



Bis-Man Transit Board Meeting

July 25, 2024, 11:30 AM

<https://us02web.zoom.us/j/88652193322>

Call in: +1 312 626 6799; Meeting ID: 886 5219 3322

Welcome & Introductions

Approval of Agenda

Consent Agenda

1. Previous Month's Minutes
 - a. Attachment A – 2024/6/27 Regular Meeting
 - b. Attachment B – 2024/7/22 CTIC Meeting
 - c. Attachment C – 2024/7/22 Finance Committee Meeting
2. Financial Report
 - a. Attachment D
3. Ride Stats
 - a. Attachment E

Public Comment

New Business

1. Employee Handbook Update
 - a. Attachment F
2. Policy and Procedure Update
 - a. Attachment G
3. City of Lincoln Contract Recommendation
 - a. Attachment H
4. 1911 Decommission and Disposal Recommendation
 - a. Attachment I

Executive Director Report

1. Ridership Update
2. Construction Update

Operations Report



3750 E Rosser Avenue,
Bismarck, ND 58501



info@bisantransit.com



701.258.6817



www.bisantransit.com

Other Business

Adjourn

- The next Board Meeting will be held on August 27, 2024, at 11:30 am. •



3750 E Rosser Avenue,
Bismarck, ND 58501



info@bisantransit.com



701.258.6817



www.bisantransit.com



A

Bis-Man Transit delivers valued public transportation, linking people, jobs and communities.

Bis-Man Transit Board Meeting Minutes

June 27, 2024, 11:30 AM
Via Zoom & In-Person at
3750 E Rosser Ave. Bismarck, ND 58501

Attending:	Lacey Long, Vice President	DeNae Kautzmann, Secretary/Treasurer
	Glenn Lauinger	Helen Baumgartner
	Karel Sovak	Andrew Stromme
	Commissioner Connelly	Commissioner Rohr
Not Attending:	Lynn Wolf, President	Royce Schultze
	Steve Heydt	
Staff:	Deidre Hughes	Mike Mundahl
	Craig Thomas	Tom Reisenauer
	Amanda O'Brien	
Guests:	Susan Dingle	Trevor Vannett
	Rachel Lukaszewski	Paulette Jacobsen



3750 E Rosser Avenue,
Bismarck, ND 58501



info@bisantransit.com



701.258.6817



www.bisantransit.com

Meeting was called to order **at 11:30 A.M.**

Approval of Agenda: Andrew moved to approve the Agenda. DeNae seconded the motion. Motion carried unanimously.

Consent Agenda: DeNae moved to approve the Consent Agenda. Karel seconded the motion. Motion carried unanimously.

Public Comment: N/A

Old Business

1. **Mandan Measure 1 Update:** Deidre updated that Measure 1 from the June 11th ballot in the City of Mandan passed. After reviewing statistics from 2021/22, Transit is expected to receive \$650,00.00 in revenue from the City of Mandan. Deidre commented that signatures are still being collected in the City of Bismarck for the initiated measure to be on the November ballot. Commissioner Connelly commented that the minimum signature requirement is close to being completed.
2. **FY25 5339 Grant Update:** Deidre explained that 5339 funds have been used for facility maintenance projects in the past. The FTA changed the requirements and declined Transit's recent application's projects due to not being capital projects. Concrete in the parking lot is a safety hazard and the project is being added to 5307 funding. Deidre will update the Board if there are other grant opportunities for the 5339 projects. Glenn asked if there was a time limit to which the 5339-grant had to be used. Deidre answered that extensions can be made up to five years. DeNae asked if the interpretation changed after NDDOT approval and if Transit is still able to use previous interpretation. Deidre answered FTA denied after NDDOT approval and that Transit has to use that interpretation. DeNae suggested to have a meeting with FTA. Andrew asked what the new interpretation is for 5339 funding. Deidre answered funds are to be used for new capital or facility purchases or rehab of buses.

