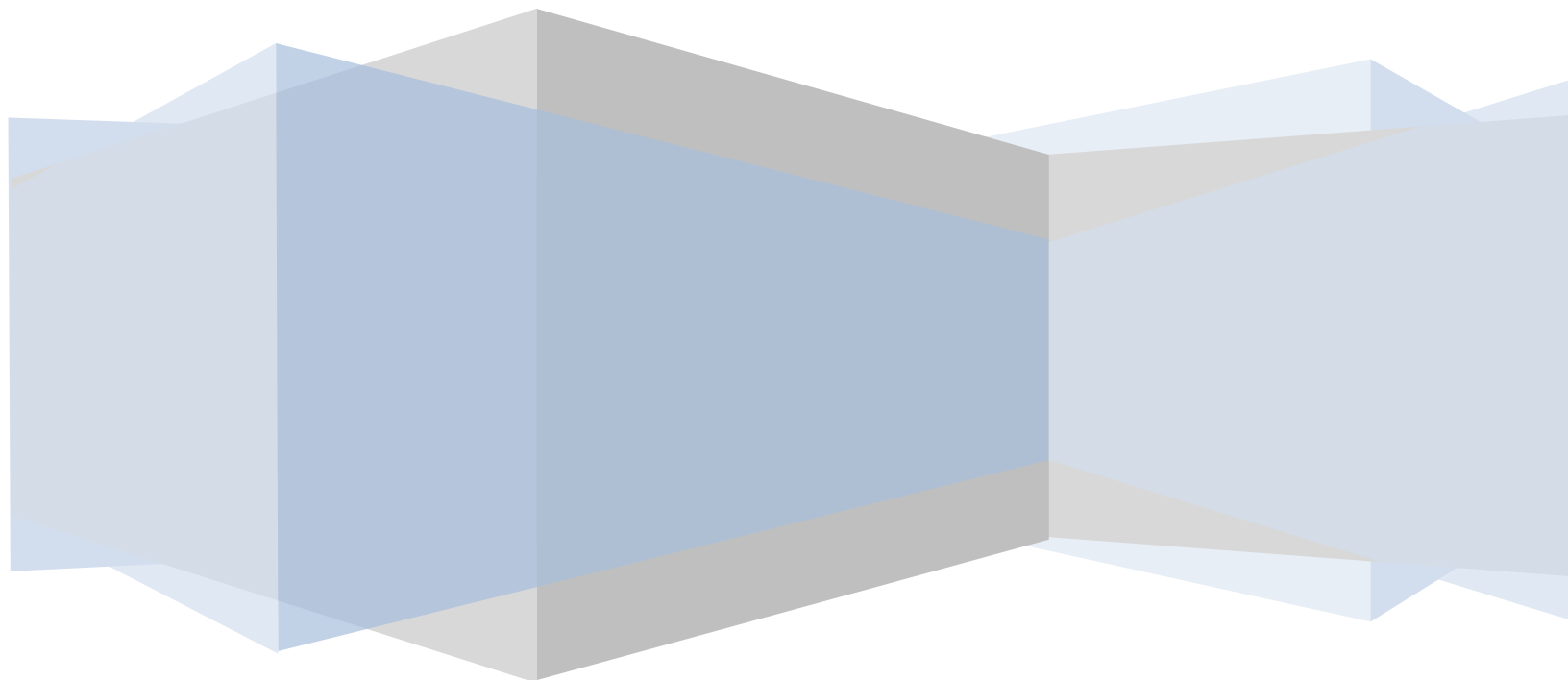
**Southwest Texas Area Regional District**



# **SERVICE OPERATIONS PROCEDURE MANUAL**

**Adopted by Board of Directors – June 5, 2012**

**Revised by Board of Director – December 19, 2013**



# **SWART POLICIES AND PROCEDURES**

## **I. GENERAL**

### **A. Mission**

It is the mission of Southwest Area Regional Transit District (SWART) to design implement and maintain an efficient and effective transportation system for residents Dimmit, Edwards, Kinney, La Salle, Maverick, Real, Uvalde, and Zavala Counties..

### **B. Policy**

SWART serves a large diverse population of individuals with varying ages (children, teenagers, adults and elderly), physical challenges, economic and financial status, and ethnic backgrounds.

Southwest Area Regional Transit District shall ensure that no person shall be excluded from the participation, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity undertaken by SWART, solely by the reason of his/her race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

### **C. Objectives**

The specific objectives of SWART:

1. To provide demand response curb-to-curb and door to door transportation to the residents of its service area.
2. To maintain a trained staff for the operation and control of the system.

## SWART POLICIES AND PROCEDURES

### II. ADMINISTRATION

#### A. General

Southwest Area Regional Transit District shall maintain an adequate staff to successfully operate SWART.

#### B. Organization

The General Manager is responsible for the overall management of SWART including the operations and personnel. He/She reports directly to the Board of Directors. The following staff provides assistance with specific daily activities:

##### Administration

General Manager  
Administrative Specialist  
Financial Specialist  
Janitor

##### Operations

Fleet Manager  
Operations Manager  
Trainer  
Scheduler/Dispatcher  
Mechanic I  
Mechanic II  
Driver  
Sub Driver  
Program Clerk

#### C. Employees and Assignments

1. It is the responsibility of the General Manager to organize and monitor the specific daily activities necessary to achieve agency goals. The General Manager directly supervises the Administrative Specialist, Financial Specialist, Billings Specialist/Trainer, and Operations Manager.
2. It is the responsibility of the Operations Manager to oversee daily operations, provide public assistance, and maintain statistical data. The Operations Manager shall oversee all operations in the absence of the General Manager. It is the responsibility of the Operations Manager to oversee the drivers specifically assigned to their work area or county. The Operations Manager is responsible for supervision of the Dispatching personnel.
3. It is the responsibility of the Administrative Specialist to coordinate training, oversee human resource activities, safety, outreach/marketing, and community activities. Other responsibilities consist of to assist in monitoring of agency activities as required by General Manager, and to provide administrative support to the General Manager. The Administrative Specialist shall oversee all operations in the absence of the General Manager.
4. The Dispatchers, and the Reservationist/schedulers provide clerical support, perform customer in-take, and provide public assistance and information.
5. It is the responsibility of the Drivers to safely operate the District vehicles according to the assigned schedule and to notify the Fleet Manager or their immediate supervisor of vehicles in need of repair.

Attached is the Organizational Chart



## **D. Financial Review Policy**

In order to ensure that someone conducts an independent review of daily financial activities other than the person performing the daily activities, the following policy shall be established for SWART:

1. All purchase requisition shall be reviewed and approved by the General Manager.
2. The General Manager and Administrative Specialist shall review and approve all payment authorizations.
3. The General Manager shall review and monitor monthly expenditure analysis reports provided by Financial Specialist.

## **D. Board of Directors**

### **1. Definition**

The Board of Directors is comprised of eight representatives of the eight county service areas including: Dimmit, Edwards, Kinney, La Salle, Maverick, Real, Uvalde, and Zavala Counties.

### **2. Appointment**

The selection of the membership of the Board shall, as practically as possible, reflect a cross section of the geographical service area of SWART as defined: Dimmit, Edwards, Kinney, La Salle, Maverick, Real, Uvalde, and Zavala Counties. Representatives will be public officials (elective and currently holding office if possible, but appointive if not elective), or their designee. A vacancy occurring on the Board for any reason, shall be filled for the unexpired term only, by the same authority which elected or appointed the person no longer serving in the vacant position.

### **3. Duties**

The duties of the Board are:

- a. Authority and responsibility to establish policies, rules, and procedures for Board functions, and to establish major organizational, personnel, fiscal, and programmatic policies, subject to Federal, State, and local government and funding entities rules and regulations, and to ensure compliance with such established policies.
- b. Authority and responsibility for final approval of all program plans, priorities, proposals, and budgets, and the responsibility of monitoring and evaluating programs to ensure compliance with such plans, priorities, proposals, and budgets.
- c. Authority to accept grants and contributions from and to contract with Federal, State, and local entities, and receive and administer funds pursuant to the requirements of those entities, to delegate such contractual authority to the General Manager, and to transfer such funds and delegate program administrative powers to other agencies, subject to funding entities rules and regulations.
- d. Assure and enforce compliance with all grant and contract conditions and requirements.

- e. Authority and responsibility to establish and elect officers of the Board, select members of the Executive Committee, and appoint the General Manager of the organization.

#### 4. Rules of Meeting Conduct

The Board shall establish its own organizational and operational procedures and shall conduct meetings according to “Robert’s Rules of Order.” The chair will be elected in accordance with SWART By-laws.

The SWART Board shall receive staff support from the General Manager and the Administrative Specialist.

## SWART POLICIES AND PROCEDURES

### III. OPERATIONS

#### A. General

The following operating Policies and Procedures were established for SWART.

#### B. Hours

SWART shall operate a fleet of vehicles and contracted supplemental vehicles as approved by the SWART Board of Directors. Vehicles shall be operational from 2:30 a.m. to 10:30 p.m., Monday through Saturday and on Sunday as needed

Services will not be available on the following Holidays:

New Year's Day

Thanksgiving Day

Christmas Day

Medical Transportation program trips will be provided as approved by the HHSC Medical Transportation on all days except Thanksgiving, Christmas Day, and New Year's Day. SWART will be available to transport Medical Transportation dialysis recipients when the recipient's regular scheduled days are moved to Sunday due to a Holiday. Operation Hours for the delivery of transportation service will be Monday through Saturday to allow for transporting recipients (ambulatory and non-ambulatory) for arrival to appointments for program eligible services and return to authorized destination upon completion of service appointment. Recipient health care appointments may be scheduled as early as 5:30 a.m. and as late as 7:00 p.m.

SWART's office hours are Monday through Friday from 8:00 a.m. to 6:30 p.m. (including lunch hours). Offices may be staffed with skeleton crews for all other agency holidays and supervisors are on call 24 hours a day and may be contacted in the event of an operator problem.

#### C. Fare Structure

**Cash:** A fare per each one-way trip shall be charged to all eligible passengers and their escorts with the exception of required personal care attendants, who may travel with an eligible passenger at no cost. Fares are based on a one way trip. This means that each time the vehicle is boarded, the fare must be paid by cash, or check, based on the fare schedule. Drivers cannot make change. All fares must be paid by exact change only. If a customer must be transported to obtain exact change, then they will be charged the fare for that additional trip. Failure to do so will result in no service for that trip and the trip will be reported as a No show.

**Pre-paid Fare Passes/Vouchers:** SWART sells prepaid fare passes/Vouchers. This option allows the customer to pay for trips in advance. When using a prepaid fare ticket, drivers will validate proper fare amount. Tickets are not redeemable for cash. SWART is not responsible for lost or stolen tickets.

#### **Medical Transportation:**

SWART provides transportation services to medical facilities including doctors offices, dentist, hospitals, etc. Medicaid recipients may qualify for Title XIX Medical Transportation services. To determine eligibility, customers must contact 1-877-633-8747.

## **D. Complimentary Passes/Rides**

Whenever SWART makes an error, that in the judgment of the General Manager or his/her designee greatly inconveniences a passenger, a complimentary pass, or free ride, good for one free ride, may be issued to the passenger. The General Manager or his/her designee will determine the value of the free ride. Circumstances that may warrant the issuance of a complimentary pass include:

- Arrival more than 30 minutes later than the scheduled arrival to destination time;
- Passenger was inadvertently left off the schedule;
- Passenger was stranded on a broken vehicle; or
- Other incidents as approved by the General Manager or his/her designee.

## **E. Vehicle Use**

SWART's vehicles are owned and operated according to established SWART policy and procedure. Sub-contractors may provide supplemental service.

SWART's vehicles shall be used and maintained according to standards set by SWART. They shall be operated according to traffic laws of the State of Texas and local cities. The vehicles may not be used for purposes other than that prescribed unless approval is obtained from the General Manager prior to such use.

## **F. Statistical Reporting**

SWART shall collect daily operating data and compile accurate, monthly operating statistics as required by funding sources.

## **G. Inclement Weather**

If inclement weather exists, SWART may with approval of the General Manager reschedule or cancel service. Employees are to report to work unless otherwise informed by Dispatch or direct supervisor. The dispatch office shall attempt to contact any scheduled passengers at the telephone numbers listed in the agency customer database.

## **H. Training & Operator Requirements**

### **Training**

SWART requires each driver to receive special training during their course of employment to ensure well-trained professionals. These include:

Policies and Procedures	Drug & Alcohol Abuse Testing Policies
Safety Policies/Procedures	Civil Rights
Complaint Procedures	System Security
Organizational Chart	Job Descriptions
Medical Transportation Policies	No-show Policy
Paperwork Requirements	Driver Emergency Procedures
Building Quality Service	Confidentiality
Passenger Assistance Techniques	Sexual Harassment
Blood borne Pathogens	Vehicle Inspections/Operations
Passenger Sensitivity	Evacuation Procedures
First-aid and CPR	Defensive Driving

Mobility Device Transfer & Securement	MTP Clients Rights and Responsibilities
Customer Service	Preventive maintenance
Two Way Radio/Cell Phone Use	Recipient Safety
Adult/Child CPR	

## Operator Requirements

SWART and its sub-contractors employ drivers who meet federal, state, and local government requirements for safe operation of the vehicles they drive.

- All SWART drivers are required to have a minimum Class B commercial driver's license with passenger endorsement. Copies of current driver's license will be maintained. Motor vehicle registration checks are conducted as a condition of employment. Annual MVR's are conducted to ensure operators do not possess more than two moving violations for the previous 12 months. Annual checks also ensure operator records are free from DUI/DWI findings. Operators with a failed driving history shall not be employed.
- Upon employment, all operators (drivers) consent for SWART to conduct criminal background checks. The criminal history background check shall include at a minimum, but not limited to, felony or misdemeanor conviction of an act of abuse, neglect or exploitation of children, the elderly or persons with disabilities as defined in Texas Family Code, as amended, Chapter 261 and the Texas Human Resources Code, as amended, Chapter 48; an offense under the Texas Penal Code, as amended, against the person; against the family; against public order or decency; against public health, safety or morals; against property; an offense under Chapter 481 of the Texas Health and Safety Code, as amended, (Texas Controlled Substances Act).
- SWART shall conduct an Internet Computerized Criminal History file (CCH) background check and a National and State Sex Offender Registry check, prior to an individual transporting any passenger under SWART contracts. This will include SWART personnel and any sub-contractor or sub-contractor employee who directly works in providing transportation services to passengers and clients. This information shall be maintained on file for review by authorized funding source representatives.
- SWART shall check for felony and misdemeanor convictions for the seven years prior to the hire date and annually thereafter. Individuals with any criminal conviction that falls within the aforementioned categories shall not be allowed to participate in providing services unless authorized by funding sources.
- Employees, subcontractor, and subcontractor employees who provide transportation for passengers and/or clients shall notify SWART in writing immediately of criminal convictions (felony or misdemeanor) and or pending felony charges or placement on a Registry as a perpetrator. SWART will report information to funding source (as required) within 10 business days for determination if the CCH finding or reported incident will disqualify an operator from providing services under appropriate contract.
- SWART shall require each new employee, sub-contractor, or sub-contractor employee who provides transportation services and who has not resided or lived in Texas to sign a waiver attesting to the fact they have never been convicted of a felony or misdemeanor referenced in above paragraph or identified as a perpetrator. If they have been convicted, the nature and conviction date of the felony or misdemeanor must be disclosed. Annual MVR and criminal history checks will be conducted.

- Operator records are maintained which reflects each operator's history of all moving citations and violations from any state. Operators are required to report all accidents and violations on or off duty. Annual record checks of all drivers are completed utilizing a certified service. All employees are required to report any suspension or revocation of their driver's license immediately to their supervisor. Employees must carry their current state driver's license at all times when operating a motor vehicle. Employees with suspended or revoked licenses will not be allowed to operate agency owned vehicles.
- SWART also conducts personal references and reserves the right to contact former employers. Request for DOT drug and alcohol testing information forms are also submitted to previous employers when applicants indicate they have worked for a DOT funded agency in the past. These references are used to verify whether drug/alcohol violations occurred in past employment.
- All "safety sensitive" staff (including drivers), as defined by the Federal Transit Administration, participate in an approved drug and alcohol testing program. The testing program includes drug testing as a condition of employment and drug and alcohol testing on a random basis at the FTA annual minimum random testing rates as set forth in the Federal Register as per 49 CFR Part 655.45(b) for drug and alcohol for all covered employees. Testing can also be conducted for reasonable cause, as follow-up to an accident, and for return to duty (if applicable). The testing program is supported by an alcohol and drug misuse prevention policy that specifies prohibited conduct, a drug-free workplace policy, and training and information on the effects of drug and alcohol use. SWART has a zero tolerance policy. SWART's current drug and alcohol testing program meets compliance with federal regulations 49 CFR Part 40 and Part 655.
- SWART operators are trained on all applicable Texas safety restraint laws at initial orientation. The agency has a written policy which states that all passengers must observe all the Texas safety-belt laws and any other applicable laws for SWART's business operations. All personnel are trained in this provision and instructed to notify supervisor or dispatcher immediately if they encounter a problem regarding passenger conduct.
- As part of the orientation process, all SWART personnel are trained on the importance of reporting fraud or program abuse, sexual harassment, physical or verbal abuse as alleged by recipients or attendants during trips authorized by -HHSC. Staff is instructed to immediately report incidents and concerns to the General Manager, the Administrative Specialist, or their immediate supervisor. If SWART Management believes that the safety of the driver, recipient(s) or others is in jeopardy or if a recipient appears to be dangerous to themselves or others, SWART shall notify the appropriate law enforcement authorities and to appropriate funding source.
- Operators are trained in the consideration of client comfort and making rest stops as needed. The District seeks to employ individuals who are people oriented, sensitive, and responsive to individual situations. On-going training and technical assistance is provided during quarterly staff trainings. The District does do periodic in-vehicle monitoring, mobility device securement monitoring, and employee performance evaluations on all operators. The District also has an incident report and follow up procedures for clients, Medicaid providers, and the general public to use regarding complaints. SWART makes every effort to design schedules to allow for passenger breaks, including meals and restroom use, as needed. In addition, all SWART staff participates in Passenger Assistance Techniques training on an annual basis. This training includes mobility device transfer, mobility device tie down procedures, and client safety/courtesy. Operators are required to exit the vehicle, to open and close vehicle

doors when passengers enter or exit the vehicle and provide any necessary passenger assistance, including, but not limited to, fastening of safety restraints, and securing mobility devices to ensure that recipients enter and exit vehicles safely. Failure to properly secure mobility device is cause for termination.

- SWART has a certified American Red Cross instructor on staff to provide training on CPR and First Aid. SWART supervisors have participated in the Passenger Assistant Safety Sensitive training and are available to conduct one-on-one training as required. Orientation of operators instructs them to interact in a professional manner. This includes, at a minimum, protecting passenger confidentiality, avoiding offensive language or topics, maintaining an appropriate professional relationship and treating passengers with respect. All training is documented and maintained by the Support Services Manager. Training modules for orientation and quarterly trainings are maintained in employee training folders.
- Operators do not, solicit, or receive any gift, money, tips, or other compensation from recipients or attendants under any circumstance. They are instructed to report such offers to the General Manager or appropriate supervisor so that appropriate funding source staff may be notified for follow up with recipient.
- Operators look and listen for trains at all unguarded railroad crossings. Stop at railroad crossings at all times. If a train is visible, wait until train has passed or come to a complete stop before proceeding over the tracks. At no time should a SWART vehicle stop on or within 15 feet of railroad tracks. Stop at least 15 feet from the tracks.
- Operators shall ensure that alternate/backup vehicles are in safe, operating condition.
- In case of hazardous conditions that could affect the safety of passengers who are being transported, such as ice or water build up, natural gas line breaks, or emergency road closings, drivers are responsible for selecting alternative routes and notifying their supervisor. Alternative routes must comply as much as possible with the requirements of this section.

## **I. Service Type**

Demand Response Service. SWART provides a curb-to-curb demand service. Door-to-door service for Medical Transportation Program clients, elderly and disabled passengers will be provided. Request for service must be made at least one business day prior to the desired trip date, and may be scheduled up to 14 days in advance.

## **J. Requesting Service**

Requests for service shall only be accepted by SWART from 8:00 a.m. to 3:30 p.m., Monday through Friday. Each original and return trip will be recorded separately, and each direction shall be recorded as a one-way trip. The trip shall be scheduled to show the required time to be at destination. Passengers are responsible for calling SWART's toll free phone number when ready for pick-up; to request return trip home or to continue additional scheduled trips.

In order to schedule a trip, one must speak with a scheduler/dispatcher who may require the following in scheduling a trip:

- |                   |                          |
|-------------------|--------------------------|
| 1. Passenger Name | 4. Destination Name      |
| 2. Address        | 5. Destination Address   |
| 3. Phone Number   | 6. Expected Arrival Time |

## **1. Advance Scheduling**

A request for demand service should be made at least one business day or up to 14 days prior to the desired trip time.

## **2. Same Day Scheduling**

Request for same-day service will be accepted from 8:00 a.m. to 3:30 p.m. Monday through Friday. The dispatcher will attempt to schedule both the origin and return trip into existing schedules utilizing the following criteria:

- a. The vehicle must have seating/mobility device space available.
- b. The vehicle must be in the near vicinity/location of the origin and destination in order to accommodate the request without disrupting the passengers already scheduled.
- c. Time must be available to allow the trip to be accommodated without disrupting the passengers already scheduled.
- d. The dispatcher may refuse the request for same-day service if it cannot be worked into the existing schedule or it otherwise causes operational problems for SWART

The passenger will be advised, when accepting the same-day, that there may be considerable waiting time for a return vehicle during peak periods. Passenger will be advised that a double fee charge.

## **L. Riding SWART**

SWART is a public transit system, providing rides for many passengers each day. Drivers cannot be at three or four pick-up points at one time and must allow for time to ensure that customer makes it from origin to destination by scheduled appointment time. Therefore, passengers must be ready for pick-up and allow for travel time for transportation to destination. For local scheduled trips, passengers should be ready at least one hour and prior to required arrival time at destination. In the event that a rider will be required to be ready earlier, then Dispatch will contact passengers by telephone as to the approximate pick-up time.

SWART will attempt to drop off passengers no more than 1 hour prior to requested time.

When passenger calls for return pick up, SWART will make every effort to pick them up within 1 hour of their call.

When the driver arrives at the pick-up location, he/she is not required to wait more than five (5) minutes for the public transit passenger and ten (10) minutes for Medical Transportation passenger. Drivers will honk, knock, and ask dispatch to make courtesy calls if phone number is available. Drivers will leave a no-show card at passenger's home if it can be done safely and confidentially. A no-show card will simply notify the passenger that SWART or its appropriate sub-contractor arrived and left the pick up location.

Service may not be rendered if origin or destination location cannot be accessed by the vehicle or if the location does not provide safe passage for the vehicle or safe access to and/or from the vehicle by the passenger. The driver shall attempt to make reasonable accommodations and if not possible then they shall immediately call the Dispatch office for further instruction in such a case. Steep driveways,



deteriorated sidewalks, etc. may result in denial of service.

To increase efficiency, SWART is a “shared-ride” service; passengers must often ride while other passengers are picked up and dropped off.

Drivers may provide door-to-door service, as needed, **but are not permitted to enter a passenger’s home.**

Drivers are not permitted to maneuver a mobility device up or down steps.

Drivers are not permitted to lift passengers.

Drivers are not allowed to enter upon property (fences or porches) unless animals are restrained to avoid possibility of biting.

Drivers have the discretion to assign seats and determine mobility device placement when necessary for the efficiency and/or safety of the operation.

## **M. Rules for Passenger Conduct**

Rules of conduct on SWART Transit Vehicles are the same as the laws governing conduct in public places.

- The driver and all passengers are required to use seat belts. If a passenger refuses to wear his or her seat belt, the driver should call the dispatch office for further instructions.
- Proof of a physician’s statement of a passenger’s inability to wear a seat belt must be shown to waive this requirement.
- Passengers utilizing mobility devices will be required to have their mobility device properly secured with a six point tie down safety restraint system, including shoulder and lap belts. If the passenger is unable to wear a shoulder or lap belt due to medical reason, then they must provide proof of a physician’s statement.
- If a passenger is unable to fit within the seat belt due to size, then an extension will be utilized. If an extension is unavailable at the time of transport, the driver will ask the passenger to sit in the furthest back seat possible for their safety before transporting. They will also notify the Operations Manager so that a seat belt extension can be ordered.

No person shall, while a passenger on any vehicle that is operated by SWART as a public conveyance, do any of the following acts:

1. Smoke or possess any lighted or smoldering pipe, cigar, or cigarettes;
2. Consume any beverages, food, or alcohol (unless medically necessary).
3. Intentionally deface, damage, write upon, or soil any part of the vehicle;
4. Spit, urinate, or defecate in or upon any vehicle;
5. Throw, deposit or place paper, bottles, cans or any other garbage or solid waste in or upon a vehicle;
6. Throw any object of any kind within a vehicle or out any door or window of a vehicle;
7. Play audio or video devices, unless played through headphones so that it is inaudible to other passengers and the driver;

8. Bring any pet or animal on to a vehicle other than a guide dog accompanying a person with a disability, or an animal in a cage or approved standard pet Carrier;
9. Stand or walk around in a vehicle while it is in motion;
10. Possess any explosives or carry any corrosive acid or flammable liquid not in a sealed container;
11. Possess firearms, with the exception of law enforcement officers;
12. Intentionally interfere or conduct any unnecessary conversation with the driver, so that the driver's attention will not be diverted from the safe operation of the vehicle
13. Use profane or abusive language toward the driver or other passenger or act in a hostile or threatening manner while on board the vehicle;
14. Present a significant risk to the health or safety of others;
15. Bring on board any baggage or articles which, due to their size, would restrict free movement of passengers;
16. Bring on board gasoline or a gasoline container or any type of hazardous material. (Respirators and portable oxygen supplies are permitted to be carried and used on board by a person needing them for health reasons)
17. No unauthorized passenger or hitchhikers are permitted into vehicles.
18. Unreasonable Personal Hygiene
19. Conduct any unnecessary conversations of a personal nature that could be viewed as offensive or harassment.
20. Conduct any unnecessary contact with self, driver and/or a passenger that could be viewed as offensive or harassment.

SWART may refuse to transport or may eject any persons violating the provisions contained above. If assistance is required, the driver should contact Dispatch or appropriate member of management.

## **N. Special Circumstances**

### **1. Transportation of Children**

All children who are under eight years of age are required to be restrained in an approved child passenger safety seat unless the child is at least 4 feet, 9 inches in height as State law mandates. The passenger must provide the car seat. Children under 1 year of age should have child safety restraint rear-facing seat. Passengers traveling with infants, as their escorts will be required to provide their own infant Carrier approved for use in vehicles. The passenger will be responsible for placing the infant into the Carrier and securing the Carrier with a safety belt.

The passenger and escort must both be ready at the door when the vehicle arrives. The infant will not be allowed to ride up the lift with a passenger utilizing a mobility

device. The infant's car seat will be secured by a safety belt to the vehicle seat during transport.

The minimum age for a child to travel alone aboard SWART is fifteen (15) years of age. Children under the age of fifteen (15) must have an adult attendant accompany them during transport. The General Manager may grant exceptions. If appointment necessitates that an adult attendant serve as personal care attendant such as medical and dental appointments then the condition will warrant a free ride for attendant.

## 2. Accommodation of Mobility Devices

SWART will accommodate mobility devices, which do not exceed 30 inches in width and 48 inches in length when measured two inches above the ground, and do not weight more than 800 pounds when occupied.

Any passenger who utilizes a mobility device shall ensure the brakes on the device are in working order before transportation can be provided. SWART will make every reasonable effort to accommodate various models available to passengers. However, due to the increasing size and weight of such equipment, some limitations will be necessary in order to ensure the safe transport of the mobility device and passengers.

## 3. Personal Care Attendants

SWART allows a personal care attendant to accompany a passenger at no additional charge when such an attendant is required to utilize the SWART service. Passengers are required to supply their own attendants at their own expense. Generally, the following conditions would warrant a fare-free attendant:

**Immobility** – If the passenger is unable to provide self-mobility, or if self-mobility is possible but a great risk of falling or physical injury exists, and the assistance of an attendant would provide mobility or lessen the danger of injury, then the passenger's attendant may accompany the passenger at no cost.

**Disorientation** – If the passenger, due to a visual or mental impairment, is unable to properly orient him/herself and navigate to reach a particular destination, and if the assistance of an attendant would overcome the problem, then the passenger's attendant may accompany the passenger at no cost.

**Non-Comprehension** – If the passenger, due to mental impairment, is unable to adequately perform those mental processes necessary to handle common occurrences or is unable to effectively control his/her own actions, and if the assistance of an attendant would overcome the problem, then the passenger's attendant may accompany the passenger at no cost.

**Communication Impairment** – If the passenger is unable to effectively transmit or receive communications due to sensory or mental problems and if these problems would prevent the passenger from using the service, then the passenger's attendant may accompany the passenger at no cost.

**Other** – Other impaired passengers not included in these general guidelines may also be eligible if, in the opinion of a licensed physician, the passenger would be unable to use SWART without the aid of an attendant. The reasons supporting this opinion should be clearly stated in writing by a physician and submitted to the General Manager. The General Manager has final determination of need for personal care attendants.

Personal care attendants are required to specifically assist the passenger. This assistance includes, but is not limited to, the following duties:

- Assisting the passenger from his/her door to the bus and back again;
- Opening doors;
- Pushing mobility device to and from the vehicle;
- Transfer assistance from mobility device to a seat;
- Carrying packages; and
- Communicating with the driver (if passenger is unable).

If an attendant does not specifically perform some type of assistance for the passenger, then that individual is not considered an escort and is charged the normal fare.

Attendants are not to assist in mobility device boarding or securement; this is the driver's responsibility.

#### 4. Service Animals & Accommodation of Animals

SWART requires all animals to be secured in a pet travel Carrier with the exception of service animals as described below.

It is the policy of SWART to allow service animals to accompany their owner without restraint. Under the Americans with Disabilities Act of 1990, a service animal means any guide dog, signal dog, or other animal that is required to aid the owner and that is individually trained to do work or perform tasks for the benefit of an individual with impaired vision, alerting individuals with impaired hearing to intruders or sounds providing minimal protection or rescue work, pulling a mobility device or retrieving dropped items.

The Americans with Disabilities Act of 1990 allows for the imposition of legitimate safety requirements that are necessary for the safe operation of SWART. SWART can generally require use of a secured pet travel Carrier for any animal that in the opinion of the General Manager or his/her designee is a health or safety hazard regardless of the training or function the animal serves for its owner.

#### 5. Carry-On Packages

Passengers shall limit their Carry-on packages to not more than the equivalent of six (6) full brown paper grocery bags and/or plastic bag at one time unless they have an attendant traveling with them to load/unload the packages. Oversized packages will be refused for transport. Packages must be limited to no larger than a brown paper grocery bag. No one package shall weigh more than 20 pounds. Passengers must make other arrangements for delivery of any item larger than specified.

#### 6. Medical Oxygen for personal use

Oxygen will be transported only when medically necessary. It will be in a cylinder maintained in accordance with the manufacturer's instructions. The manufacturer's instructions and precautions are usually printed on a label attached to the cylinder. Drivers will inspect each cylinder to assure that it is free of cracks or leaks, including around the valve area and pressure relief device. Drivers will also listen for leaks. Leaking, dented, gouged, or pitted cylinders will not be transported. Cylinders will be limited to the extent practicable. Cylinders will be secured to prevent movement and leakage. They will not be placed in aisle or sources of heat or potential sparks. Under

no circumstances should smoking or open flames (cigarette lighter or matches) be permitted in the passenger compartment when medical oxygen is present.

## **7. Backing Policy**

SWART Operators are instructed to avoid BACKING UP if at all possible. In the event that an operator must back up they should:

- Get to know the vehicle's blind spots. In a medium-sized truck, blind spots can extend up to 16 feet in front and 160 feet behind a vehicle. Drivers need to remember that mirrors can never give the whole picture while backing.
- Think in advance. Drivers should not put themselves into unnecessary backing situations.
- Park defensively. Drivers must choose easy-exit parking spaces that don't crowd neighboring vehicles and park their vehicle in the center of the parking space.
- When parking in an alley. If an alley doesn't permit driving all the way through or room to turn around, a driver should back into it (if local ordinances permit) so that when leaving the vehicle can pull forward into the street.
- Do a walk-around. Walking around a vehicle gives a driver firsthand view of the backing area and any limitations. They can check for children, soft or muddy areas, potholes, tire hazards, and other dangers.
- Know the clearances. When performing a walk-around, drivers can check for obstructions, low-hanging trees and wires, and any other potential clearance-related problems.
- Every backing situation is new and different. Sometimes a driver visits the same location several time a day and should be watchful each visit for changes and any new obstacles.
- Use a spotter. A driver should use another person to help them when backing if possible. The driver and spotter should use hand signals instead of verbal ones and make sure they understand each other's signals. Don't have the spotter walking backwards while giving instructions.
- When driver's spot for themselves, they need to return to the vehicle and start backing within a few seconds after finishing the walk-around. This will allow very little time for people and/or obstacles to change behind the vehicle. Backing without a spotter should only take place after a driver has as much information about the area as possible. A back up alarm can help warn away pedestrians and drivers of other vehicles who may try to enter the area the vehicle is backing into.

## **O. Service Suspensions and Terminations**

### **1. Cancellations**

It is requested that passengers notify the dispatch office of any necessary cancellations at least two (2) hours prior to the scheduled trip. This allows the dispatch office to reassign that time to another passenger whose service request was previously denied. A cancellation is considered "late" if it is made less than two (2) hours prior to the trip (or after 7:00 a.m. for those trips scheduled before 9:00 a.m.)

To encourage proper and timely cancellations, cancellations will be treated as no shows if not called within the time frame listed above.

### **2. No Shows**

Southwest Area Regional Transit District has implemented a No Show Policy. A no show is defined as any instance in which a passenger does not keep their scheduled ride and fails to notify the SWART office at least two hours prior to scheduled pick up time. Implementation of this policy has become necessary due to the rapidly increasing number of no shows. We have determined that no show trips affect not only the transit system, but also other customers. Our drivers make every effort to pick up all passengers on a timely basis, and when one of our customers is not there the drivers are required to spend time seeking out the person. This delay has caused our drivers to fall behind their anticipated daily schedules and has caused unnecessary delay for other passengers attempting to get to their scheduled destinations.

If a passenger no-shows from his/her origin, SWART will not return to complete the trip. If a passenger later determines that they need a return trip, then they must call SWART to attempt to schedule. SWART will attempt to return at the earliest time possible, within service hours, depending upon vehicle availability. No guarantees of return are made. The General Manager or his designee reserves the right to authorize a driver to return for a pick up if circumstances warrant.

The No-Show Policy for all Public Transportation customers will be as follows:

- 1) No shows will be charged the oneway leg of the trip.
- 2) Two no-shows within a one month period will result in a letter of notification and the passenger being placed on no-show status.
- 3) A third no-show within a one month period will result in a review of past services provided and a customer's record on no-shows. This review could result in a letter of notification that riding privileges on SWART has been suspended. If determined preventable, no-show will result in suspension of services for 1 week. A second occurrence of three no-shows within a one month period will result in a 2 week suspension. A third occurrence of three no-shows within a one month period will result in a month suspension.
- 4) Medical Transportation no-shows for approved Medicaid customers will be submitted to funding source for reporting purposes.
- 5) Suspension periods cannot be split or otherwise divided or altered without approval by the General Manager.

### **3. Other Suspensions:**

Passengers who in the judgment of the General Manager, demonstrates tendencies toward violent or destructive behavior through threats, verbal and/or physical behavior, shall have their SWART service eligibility terminated.

### **4. Appeals of Suspensions and Terminations**

Passengers may appeal their suspensions or terminations by written notification as outlined in Section IV. Complaint Procedures.

The SWART Board of Directors and the General Manager shall have the discretion to alter the penalty as dictated by circumstances.

## **SWART POLICIES AND PROCEDURES**

### **IV. COMPLAINT PROCEDURES**

As a recipient of Medical Transportation and Public Transportation funds, administered by the Texas Department of Transportation, SWART hereby attests that it will abide by the eligibility guidelines and service priorities, as stipulated and set forth in the Agency's Contracts. In the event of a Public transportation complaint, the complainant should adhere to the complaint procedure that is listed below:

**Complaint Procedure will be as follows:**

In the event of a complaint, the complainant should contact the Administrative office at 830-278-4155 or by mail to 713 East Main Street, Uvalde, Texas 78801.

**Contacts:**

Main Office Operations Manager  
830-278-4155 or 1-800-499-1617

Eagle Pass Operations Manager  
830-758-0008 or 1-800-499-1617

Upon receipt of the complaint, the SWART representative will request written detail of complaint or take an oral statement from the complainant. The complaint should include details regarding the situation: i.e. date, time, driver, problem, etc. All complaints or statements should be signed or if by telephone the actual complainant should be the person that calls. Complaints received by telephone will be investigated and resolved prior to ending the call. A written response will not be required if complainant is satisfied with the resolution. The General Manager will be notified upon receipt of all complaints, and the Administrative Specialist or an assigned staff member will conduct an investigation into written complaints. Upon completion of the investigation, a decision regarding the complaint will be rendered and a written response issued to the complainant no later than ten days after receipt of the complaint. A copy of the complaint and action taken will be forwarded to the funding source offices as required, and a copy will be kept on file at the SWART Administrative office.

In the event, the complainant is not satisfied with the decision and action taken by the Operations Manager, the complainant should notify the General Manager in writing at the below listed address.

Sarah Hidalgo-Cook, General Manager  
Southwest Area Regional Transit District – SWART  
713 East Main Street, Uvalde, Texas 78801  
1(800)499-1617 or 830-278-4155

The General Manager will review all information regarding the complaint and shall have the discretion to form an impartial panel of reviewers to assist him – comprised of: Transit District Board members, or public and private social service representatives. Following a review of the complaint, the General Manager shall inform the complainant of the findings of the review panel or his decision and action to be taken regarding complaint. A decision regarding the complaint will be rendered and a written response issued to the complaint no later than ten days after the General Manager receives the complaint.

### **Additional Medical Transportation Program Complaint Information**

The Operations Manager may also refer Medical Transportation Complaints directly to the HHSC Medical Transportation office at 1-877-633-8747, MTP personnel submit an electronic copy of the complaint via email to the Operations Manager/Service Delivery Coordinator.

Upon receipt, the General Manager investigates the complaint by speaking with appropriate personnel involved in the incident. The General Manager will then assign an appropriate supervisor to investigate the complaint.

Upon completion General Manager documents the response directly on the MTP Complaint Report and sends the completed report to the local MTP supervisor via electronic mail within 5 work days following receipt of complaint. A hard copy of the complaint (including response) is kept by the service delivery coordinator.

SWART personnel will at no time, follow up on a complaint directly with the complainant.

SWART shall ensure that its staff and its subcontractor's staff shall not retaliate or give the appearance of retaliation against an individual who has submitted a complaint against SWART or submitted a negative comment on the recipient survey.

Subcontractors will be required to abide by the above listed complaint process for MTP filed complaints.



## **SWART POLICIES AND PROCEDURES**

### **V. APPEALS PROCEDURE**

If you do not agree with the determination of a decision made by the Southwest Area Regional Transit District; you have the right to appeal the decision by the following the Appeals Process.

#### **Procedure**

Southwest Area Regional Transit District will provide written notification to a prospective vendor/bidder an award or denial with regards to the purchase of equipment, service, or assistance within 10 days of the adverse determination which shall include written instructions of the appeals process.

The proposed vendor/bidder has a right to appeal the adverse decision. The vendor/bidder must provide notice of the intent to appeal to the Southwest Area Regional Transit District within ten (10) business days the denial notice is received.