New Business

1. **Request to Decommission Fleet 1701-1704 & 63:** Deidre discussed that the 1700 buses were replaced due to exceeding useful life and Bus 63 previously was a revenue vehicle that is now not being used. Staff recommends approval of decommissioning and selling buses 1701-1704 and Bus 63. DeNae commented that Finance Committee recommends approval of decommissioning and selling buses 1701-1704 and Bus 63 of decommissioning and selling buses 1701-1704 and Bus 63. DeNae moved to approve the recommendation. Glenn seconded the motion. Motion carried unanimously.
2. **2024-2025 Employee Benefit Approval:** Deidre discussed that employee benefits are reviewed annually. Vision and dental are in a two-year contract and premiums will remain the same for the upcoming year. Health insurance plan will increase and cause employees



3750 E Rosser Avenue,
Bismarck, ND 58501



info@bismantransit.com



701.258.6817



www.bismantransit.com

to be paying more out of pocket costs. Switching to a lower plan would only be a cost savings of ten dollars. After discussion with the Finance Committee it was proposed to increase the employee paid health insurance monthly amount from \$1,200 to \$1,500. Finance Committee recommends approval of the Blue Care Gold 80/1000 plan from Blue Cross Blue Shield as well as increase the employee paid health insurance monthly amount from \$1,200 to \$1,500 effective July 1st. DeNae moved to approve the recommendation. Glenn seconded the motion. Motion carried unanimously.

3. 2025 – 2027 DBE Goal Approval: Deidre discussed that the DBE goal is set every three years. The content of the document didn't change from the last, besides changing from race-conscious to race-neutral goal. Due to the demographic of the area, race-neutral is best for the goal. Deidre clarified that the goal is for Transit funding through the City of Bismarck. Staff recommended approval for the 2025 – 2027 DBE Goal document. Andrew moved to approve the recommendation. DeNae seconded the motion. Motion carried unanimously.
4. Replacement Boiler Recommendation: Deidre explained that there was only one response to the RFP for the Boiler replacement. The bid came in higher than anticipated for the capacity size that's needed. City Air will review floor plans to see if there is a more affordable option.

Executive Director Report

1. Homeless Coalition Ticket Program: Deidre discussed that the Homeless Coalition bought \$5,000 worth of CAT passes last Spring for agencies that are members of the Coalition to request. The Homeless Coalition voted to run the program again starting July 1st. Deidre commented that she did see an increase in ridership since when the last program started.
2. Free Ride Day Stats: In May, four Free Ride days were provided to the public for the 20th CAT Anniversary. The first weekend there were 831 trips and the second weekend there were 914 trips. This is the most rides on a weekend since 2019. Deidre commented that Mike received good feedback at an event from the Free Ride days. In June, Free Ride day was provided on Election Day. There were 466 trips provided.
3. 5310 Compliance Review Update: Deidre explained that the 5310 Compliance Review is similar to a Triennial review, except it's conducted by NDDOT. Two employees from NDDOT came to Transit and completed the review. They requested verbiage be changed on the website. Plan changes include adding to a list of vital documents that are translated, if needed, in the language assistance policy and a change to verbiage regarding travel if it is being reimbursed by NDDOT funding. These changes will be brought to the Board at the July Board Meeting.



3750 E Rosser Avenue,
Bismarck, ND 58501



info@bismantransit.com



701.258.6817



www.bismantransit.com

4. Advertising Update: Deidre informed that as of June, there is \$62,235 in advertising revenue. The Bismarck Airport is in the process of a new advertisement for the last open CAT bus.

Operations Report: Craig explained there are two fixed route trainees training for their CDL licenses and should be road ready by next month. There are currently 21 paratransit drivers and 12 fixed route drivers. Last month staff was given commemorative 20th CAT Anniversary t-shirts, Bis-Man Transit staff provided breakfast and snacks, and pictures were taken and sent to the corporate office. On May 31st management grilled out for the staff and on June 9th management rented a private area for staff at a Larks baseball game, all of which was well received.

Other Business: N/A

DeNae moved to adjourn the meeting. Andrew seconded the motion. Motion carried unanimously. Meeting adjourned **at 12:08 P.M.**



3750 E Rosser Avenue,
Bismarck, ND 58501



info@bismantransit.com



701.258.6817



www.bismantransit.com



B

Bis-Man Transit delivers valued public transportation, linking people, jobs and communities.

Community Transportation Input Committee Meeting Minutes July 22, 2024, 2:00 PM

Attending:	Helen Baumgartner	Glenn Lauinger
	Andrew Stromme	Susan Dingle
	Jeannie Pedersen	Randee Sailer
Staff:	Deidre Hughes	Mike Mundahl

Meeting was called to order at 2:02 P.M.

Regular Agenda

1. **Policy and Procedure Handbook Update:** Deidre told the Committee about changes that have been made to the policy and procedure handbook based on DOT and FTA recommendations. The changes involve replacing the word “wheelchair”, with “mobility aid” or similar wording.
2. **Ridership Update:** Deidre provided a ridership update for the first half of the year. Through the end of June, paratransit ridership is at 44,450, and CAT ridership is at 54,688. There has been a slight dip in fixed route ridership; however, Blue route ridership has increased. Deidre also said there was a correction made to paratransit ridership because of an error on a couple of “ridership by county” reports. The correction resulted in an additional 415 trips for the year.
3. **Construction Update:** Deidre provided a rundown of fixed route detours currently in effect due to construction.
4. **Other Business:** No other business.

Meeting adjourned at 2:14 P.M.



3750 E Rosser Avenue,
Bismarck, ND 58501



info@bisantransit.com



701.258.6817



www.bisantransit.com



C

Bis-Man Transit delivers valued public transportation, linking people, jobs and communities.

Bis-Man Transit Finance Committee Meeting Minutes

July 22, 2024, 3:00 P.M.

Via Zoom

Attending:

DeNae Kautzmann, Chair

Lynn Wolf

Glenn Lauinger

Staff:

Deidre Hughes



3750 E Rosser Avenue,
Bismarck, ND 58501



info@bisantransit.com



701.258.6817



www.bisantransit.com

Meeting was called to order at 2:54 P.M.

Deidre alerted the committee that she met with the Mayor of the City of Lincoln regarding paratransit services. The contract is up for renewal at the end of the year. The City requested that we lower the contract amount from \$15,000 to \$10,000 with 2 equal payments. Deidre explained that the cost per ride, given the ridership numbers in 2023 and so far in 2024, supports the request to lower the contract price. The Finance Committee recommends to the Board that the new contract for paratransit services be for \$10,000.

Deidre explained the accident that occurred in June involving a rear lift van. It was clearly the other driver's fault as they ran a red light and hit the van in the intersection. The vehicle was totaled and insurance offered \$65,075. This vehicle still has useful life so part of the insurance money may have to be given to the Federal government. DOT is assisting us in this process and will find out if we need to pay them or if the feds will allow us to keep the entire insurance proceeds to apply toward the purchase of a new vehicle. Deidre's thought is that we could use the money along with the 5339 grant money we no longer can use for facility maintenance and purchase a cutaway that seats 14 rather than another van that seats 8.

Deidre updated the committee regarding the property tax issue that was raised. DeNae expressed concern as to whether we are properly being assessed based on the square footage used by Jefferson Lines. Bis-Man Transit and West River are exempt under the law.

Meeting adjourned at 3:08 pm.