#### **Appeals Office**

Southwest Area Regional Transit District  
713 East Main Street  
Uvalde, Texas 78801

#### **Appeals Officer**

Sarah H. Cook  
General Manager  
830-278-4155 or 1-800-499-1617  
scook@paseoswart.org

#### **Appeals Provisions**

The appeal will be heard by an Appeal Committee composed of three (3) District Management Personnel who are familiar with the procurement policy of the agency. The appeal will be heard within ten (10) days of receipt of the written appeal. Vendors/bidders will be allowed to be present at the hearing and will have an equal opportunity to give testimony on their behalf. The Southwest Area Regional Transit District must tape record all appeal hearings. It will require a majority vote to sustain and approve assistance or deny the appeal and provide written notification to the vendor on the results of the appeal by close of business on the following day. After the appeals procedure, SWART must submit recording and documentation to any funding source related to the procurement and there will be no further oral testimony.

If the vendor does not agree with the agency's decision, he/she may appeal in writing to the proper funding agency relating to the procurement. The appeal must be performed within ten (10) days of the adverse determination made by our agency. Hearing Impaired

The agency utilizes Relay Texas to ensure access to a telecommunications system for the deaf (TDD/TTY) to facilitate communication with hard of hearing, hearing impaired and deaf recipients. "Relay Texas", a telecommunication service established for the sensory impaired by the 71<sup>st</sup> Texas Legislature in 1989, allows an individual to make and receive calls from anywhere in the United States. The toll free number will be printed on agency pamphlets/literature.

**SWART POLICIES AND PROCEDURES**  
**VI. QUALITY ASSURANCE PLAN**  
**NON-EMERGENCY MEDICAL TRANSPORTATION SERVICES**

<b>Service</b>	<b>Minimum Performance Standard</b>	<b>How Performance Is Measured</b>	<b>Outcome</b>	<b>Sanction for Non-Compliance</b>
Transportation is provided as authorized.	95% of the transportation is provided on the authorized date and time	SWART will conduct client surveys and on-site visits at any time during the contract period.	Prior authorized MTP Clients are transported to their scheduled health care appointments in a timely manner.	Non-payment when client is not seen by their health-care provider due to contactor-action or inaction.
Complaints are responded to by 5 <sup>th</sup> workday of receipt.	98% of all complaints are documented and responded by the 5 <sup>th</sup> workday of receipt.	SWART will conduct client surveys and on-site visits at any time during the contract period.	All complaints received on transportation services are resolved.	Corrective Action Plan
Claims/Invoice Processing	98% of Claims will be submitted at the minimum weekly.	SWART will review required documentation, driver's logs and submit accurate claim invoices. If necessary processes may be changed to ensure timely processing.	Claims are submitted weekly.	Non-payment if claims exceed TDH approved time for vendor payment.  Payment to be made to MTP within 30 days.
Fleet Management (Vehicles)	95% of the transportation is provided on the authorized date and time utilizing appropriate vehicles.	SWART will conduct client surveys and an on-site fleet review at any time during the contract period to ensure that the fleet has been reliable and adequate to meet the transportation requirements for the service area.	Prior authorized MTP Clients are transported to their scheduled health care appointments in a timely manner.	Non-payment when client is not seen by their health-care provider due to contactor-action or inaction.
Training	100% of all Staff will be trained prior to performing their duties.	SWART will conduct required training prior to beginning of service delivery and will track training via a training log.	Prior authorized MTP Clients are transported to their scheduled health care appointments in a timely manner.	Corrective Action Plan

## **SWART POLICIES AND PROCEDURES**

### **VII. Communication System**

#### **Toll Free System**

SWART currently provides a toll free telephone number that is national wide. The toll free number of 800-499-1617 is available and printed on all Southwest Transit Brochures and Travel Schedules.

#### **Voice Mail**

SWART currently provides a voice mail system through its toll free line or direct line for clientele to report cancellations. A twenty-four (24) hour emergency cell phone contact is also available to clientele though out the region. The General Manager is the emergency contact and is on call twenty-four (24) hours a day, seven days a week. The emergency number of 830-279-1535 is printed on all Southwest Area Regional Transit Brochures and Travel Schedules. This enables clients to contact SWART staff for return trips after business office hours.

#### **LEP Requirements**

SWART will ensure access to a language line to facilitate communication with LEP recipients. All Southwest Transit employees as well as City of Del Rio Employees are bilingual.

#### **TDD/TTY System**

SWART is in the process of ordering a TDD/TTY System through AT&T. Documentation attached. The City of Del Rio currently has a TDD/TTY System in place although it has never been used.

#### **Radio Base System**

SWART utilizes three base radio stations located in the counties of Uvalde, Zavala, and Maverick. Such radios are utilized to communicate between base station and with drivers. The City of Del Rio uses a base radio system as well.

#### **Cellular Telephone System**

SWART provides cell phones to each driver while on route. They are used to communicate with clientele while at their appointments, with the Uvalde Main Office, Medical Transportation Program Staff, and for emergency/safety reasons. The City of Del Rio also uses cell phones for their staff on routes.

#### **SWART Web Site**

SWART provides a web site located at [www.paseoswart.org](http://www.paseoswart.org) for clientele to gather information. An email address of [scook@paseoswart.org](mailto:scook@paseoswart.org) is also available to clientele and is printed on all Southwest Transit Brochures and Travel Schedules. The City of Del Rio's web site is located at [www.cityofdelrio.com](http://www.cityofdelrio.com).

### **What is Relay Texas and How Does it Work?**

#### **Relay Texas**

Relay Texas provides telephone interpreting service between people who can hear and those who are deaf, hard of hearing, deaf-blind, or speech-disabled. Relay Texas agents have computers that enable them to hear the voice user as well as read the signals from the TTY user. The service is available for Texans 24 hours a day, 365 days a year. There are no restrictions imposed on Relay Texas calls. Confidentiality for relay users and operators is assured by Texas Law.

**Telecommunication Device for the Deaf (TTY)**

A TTY is a typewriter like device with a small display which attaches easily to a standard telephone or can be plugged directly into a telephone jack. Using a TTY, a person who is deaf is able to call another person with a TTY. Deaf persons use a TTY to call Relay Texas to make a call to a hearing person who does not have a TTY.

**Procedure of TRS**

The Relay Texas Center has over 250 relay agents that can accept calls from both TTY users and non-TTY users (hearing persons who do not have TTY machines) at the same time. Example: you (voice user) call 1-800-735-2988 on your telephone and a relay agent will answer. Give the agent the phone number of the deaf person, and the agent will dial the number. The agent will act as a translator between you and the deaf person. Talk directly to the deaf person and pretend the relay agent is not there. The relay communication is thus carried out by both parties.

**Cost of the Relay User**

Relay Texas allows you to place local calls at no charge. Long distance calls within Texas are priced at rates lower than the usual rate, if the contracted Carrier is used for billing.

**Relay Texas Telephone Numbers:**

To use Relay Texas:

Non-TTY Users (hearing persons) 1-800-735-2988

TTY Users (deaf, or speech-impaired) 1-800-735-2989

ASCII Users (deaf, or speech-impaired) 1-800-735-2991

VCO users (hard of hearing), use your own voice 1-877-VCO1RTX

**Blind or Sight Impaired**

The District has its SWART Policies and Procedures available in Brail, and tape cassettes with SWART brochure information detailed. This information is available upon request by blind or sight impaired passengers.

**Other Useful Contact Information**

Texas Commission for the Deaf and Hard of Hearing

P.O. Box 12904

Austin, Texas 7878

(512)407-3250 – Voice

(512)407-3251 – TTY

Texas Rehabilitation Commission

6400 Hwy 290 E, #201

Austin, Texas 78723

(512)451-9579

1(800)687-2676

Texas Commission for the Blind

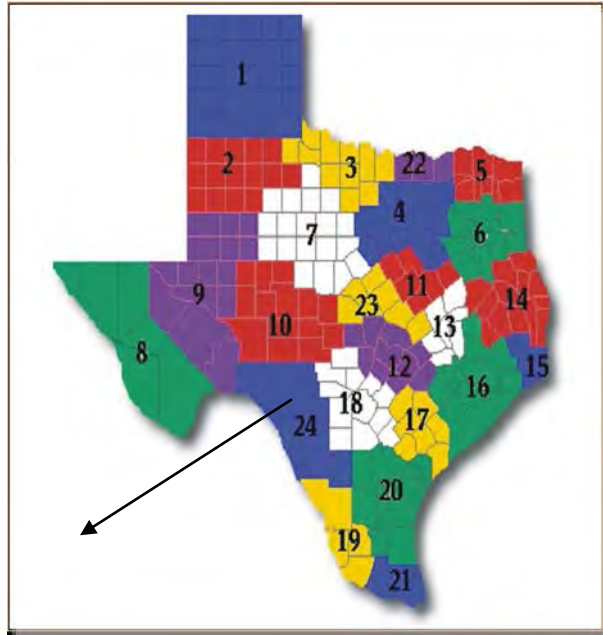
4800 N. Lamar Blvd., Suite #340

Austin, Texas 78756-3178

1(800)252-5204

## Geographic Area Map

SWART Headquarters – Uvalde, Texas



## Medical Transportation Clients Rights and Responsibilities

The orientation process also includes a review of all Medical Transportation Program requirements. Staff is instructed on ensuring that all recipients are treated with respect and dignity, Medicaid recipient rights and responsibilities stated in 1 Texas Administrative code, chapter 380, and complaint, confidentiality, and no retaliation policies. Annual refresher training is conducted at quarterly scheduled staff trainings. Client Rights and responsibilities are detailed below:

### Recipient Rights and Responsibilities

An important part of the responsibilities of MTP staff and contractors is the respect for the rights of recipients. These rights extend to all individuals, regardless of marital status, parenthood, disability, color, race, religion, age, gender, ethnicity, or national origin.

These rights and responsibilities pertain to all recipients.

### You have the right to...

- Request medical transportation services that take into account your medical condition.
- Select a health care provider of your choice and have an attendant travel with you if medically necessary. If the health care provider is located beyond an adjacent county, this requires a referral from the attending physician.
- Be treated with dignity and respect by MTP and contractor staff.
- Be picked up and delivered to your destination in a clean and safe vehicle.
- Privacy and confidentiality in all aspects of services, including your medical records.

- Freedom from physical and verbal abuse from MTP and contractor staff.
- Have all forms you are asked to sign explained to you.
- Have any policy or procedure explained to you and questions answered in a language you understand.
- Register a complaint or offer your comments about the service and treatment you receive and to be told the complete name of the person to whom you may direct your complaint or comment.
- Request an administrative review and/or informal hearing of any decision made regarding your transportation eligibility or services provided or denied.
- Give suggestions or comments or register complaints with your transportation contractor or with the MTP staff about the service that you were or were not provided directly to the Central Office program division.

**Medical Transportation Clients have the responsibility to...**

- Provide to MTP staff serving you the most complete and accurate information possible about your transportation needs and to provide any changes in information which would affect your eligibility.
- Keep all appointments you make or notify MTP as soon as possible or least four (4) hours in advance of your scheduled ride, when you cannot keep your transportation appointment.
- Refrain from verbal and/or physical abuse or sexual harassment toward another client or passenger, contractor's employees, or department employees while requesting or receiving medical transportation services
- Not use authorized medical transportation for purposes other than travel to and from covered health care services
- Do nothing that would endanger the safety of the vehicle and passengers with whom you travel and wear a safety belt at all times.
- Ask questions about your transportation arrangements that you do not understand.

## **Service Operations Procedure Manual**

I attest that I have received the Service Operations Procedure Manual and that it is my responsibility to review and read the manual in its entirety.

\_\_\_\_\_  
Name of Employee

\_\_\_\_\_  
Date

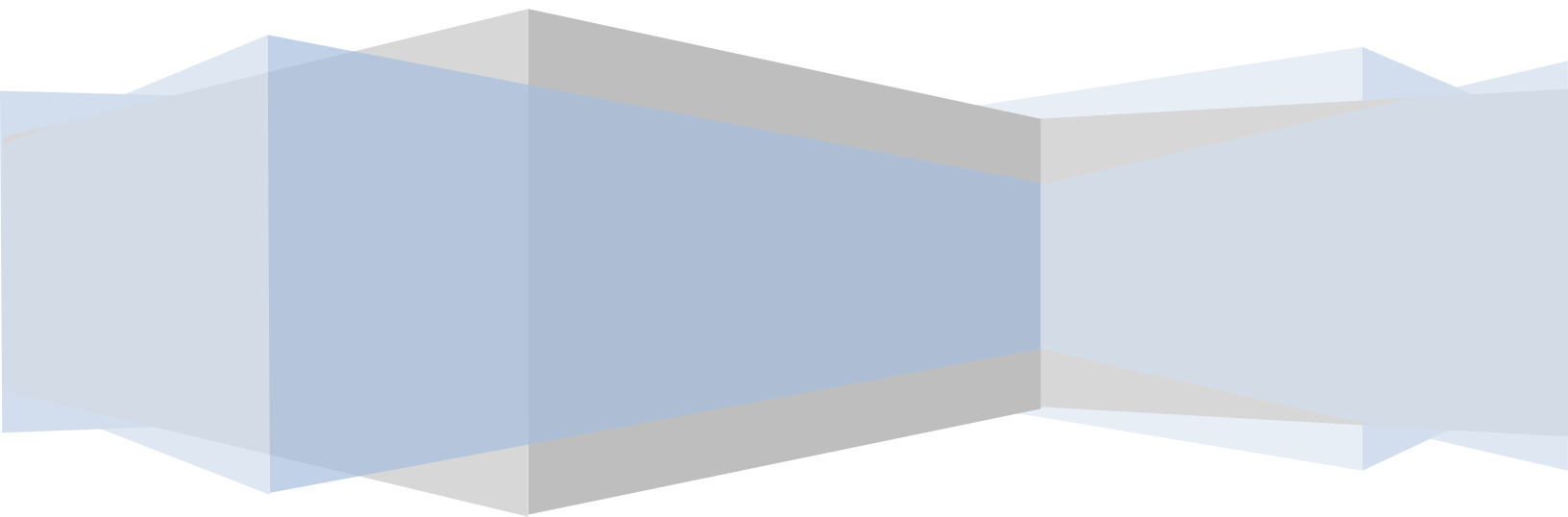


**Southwest Area Regional Transit District**

# **PERSONNEL HANDBOOK**

**Approved by Board of Directors – June 5, 2012**

**Revised & Approved by Board of Directors – December 16, 2021**





# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

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# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **020 EMPLOYEE WELCOME MESSAGE**

Welcome new employee!

On behalf of your colleagues, I welcome you to SWART and wish you every success here.

We believe that each employee contributes directly to SWART's growth and success, and we hope you will take pride in being a member of our team.

This handbook was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible, for it will answer many questions about employment with SWART.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

Sincerely,

A handwritten signature in black ink that reads "Sarah H. Cook". The signature is written in a cursive, flowing style.

Sarah Hidalgo-Cook, CCTM  
General Manager

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **040        INTRODUCTORY STATEMENT**

This handbook is designed to acquaint you with SWART and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by SWART to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. As SWART continues to grow, the need may arise and SWART reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. The only exception to any changes is our employment-at-will policy permitting you or SWART to end our relationship for any reason at any time. Employees will, of course, be notified of such changes to the handbook as they occur.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **050 EMPLOYEE ACKNOWLEDGEMENT FORM**

The employee handbook describes important information about SWART, and I understand that I should consult the General Manager and/or Assistant General Manager regarding any questions not answered in the handbook.

I have entered into my employment relationship with SWART voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or SWART can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to SWART's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Board of Directors of SWART have the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

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

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

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

Approved by Board of Directors – June 5, 2012  
Revised & Approved by the Board of Directors – December 16,  
2021

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **060 CUSTOMER RELATIONS**

Customers are among our organization's most valuable assets. Every employee represents SWART to our customers and the public. The way we do our jobs presents an image of our entire organization.

Customers judge all of us by how they are treated with each employee contact. Therefore, one of our first business priorities is to assist any customer or potential customer. Nothing is more important than being courteous, friendly, helpful, and prompt in the attention you give to customers.

SWART will provide customer relations and services training to all employees. Our personal contact with the public, our manners on the telephone, and the communications we send to customers are a reflection not only of ourselves, but also of the professionalism of SWART. Positive customer relations not only enhance the public's perception or image of SWART, but also pay off in greater customer loyalty and increased transit ridership.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **101 Nature of Employment**

Effective Date: June 1, 2012

Employment with SWART is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, SWART may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between SWART and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or cancelled at any time, at SWART's sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the SWART Board.



# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **102 Employee Relations**

Effective Date: June 1, 2012

SWART believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in this industry. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that SWART amply demonstrates its commitment to employees by responding effectively to employee concerns.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **103 Equal Employment Opportunity**

Effective Date: June 1, 2012

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at SWART will be based on merit, qualifications, and abilities. SWART does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, equal pay, disability, genetic information, or any other characteristic protected by law.

SWART will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

In addition to a commitment to provide equal employment opportunities to all qualified individuals, SWART has established an affirmative action program to promote opportunities for individuals in certain protected classes throughout the organization.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the General Manager and/or Assistant General Manager. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

A Human Rights Advisory Committee may be formed to consider complaints of discrimination. Funding sources requiring notification will be notified of complaints upon their occurrence.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **104 Business Ethics and Conduct**

Effective Date: June 1, 2012

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

The continued success of SWART is dependent upon our customers' trust and we are dedicated to preserving that trust. Employees owe a duty to SWART, its customers, and shareholders to act in a way that will merit the continued trust and confidence of the public.

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

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor and, if necessary, with the General Manager and/or Assistant General Manager for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every SWART employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **105 Personal Relationships in the Workplace**

Effective Date: June 1, 2012

The employment of relatives or individuals involved in a dating relationship in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual "romantic" or sexual relationship.

Relatives of current employees may not occupy a position that will be working directly for or supervising their relative. Individuals involved in a dating relationship with a current employee may also not occupy a position that will be working directly for or supervising the employee with whom they are involved in a dating relationship. SWART also reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

If a relative relationship or dating relationship is established after employment between employees who are in a reporting situation described above, it is the responsibility and obligation of the supervisor involved in the relationship to disclose the existence of the relationship to management. The individuals concerned will be given the opportunity to decide who is to be transferred to another available position. If that decision is not made within 30 calendar days, management will decide who is to be transferred or, if necessary, terminated from employment.

In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. Employees in a close personal relationship should refrain from public workplace displays of affection or excessive personal conversation.

No officer, member or employee of the governing board shall vote or confirm the employment of any person related within the second degree by affinity or third degree by consanguinity. The prohibition shall not prohibit the continued employment of a person who has been continuously employed for a period of two years prior to the election or appointment of the officer, member or employee related to such person in degree.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **106 Employee Medical Examinations**

Effective Date: June 1, 2012

Revised Date: February 28, 2018

To help ensure that employees are able to perform their duties safely, medical examinations may be required.

After an offer has been made to an applicant entering a designated job category, a medical examination will be performed at the employee's expense by a health professional of SWART's choice. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam. If a new hire does not remain within the time frame of their introductory period either by termination or resignation, he or she will reimburse the agency via garnishment on their final payroll check for the cost of the medical exam.

Current employees may be required to take medical examinations to determine fitness for duty. Such examinations will be scheduled at reasonable times and intervals and performed at SWART's expense by a health professional of SWART's choice. An employee covered under SWART health benefits will be reimbursed for co-pay expense.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **107 Immigration Law Compliance**

Effective Date: June 1, 2012

SWART is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with SWART within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the General Manager and/or Assistant General Manager. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **108 Conflicts of Interest**

Effective Date: June 1, 2012

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which SWART wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the General Manager for more information or questions about conflicts of interest.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of SWART's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to an officer of SWART as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which SWART does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving SWART.

SWART Board members may not be employed by SWART for at least 12 months after leaving the Board.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **109      Outside Employment**

Effective Date: June 1, 2012

Employees may hold outside jobs as long as they meet the performance standards of their job with SWART. All employees will be judged by the same performance standards and will be subject to SWART's scheduling demands, regardless of any existing outside work requirements.

If SWART determines that an employee's outside work interferes with performance or the ability to meet the requirements of SWART as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with SWART.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside SWART for materials produced or services rendered while performing their jobs.



# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **110 Non-Disclosure, Confidentiality, and Privacy**

Effective Date: June 1, 2012

While working with SWART, its employees will necessarily become familiar with customer, personnel, compensation, and financial information. SWART and its employees must respect the confidentiality of all customer, personnel, compensation, and financial information regardless of its course, and must adhere to SWART's ethical responsibility to protect such information from disclosure to outsiders. This obligation applies to all employees as well as to other professionals.

All information received and obtained in this office or by employees in the field shall be considered confidential and shall not be discussed outside this office or with any unauthorized person. Confidential matters must not be discussed in any area within the offices or vehicles in which a visitor or passenger might overhear the conversation. Similarly, customer, personnel, compensation, and financial documents and other information should be protected from the sight of unauthorized individuals. Under no circumstances may customer personnel, compensation, and financial documents or other confidential documents prepared be disclosed to third parties if such use might reveal the name of (or other identifying or confidential information) a customer, or personnel. Customers and other SWART guests should never be allowed unsupervised access to the individual offices of employees or professionals.

Further, customer, personnel, compensation, and financial information is not to be shared with others in the Company when that information is not required in the official conduct of the employee's duty. This applies to the electronic access of information via SWART's computer network; directories of another are not to be accessed without an official requirement of such access.

All employees are required to sign a non-disclosure agreement as a condition of employment. Employees who improperly use or disclose trade secrets or confidential business information will be subject to disciplinary action, up to and including termination of employment and legal action, even if they do not actually benefit from the disclosed information.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **111 Disability Accommodations**

Effective Date: June 1, 2012

SWART is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Reasonable accommodation is available to all disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis.

SWART is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. SWART will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

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

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **112 Job Posting and Employee Referrals**

Effective Date: June 1, 2012

SWART provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. In general, notices of all regular, full-time job openings are posted, although SWART reserves its discretionary right to not post a particular opening.

Job openings will be posted on the employee bulletin board and normally remain open for 10 days. Each job posting notice will include the dates of the posting period, job title, department, location, grade level, job summary, essential duties, and qualifications (required skills and abilities). Employees may apply for any posted jobs for which they possess the required skills, competencies, and qualifications. To apply for an open position, employees should submit a job posting application to the General Manager and/or Assistant General Manager listing job-related skills and accomplishments. It should also describe how their current experience with SWART and prior work experience and/or education qualifies them for the position.

Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring manager. Other recruiting sources may also be used to fill open positions in the best interest of the organization.

The General Manager is employed by the SWART Board and when a vacancy occurs the Personnel Committee, as a body, will conduct interviews and make a recommendation of the top choices to the full Board. The Board will then select the General Manager. The Personnel Committee will also give to the Board a listing of all applicants interviewed.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **113 Political and Sectarian Activities**

Effective Date: June 1, 2012

None of the performances rendered by any SWART employee during working hours shall involve and no portion of the funds received by SWART from Federal, State, or local government entities, shall be used for any political activity including, but not limited to, any activity undertaken to influence the outcome of any election, or the passage or defeat of any legislative measure.

Employees, during working hours, shall not engage in any political activities in violation of Chapter 14 of Title 5, United States Code.

Employees may not:

use your official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

directly or indirectly coerce attempt to coerce, command or advise a state, local officer, or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

SWART will not be involved in supporting any religious or anti-religious activity either directly or indirectly. Employees will not be involved in supporting any religious or anti-religious activity either directly or indirectly during working hours or when representing SWART.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **114 Public Statements**

Effective Date: June 1, 2012

Employees may not speak to the press as an official representative of SWART, without prior clearance from the General Manager. All inquiries from the press should be referred to the General Manager.

Any employee asked by an outside agency or organization to appear as a guest speaker or invited program participant must obtain prior clearance from the General Manager.

Any deviation from this policy will be considered a serious infraction.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **201 Employment Categories**

Effective Date: June 1, 2012

It is the intent of SWART to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and SWART.

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by SWART management.

In addition to the above categories, each employee will belong to one other employment category: REGULAR FULL-TIME employees are those who are not in a temporary or introductory status and who are regularly scheduled to work SWART's full-time schedule. Generally, they are eligible for SWART's benefit package, subject to the terms, conditions, and limitations of each benefit program.

REGULAR PART-TIME employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than the full-time work schedule. Regular part-time employees are eligible for some benefits sponsored by SWART, subject to the terms, conditions, and limitations of each benefit program.

INTRODUCTORY employees are those whose performance is being evaluated to determine whether further employment in a specific position or with SWART is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification.

TEMPORARY employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of SWART's other benefit programs.

CASUAL employees are those who have established an employment relationship with SWART but who are assigned to work on an intermittent and/or unpredictable basis. While they receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of SWART's other benefit programs.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **202      Accesses to Personnel Files**

Effective Date: June 1, 2012

SWART maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

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

Employees who wish to review their own file should contact the General Manager and/or Assistant General Manager. With reasonable advance notice, employees may review their own personnel files in SWART's offices and in the presence of an individual appointed by SWART to maintain the files.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **203      Employment Reference Checks**

Effective Date: June 1, 2012

To ensure that individuals who join SWART are well qualified and have a strong potential to be productive and successful, it is the policy of SWART to check the employment references of all applicants.

The General Manager and/or Assistant General Manager or his/her designee will respond to all reference check inquiries from other employers. Responses to such inquiries will confirm only dates of employment, wage rates, eligibility for rehire, and position(s) held. No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.



# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **204 Personnel Data Changes**

Effective Date: June 1, 2012

It is the responsibility of each employee to promptly notify SWART of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed, notify the General Manager and/or Assistant General Manager.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **205      Introductory Period**

Effective Date: June 1, 2012

Revised Date: August 30, 2017

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. SWART uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or SWART may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice.

All new and rehired employees work on an introductory basis for the first 180 calendar days after their date of hire. Employees who are promoted or transferred within SWART must complete a secondary introductory period of the same length with each reassignment to a new position. Any significant absence will automatically extend an introductory period by the length of the absence. If SWART determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

In cases of promotions or transfers within SWART, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary introductory period. If this occurs, the employee may be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and SWART's needs.

Upon satisfactory completion of the initial introductory period, employees enter the "regular" employment classification.

During the initial introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. After becoming regular employees, they may also be eligible for other SWART-provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

Benefits eligibility and employment status are not changed during the subsequent introductory period that results from a promotion or transfer within SWART.

If a new hire is terminated or resigns before the end of the 180 introductory period, he or she will reimburse SWART through their final paycheck for the costs of the following:

- Drug Testing
- Uniform Costs
- DOT physical or employment physical
- Back Ground Checks
- Passenger Endorsement Fee if SWART assisted the employee to obtain their required endorsement.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **206      Employment Applications**

Effective Date: June 1, 2012

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

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **207 Performance Evaluation**

Effective Date: June 1, 2012

Revised Date: August 30, 2017

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's initial period in any new position. This period, known as the introductory period, allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. 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.

Performance evaluations are scheduled but not limited to, completion of employee's 180 day, introductory period, and approximately every 12 months thereafter.

Merit-based pay adjustments are awarded by SWART in an effort to recognize employee performance. The decision to award such an adjustment is dependent upon numerous factors, including the information documented by this formal performance evaluation process, and funding availability.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **208      Job Descriptions**

Effective Date: June 1, 2012

SWART makes every effort to create and maintain accurate job descriptions for all positions within the organization. Each description includes a job information section, a job summary section (giving a general overview of the job's purpose), an essential duties and responsibilities section, a supervisory responsibilities section, a qualifications section (including education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required), a physical demands section, and a work environment section.

SWART maintains job descriptions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

The General Manager and/or Assistant General Manager prepare job descriptions when new positions are created. Existing job descriptions are also reviewed and revised in order to ensure that they are up to date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities. All employees will be expected to help ensure that their job descriptions are accurate and current, reflecting the work being done.

Employees should remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Contact the General Manager and/or Assistant General Manager if you have any questions or concerns about your job description.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **209 Medical Information Privacy**

Effective Date: June 1, 2012

This Medical Information Privacy policy describes how health information about employees may be used and disclosed by SWART and how employees can get access to this information. SWART is committed to maintaining and protecting the confidentiality of our employees' personal information in compliance with the Health Insurance Portability and Accountability Act (HIPAA). The General Manager and/or Assistant General Manager or his/her designee is the designated Privacy Officer for all employee medical information.

This policy of privacy practices applies to the health plans of SWART that are covered by privacy regulations, for example health benefit plans, dental plans, employee assistance plans, and pharmacy benefit programs (collectively referred to as the Benefit Plans). The Benefit Plans are required by federal and state law to protect the privacy of employees' individually identifiable health information and other personal information and to provide employees with notice about their policies, safeguards, and practices. When the Benefit Plans use or disclose employees' protected health information, the Benefit Plans are bound by the terms of this policy, or a revised policy, if applicable.

The Benefit Plans will not use employees' protected health information or disclose it to others without the employees' authorization, except for the following purposes:

**Treatment** - The Benefit Plans may disclose employees' protected health information, or employees' covered dependents' protected health information, to a health care provider or administrator for its provision, coordination, or management of the employees' health care and related services. For example, prior to providing a health service to an employee, the employee's doctor may ask for information concerning whether and when the service was previously provided to the employee. The Benefit Plans may use and disclose employees' protected health information for treatment activities of a health care provider.

**Payment** - The Benefit Plans may use and disclose employees' protected health information to facilitate payment of premiums for employees' coverage, and to determine and fulfill their responsibility to provide employees' medical, dental, and EAP benefits. For example, employees' protected health information may be used to make coverage determinations, administer claims, and coordinate benefits with other coverage employees may have. The Benefit Plans may also disclose employees' protected health information to a health plan or administrator to determine employees' eligibility for coverage, or for the health care provider to obtain payment for health care services provided to the employee.

**Health Care Operations** - The Benefit Plans may use and disclose employees' protected health information for their health care operations, or the health care operations of a third party administrator of the Benefit Plans. For example, the Benefit Plans may use protected health information to conduct quality assessment

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and improvement activities. Other health care operations may include providing appointment reminders, or sending employee's information about treatment alternatives or other health-related benefits and services. The Benefit Plans also may disclose employees' protected health information to another health plan or provider that has a relationship with an employee, so that it can conduct quality assessment and improvement activities (for example, to perform case management).

**Disclosure to Employer or Operating Company** - The Benefit Plans may disclose employees' protected health information to SWART, or to a company acting on the behalf of SWART, so that it can monitor, audit, and otherwise administer the employee health benefit plan in which employees participate. SWART and its operating companies are not permitted to use protected health information for any purpose other than administration of employees' health, dental, and EAP benefits. The Benefit Plans will not disclose protected health information to SWART for the purposes of employment-related actions or decisions, or in connection with any other benefit or employee benefit plan. The Benefit Plans will identify employees who are authorized to receive and use protected health information.

**Disclosure to Health Care Vendors and Accreditation Organizations** - The Benefit Plans may disclose employees' protected health information to companies with whom they contract, if they need it to perform requested services. For example, the Benefit Plans may provide protected health information to vendors who provide important information and guidance to plan members with chronic conditions such as diabetes and asthma. Protected health information may be disclosed to accreditation organizations such as the National Committee for Quality Assurance (NCQA) for quality measurement purposes. When the Benefit Plans enter into these arrangements, they will obtain a written agreement to protect employees' protected health information.

**Public Health Activities** - The Benefit Plans may disclose employees' protected health information for the following public health activities and purposes: 1) to report health information to public health authorities that are authorized by law to receive such information for the purpose of controlling disease, injury, or disability; 2) to report child abuse or neglect to a government authority that is authorized by law to receive such reports; 3) to report information about a product or activity that is regulated by the U.S. Food and Drug Administration (FDA) to a person responsible for the quality, safety, or effectiveness of the product or activity; and, 4) to alert a person who may have been exposed to a communicable disease, if the Benefit Plans are authorized by law to give this notice.

**Health Oversight Activities** - The Benefit Plans may disclose employees' protected health information to a government agency that is legally responsible for oversight of the health care system or for ensuring compliance with the rules of government benefit programs, such as Medicare or Medicaid, or other regulatory programs that need health information to determine compliance.

**For Research** - The Benefit Plans may disclose employees' protected health information for medical research purposes, subject to strict legal restrictions.

**To comply with the Law** - The Benefit Plans may use and disclose employees' protected health

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Information to comply with the law.

Judicial and Administrative Proceedings - The Benefit Plans may disclose employees' protected health information in a judicial or administrative proceeding or in response to a legal order.

Law Enforcement Officials - The Benefit Plans may disclose employees' protected health information to the police or other law enforcement officials, as required by law or in compliance with a court order or other process authorized by law.

Health or Safety - The Benefit Plans may disclose employees' protected health information to prevent or lessen a serious and imminent threat to employees' health or safety or the health and safety of the general public.

Government Functions - The Benefit Plans may disclose employees' protected health information to various departments of the government such as the U.S. military or the U.S. Department of State.

Workers' Compensation - The Benefit Plans may disclose employees' protected health information when necessary to comply with workers' compensation laws.

Other - The Benefit Plans may disclose employees' protected health information when necessary to file claims with re-insurers or stop-loss carriers, or to obtain coverage with re-insurers or stop-loss carriers. The Benefit Plans may also disclose employees' protected health information to subrogation vendors to recoup payments made by the Benefit Plans that were reimbursed by other insurance arrangements.

Uses and Disclosures with Employees' Written Authorization - The Benefit Plans will not use or disclose employees' protected health information for any purpose other than the purposes described in this policy without the employees' written authorization. For example, the Benefit Plans will not supply protected health information to another company for its marketing purposes or to a potential employer with whom an employee is seeking employment without the employee's signed authorization. Employees may revoke an authorization that has previously been given by sending a written request to the General Manager and/or Assistant General Manager, but not with respect to any actions the Benefit Plans have already taken.

Disclosure to Others Involved in an Employee's Care - The Benefit Plans may disclose protected health information about employees to a relative, a friend, the subscriber of employees' benefits, or any other person employees identify, provided the information is directly relevant to that person's involvement with employees' health care or payment for that care. For example, if a family member or a caregiver calls SWART with knowledge of an employee's protected health information, SWART may confirm protected health information or answer questions. Employees have the right to stop or limit this type of disclosure by contacting the General Manager and/or Assistant General Manager. If an employee is a minor, the employee also may have the right to block parental access to the employee's protected health information in certain circumstances, if permitted by state law.



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Employees may request restrictions on the use and disclosure of the employee's protected health information for the treatment, payment, and health care operations purposes explained in this policy. While the Benefit Plans will consider all requests for restrictions carefully, the Benefit Plans are not required to agree to a requested restriction.

Employees may ask to receive communications of their protected health information from the Benefit Plans by alternative means of communication or at alternative locations. While the Benefit Plans will consider reasonable requests carefully, they are not required to agree to all requests.

Employees may ask to inspect or to obtain a copy of their protected health information that is included in certain records the Benefit Plans maintain. Under limited circumstances, the Benefit Plans may deny employees access to a portion of their records. If employees request copies, the Benefit Plans may charge employees copying and mailing costs.

Employees have the right to ask the Benefit Plans to amend protected health information that is contained in the Benefit Plans records. If the Benefit Plans determine that the record is inaccurate, and the law permits the Benefit Plans to amend it, the Benefit Plans will correct it. If the employee's doctor or another person created the information that the employee wants to change, the employees should ask that person to amend the information.

Upon request, employees may obtain an accounting of disclosures the Benefit Plans have made of their protected health information. The accounting that the Benefit Plans provide will not include disclosures made before April 14, 2003, disclosures made for treatment, payment or health care operations, disclosures made earlier than six years before the date of the request, and certain other disclosures that are exempted by law. If employees request an accounting more than once during any 12-month period, the Benefit Plans will charge those employees a reasonable fee for each accounting statement after the first one.

Employees may contact the General Manager and/or Assistant General Manager to obtain a paper copy of this policy, even if the employees previously agreed to receive notices electronically. Employees must also contact the General Manager and/or Assistant General Manager if they wish to make any of the requests listed above.

If employees want more information about privacy rights, do not understand their privacy rights, are concerned that the Benefit Plans have violated their privacy rights, or disagree with a decision that the Benefit Plans made about access to protected health information, they may contact the General Manager and/or Assistant General Manager. Employees may also file written complaints with the Secretary of the U.S. Department of Health and Human Services. SWART will not take any action against employees if they file a complaint.

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SWART may change the terms of this policy at any time. If SWART changes this policy, SWART may make the new policy terms effective for all protected health information that the Benefit Plans maintain, including any information the Benefit Plans created or received before SWART issued the new policy. If SWART makes any changes to the Medical Information Privacy policy, notice of the changes will be provided to employees.

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### **210 Social Security Number Policy**

Effective Date: June 1, 2012

To protect employees' personal information, SWART prohibits the use of employees' Social Security numbers for identification purposes, except as allowed by law. SWART will not:

- Publicly post or publicly display in any manner an employee's Social Security number. "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.
- Print an employee's Social Security number on any card required for the employee to access products or services provided by SWART.
- Require an employee to transmit his or her Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted.
- Require an employee to use his or her Social Security number to access an Internet web site, unless a password or unique personal identification number or other authentication device is also required to access the Internet web site.
- Print an employee's Social Security number on any materials that are mailed to the employee, unless state or federal law requires the Social Security number to be on the document to be mailed.

However, Social Security numbers may be included in applications and forms sent by mail, including documents sent as part of an application or enrollment process; or to establish, amend, or terminate an account, contract, or policy; or to confirm the accuracy of the Social Security number.

In instances where SWART previously used an employee's Social Security number in a manner inconsistent with this policy, it will continue using that employee's Social Security number in that manner, if all of the following conditions are met:

- The use of the Social Security number is continuous. If the use is stopped for any reason, the conditions listed above will apply.
- The employee is provided an annual disclosure that informs the employee that he or she has the right to stop the use of his or her Social Security number in a manner prohibited by those conditions listed above.

A written request by an employee to stop the use of his or her Social Security number in a prohibited manner will be implemented within 30 days of the receipt of the request. There will be no fee or charge for implementing the request. SWART will not deny services to an employee because the employee makes a written request to stop the use of his or her Social Security number. SWART will continue to collect, use, or release Social Security numbers as required by state or federal law, and may use Social Security numbers for internal verification or administrative purposes. Employees who have questions about this policy or who feel that their Social Security number has been used inappropriately by SWART should contact the General Manager and/or Assistant General Manager.

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### **301 Employee Benefits**

Effective Date: June 1, 2012

Revised Date: August 30, 2017

Eligible employees at SWART are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook.

The following benefit programs are available to eligible employees:

- Bereavement Leave
- Dental Insurance - voluntary
- Holidays
- Meal Allowances
- Sick Leave Benefits
- Annual Leave Benefits
- Witness Duty Leave
- Family Leave
- Health Insurance
- Jury Duty Leave
- Travel Allowances
- Vision Care Insurance- voluntary
- Life Insurance - voluntary
- Uniforms
- Voting Time Off
- Retirement

Some benefit programs require contributions from employees, but most are fully paid by SWART. The benefit package for regular full-time employees represents an additional cost to SWART of approximately 30 percent of wages.

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### **302 Annual Leave**

Effective Date: June 1, 2012

Revised Date: August 29, 2018

Annual leave is time off with pay and is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classification(s) are eligible to earn and use vacation time as described in this policy:

- Regular full-time employees

The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule:

- Upon initial eligibility the employee is entitled to 12 vacation days each year, accrued semimonthly at the rate of 0.5 days.
- After 5 years of eligible service the employee is entitled to 15 vacation days each year, accrued semimonthly at the rate of 0.625 days.
- After 10 years of eligible service the employee is entitled to 18 vacation days each year, accrued semimonthly at the rate of 0.75 days.
- After 15 years of eligible service the employee is entitled to 21 vacation days each year, accrued semimonthly at the rate of 0.875 days.
- After 25 years of eligible service the employee is entitled to 24 vacation days each year, accrued semimonthly at the rate of 1 day.

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins on the employee hire date. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

Once employees enter an eligible employment classification, they begin to earn paid annual leave according to the schedule. However, before annual leave can be used, a waiting period of 180 calendar days must be completed. After that time, employees can request use of earned annual leave including that accrued during the waiting period.