3750 E Rosser Avenue,
Bismarck, ND 58501



info@bismantransit.com



701.258.6817



www.bismantransit.com



June 2024

MONTHLY REPORT

	Month	YTD	PY Month	PY YTD	% INC/DEC OVR PYM	% INC/DEC OVR PYTD	
RIDERSHIP							
FIXED ROUTE	9,083	54,688	9,090	46,127	-0.08%	18.56%	
PARATRANSIT	6,768	44,450	7,925	46,298	-14.60%	-3.99%	
Total	15,851	99,138	17,015	92,425	-6.84%	7.26%	
FR AVG. DAILY BOARDINGS	363.32						
DR AVG. DAILY BOARDINGS	225.60						
			Pass./Hour	Pass./Hour	Pass./Hour		
						% INC/DEC	
REVENUE HOURS	Month	YTD	Month	YTD	PY YTD	PY YTD	OVR PYTD
FIXED ROUTE	1,769.00	10,900.63	5.13	5.02	4.37	10,565.4	3.17%
PARATRANSIT	2,537.40	15,993.98	2.67	2.78	2.85	16,219.3	-1.39%
Total	4,306.40	26,894.61	3.68	3.69	3.5	26,784.7	
			Pass./Mile	Pass./Mile			
							% INC/DEC
REVENUE MILES	Month	YTD	Month	YTD	PY YTD		OVR PYTD
FIXED ROUTE	28,172	173,776	0.32	0.31	168,965		2.85%
PARATRANSIT	34,909	223,936	0.19	0.20	221,587		1.06%
Total	63,080.48	397,712.23	0.52	0.51	390,552		1.83%
ON TIME PERFORMANCE	Month	YTD	PY Month	PY YTD	% INC/DEC OVR PYM		% INC/DEC OVR PYTD
FIXED ROUTE	87.32%	88.30%	80.00%	86.00%	9.15%		2.67%
PARATRANSIT	92.18%	92.72%	93.70%	94.81%	-1.62%		-2.20%
RIDERSHIP PER ROUTE							% INC/DEC
ROUTE	Month	YTD		PY Month			0.21831282
BLACK	2243	12662		2100			6.8%
BLUE	832	5179		923			-9.9%
GREEN	1549	10823		1612			-3.9%
RED	1150	6683		1206			-4.6%
ORANGE	1770	10385		1840			-3.8%
PURPLE	1539	8956		1409			9.2%
RIDERSHIP BY DESTINATION	Month	YTD		PY Month			
(Included in 'Ridership	U-Mary	200	1833	248			-19.4%
Per Route' Numbers)	UTTC	54	419	44			22.7%
	Bismarck Library	385	2304	600			-35.8%
	Mandan Walmart	116	652	125			-7.2%
	Mandan Family Fare	507	3001	384			32.0%
ACCIDENTS	Month	Month at Fault	YTD	YTD at Fault			
FIXED ROUTE	0	0	3	2			
PARATRANSIT	1	0	8	5			
SERVICE VEHICLE	0	0	0	0			
SENT TO INSURANCE	0		4				
COMPLAINTS	Month	YTD					
FIXED ROUTE	2	7					
PARATRANSIT	2	6					
Office Staff	0	1					
COMPLIMENTS	Month	YTD					
FIXED ROUTE	0	2					
PARATRANSIT	0	2					
Office Staff	0	0					



**BIS-MAN TRANSIT
EMPLOYEE HANDBOOK**
(07/25/2024)

WELCOME

Welcome to Bis-Man Transit!

This Employee 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 are required to read the Employee Handbook and be familiar with its contents. Any questions about this handbook should be directed to management.

Public transportation is a critical component to building social and economic growth in the Bismarck-Mandan area. Bis-Man Transit transports people to work, school, healthcare, shopping and recreation and our employees that provide these services that our customers and community rely upon. Take pride in knowing that you are joining a team that drives growth and success for Bis-Man Transit and the community.

Your employment at Bis-Man Transit will be challenging, enjoyable and rewarding. We are excited to have you with us and wish you every success here!

Deidre Hughes
Executive Director

EMPLOYMENT

AT WILL STATEMENT: Your employment with Bis-Man Transit is a voluntary one and is subject to termination by you or Bis-Man Transit at will, with or without cause, and with or without notice, at any time. Nothing in these policies shall be interpreted to be in conflict with or to eliminate or modify in any way the employment-at-will status of Bis-Man Transit employees.

This policy of employment-at-will may not be modified by any officer or employee and shall not be modified in any publication or document. The only exception to this policy is a written employment agreement approved at the discretion of the Executive Director or Board of Directors, whichever is applicable.

These personnel policies shall not be construed to be a contract between Bis-Man Transit and its employees. Bis-Man Transit reserves the right to amend, revise, or delete any of the policies herein.

EVALUATION PERIOD: The first three (3) months of employment and the first three (3) months after a transfer to a new position shall be considered an evaluation period. The evaluation period is a time for Bis-Man Transit to determine whether the employee is an appropriate match for the position. It is also a time for the employee to determine if the job is suitable to the employee. Bis-Man Transit in its discretion may extend the evaluation period thirty (30) days. Bis-Man Transit retains the right to terminate employment or return an employee to a prior position or comparable position at any point during or upon conclusion of the evaluation period. Completion of the evaluation period shall not confer any enforceable or contractual right to continued employment.

EQUAL EMPLOYMENT OPPORTUNITY: As a matter of policy, Bis-Man Transit requires all aspects of the employment relationship, training and promotions, and all personnel actions to be based on individual merit and individual capabilities. Bis-Man Transit shall not discriminate on the basis of race, religion, color, national origin, sex, sexual orientation, age, or disability, marital status, military status, unfavorable discharge from military service (except dishonorable), or any other protected status under applicable local, state or federal law. This policy applies to recruitment, hiring, compensation, promotion, transfer, disciplinary action, discharge, training, and all other terms, conditions and privileges of employment.

Bis-Man Transit will provide a reasonable accommodation to employees with a disability upon request, provided accommodation does not present an undue hardship. Reasonable accommodation generally involves modification or adjustment of a job, employment practice, or the work environment which makes it possible for an individual with a disability to perform the essential functions of the employee's job. An employee who believes he or she requires accommodation should contact the Executive Director. Consideration of such requests may entail an interactive dialogue over the requested accommodation. As part of the interactive process, Bis-Man Transit may request the employee to provide certain medical information related to the employee's ability to perform the essential job functions with or without reasonable accommodation.

CATEGORIES OF EMPLOYEES

For purposes of salary administration and eligibility for overtime payments and employee benefits, Bis-Man Transit classifies its employees and other workers as follows:

A) Full-time employees- Employees hired to work Bis-Man Transit's full-time (36) hour workweek on a regular basis. Such employees may be "exempt" or "nonexempt" as further defined.

B) Part-time employees- Employees hired to work fewer than thirty (36) hours per week on a regular basis. Such employees may be "exempt" or "nonexempt" as defined below.

C) Temporary employees- Employees engaged to work full time or part time on Bis-Man Transit's payroll with the understanding that their employment will be terminated no later than on completion of a specific assignment. (Note that a temporary employee may be offered and may accept a new temporary assignment with Bis-Man Transit and thus still retain temporary status.) Such employees may be "exempt" or "nonexempt" as defined below. (Note that employees hired through temporary employment agencies or as independent contractors for specific temporary assignments are employees of the respective agency or independent contractors and not employees of Bis-Man Transit.)

D) Nonexempt employees- Employees who are required to be paid overtime at the rate of one and one-half times (1.5) times their regular rate of pay for all hours worked beyond forty (40) paid hours in a workweek, in accordance with applicable state and federal wage and hour laws.

E) Exempt employees- Employees who perform administrative, executive or professional work as determined by Bis-Man Transit to be exempt from overtime requirements under applicable state and federal wage and hour laws.