Paid annual leave can be used in minimum increments of one-half day. To take leave, employees should request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

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Annual leave time off is paid at the employee's base pay rate at the time of annual leave. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

As stated above, employees are encouraged to use available paid annual leave time for rest, relaxation, and personal pursuits. In the event that available leave is not used by the end of the benefit year, employees may carry unused time forward to the next benefit year. If the total amount of unused leave time reaches a "cap" of 192 hours leave accrual will stop. The employee may request in writing to be paid in lieu of taking annual leave hours. The written request must be submitted to the General Manager and state the number of hours that the employee wishes to be paid for in lieu of taking annual leave hours.

When the employee uses paid annual leave time and brings the available amount below the cap, leave accrual will begin again.

Upon termination of employment, employees who have completed 12 months of services will be paid for unused portion of their accrued annual leave, not to exceed 96 hours. However, if SWART, in its sole discretion, terminates employment for cause, forfeiture of unused annual leave time may result.

Upon resignation, an employee will be paid their unused portion of annual leave, not to exceed 96 hours if employed 12 months to 59 months and 192 if employed 60 or more months, providing all policies were followed, including two-week notice and exit interview.

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### **303 Workplace Modifications**

Effective Date: June 1, 2012

SWART provides child care assistance to all eligible employees as a benefit of employment. Eligible employee classifications are:

- Regular full-time employees
- Introductory employees

SWART will allow working mothers' breastfeeding their infants (up to 1 year old) to take reasonable breaks to express milk in accordance with the Fair Labor Standards Act. Upon request to immediate supervisor, these female employees will be provided a private location. These breaks will not be considered as paid work time.

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### **304 Holidays**

Effective Date: June 1, 2012

Revised Date: December 16, 2021

SWART will grant holiday time off to all employees on the holidays listed below:

- New Year's Day (January 1)
- Martin Luther King
- President's Day
- Good Friday
- Memorial Day (last Monday in May)
- June Teenth Day (June 19<sup>th</sup>)
- Independence Day ( July 4)
- Labor Day (first Monday in September)
- Columbus Day
- Veterans Day
- Thanksgiving Holidays (fourth Thursday and Friday in November)
- Christmas Eve (December 24)
- Christmas (December 25)
- New Year's Eve (December 31)
- Birthday

SWART will grant paid holiday time off to all eligible employees who have completed 180 calendar days of service in an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classification(s):

- Regular full-time employees

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If eligible nonexempt employees work on a recognized holiday, they will receive holiday pay plus wages at their straight-time for the hours worked on the holiday.

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

The General Manager may, on special occasions, consistent with religious or local business practices, excuse a staff member from work, or declare a holiday for all employees.

Due to the nature of public and medical transportation operations, employees may be required to work on



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holidays.

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### **305 Workers' Compensation Insurance**

Effective Date: June 1, 2012

SWART provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Neither SWART nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by SWART.

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### **306 Sick Leave Benefits**

Effective Date: June 1, 2012

Revised Date: August 30, 2017

SWART provides paid sick leave benefits to all eligible employees for extended periods of absence due to illnesses or injuries.

Eligible employee classification(s):

- Regular full-time employees

SWART will grant paid sick leave time off to all eligible employees who have completed 180 calendar days of service in an eligible employment classification.

Eligible employees will accrue sick leave benefits at the rate of 12 days per year (1 day for every full month of service). Sick leave benefits are calculated on the basis of a "benefit year," the 12-month period that begins when the employee starts to earn sick leave benefits.

Full-time employees (40 hours per week) will accrue leave at a rate of 8 hours per month. Leave will be earned on the 15th and end of month with payroll.

Employees can request use of paid sick leave for extended periods of illness which requires them to be away from work for at least 3 consecutive work days. Paid sick leave can be utilized in minimum of 1 day increments and may only be paid for absence due to the employee's own illness or injury.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor must also be contacted on each additional day of absence.

If an employee is absent for four or more consecutive days due to illness or injury, a physician's statement must be provided verifying its beginning and expected ending dates on which he or she may safely return to work.

A supervisor may request such verification for other leave absences if an employee calls in sick even for one day, specifically if there is a pattern of unexcused sick leave requests. This may be required as a condition to utilize leave accruals.

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Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of 30 calendar days (240 hours) worth of sick leave benefits. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee's balance falls below the limit.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment.

As an additional condition of eligibility for sick leave benefits, an employee on an extended absence must apply for any other available compensation and benefits, such as workers' compensation. Sick leave benefits will be used to supplement any payments that an employee is eligible to receive from state disability insurance, workers' compensation or SWART-provided disability insurance programs. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal weekly earnings.

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### **307 Time Off to Vote**

Effective Date: June 1, 2012

SWART encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their nonworking hours, SWART will grant up to 1 hour of unpaid time off to vote.

Employees should request time off to vote from their supervisor at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

Employees must submit a voter's receipt on the first working day following the election to qualify for time off.

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### **308 Bereavement Leave**

Effective Date: June 1, 2012

Revised Date: August 30, 2017

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately.

Up to 3 days of paid bereavement leave will be provided to eligible employees in the following classification(s):

- Regular full-time employees

SWART will grant paid bereavement leave time off to all eligible employees who have completed 180 calendar days of service in an eligible employment classification

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

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

SWART defines "immediate family" as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren.

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### **309 Jury Duty**

Effective Date: June 1, 2012

SWART encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification may request up to 1 weeks of paid jury duty leave over any 1 year period.

Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Employee classifications that qualify for paid jury duty leave are:

- Regular full-time employees
- Introductory employees

If employees are required to serve jury duty beyond the period of paid jury duty leave, they may use any available paid time off (for example, vacation benefits) or may request an unpaid jury duty leave of absence.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.

Either SWART or the employee may request an excuse from jury duty if, in SWART's judgment, the employee's absence would create serious operational difficulties.

SWART will continue to provide health insurance benefits until the end of the month in which the unpaid jury duty leave begins. At that time, employees will become responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from jury duty, benefits will again be provided by SWART according to the applicable plans.

Benefit accruals such as vacation, sick leave, or holiday benefits will be suspended during unpaid jury duty leave and will resume upon return to active employment.

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### **310      Witness Duty**

Effective Date: June 1, 2012

SWART encourages employees to appear in court for witness duty when subpoenaed to do so.

If employees have been subpoenaed or otherwise requested to testify as witnesses by SWART, they will receive paid time off for the entire period of witness duty.

Employees will be granted unpaid time off to appear in court as a witness when requested by a party other than SWART. Employees are free to use any available paid leave benefit (such as vacation leave) to receive compensation for the period of this absence.

The subpoena should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.



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### **311 Benefits Continuation (COBRA)**

Effective Date: June 1, 2012

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under SWART's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at SWART's group rates plus an administration fee. SWART provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under SWART's health insurance plan. The notice contains important information about the employee's rights and obligations.

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### **312 Health Insurance**

Effective Date: June 1, 2012

Revised Date: August 30, 2017

SWART's health insurance plan provides employees and their dependents access to medical, dental, and vision care insurance benefits. Employees in the following employment classifications are eligible to participate in the health insurance plan:

- Regular full-time employees
- 

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between SWART and the insurance carrier. Coverage will begin on the 1<sup>st</sup> day of the month, following completion of their initial 90 days of employment.

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) Policy for more information.

Details of the health insurance plan are described in the Summary Plan Description (SPD). An SPD and information on cost of coverage will be provided in advance of enrollment to eligible employees. Contact the General Manager and/or Assistant General Manager or his/her designee for more information about health insurance benefits.

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### **313 Life Insurance**

Effective Date: June 1, 2012

Revised Date: August 30, 2017

Life insurance offers you and your family important financial protection. SWART provides voluntary basic life insurance plan for eligible employees which is paid for by the employee. Additional supplemental and/or dependent life insurance coverage may also be purchased.

Employees in the following employment classifications are eligible to participate in the life insurance plan:

- Regular full-time employees

Eligible employees will be defined as those full time (40 hours per week) who have completed 180 calendar days of introductory period.

Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between SWART and the insurance carrier. Coverage will begin on the 1<sup>st</sup> day of the month, following completion of their 180 days of employment.

Details of the basic life insurance plan including benefit amounts are described in the Summary Plan Description provided to eligible employees. Contact the General Manager and/or Assistant General Manager or his/her designee for more information about life insurance benefits.

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### **314 Discretionary Leave**

Effective Date: June 1, 2012

Revised Date: August 29, 2018

January 1<sup>st</sup> of each year, full-time employees will receive 40 hours of discretionary leave for the calendar year for short-term illnesses of the employee or their dependents and/or personal business

Employees in the following employment classifications are eligible to earn discretionary leave:

- Regular full-time employees

Eligible employees will be defined as those full time (40 hours per week) who have completed 180 calendar days of introductory period.

Discretionary leave is subject to the following:

- All discretionary leave must be approved by the supervisor.
- Discretionary leave should be requested in advance when circumstances permit.
- Only up to 3 days of Discretionary Leave Can be taken at one time.
- Discretionary leave may be used in minimum of ½ day increments unless approved by General Manager.
- The discretionary leave benefits are defined within a calendar year. No carry forward, carry back, or accumulation of unused leave days is allowed.
- Discretionary leave must be used by December 31<sup>st</sup> of each calendar year.
- For employees hired after January 31<sup>st</sup> of each year, the amount of discretionary leave received will be based on a prorated schedule.
- If SWART, in its sole discretion, terminates employment for cause, forfeiture of unused Discretionary leave time may result. Upon resignation, an employee will be paid their unused portion of Discretionary leave, not to exceed 40 hours, providing all policies were followed, including two-week notice and exit interview.
- Resignation during the 180 calendar day introductory period is forfeiture of unused Discretionary leave balance.
- Discretionary leave will not be paid out as a benefit when an employee resigns.

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### **401 Timekeeping**

Effective Date: June 1, 2012

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require SWART to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

It is the employees' responsibility to sign their time records to certify the accuracy of all time recorded. The supervisor will monitor time records. In addition, Administrative personnel check all-time records and if corrections or modifications are made to the time record, the employee must verify the accuracy of the changes by initialing the time record. Employees are not required to initial corrections to addition errors.

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### **402 Paydays**

Effective Date: June 1, 2012

All employees are paid semimonthly on the 5th of the month for 16th through end of month pay period, and the 20th of the month for the 1st through 15th pay period. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

If a regular payday falls during an employee's vacation, the employee may receive his or her earned wages before departing for vacation if a written request is submitted at least one week prior to departing for vacation.

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### **403 Employment Terminations**

Effective Date: June 1, 2012

Revised Date: October 23, 2013

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- Resignation - voluntary employment termination initiated by an employee.
- Discharge - involuntary employment termination initiated by the organization.
- Layoff - involuntary employment termination initiated by the organization for non-disciplinary reasons.
- Retirement - voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

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

Since employment with SWART is based on mutual consent, both the employee and SWART have the right to terminate employment at will, with or without cause, at any time. Employees will receive their final pay in accordance with applicable state law.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance. Vacation and Discretionary time is not considered an accrued vested benefit and therefore is not payable at termination.

Upon termination of employment, employees who have completed 12 months of services will be paid for unused portion of their accrued annual leave, not to exceed 96 hours. However, if SWART, in its sole discretion, terminates employment for cause, forfeiture of unused annual leave time may result.

Upon resignation, an employee will be paid their unused portion of annual leave, not to exceed 96 hours if employed 12 months to 23 months and 192 if employed 24 or more months, providing all policies were followed, including two-week notice and exit interview.

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### **404 Administrative Pay Corrections**

Effective Date: June 1, 2012

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

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the General Manager and/or Assistant General Manager so that corrections can be made as quickly as possible.



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### **405 Pay Deductions**

Effective Date: June 1, 2012

The law requires that SWART make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. SWART also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base."

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

If you have questions concerning why deductions were made from your paycheck or how they were calculated, your supervisor can assist in having your questions answered.

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### **501      Safety**

Effective Date: June 1, 2012

To assist in providing a safe and healthful work environment for employees, customers, and visitors, SWART has established a workplace safety program. This program is a top priority for SWART. The General Manager or his/her designee has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

SWART provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, or with another supervisor or manager, or bring them to the attention of the General Manager. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, who fail to report, or where appropriate remedy such situations, may be subject to disciplinary actions up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the General Manager or the appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

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### **502 Work Schedules**

Effective Date: June 1, 2012

Work schedules for employees vary throughout our organization. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

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### **503 Use of Phone, Cell Phone, and Mail Systems**

Effective Date: June 1, 2012

Personal use of the telephone for long-distance and toll calls is not permitted. Employees should practice discretion when making local personal calls and may be required to reimburse SWART for any charges resulting from their personal use of the telephone.

The use of SWART-paid postage for personal correspondence is not permitted.

To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

SWART provides cellular telephones to employees as a business tool. They are provided to assist employees in communicating with management and other employees, their clients, associates, and others with whom they may conduct business. Cell phone use is primarily intended for business-related calls. However, occasional, brief personal use is permitted within a reasonable limit. Cell phone invoices will be regularly monitored.

Employees have access to a cell phone while in agency owned vehicles, they should remember that their primary responsibility is driving safely and obeying the rules of the road. As a representative of SWART, cell phone users are reminded that the regular business etiquette employed when speaking from office phones or in meetings applies to conversations conducted over a cell phone.

Operators are issued mandatory hands free equipment with each company cell phone. However, hands-free operation does not guarantee 100% safety but will provide remote workers with less distraction if they must use their cell phone on the road. Employees are prohibited from using cell phones to conduct business while driving and should safely pull off the road and come to a complete stop before dialing or talking on the phone.

Operators shall not utilize any wireless communication device in a school zone unless the vehicle is stopped or a hands-free device is used. Operators are prohibited from texting on any agency revenue vehicle. Operators receive training and must comply with cell phone policy.

Taking pictures by any means that include passengers is strictly prohibited without expressed consent from the passenger and the General Managers specific prior approval and any employee in violation could be subject to disciplinary action up to and including termination of employment.

Employees are expected to comply with all state and applicable laws. Any employee charged with traffic infractions as a result of the use of a cell phone will be responsible for paying any fines or other associated costs. This would include the usage of a personal or business cell phone while in the company

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vehicle. If an employee receives a traffic infraction, disciplinary action may result.

Operators should remember that cell phones are provided as an alternative communication device in the event of emergency, inability to reach dispatch by two way radio, or to relay confidential or private information. Cell phones do come with voice mail systems, but are not equipped with internet or instant messaging capabilities. If you are unable to answer your telephone safely due to vehicle operation, remember to check your messages when you make the next safe stop.

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### **504      Smoking**

Effective Date: June 1, 2012

In keeping with SWART's intent to provide a safe and healthful work environment, smoking in the workplace is prohibited except in those locations that have been specifically designated as smoking areas. In situations where the preferences of smokers and nonsmokers are in direct conflict, the preferences of nonsmokers will prevail. Tobacco and smokeless tobacco including but not limited to electronic cigarettes, use is prohibited in vehicles.

This policy applies equally to all employees, customers, and visitors.

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### **505 Overtime**

Effective Date: June 1, 2012

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible termination of employment.

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### **506 Use of Equipment and Vehicles**

Effective Date: June 1, 2012

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. Employees are required to comply with all State and applicable traffic laws and regulations. The maximum speed limit is 70 miles per hour when operating a CDL required vehicle.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.



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### **507      Emergency Closings**

Effective Date: June 1, 2012

At times, emergencies such as severe weather, fires, power failures, or earthquakes, can disrupt company operations. In extreme cases, these circumstances may require the closing of a work facility. In the event that such an emergency occurs during nonworking hours, local radio and/or television stations will be asked to broadcast notification of the closing. Staff should report to work site unless they are contacted by their immediate supervisor his/her designee.

When operations are officially closed due to emergency conditions, the time off from scheduled work will be paid if approved by General Manager.

In cases where an emergency closing is not authorized, employees who fail to report for work will not be paid for the time off. Employees may request available paid leave time such as unused annual or discretionary leave benefits.

Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work may receive additional pay for time worked as well as pay for the time off from scheduled work due to emergency closing if approved by the General Manager.

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### **508 Business Travel Expenses**

Effective Date: June 1, 2012

SWART will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the General Manager.

Employees whose travel plans have been approved should make all travel arrangements through SWART's General Manager and/or Assistant General Manager.

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by SWART. Employees are expected to limit expenses to reasonable amounts.

Expenses that generally will be reimbursed include the following:

- Airfare or train fare for travel in coach or economy class or the lowest available fare.
- Car rental fees, only for compact or mid-sized cars.
- Fares for shuttle or airport bus service, where available; costs of public transportation for other ground travel.
- Taxi fares, only when there is no less expensive alternative.
- Mileage costs for use of personal cars, only when less expensive transportation is not available.
- Cost of standard accommodations in low to mid-priced hotels, motels, or similar lodgings.
- Cost of meals, no more lavish than would be eaten at the employee's own expense.
- Charges for telephone calls, fax, and similar services required for business purposes.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by SWART may not be used for personal use without prior approval.

Cash advances to cover reasonable anticipated expenses may be made to employees, after travel has been approved. Employees should submit a written request to their supervisor when travel advances are needed.

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such non-business travel are the

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responsibility of the employee.

Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, travel advances and reconciliation, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

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### **509 Visitors in the Workplace**

Effective Date: June 1, 2012

To provide for the safety and security of employees and the facilities at SWART, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

All visitors should enter SWART and the appropriate manager be contacted. Authorized visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors.

If an unauthorized individual is observed on SWART's premises, employees should immediately notify their supervisor, or if necessary, direct the individual to the General Manager.

No visitors may ride with employees in company vehicles without prior approval from the General Manager, General Manager and/or Assistant General Manager, or Operations Manager.

For the purpose of this policy, visitors include friends and family. Employees may not ride in company vehicle while off-duty without prior approval.

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### **510 Computer and Email Usage**

Effective Date: June 1, 2012

Computers, computer files, the email system, and software furnished to employees are SWART property intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and email usage may be monitored.

SWART strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, SWART prohibits the use of computers and the email system in ways that are disruptive, offensive to others, or harmful to morale.

For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.

Email may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.

SWART purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, SWART does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on local area networks or on multiple machines according to the software license agreement. SWART prohibits the illegal duplication of software and its related documentation.

Employees should notify their immediate supervisor, the General Manager or any member of management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

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### **511 Internet Usage**

Effective Date: June 1, 2012

Internet access to global electronic information resources on the World Wide Web is provided by SWART to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. While Internet usage is intended for job-related activities, incidental and occasional brief personal use is permitted within reasonable limits as long as it doesn't interfere with daily business.

All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of SWART and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet email messages and other transmissions is accurate, appropriate, ethical, and lawful.

The equipment, services, and technology provided to access the Internet remain at all times the property of SWART. As such, SWART reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.

Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

To ensure a virus-free environment, no files may be downloaded from the Internet without prior authorization of the General Manager or his/her designee.

Abuse of the Internet access provided by SWART in violation of law or SWART policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- Sending or posting discriminatory, harassing, or threatening messages or images

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- Using the organization's time and resources for personal gain
- Stealing, using, or disclosing someone else's code or password without authorization
- Copying, pirating, or downloading software and electronic files without permission
- Sending or posting confidential material, trade secrets, or proprietary information outside of the organization
- Violating copyright law
- Failing to observe licensing agreements
- Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted Internet services and transmissions
- Sending or posting messages or material that could damage the organization's image or reputation
- Participating in the viewing or exchange of pornography or obscene materials
- Sending or posting messages that defame or slander other individuals
- Attempting to break into the computer system of another organization or person
- Refusing to cooperate with a security investigation
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
- Using the Internet for political causes or activities, religious activities, or any sort of gambling
- Jeopardizing the security of the organization's electronic communications systems
- Sending or posting messages that disparage another organization's products or services
- Passing off personal views as representing those of the organization
- Sending anonymous email messages
- Engaging in any other illegal activities

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### **512 Workplace Monitoring**

Effective Date: June 1, 2012

Workplace monitoring may be conducted by SWART to ensure quality control, employee safety, security, and customer satisfaction.