JOB/INTERNAL POSTING

It is the policy of Bis-Man Transit to hire the most qualified employees available for all jobs and to encourage a career within Bis-Man Transit by promoting present employees whenever possible to fill vacancies as well as creating and sustaining a welcoming culture in which to conduct BIS-MAN TRANSIT business.

The Executive Director is responsible for the final selection and filling of authorized positions within Bis-Man Transit. The Executive Director is encouraged to consider current qualified Bis-Man Transit employees for vacant positions and may post job vacancies for a minimum of three (3) days internally before seeking applications from the general public. The posting of a notice internally does not guarantee placement of an internal candidate. In all instances, Bis-Man Transit will seek to fill a position with the most qualified applicant whether from within the organization or outside of the organization.

All candidates for a position may be subject to a drug test, criminal background check and other background investigation to determine qualifications and fitness for employment. Additionally,

all candidates for a position may be subject to a post-offer, pre-employment health examination to determine fitness for the position applied for when said position requires particular physical demands of the candidate.

TRANSFER AND PROMOTIONS

It is the policy of BIS-MAN TRANSIT to transfer and promote from within consistent with the interests of Bis-Man Transit. Employees are urged to obtain the necessary skills, training, education, professional registration or licenses necessary in order to be eligible candidates for transfer or promotion.

Criteria for Promotion to be considered - Employees seeking promotion to an open position must also apply to the Executive Director. They may be required to re-submit an application and they will also be interviewed by the hiring authority. In the selection of an employee to fill a higher job, the following will be considered:

- A) Aptitude, skills, ability and past performance, where applicable;
- B) Prior or newly acquired credentials which may qualify the employee for consideration in another classification.

TELEWORK

Bis-Man Transit confirms its commitment to recruit, develop, and retain a diverse and skilled workforce. Teleworking, or telecommuting, occurs when an eligible employee is allowed to work from home or another location on a full- or part-time basis. Teleworking is not a guaranteed benefit of employment and is not allowed under any circumstances where the operational needs of Bis-Man Transit would be adversely affected or disrupted or when an employee's telework arrangement would create an undue burden on Bis-Man Transit and other employees.

Definition of Teleworking

Telework is defined as working at home or at other off-site locations that are linked electronically (via computer, fax, etc.) to a central office or principal place of employment. Teleworking is a cooperative arrangement between Bis-Man Transit and staff, based upon the needs of the job and the Organization.

Teleworking is not a formal, universal employee benefit. Rather it is an alternative method of meeting the needs of the company. Bis-Man Transit has the right to refuse to make teleworking available to an employee and to terminate a teleworking arrangement at any time.

Eligibility

To be eligible for consideration of a telework arrangement, an employee must have no record of performance problems or disciplinary actions within the preceding two (2) years or term of employment. In the case of a new hire, the Organization will conduct a thorough reference check with past employers to determine whether he/she meets the requirement.

The employee must have demonstrated the following prior to approval of telework: proven ability to perform, high job knowledge, ability to establish clear objectives, flexibility and the ability to work independently and with dependability.

In addition, the employee must hold a position that will allow for the employee to work alone or with equipment that can be transported or kept at the alternate work site and have clearly defined tasks and objectives, does not require a regular direct face to face contact either with a client or team members, has measurable work activities, and does not require a high degree of supervision.

Prior written approval of any teleworking arrangement must be received by the Executive Director prior to any regular telework being performed.

Job Responsibilities

Under no circumstances will job responsibilities change due to teleworking. Professionalism in terms of job responsibilities, work output, and customer orientation will continue to follow the standards set by the Organization. The amount of time an employee is expected to work will not change due to teleworking. In the event that business conditions require the teleworking employee's presence at a central work location function, meeting, or other event, the employee is expected to report to the central work location, even if such occurs during normally scheduled home-work area hours.

Contact with the Central Work Location

Once a teleworking arrangement has been approved, the teleworking employee is responsible for maintaining contact with the Executive Director. It is expected that the Executive Director and the teleworker will act together to keep each other apprised of events or information obtained during the working day just as they normally would in an on-site employment arrangement.

Alternate Work Area

Bis-Man Transit shall provide workers' compensation and liability protection as obligated by State Statutes for the employee while in the course of employment within the agreed upon location and defined work schedule. The Organization assumes no responsibility for any activity, damages, or injury which is not directly associated or resulting from the official job duties for which the Organization has no ability to exercise control. The Organization assumes no responsibility for the employee's personal property.

In addition, the following must be adhered to:

A) A designated workspace should be maintained by the employee in a clean, professional, and safe condition.

B) Any change in the approved job assignment, location or defined work schedule must be reviewed and approved by the Executive Director in advance.

C) As liability may extend to accidents which could occur in the alternative work location, the Organization retains the right to make on-site inspections of this work area, at a mutually agreed upon time, to ensure that safe work conditions exist.

D) Employee tax implications related to alternate work locations are the responsibility of the employee.

E) Employee expenses not specifically covered in this policy will be dealt with on a case-by-case basis between the employee and the Executive Director.

F) Employees who work at home will manage dependent care and personal responsibilities in a way that allows them to successfully meet job responsibilities.

Equipment

A) Any hardware or software purchased by Bis-Man Transit remains the property of the Organization and will be returned to the Organization should the alternative work arrangement be terminated.

B) Software owned by the Organization may not be duplicated except as formally authorized by policy.

C) Employees using Organization software must adhere to the manufacturer's licensing agreements.

D) Restricted access materials (such as payroll, personnel files, etc.) may not be taken out of the office, copied, or compromised in any way. Employees working at alternate sites will take all precautions necessary to secure sensitive information and prevent unauthorized access to the Organization.

E) Bis-Man Transit equipment located at an alternative work location may not be used for personal activities.

Disclaimers

Bis-Man Transit will follow the rules and regulations of the Fair Labor Standards Act related to all wages owed to non-exempt and exempt employees working under a telework arrangement. Furthermore, in conjunction with the organization's Telework policy, Bis-Man Transit complies with the Americans with Disabilities Act ("ADA") and the Americans with Disabilities Amendments Act ("ADAA") in engaging in an interactive process to determine workplace accommodations for all employees who are injured or sick due to a qualifying short-term or long-term disability.

CHANGE OF NAME, ADDRESS, MARITAL OR FAMILY STATUS

Employees shall report all changes in name, address, telephone number and marital or family status to the Executive Director as follows:

A) Change of address - Provide on Employee Change of Information Form.

B) Change of family status - (add or delete dependents) - Federal and North Dakota Tax forms, beneficiary changes to Deferred Compensation and group insurance.

CONFLICT OF INTEREST

No employee of Bis-Man Transit shall have any substantial interest, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of their duties in the public interest.

No employee of Bis-Man Transit shall use their position to secure special privileges or exemptions, personally or for others. No employee of Bis-Man Transit shall directly or indirectly receive or agree to receive any compensation, gift, reward or gratuity from any source except Bis-Man Transit, for any matter or proceeding connected with or related to the duties of such employee.

Situations that may pose a conflict of interest must be reported to the Executive Director by the employee immediately. However, honoraria or expenses paid for papers, talks, demonstrations or appearances made by employees on their own time shall not be deemed as a violation of this section provided such activity is approved by the Executive Director.

CONFIDENTIALITY

You are required at all times while an employee of BIS-MAN TRANSIT and thereafter, to protect confidential information. Confidential information cannot be given to anyone without express prior approval of an authorized member of BIS-MAN TRANSIT management.

Further, all employees are prohibited from directly or indirectly using or allowing the use of official information obtained through, or in connection with, employment with Bis-Man Transit which has not been made available to the general public, for the furtherance of any private interest. Violation of this principle is a serious matter and will result in immediate disciplinary action. Additionally, disclosure of any information discussed and recorded in closed session held by the Board is strictly prohibited. Violation of this provision by any employee of Bis-Man Transit shall result in disciplinary action taken pursuant to those of this policy, and/or other provision that may be required under state law.