Employees who regularly communicate with customers may have their telephone conversations monitored or recorded. Telephone monitoring is used to identify and correct performance problems through targeted training. Improved job performance enhances our customers' image of SWART as well as their satisfaction with our service.

Computers furnished to employees are the property of SWART. As such, computer usage and files may be monitored or accessed.

SWART believes that safeguarding the personal welfare of its customers and employees, as well as improving customer services and relations is of great importance. In an effort to discourage those behaviors which threaten personal safety or a potential loss of resources, in addition to monitoring for training purposes and in the event of an incident/accident, video surveillance will be enforced.

SWART reserves the right to place video surveillance cameras in vehicles and buildings where necessary and appropriate. SWART respects the privacy of the passengers and employees and takes pains to balance that privacy against overall safety needs. Video footage will at no time be utilized for the financial gain of SWART nor will it be made readily available for public viewing. Cameras have been shown to extend the protection of security and police even when officers are not in an immediate area. Cameras are not a guarantee of safety but are a tool that will be utilized to assist local law enforcement when necessary. Cameras protect passengers and employees from dangers by serving as deterrents, assisting in monitoring and training for employees regarding emergency situations, incidents/accidents, various training components to include customer services, and aiding in investigations as necessary. Cameras are not used to monitor or track the behaviors of passengers and/or employees.

Employees can request access to information gathered through workplace monitoring that may impact employment decisions. Access will be granted unless there is a legitimate business reason to protect confidentiality or an ongoing investigation.

Because SWART is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.



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### **513 Workplace Violence Prevention**

Effective Date: June 1, 2012

SWART is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, SWART has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of SWART without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.

SWART will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, SWART may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

SWART encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the General Manager before the situation escalates into potential violence. SWART is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

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### **514      Ergonomics**

Effective Date: June 1, 2012

SWART has developed an ergonomics program to minimize repetitive motion injuries (RMIs) in the workplace. The primary elements of the ergonomics program include: (1) worksite evaluations, (2) control of exposures that may have caused RMIs, and (3) ergonomics training of employees. The ergonomics program also focuses on educating employees on their personal responsibility to ensure good work habits (such as posture and body Vehicle Technicians) and adequate fitness for work.

RMIs are musculoskeletal injuries, identified and diagnosed by a licensed physician that can result from a job, process, or operation where employees perform the same repetitive motion tasks. Examples of repetitive motion tasks include, but are not limited to, sustained computer keyboard and mouse usage; assembling materials and products; or lifting, carrying, and loading objects.

When more than one RMI has been reported at SWART within a 12-month period that results from a job, process, or operation of identical work activity, a worksite evaluation will be conducted. The evaluation identifies potential exposures that may have caused RMIs and determines the methods SWART will use to control or minimize them. Affected employees will be informed of the potential exposures and trained in the control measures.

Every reasonable effort will be made to correct exposures in a timely manner that may have contributed to RMIs or, if the exposure is not capable of being corrected, to minimize it to the extent feasible. In determining how to correct or minimize exposures, SWART will consider reasonable, cost-effective engineering or administrative controls.

Employees are provided with training that includes an explanation of the ergonomics program, exposures that have been associated with RMIs, the symptoms and consequences of injuries caused by repetitive motion, the importance of reporting symptoms and injuries, and the methods used to minimize RMIs.

All employees are encouraged to immediately report to the Support Services Manager all suspected RMIs, RMI symptoms, or other ergonomic concerns. All employees are required to report to the Support Services Manager all workplace RMIs as soon as possible after they have been identified and diagnosed by a licensed physician.

Post-offer medical examinations may be required for those positions in which there is a bona fide job-related physical requirement. They are given to all persons entering those positions only after conditional job offers to help ensure they are able to perform their duties safely. Medical records will be kept separate and confidential.

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### **601 Medical Leave**

Effective Date: June 1, 2012

SWART provides medical leaves of absence without pay to eligible employees who are temporarily unable to work due to a serious health condition or disability in accordance with all applicable State and Federal laws. For purposes of this policy, serious health conditions or disabilities include inpatient care in a hospital, hospice, or residential medical care facility; continuing treatment by a health care provider; and temporary disabilities associated with pregnancy, childbirth, and related medical conditions.

Employees in the following employment classifications are eligible to request medical leave as described in this policy:

- Regular full-time employees

Eligible employees may request medical leave only after having completed 365 calendar days of service. Exceptions to the service requirement will be considered to accommodate disabilities. Eligible employees should make requests for medical leave to their supervisors at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events.

A health care provider's statement must be submitted verifying the need for medical leave and its beginning and expected ending dates and every 30 calendar days thereafter or as requested. Any changes in this information should be promptly reported to SWART. Employees returning from medical leave must submit a health care provider's verification of their fitness to return to work.

Eligible employees are normally granted leave for the period of the disability, up to a maximum of 12 weeks within any 12 month period. Any combination of medical leave and family leave may not exceed this maximum limit. If the initial period of approved absence proves insufficient, consideration will be given to a request for an extension. Employees will be required to first use any accrued paid leave time before taking unpaid medical leave.

Employees who sustain work-related injuries are eligible for a medical leave of absence for the period of disability in accordance with all applicable laws covering occupational disabilities.

Subject to the terms, conditions, and limitations of the applicable plans, SWART will continue to provide health insurance benefits for the full period of the approved medical leave.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

So that an employee's return to work can be properly scheduled, an employee on medical leave is requested to provide SWART with at least two weeks advance notice of the date the employee intends to

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return to work. When a medical leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If an employee fails to return to work on the agreed upon return date, SWART will assume that the employee has resigned.

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### **602 Family Leave**

Effective Date: June 1, 2012

SWART provides family leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child; or to care for a child, spouse, or parent with a serious health condition in accordance with all applicable State and Federal laws. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

Employees in the following employment classifications are eligible to request family leave as described in this policy:

- Regular full-time employees

Eligible employees may request family leave only after having completed 365 calendar days of service. Eligible employees should make requests for family leave to their supervisors at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events.

Employees requesting family leave related to the serious health condition of a child, spouse, or parent may be required to submit a health care provider's statement verifying the need for a family leave to provide care, its beginning and expected ending dates, and the estimated time required initially and every 30 calendar days thereafter or as required.

Eligible employees may request up to a maximum of 12 weeks of family leave within any 12 month period. Any combination of family leave and medical leave may not exceed this maximum limit. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 30 calendar days. Employees will be required to first use any accrued paid leave time before taking unpaid family leave. Married employee couples may be restricted to a combined total of 12 weeks leave within any 12 month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition.

Subject to the terms, conditions, and limitations of the applicable plans, SWART will continue to provide health insurance benefits for the full period of the approved family leave.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

So that an employee's return to work can be properly scheduled, an employee on family leave is requested

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to provide SWART with at least two weeks advance notice of the date the employee intends to return to work. When a family leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If an employee fails to return to work on the agreed upon return date, SWART will assume that the employee has resigned.

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### **603      Personal Leave**

Effective Date: June 1, 2012

SWART provides leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations. Employees in the following employment classification(s) are eligible to request personal leave as described in this policy:

- Regular full-time employees

Eligible employees may request personal leave only after having completed 365 calendar days of service. As soon as eligible employees become aware of the need for a personal leave of absence, they should request a leave from their supervisor.

Personal leave may be granted for a period of up to 30 calendar days every 2 years. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 15 calendar days. With the supervisor's approval, an employee may take any available sick leave or vacation leave as part of the approved period of leave.

Requests for personal leave will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will be provided by SWART until the end of the month in which the approved personal leave begins. At that time, employees will become responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from personal leave, benefits will again be provided by SWART according to the applicable plans.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

When a personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, SWART cannot guarantee reinstatement in all cases.

If an employee fails to report to work promptly at the expiration of the approved leave period, SWART will assume the employee has resigned.

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### **604 Military Leave**

Effective Date: June 1, 2012

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

The leave will be unpaid, and employees may use any available paid time off for the absence.

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

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

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

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

Contact the General Manager and/or Assistant General Manager for more information or questions about military leave.



# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **605      Pregnancy-Related Absences**

Effective Date: June 1, 2012

SWART will not discriminate against any employee who requests an excused absence for medical disabilities associated with pregnancy. Such leave requests will be evaluated according to the medical leave policy provisions outlined in this handbook and all applicable federal and state laws.

Requests for time off associated with pregnancy and/or childbirth, such as bonding and child care, not related to medical disabilities for those conditions will be considered in the same manner as other requests for unpaid family or personal leave.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **701 Employee Conduct and Work Rules**

Effective Date: June 1, 2012

To ensure orderly operations and provide the best possible work environment, SWART expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

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

- Failure to secure Mobility devices
- Failure to report incidents and accidents immediately
- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking in prohibited areas
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Excessive absenteeism or any absence without notice
- Unauthorized absence from work station during the workday
- Unauthorized use of telephones, mail system, or other employer-owned equipment
- Unauthorized disclosure of business "secrets" or confidential information
- Violation of personnel policies
- Unsatisfactory performance or conduct
- Failure to abide by all State and local traffic laws and regulations
- Conviction of any DWI, misdemeanor and/or felony

Employment with SWART is at the mutual consent of SWART and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **702 Drug and Alcohol Use**

Effective Date: June 1, 2012

It is SWART's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on SWART premises and while conducting business-related activities off SWART premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

To inform employees about important provisions of this policy, SWART has established a drug-free awareness program. The program provides information on the dangers and effects of substance abuse in the workplace, resources available to employees, and consequences for violations of this policy.

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the General Manager and/or Assistant General Manager to receive assistance or referrals to appropriate resources in the community.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all SWART policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause SWART any undue hardship.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify SWART of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the General Manager and/or Assistant General Manager without fear of reprisal.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **703 Sexual and Other Unlawful Harassment**

Effective Date: June 1, 2012

SWART is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, or any other legally protected characteristic will not be tolerated. SWART provides ongoing sexual harassment training to ensure you the opportunity to work in an environment free of sexual and other unlawful harassment.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission or rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

If you experience or witness sexual or other unlawful harassment in the workplace, report it immediately

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

to your supervisor. If the supervisor is unavailable or you believe it would be inappropriate to contact that person, you should immediately contact the General Manager and/or Assistant General Manager or any other member of management. You can raise concerns and make reports without fear of reprisal or retaliation.

All allegations of sexual harassment will be quickly and discreetly investigated. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of the investigation.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the General Manager and/or Assistant General Manager or any member of management so it can be investigated in a timely and confidential manner. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **704 Attendance and Punctuality**

Effective Date: June 1, 2012

To maintain a safe and productive work environment, SWART expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on SWART. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor directly as soon as possible in advance of the anticipated tardiness or absence. If an employee's immediate supervisor is not available then the employee must contact another member of management.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **705 Personal Appearance**

Effective Date: June 1, 2012

Revised Date: August 30, 2017

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image SWART presents to customers and visitors.

During business hours or when representing SWART, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position and accepted social standards. This is particularly true if your job involves dealing with customers or visitors in person.

If your supervisor or another member of management feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstance, you will not be compensated for the time away from work. Consult your supervisor if you have questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be made to a person with a disability.

Employees will receive SWART uniforms annually at the cost of the district if funding permits. Any replacements needed due to loss, damage, or sizing before the annual replacement date, replacement garments will be at the cost of the employee. If during the introductory period a new hire is terminated or resigns before the end of their 180 days, he or she will reimburse the agency for the cost of the uniforms through garnishment of their final payroll check.

Without unduly restricting individual tastes, the following personal appearance guidelines should be followed:

- Shoes must provide safe, secure footing, and offer protection against hazards. No flip flops or leisure sandals.
- Operators shall be required to wear agency provided uniforms and an easily identifiable company name tag. They must wear appropriate shoes to ensure safety. Open toe shoes and sandals are not permitted. (See SWART Safety Policy)
- Tank tops, spaghetti straps, tube or halter tops, or shorts may not be worn under any circumstances.
- Mustaches and beards must be clean, well-trimmed, and neat.
- Hairstyles are expected to be in good taste and present an appropriate professional appearance.
- Offensive body odor and poor personal hygiene is not professionally acceptable.
- Perfume, cologne, and aftershave lotion should be used moderately or avoided altogether, as some individuals may be sensitive to strong fragrances.
- Jewelry should not be functionally restrictive, dangerous to job performance, or excessive.
- Tattoos must be covered at all times.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **706 Return of Property**

Effective Date: June 1, 2012

Revised Date: August 30, 2017

Employees are responsible for items issued to them by SWART or in their possession or control, to include but not limited to the following:

- fuel cards
- cell phones and related equipment (wall charger, phone case, car charger, blue tooth
- identification badges
- fares and sales of pre-paid passes/tickets
- petty cash receipts and balance
- keys
- completed paperwork
- fuel receipts
- bank bag
- pre-paid passes/tickets issued to employee
- uniforms
- vehicles and other equipment
- electronic tablets

Employees must return all SWART property immediately upon request or upon termination of employment. Where permitted by applicable laws, SWART may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. SWART may also take all action deemed appropriate to recover or protect its property.



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## **Personnel Handbook**

### **707      Resignation**

Effective Date: June 1, 2012

Resignation is a voluntary act initiated by the employee to terminate employment with SWART. Although advance notice is not required, SWART requests at least 2 weeks' written resignation notice from all employees.

Prior to an employee's departure, an exit interview may be scheduled to discuss the reasons for resignation and the effect of the resignation on benefits.

If an employee does not provide advance notice as requested, the employee may be considered ineligible for rehire. The General Manager may make an individual eligible in spite of short or no notice in cases where special circumstances exist.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **708 Security Inspections**

Effective Date: June 1, 2012

SWART wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, SWART prohibits the possession, transfer, sale, or use of such materials on its premises. SWART requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the conveniences of employees, but remain the sole property of SWART. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of SWART at any time, either with or without prior notice.

SWART likewise wishes to discourage theft or unauthorized possession of the property of employees, SWART, visitors, and customers. To facilitate enforcement of this policy, SWART or its representative may inspect not only desks and lockers but also persons entering and/or leaving the premises and any packages or other belongings. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto SWART's premises.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **709 Solicitation**

Effective Date: June 1, 2012

In an effort to ensure a productive and harmonious work environment, persons not employed by SWART may not solicit or distribute literature in the workplace at any time for any purpose.

SWART recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. (Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.)

In addition, the posting of written solicitations on company bulletin boards is prohibited. Bulletin boards are reserved for official organization communications on such items as:

- Drug and Alcohol Policy
- Affirmative Action statement
- Employee announcements
- Internal memoranda
- Job openings
- Payday notice
- Workers' compensation insurance information
- State disability insurance/unemployment insurance information

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **710 Drug Testing**

Effective Date: June 1, 2012

Revised Date: August 30, 2017

SWART is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthful working environment, employees may be asked to provide body substance samples (such as urine and/or blood) to determine the illicit or illegal use of drugs and alcohol. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment.

Copies of the drug testing policy will be provided to all employees. Employees will be asked to sign an acknowledgement form indicating that they have received a copy of the drug testing policy. Questions concerning this policy or its administration should be directed to the General Manager.

If a new hire does not remain within the time frame of their 180 introductory period either by termination or resignation, her or she will reimburse the agency via garnishment on their final payroll check for the cost of the drug test.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **711 Progressive Discipline**

Effective Date: June 1, 2012

The purpose of this policy is to state SWART's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

SWART's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Although employment with SWART is based on mutual consent and both the employee and SWART have the right to terminate employment at will, with or without cause or advance notice, SWART may use progressive discipline at its discretion.

Disciplinary action may call for any of four steps -- verbal warning, written warning, suspension with or without pay, or termination of employment -- depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension; and, still another offense may then lead to termination of employment. If more than 12 months have passed since the last disciplinary action, the process will normally start over.

SWART recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, the Employee Conduct and Work Rules policy includes examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline.

By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and SWART.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **712 Problem Resolution**

Effective Date: June 1, 2012

SWART is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from SWART supervisors and management.

SWART strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practices, they can express their concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with SWART in a reasonable, business-like manner, or for using the problem resolution procedure.

If a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps. The employee may discontinue the procedure at any step. The General Manager and/or Assistant General Manager is available to counsel and advise employee and assist in resolution process. If necessary the General Manager and/or Assistant General Manager will assist in putting problem in writing, visits with employee's manager(s) and the General Manager.

Employee presents problem to immediate supervisor within 7 calendar days, after incident occurs. If supervisor is unavailable or employee believes it would be inappropriate to contact that person, employee may present problem to General Manager and/or Assistant General Manager or any other member of management.

Supervisor responds to problem during discussion, after consulting with appropriate management, when necessary. Supervisor documents discussion.

Employee presents problem to General Manager, if problem is unresolved.

General Manager reviews and considers problem. General Manager informs employee of decision and forwards a copy of written response to General Manager and/or Assistant General Manager for employee's file. The General Manager has full authority to make any adjustment deemed appropriate to resolve the problem.

If the General Manager is not able to resolve the problem then the employee may meet with the Personnel Committee of the Board to resolve the problem. The Personnel Committee informs employee of decision and forwards a copy of written response to General Manager and/or Assistant General Manager for employee's file. The Personnel Committee has full authority to make any adjustment deemed appropriate

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

to resolve the problem.

The final step is to present the problem(s) to the full SWART Board of Directors for resolution. The decision of the Board is final.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment, and helps to ensure everyone's job security.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **713 Workplace Etiquette**

Effective Date: June 1, 2012

SWART strives to maintain a positive work environment where employees treat each other with respect and courtesy. Sometimes issues arise when employees are unaware that their behavior in the workplace may be disruptive or annoying to others. Many of these day-to-day issues can be addressed by politely talking with a co-worker to bring the perceived problem to his or her attention. In most cases, common sense will dictate an appropriate resolution. SWART encourages all employees to keep an open mind and graciously accept constructive feedback or a request to change behavior that may be affecting another employee's ability to concentrate and be productive.

The following workplace etiquette guidelines are not necessarily intended to be hard and fast work rules with disciplinary consequences. They are simply suggestions for appropriate workplace behavior to help everyone be more conscientious and considerate of co-workers and the work environment. Please contact the General Manager and/or Assistant General Manager if you have comments, concerns, or suggestions regarding these workplace etiquette guidelines.

- Return copy machine and printer settings to their default settings after changing them.
- Replace paper in the copy machine and printer paper trays when they are empty.
- Retrieve print jobs in a timely manner and be sure to collect all your pages.
- Be prompt when using the manual feed on the printer.
- Keep the area around the copy machine and printers orderly and picked up.
- Be careful not to take or discard others' print jobs or faxes when collecting your own.
- Avoid public accusations or criticisms of other employees. Address such issues privately with those involved or your supervisor.
- Be conscious of how your voice travels, and try to lower the volume of your voice when talking on the phone or to others in open areas.
- Keep socializing to a minimum, and try to conduct conversations in areas where the noise will not be distracting to others.
- Minimize talking between workspaces or over cubicle walls. Instead, conduct conversations with others in their workspace.
- Try not to block walkways while carrying on conversations.
- Refrain from using inappropriate language (swearing) that others may overhear.
- Avoid discussions of your personal life/issues in public conversations that can be easily overheard.
- Monitor the volume when listening to music, voice mail, or a speakerphone that others can hear.
- Clean up after yourself and do not leave behind waste or discarded papers.



# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **714 Lost or Damage Equipment**

Effective Date: September 22, 2015

Employees will be financially responsible for replacing any lost or damaged items/equipment (other than normal wear and tear) including but not limited to:

- Cell phones
- Charge cords
- Tablets
- Desk Top Computers
- Laptops
- Printers
- Handheld Radios

Employees may reimburse the district in full or set up a payment plan to be garnished from their pay check through a reasonable timeframe as approved by the General Manager.

Reimbursement amount will be at the most current value of the item/equipment.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **801 Life-Threatening Illnesses in the Workplace**

Effective Date: June 1, 2012

Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. SWART supports these endeavors as long as employees are able to meet acceptable performance standards. As in the case of other disabilities, SWART will make reasonable accommodations in accordance with all legal requirements, to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

Medical information on individual employees is treated confidentially. SWART will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

Employees with questions or concerns about life-threatening illnesses are encouraged to contact the General Manager and/or Assistant General Manager.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **802 Suggestion Program**

Effective Date: June 1, 2012

As employees of SWART, you have the opportunity to contribute to our future success and growth by submitting suggestions for practical work-improvement or cost-savings ideas.

All regular employees are eligible to participate in the suggestion program.

A suggestion is an idea that will benefit SWART by solving a problem, reducing costs, improving operations or procedures, enhancing customer service, eliminating waste or spoilage, or making SWART a better or safer place to work. Statements of problems without accompanying solutions, or recommendations concerning co-workers and management are not appropriate suggestions.

All suggestions should contain a description of the problem or condition to be improved, a detailed explanation of the solution or improvement, and the reasons why it should be implemented. If you have questions or need advice about your idea, contact your supervisor for help.

Submit suggestions to the General Manager and/or Assistant General Manager. As soon as possible, you will be notified of the adoption or rejection of your suggestion.

Special recognition will be given to employees who submit a suggestion that is implemented.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **803      Amendments**

Effective Date: June 1, 2012

Amendments or changes may be recommended at any regular Board Meeting or its designated committee. After study, any proposed amendment may be voted on at any regular meeting, provided that all members of the Board have been notified at least 5 days in advance that a change has been placed on the agenda.

# ***Southwest Area Regional Transit District***

## **Personnel Handbook**

### **804 Incentives**

Effective Date: September 22, 2015

In rewarding its employees when feasibly possible, the district will consider the following incentives:

- New Hire Referral Incentive – when an employee has referred a potential employee for hire and they have been hired and remain employed for at least 6 months.
- Marketing Referral Incentive – when an employee has personally referred a vendor to market their business with the district for at least six months through its marketing program.
- Employee of the Month – as recommended by District Supervisors for employees who have shown efforts beyond their required job duties.
- Safety Incentive – for those employees covered by the district's vehicle insurance carrier that have had no accidents within a six month period while actually driving district vehicles.
- Holiday Incentive:
  - Full Time Employees to receive up to \$100 for each year employed with the district up to 5 years.
  - Part Time Employees and/or Substitute Employees to receive up to \$50 for each year employed with the district up to 5 years.
  - Employees must be employed with the district for at least one year.
  - Employee must not have any disciplinary actions on file for at least one year from the date of the holiday incentive.
  - Employee must have at least a satisfactory annual evaluation for the most recent evaluation on file.

All incentives are contingent upon funding and budget status. Any incentives planned must be included in board approved annual program projected budgets and/or budget revisions.



# TITLE VI PLAN

## Southwest Area Regional Transit District

Revised By Board of Directors: August 30, 2017

Revised by Board of Directors: August 21, 2019

## **Title VI Plan Table of Contents**

The **Southwest Area Regional Transit District** Title VI plan includes the following elements:

1. Plan Approval and Revision Log
2. Description of Service
3. Policy Statement
4. Notice to the Public
5. Complaint Procedure
6. Complaint Form
7. List of transit related Title VI Investigations, Complaints and Lawsuits
8. Public Participation Plan
9. Language Assistance Plan
10. Minority Representation Table and Description
11. MPO Requirements

**Section 1: Title VI Plan Approval**

Title VI Plan Adopted on:  
August 30, 2017

Adopted by:  
Southwest Area Regional Transit District Board of Directors



**Title VI Plan Revision Log**

<b>Date</b>	<b>Section Revised</b>	<b>Summary of Revisions</b>
08-21-2019	Section 2: Description of Organization and Service Provided	Revised mission and vision statements. Change number of SWART employees.

## **Section 2: Description of Organization and Service Provided**

The Southwest Area Region Transit District as a recipient of Federal Transit Administration (FTA) grant dollars either directly from FTA or through the Texas Department of Transportation (TxDOT) will comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the U.S. Department of Transportation implementing regulations

**Mission:** To provide safe, reliable public transportation with integrity to guide mobility enhancements in support of our communities' quality of life to benefit local economic development.

**Vision:** Be the leader in quality public transportation in the Southwest Region.

**Moto:** El Paseo-The Heartbeat of the Southwest Region.

SWART provides rural public transportation, non-emergency medical Medicaid transportation, workforce transportation, and throughout the region. Demand response, deviated routes, door-to-door services, and various routes (both locally and out-of-area) are provided to the general public for a small fee. Scheduling and dispatching of routes are performed centrally with two dispatch office located in the City of Uvalde and the City of Eagle Pass. SWART is unique in its operation due to its in-house mechanics and maintenance facilities located in Uvalde and Eagle Pass. The service is also enhanced due to two multimodal faculties located in Uvalde and Eagle Pass, one transit terminal located in Crystal City, one Park & Ride Facility located in Uvalde, and transit satellite offices located in Rocksprings and Brackettville.

SWART employees anywhere from 30-45 transit related employees. SWART's vehicle fleet inventory is currently at 52 vehicles. A total revenue vehicles utilized daily ranges from 45-28. SWART traditionally has a spare ratio of 6-8%. SWART has a total of 4 support vehicles as well.

### **Section 3: Title VI Policy Statement**

#### **Policy Statement**

The **Southwest Area Regional Transit District**, as a recipient of Federal Transit Administration (FTA) grant dollars either directly from FTA or through the Texas Department of Transportation (TxDOT), will comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the U.S. Department of Transportation implementing regulations, FTA Circular 4702.1B, and TxDOT PTN requirements as specified in Master Grant Agreement, and State Management Plan.

## TITLE VI Notice to the Public

The Southwest Area Regional Transit District's Notice to the Public is as follows:

### Notifying the Public of Rights Under Title VI THE Southwest Area Regional Transit District

- ✓ The Southwest Area Regional Transit District operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Southwest Area Regional Transit District.
- ✓ For more information on the Southwest Area Region Transit District's civil rights program, and the procedures to file a complaint, contact 800-499-1617, (TTY 800-4991617); email [scook@paseoswart.org](mailto:scook@paseoswart.org); or visit our administrative office at 713 East Main Street, Uvalde, Texas 78801 For more information, visit [www.paseoswar.org](http://www.paseoswar.org)
- ✓ A complaint may also be filed directly with the:  
  
Texas Department of Transportation, Attn: TxDOT-PTN, 125 E. 11<sup>th</sup> Street, Austin, TX 78701-2483, or  
  
Federal Transit Administration, Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., SE Washington, DC, 20590.
- ✓ If information is needed in another language, contact 800-499-1617.
- ✓ Si se necesita informacion en otro idioma de contacto, 800-499-1617.

The Southwest Area Regional Transit District's Notice to the Public is posted in the following locations:  
(check all that apply)

- X Agency website: [www.paseoswart.org](http://www.paseoswart.org)
- X Public office
- X Reception areas
- ☐ Meeting rooms
- X Inside vehicles
- X Rider Guides/Schedules
- ☐ Transit shelters and stations
- ☐ Other, \_\_\_\_\_

## TÍTULO VI Notificación al público

Aviso del Southwest Area Regional Transit District's Superficie al público es el siguiente:

### Notificación al público de los derechos bajo el Título VI

#### Southwest Area Regional Transit District

El suroeste del Área Regional de Tránsito del Distrito opera sus programas y servicios, sin distinción de raza, color y origen nacional, de conformidad con el Título VI de la Ley de Derechos Civiles. Cualquier persona que cree que él o ella ha sido perjudicada por una práctica discriminatoria ilegal bajo el Título VI, puede presentar una queja ante el suroeste Área Regional Transit District.

- Para obtener más información sobre el programa de derechos civiles de la Región del Área de Tránsito del Distrito Sudoeste 's, y los procedimientos para presentar una queja, el contacto 800-499-1617, (TTY 800-4991617); Correo electrónico scook@paseoswar.org. ;O visite nuestra oficina administrativa en 713 East Main Street, Uvalde, Texas 78801 Para obtener más información, visite [www.paseoswar.org](http://www.paseoswar.org)
- También se puede presentar una queja directamente con:  
Departamento de Transporte, la atención de Tejas: TxDOT-PTN, 125 E. 11<sup>th</sup> Street, Austin, TX 78.701 a 2.483, o Administración Federal de Tránsito, Oficina de Derechos Civiles, Atención: Coordinador del Programa Titulo VI, Edificio Este, 5<sup>o</sup> Piso-TCR, 1200 New Jersey Ave., SE Washington, DC, 20590.
- Si necesita información en otro idioma, llame al 800-499-1617.
- Si  
Se Necesita Informacion En Otro idioma de contacto, 800499-1617.

Aviso del Área Regional de Tránsito del Distrito Sudoeste al público se puede encontrar en los siguientes lugares: *(marque lo que corresponda)*

- X Sitio web de la Agencia: [www.paseoswar.org](http://www.paseoswar.org)
- X Oficinas públicas
- X Áreas de recepción
- Salas de reuniones
- X Dentro de los vehículos
- X Guías / Horarios
- Refugios y estaciones de tránsito
- Otros, \_\_\_\_\_

## Title VI Complaint Procedure

The **Southwest Area Regional Transit District's** Title VI Complaint Procedure is made available in the following locations: *(check all that apply)*

X Agency website: [www.paseoswart.org](http://www.paseoswart.org)

X Public office

X Reception areas

☐ Meeting rooms

X Available in appropriate languages for LEP populations, meeting the Safe Harbor Threshold. ☐ Other,

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Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the **Southwest Area Regional Transit District** may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. Complaint forms can be found at: [www.paseoswart.org](http://www.paseoswart.org), or requested at: 713 East Main Street, Uvalde, Texas 78801

The **Southwest Area Regional Transit District** investigates complaints received no more than 180 days after the alleged incident. The **Southwest Area Regional Transit District** will process complaints that are complete.

Once the complaint is received, the **Southwest Area Regional Transit District** will review it to determine if our office has jurisdiction. (A copy of each Title VI complaint received will be forwarded to TxDOT Public Transportation Coordinator within ten (10) calendar days of receipt.) The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

The **Southwest Area Regional Transit District** has 10 business days to investigate the complaint. If more information is needed to resolve the case, Southwest Area Regional Transit District may contact the complainant.

The complainant has 5 business days from the date of the letter to send requested information to the investigator assigned to the case.

If the investigator is not contacted by the complainant or does not receive the additional information within 5 business days, Southwest Area Regional Transit District can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two (2) letters to the complainant: a closure letter or a letter of finding (LOF).

- ✓ A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed.
- ✓ A letter of finding (LOF) summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur.

If the complainant wishes to appeal the decision, she/he has 5 business days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the: Texas Department of Transportation, Attn: TxDOTPTN, 125 E. 11th Street, Austin, TX 78701-2483, or Federal Transit Administration, Office of Civil

Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE Washington, DC, 20590.

If information is needed in another language, then contact 800-499-1617.

Si se necesita informacion en otro idioma de contacto, 800-499-1617

## **Procedimiento de Queja del Título VI**

Procedimiento de Quejas del Título VI del **Distrito Regional de Tránsito del suroeste de la zona** se pone a disposición en los siguientes lugares: *(marque todo lo que corresponda)*

Sitio web de la Agencia X: [www.paseoswart.org](http://www.paseoswart.org)

La función pública X

X zonas de recepción

Salas de reuniones

X Disponible en los idiomas apropiados para las poblaciones LEP, reunidos en el umbral de seguridad.

Otros, \_\_\_\_\_

Cualquier persona que se cree o se le ha discriminado por motivos de raza, color u origen nacional por parte del **suroeste Área Regional Transit District**, puede presentar una queja del Título VI, completando y enviando el Formulario de Quejas del Título VI de la agencia. Los formularios de quejas pueden ser encontrados en: [www.paseoswart.org](http://www.paseoswart.org), o solicitados en: 713 East Main Street, Uvalde, Texas 78801

El **suroeste del Área Regional de Tránsito del Distrito** investiga las quejas recibidas no más de 180 días después del supuesto incidente. El **Área Regional de Tránsito del Distrito Sudoeste** procesará quejas que son completos.

Una vez recibida la queja, el **Área Regional de Tránsito del Distrito Sudoeste** la revisará para determinar si nuestra oficina tiene jurisdicción. (Una copia de cada una de las reclamaciones recibidas en el Título VI será enviada al Coordinador de Transporte Público de TxDOT dentro de los diez (10) días calendario de recibida). El reclamante recibirá una carta de reconocimiento informándole si la investigación será investigada por nuestra oficina.

El **suroeste del Área Regional de Tránsito del Distrito** tiene 10 días hábiles para investigar la queja. Si se necesita más información para resolver el caso, el Distrito Regional de Tránsito del Área Sudoeste puede contactar al reclamante.

El reclamante tiene 5 días hábiles a partir de la fecha de la carta para enviar la información solicitada al investigador asignado al caso.

Si el investigador no es contactado por el demandante o no recibe la información adicional dentro de los 5 días hábiles, el Distrito Regional de Tránsito del Área Sudoeste puede cerrar administrativamente el caso. Un caso puede ser administrativamente cerrado también si el demandante ya no desea seguir su caso.

Después de que el investigador revise la queja, emitirá una de las dos (2) cartas al demandante: una carta de cierre o una carta de hallazgo (LOF).

- Una carta cierre resume las acusaciones y afirma que no hubo una violación del Título VI y que el caso se cerrará.



- Una carta de encontrar (LOF) resume las alegaciones y las entrevistas sobre el supuesto incidente, y explica si posibles medidas disciplinarias, se producirá una formación adicional del miembro del personal, u otra acción.

Si el querellante desea apelar la decisión, tiene 5 días hábiles después de la fecha de la carta o del LOF para hacerlo.

Una persona puede también presentar una queja directamente con: Departamento de Transporte de Texas, a la atención de: TxDOT-PTN, 125 E. 11th Street, Austin, TX 78701-2483, o Administración Federal de Tránsito, Oficina de Derechos Civiles, Atención: Title VI Program Coordinador, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE Washington, DC, 20590.

.Si se necesita informacion en otro idioma de contacto, 800-499-1617



## Title VI Complaint Form

The **Southwest Area Regional Transit District's** Title VI Complaint Procedure is made available in the following locations: *(check all that apply)*

- X Agency website  
X Hard copy in the central office  
X Available in appropriate languages for LEP populations, meeting the Safe Harbor Threshold. ☐ Other, \_\_\_\_\_

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Email Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
<b>Section II:</b>				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party: _____				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
<b>Section III:</b>				
I believe the discrimination I experienced was based on (check all that apply): <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin Date of Alleged Discrimination (Month, Day, Year): _____ Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form. _____ _____				
<b>Section IV</b>				
Have you previously filed a Title VI complaint with this agency?			Yes	No
<b>Section V</b>				
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, check all that apply:				

<input type="checkbox"/> Federal _____ <input type="checkbox"/> Federal _____ <input type="checkbox"/> State _____ _____	Agency: _____ Court <input type="checkbox"/> State Agency _____ Court <input type="checkbox"/> Local Agency _____ _____
Please provide information about a contact person at the agency/court where the complaint was filed.	
<b>Name:</b> _____	
<b>Title:</b> _____	
<b>Agency:</b> _____	
<b>Address:</b> _____	
<b>Telephone:</b> _____	
<b>Section VI</b>	
Name of agency complaint is against: _____	
Contact person: _____	
Title: _____	
Telephone number: _____	

If this form is needed in a different language, please contact the General Manager at 830-278-4155.

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature	Date

Please submit this form in person at the address below, or mail this form to:

**Southwest Area Region Transit District Sarah Hidalgo-Cook, CCTM, General Manager**  
**713 East Main Street**

## Formulario de Queja del Título VI

Procedimiento de Quejas del Título VI del Distrito Regional de Tránsito del suroeste de la zona se pone a disposición en los siguientes lugares: *(marque todo lo que corresponda)*

X Sitio web de la Agencia

X copia dura en la oficina central

X disponible en los idiomas apropiados para las poblaciones LEP, reunidos en el umbral de seguridad.

Otros, \_\_

<b>Sección I:</b>			
Nombre:			
Dirección:			
Teléfono (casa):		Teléfono (Trabajo):	
Dirección de correo electrónico:			
Requisitos de formato accesible?	Impresión grande	Cinta de audio	
	TDD	Otro	
<b>Sección II:</b>			
¿Está presentando esta queja en su propio nombre?		Sí*	No
* Si respondió "sí" a esta pregunta, vaya a la Sección III.			
En caso contrario, sírvase indicar el nombre y la relación de la persona por la que se queja:			
Por favor, explique por qué ha presentado un tercero:			
Por favor, confirme que ha obtenido el permiso de la parte agraviada si está presentando en nombre de un tercero. Sí No			
<b>Sección III:</b>			
Creo que la discriminación que experimenté se basó en (marque todos los que apliquen):			
<input type="checkbox"/> Raza <input type="checkbox"/> Color <input type="checkbox"/> Origen Nacional			
Fecha de la supuesta discriminación (mes, día, año): _____			
Explique lo más claramente posible lo que sucedió y por qué cree que fue discriminado. Describa a todas las personas involucradas. Incluya el nombre y la información de contacto de la persona (s) que discriminó (si se conoce), así como nombres e información de contacto de cualquier testigo. Si necesita más espacio, utilice la parte posterior de este formulario.			
<div style="border-bottom: 1px solid black; height: 15px; width: 100%;"></div> <div style="border-bottom: 1px solid black; height: 15px; width: 100%;"></div>			
<b>Sección IV</b>			

¿Ha presentado anteriormente una queja de Título VI con esta agencia?	Sí	No
<b>Sección V</b>		
¿Ha presentado esta queja ante cualquier otra agencia federal, estatal o local, o ante cualquier tribunal federal o estatal?		
<input type="checkbox"/> Si no		
En caso afirmativo, marque todas las que correspondan:		
<input type="checkbox"/> Agencia Federal:		
<input type="checkbox"/> Corte federal <input type="checkbox"/> Agencia del estado		
<input type="checkbox"/> Tribunal del Estado <input type="checkbox"/> Agencia Local		
Proporcione información sobre una persona de contacto en la agencia / tribunal donde se presentó la queja.		
<b>Nombre:</b>		
<b>Título:</b>		
<b>Agencia:</b>		
<b>Dirección:</b>		
<b>Teléfono:</b>		
<b>Sección VI</b>		
El nombre de la queja de la agencia está en contra:		
Persona de contacto:		
Título:		
Número de teléfono:		

Si este formulario es necesario en otro idioma, por favor comuníquese con el Gerente General al 830-278-4155.

Usted puede adjuntar cualquier material escrito u otra información que considere relevante para su queja.

Firma y fecha requerida abajo

\_\_\_\_\_

Fecha de firma

Por favor envíe este formulario en persona a la dirección abajo, o envíe este formulario por correo a:

**Región del Sudoeste Distrito de tránsito de la región**

**Sarah Hidalgo-Cook, CCTM, Gerente General**

**713 East Main Street**

**Uvalde, Texas 78801 830-278-4155 x 3009 o 800-499-1617 x 3009 [Scook@paseoswart.org](mailto:Scook@paseoswart.org)**

## List of Transit Related Title VI Investigations, Complaints and Lawsuits

The **Southwest Area Regional Transit District** maintains a list or log of all Title VI investigations, complaints and lawsuits, pertaining to its transit-related activities.

### Check One:

X There have been no investigations, complaint and/or lawsuits filed against us since the last plan submission.

\_\_\_\_\_

There have been investigations, complaints and/or lawsuits filed against us. *See list below. Attach additional information as needed.*

\_\_\_\_\_

	<b>Date</b> (Month, Day, Year)	<b>Summary</b> (include basis of complaint: race, color, or national origin)	<b>Status</b>	<b>Action(s) Taken</b>
<b>Investigations</b>				
1.				
<b>Lawsuits</b>				
1.				
<b>Complaints</b>				
1.				

## Public Participation Plan

### Strategies and Desired Outcomes

To promote inclusive public participation, the **Southwest Area Regional Transit District** will employ the following strategies, as appropriate:

- ✓ Provide for early, frequent and continuous engagement by the public.
- ✓ Select accessible and varied meeting locations and times
- ✓ Employ different meeting sizes and formats
- ✓ Provide childcare and food during meetings, if possible.



- ✓ Use social media in addition to other resources as a way to gain public involvement
- ✓ Use radio, television or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations may also include audio programming available on podcasts.
- ✓ Expand traditional outreach methods by visiting ethnic stores/markets and restaurants, community centers, libraries, faith-based institutions, local festivals, etc.

### Public Outreach Activities

The public outreach and involvement activities conducted by the **Southwest Area Regional Transit District** since the last Title VI Program submission are summarized in the table below.

Enter specific Public Participation activities in the table below.

Event Date	Southwest Area Region Transit District Staffer(s)	Event	Date Publicized and Communication Method (Public Notice, Posters, Social Media)	Outreach Method (Meeting, Focus Group, Survey, etc).	Notes (Meeting size and format, location, Number of Attendees, etc.)
4-28-15	Sarah Cook	Town Hall Meeting	4-19-15 News Release	Meeting – Uvalde	15 attendees
6-22-15	Sarah Cook	Public Forum	6-17-15 Public Notice	Meeting – Zavala	No Show Attendees
6-23-15	Sarah Cook	Public Forum	6-18-15 Public Notice	Meeting – Uvalde	No Show Attendees
7-6-15	Cindy Rodriguez	Public Forum	7-2-15 Public Notice	Meeting – Maverick	No Show Attendees
7-9-15	Sarah Cook	Public Forum	7-8-15 Public Notice	Meeting – Dimmit	4 attendees
7-13-15	Sarah Cook	Public Forum	7-8-15 Public Notice	Meeting – Real	No Show Attendees
7-15-15	Sarah Cook	Public Forum	7-8-15 Public Notice	Meeting – Kinney	2 Attendees
7-20-15	Richard Carr	Health/School Fair	Posters, Social Media	Fair – La Pryor	50+ Attendees
7-20-15	Richard Carr	Health/School Fair	Posters, Social Media	Fair – Batesville	30 Attendees
7-28-15	Mindy Silva	Health/School Fair	Posters, Social Media	Fair – Camp Wood	30+ Attendees
7-29-15	Sarah Cook	Public Forum	7-22-15 Public Notice	Meeting – Edwards	1 Attendee
7-30-15	Carlos Mallen	Health/School Fair	Posters, Social Media	Fair – Eagle Pass	300+ Attendees
8-3-15	Mindy Silva	Health/School Fair	Posters, Social Media	Fair – Rocksprings	50+ Attendees
8-5-15	Sarah Cook	Health/School Fair	Posters, Social Media	Fair – Crystal City	200+ Attendees
8-10-15	Barbara Avila	Health/School Fair	Posters, Social Media	Fair – Brackettville	50+ Attendees
8-12-15	Liz Mirelez	Health/School Fair	Posters, Social Media	Fair – Quemado	50+ Attendees
8-13-15	Ricard Carr	Health/School Fair	Posters, Social Media	Fair – Carrizo Springs	200+ Attendees
8-14-15	Richard Carr	Health/School Fair	Posters, Social Media	Fair – Uvalde	300+ Attendees

8-27-15	Sarah Cook	Public Forum	8-19-15 Public Notice	Meeting – La Salle	1 Attendee
10-1-15	Sarah Cook	Regional KDC Meeting	Open Invitation	Focus Group	10 Attendees
10-27-15	Sarah Cook	Regional Meeting	Scheduled Quarterly	Stakeholders Meeting	19 Attendees
10-28-15	Sarah Cook	Presentation	Invited by MRGDC	Focus Group	25 Attendees
11-10-15	Carlos Mallen	Public Forum	Public Notice – Nov 2 & 9	Meeting- Maverick	No Show Attendees
11-11-15	Sarah Cook	Public Forum	Public Notice – Nov 2 & 9	Meeting – La Salle	6 Attendees
11-12-15	Cindy Rodriguez	Public Forum	Public Notice – Nov 2 & 9	Meeting – Kinney	No Show Attendees
11-16-15	Sarah Cook	Public Forum	Public Notice – Nov 2 & 9	Meeting – Uvalde	No Show Attendees
11-17-15	Sylva Uriegas	Public Forum	Public Notice – Nov 2 & 9	Meeting – Dimmit	2 Attendees
11-17-15	Sylvia Uriegas	Public Forum	Public Notice – Nov 2 & 9	Meeting – Zavala	No Show Attendees
11-18-15	Richard Carr	Presentation	Open Invitation	Focus Group	27 Attendees
11-18-15	Richard Carr	Public Forum	Public Notice – Nov 2 & 9	Meeting – Real	No Show Attendees
11-19-15	Sarah Cook	Public Forum	Public Notice – Nov 2 & 9	Meeting – Val Verde	Pending
11-19-15	Cindy Rodriguez	Public Forum	Public Notice – Nov 2 & 9	Meeting – Edwards	Pending
2-18-16	Richard Carr	Community Meeting	Open Invitation	Meeting – Uvalde	Job Fair
2-20-16	Richard Carr	Women's Health Fair	Open Invitation	Fair – Kinney	30 Attendees
2-23-16	Suzie Rivera	Veterans Health Fair	Open Invitation	Fair – All Counties	21 Attendees
2-24-16	Richard Carr	Presentation	Open Invitation	Presentation – Uvalde	11 Attendees
6-13-16	Sarah Cook	Presentation	Open Invitation	Real Co. Commissioners	12 Attendees
6-13-16	Sarah Cook	Presentation	Commissioners Court	Meeting	12 attendees
7-11-16	Sarah Cook	Presentation	Commissioners Court	Meeting	15 attendees
7-12-16	Sarah Cook	Presentation	Commissioners Court	Meeting	10 Attendees
10-4-16	Sarah Cook	Presentation	National Night Out	Uvalde Services	74 attendees
11-2-16	Sarah Cook	Presentation	Presentation Community Coffee	SWART Services	25 attendees
2-15-17	Carlos Mallen	Presentation	Invited by Uvalde Housing Authority	Tennent Meeting	10 attendees
6-29-17	Sarah Cook	Meeting	Veterans Focus Group	Veterans Issue	10 Attendees
8-16-17	Carlos Mallen	Town Hall Meeting	Invited by Del Rio Veterans	Meeting – Val Verde	22 attendees
8-18-17	Sarah Cook	Regional Veterans Meeting	Invited by MRGDC	Meeting	12 attendees
8-28-17	Carlos Mallen	Presentation	Invited by Uvalde Nutrition Center	Participants Presentation	30 attendees
9-6-17	Carlos Mallen	Presentation	Invited by Crystal City Elderly Nutrition Center	Participants Presentation	25 participants



9-26-17	Carlos Mallen	Presentation	Invited by Brackettville Nutrition Center	Participants Presentation1	2 attendees
9-27-17	Carlos Mallen	Presentation	Invited by CSA	Town Hall Meeting	30 Attendees
9-28-17	Sarah Cook	Meeting	Veterans Focus Group	Veterans Issues	5 Attendees
10-3-17	Carlos Mallen	Presentation	Invited by Sabinal Nutrition Center	Participant Presentation	12 attendees
10-4-17	Carlos Mallen	Presentation	Invited by Cotulla Nutrition Center	Participant Presentation	22 Attendees
10-5-17	Carlos Mallen	Presentation	Invited by La Pryor Nutrition Center	Participant Presentation	6 Attendees
10-5-17	SWART	Public Notice	Phase 2 Eagle Pass Property Bid	Eagle Pass and Uvalde	General Public
10-8-17	SWART	Public Notice	Phase 2 Eagle Pass Property Bid	Eagle Pass and Uvalde	General Public
10-17-17	Carlos Mallen	Presentation	Batesville elderly Nutrition Center	Participants Presentation	10 Attendees
11-9-17	Carlos Mallen Cindy Rodriguez Frank Villalobos	Veterans Job Fair Regional Even	Invited by MRGDC Held in Del Rio 10 AM to 2 PM	Disseminated program and service information	Over 89 attendees
February 2018	Public Notice	Route and Fare Changes	New routes and fare rates	Local Newspapers in the region	General public
6-5-18	Carlos Mallen	Presentation	Invited by Kids are First	Presentation on Services	17 attendees
6-6-18	SWART	Open House	Uvalde	Advertised in Uvalde Leader News	General Public
8-17-18	Cynthia Rodriguez, Laura Herrera	School Fair	Uvalde High School	By Invitation	135 people
9-5-18	Carlos Mallen	Presentation	Eagle Pass Housing Authority	By Invitation	26 People
9-6-18	Sarah Cook, Carlos Mallen	Presentation	Camp Wood Nutrition Center	By Invitation	5 people/35 Home Delivery
9-6-18	Sarah Cook	Presentation	Uvalde Housing Authority	By Invitation	5 People
9-12-18	Carlos Mallen	Presentation	Cotulla Nutrition Center	By Invitation	34 People
9-13-18	Sarah Cook, Carlos Mallen	Presentation	Leakey Nutrition Center	By Invitation	21 People
9-19-18	Carlos Mallen, Frank Villalobos	Presentation	La Paloma Adult Day Care	By Invitation	35 People
10-05-2018	Sarah Cook	Community Fair	Uvalde Housing Authority	By Invitation	45 People
02-07-2019	Sarah Cook	School Fair	Sabinal I.S.D.	By Invitation	25 People
04-09-2019	Carlos Mallen	Presentation	Uvalde Housing Authority	By Invitation	8 People
04-13-2019	Carlos Mallen	Presentation	La Paloma Housing	By Invitation	2 People



06-20-2019	Sarah Cook	Public Notice	Rates and Routes Revised	Local News Papers	The Javelin, The Mohair Weekly, Bracket News, Frio Nueces Current, The Gram, Hill County Broadcaster, Uvalde Leander News, Zavala Sentinel
07-10-2019	Liz Martinez	Regional Job Fair	MRGDC	By Invitation	80people
08-09-2019	Sarah Cook	Uvalde Community health Fair	Community Health Development	By Invitation	100 people

## Language Assistance Plan

### Plan Components

As a recipient of federal US DOT funding, the **Southwest Area Regional Transit District** is required to take reasonable steps to ensure meaningful access to our programs and activities by limited-English proficient (LEP) persons.

Limited English Proficient (LEP) refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak or understand English. This includes those who have reported to the U.S. Census that they speak English less than very well, not well, or not at all.

The **Southwest Area Regional Transit District's** Language Assistance Plan includes the following elements:

- Item #1: The results of the *Four Factor Analysis*, including a description of the LEP population(s), served.
- Item #2: A description of how language assistance services are provided by language
- Item #3: A description of how LEP persons are informed of the availability of language assistance service
- Item #4: A description of how the language assistance plan is monitored and updated
- Item #5: A description of how employees are trained to provide language assistance to LEP persons

### Four Factor Analysis Methodology

To determine if an individual is entitled to language assistance and what specific services are appropriate, the **Southwest Area Regional Transit District** has conducted a *Four Factor Analysis* of the following areas: 1) LEP Demography, 2) Contact Frequency, 3) Importance of Service, and 4) Resources and Costs.

SWART is the provider of public transportation in the Middle Rio Grande Region (counties of Dimmit, Edwards, Kinney, La Salle, Maverick, Real, Uvalde, and Zavala). SWART has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided by SWART. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, and the ways in which assistance may be provided. In order to prepare this plan, SWART undertook the U.S. Department of Transportation (U.S.DOT) four-factor LEP analysis which considers the following factors:

**Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.** In addition to the number or proportion of LEP persons served, the Southwest Area Regional Transit District's will identify:

Most people in the SWART service area are proficient in the English language. Based on 2010 Census 59.8% of the population of the service area speaks a language other than English. Approximately to the border of Mexico, 86/% of SWART's ridership is of Hispanic origin. Dual language operations is imperative to service the ridership. Both Spanish and English are the language of not only choice but a necessity in order to communicate between ridership, employees, and the public. Due to the large Spanish Speaking population, LEP persons are not underserved as all pertinent material is translated into Spanish or offered in Spanish to not only riders, but also to SWART employees.

**Factor 2: The frequency with which LEP persons come into contact with the Program.** Identifies and assesses the frequency Southwest Area Regional Transit District's staff comes into contact with LEP persons. Examples of contact could include:

The SWART staff reviewed the frequency with which office staff, dispatchers and Vehicle Operators have, or could have, contact with LEP persons. With an average of 200 calls received per day, 80% of the calls were in Spanish. Over an average of 250 riders per day it was determined that 67% of the rides communicated either I Spanish or both English and Spanish. SWART dispatching/scheduling staff, Vehicle Operators, trainers, Vehicle Technicians, and administrative and management are bilingual in English and Spanish.

**Factor 3: The nature and importance of the program, activity, or service provided by the program to people's lives.** Generally speaking, the more important the program, the more frequent the contact and the likelihood that language services will be needed.

There is a large geographic concentration of Spanish speaking individuals in the SWART service area. Although there is an overwhelming majority of the population that speaks English, or speaks another language such as Spanish; those that speak English speak English "very well" or "well." SWART staff is most likely to encounter LEP individuals through office visits, phone conversations and notifications from the office of impacts on services and fare increases.

**Factor 4: The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.** Resource and cost issues can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, LEP populations and Federal agencies. Large entities and those entities serving a significant number of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance.

SWART reviewed its available resources that could be used for providing LEP assistance. SWART utilizes the bi-lingual managers to translate documents into a Spanish translation if needed. Utilizing the resources of 211 InfoLine to collect information on language barriers is another option. 211 InfoLine has a very good language assistance program since they are a major resource in delivering non-emergency information services to the state's population. Based on the four-factor analysis, SWART developed its Language Assistance Plan (LAP) as outlined in the following section.

## **Language Assistance Plan**

### **Plan Outline:**

How SWART staff may identify a person who needs language assistance:

1. Examine records to see if requests for language assistance have been received in the past, either at meetings or over the phone to determine whether language assistance might be needed at future events or meetings.
2. Have staff person greet participants as they arrive to SWART sponsored events. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English.
3. Translate all communication with clientele to read English and Spanish. This includes SWART website, brochures, client policies, flyers, posters, and signs on vehicles, letters, memorandums, and any written form of communication.
4. Translate all agency communication to its employees to read English and Spanish. This includes SWART policies, reminders, letters, memorandums, flyers, and other forms of written communication.
5. Make trainings available in Spanish for those employees needing such translation.

### Language Assistance Measures

There are various ways in which SWART staff responds to LEP persons, whether in person, by telephone or in writing.

- Post the SWART Title VI Policy and LEP Plan on the agency website: [www.paseoswart.org](http://www.paseoswart.org)
- To the extent feasible, assign bilingual staff for community events, public hearings and Board of Directors meetings and on the customer service phone lines.
- Survey Vehicle Operators, Administrative and Management Staff, Dispatcher/Schedulers, Vehicle Technicians, and Trainers annually and Operational Managers related to their experience and contact with LEP persons during the previous year.

### Staff Training

The following training will be provided to SWART staff:

1. Information on SWART Title VI Procedures and LEP responsibilities.
2. Description of language assistance services offered to the public.
3. Use of Language Identification Flashcards if applicable.
4. Documentation of language assistance requests.

### Providing Notice to LEP Persons/Outreach Techniques

When staff prepares a document or schedules a meeting, for which the target audience is expected to include LEP individuals, documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population. Flyers shall be put in buses, the transit station, satellite offices and terminals, and other main transfer points in our service areas. Announcements will be posted on SWART's website and in the local newspaper.

### Monitoring and Updating the LEP Plan

SWART will update the LEP plan as required by U.S.DOT. At minimum, the plan will be reviewed and updated when it is clear that higher concentrations of LEP individuals are present in the SWART service area. Updates include the following:

- How the needs of LEP persons have been addressed.
- Determine the current LEP population in the service area.
- Determine as to whether the need for translation services has changed.



- ## ***“I Speak”* Language Identification Card**

**Note:** For additional languages visit the US Census Bureau website <http://www.lep.gov/ISpeakCards2004.pdf>

[illegible]

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### Minority Representation Information

Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

**Guidance:** If you don't have a non-elected transit-related board, committee, or council, then leave the table below blank, and in section B write that there are no non-elected transit-related boards, committees, or councils.

#### A. Minority Representation Table

**Table Depicting Membership of Board, Committees, Councils, Broken Down by Race**

Body	Caucasian	Hispanic	African American	Asian American	Native American	Other
Population	25.48%	61.86%	.70%	.23%	.71%	11.2%
Citizens Advisory Council	31.25%	62.5%	6.25%	0.0%	0.0%	0.0%

#### B. Efforts to Encourage Minority Participation

The Southwest Area Region Transit District understands diverse representation on committees, councils and boards results in sound policy reflective of its entire population. As such, the Southwest Area Region Transit District encourages participation of all its citizens. As of January 2014, , all races residing in the Southwest Area Region Transit District were represented on the transit-related committees/ councils. As vacancies on boards, committees and councils become available, the Southwest Area Region Transit District will make efforts to encourage and promote diversity. To encourage participation on its boards, committees and councils, the Southwest Area Region Transit District will continue to reach out to community, ethnic and faith-based organizations to connect with all populations. In addition, the Southwest Area Region Transit District will use create ways to make participating realistic and reasonable. Such as, scheduling meetings at times best suited to its members and providing transportation and child care, if needed for its members.

## SWART Minority Representation Data Collection Form

Southwest Area Regional Stakeholders Council

Date: May 28, 2014

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Dear Member,

As the Southwest Area Region Transit District is a recipient of federal funds, we are required under Title VI of the Civil Rights statute to ascertain the racial/ethnic make-up of any non-elected boards, commissions, councils, etc.

Data from this section is used for statistical and reporting purposes. The information may be subject to disclosure under federal or state law or rule.

### Anti-Discrimination Notice

It is unlawful for the Southwest Area Region Transit District to fail or refuse to provide services, access to services or activities, or otherwise discriminate against an individual because of an individual's race, color, religion, sex, national origin, disability or veteran status.

As a council under the jurisdiction of the Southwest Area Region Transit District, we invite council members to voluntarily self-identify their race/ethnidistrict in order for us to comply with FTA Title VI regulations. This information will be used according to the provisions of applicable federal and state laws, executive orders and regulations, including those requiring the information to be summarized and reported to the federal government for civil rights enforcement purposes.

### Race/Ethnidistrict

If you choose to self-identify, please mark the one box describing the race/ethnidistrict category with which you primarily identify:

\_\_\_ Asian or Pacific Islander: All persons having origins in any of the peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa.

\_\_\_ Black and/or African American (not of Hispanic origin): All persons having origins in any of the Black racial groups of Africa.



\_\_\_ Hispanic: All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

\_\_\_ American Indian or Alaskan Native: All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

\_\_\_ Caucasian (not of Hispanic origin): All persons having origins in any of the original peoples of Europe, North Africa or the Middle East.

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Signature/Date

**Southwest Area  
Regional Transit Advisory Council**

**Middle Rio Grande  
Regional Transit  
Advisory Committee**

Member	Organization	Seat	Type
Sarah Cook	SWART	Rural Transit District	Voting
Elsa Reyes	City of Del Rio	Rural Transit District	Voting
Elba Martinez	TxDOT	TxDOT Representative	Non-Voting
Ramiro Torres	TDADS	TDADS Representative	Voting
Julissa Serna	TDARS	TDARS Representative	Voting
Joe Alcala	MRGDC	MRGDC	Voting
•Diana Cruz-Montoya	Maverick County VSO	Veterans Representative	Voting
Jose Salinas	Avance Head Start	Rep of Educational Institution	Voting
Mariano Pargas	Uvalde Police Department	Rep of Law Enforcement	Voting
Jennifer Gilliland	Uvalde, Texas	Rep of ADA Consumer	Voting
•Lupita Moreno	Rio Grande Ambulance	Rep of a Private Provider	Voting
Maggie Del Toro	Uvalde County	Rep of a Public Official	Voting
Carmen Martinez	Hill County MHDD	Rep of Regional MHDD	Voting
•Cristina Arizmendi	Amistad Rehabilitation	Rep of Private Sector	Voting
•Pastor Dino Espinosa	Templo Emanuel	Rep of Faith Based Organization	Voting
Lupe Vela	Community Health Development	Rep of Medical Facility/KDC	Voting
Josie Diaz	Uvalde, Texas	Rep of Public Transit Consumer 60+	Voting

- **New Member**