During your employment you may receive or have access to varying types of confidential information. Bis-Man Transit places a high value on confidential information. Confidential information means information that is not generally known to the public that is valuable and

which, if disclosed, could compromise client security or cause harm, damage or other adverse consequences to BIS-MAN TRANSIT, clients, customers and fellow employees.

Information is confidential regardless of its form. Your confidentiality obligations extend to confidential information included in memos, emails, computer files and other electronic formats.

OUTSIDE EMPLOYMENT

No full-time or part-time employee shall engage in outside employment which is not compatible with the full and proper discharge of duties and responsibilities of one's position or which tends to impair the capacity to perform one's duties and responsibilities in an acceptable manner. A full-time or part-time employee wishing to engage in outside employment shall notify the Executive Director of outside employment. The Executive Director shall evaluate the outside employment and determine its compatibility with the employee's obligation for full discharge of duties and responsibilities. Bis-Man Transit must assure that no conflict or appearance thereof occurs, and that no unauthorized use of position or Bis-Man Transit's facilities or property takes place.

BENEFITS

Bis-Man Transit has established a variety of employee benefit programs designed to assist employees and their eligible dependents in meeting financial burdens that can result from illness and disability, and to help plan for retirement. This portion of the Employee Handbook contains general descriptions of the benefits to which employees may be entitled.

This employee handbook does not change or otherwise interpret the terms of the official Benefit Plan Documents. To the extent that any of the information contained in this employee handbook is inconsistent with the official Benefit Plan Documents, the provisions of the official documents will govern in all cases.

INSURANCE

GROUP HEALTH INSURANCE: Bis-Man Transit provides health and major medical, dental, and vision to eligible employees. Eligible employees are defined as those who work an average of 36 or more hours a week as determined by Bis-Man Transit. Any eligible employee may enroll after 30 days of employment. The Executive Director will, in addition, promote the benefits and provide information and assistance to those eligible. Employee and family medical coverage is employer paid up to the limit set forth annually by the Board during the annual budget process. Enrollment of dependents after the initial medical insurance sign-up period will be subject to qualifying changes in status. Employee plus one dental and vision coverage is employer paid up to the limit set by the Board during the annual budget process.

Eligibility Date - Any eligible employee may enroll after 30 days of employment.

COBRA

Under the Consolidated Omnibus Budget Reconciliation Act of 1985, better known as COBRA, if an employee terminates employment with Bis-Man Transit or has any other qualifying event, the employee is entitled to continue participating in the Company's group health plan for a prescribed period of time, usually 18 months. COBRA coverage may not be extended to employees terminated for gross misconduct.

For detailed information or questions on COBRA, employees should contact the Executive Director.

HIPAA

As required by the Health Insurance Portability and Accountability Act (HIPAA), Bis-Man has adopted a policy that protects the privacy and confidentiality of protected health information (PHI) whenever it is used by Bis-Man representatives. The private and confidential use of such information will be the responsibility of all individuals with job duties requiring access to PHI in the course of the jobs.

Bis-Man Transit has designated the Executive Director as the HIPAA Compliance Officer (HCO). Any questions or issues regarding PHI should be presented to the Executive Director for resolution.

RETIREMENT PLAN

Effective January 1, 2021, all eligible employee's contributions will be matched up to a maximum of 3% of the employee's base salary.

EDUCATION ASSISTANCE

Education programs will generally fall within the following categories:

- Bis-Man Transit-sponsored orientation programs.
- In-service/in-house education provided by Bis-Man Transit.
- Outside workshops, lectures, meetings and seminars.

On-going employee education and development opportunities are essential to sustaining an effective and satisfied workforce. Bis-Man Transit will provide, within reasonable, budgeted resources, employee education and development deemed necessary to assist Bis-Man Transit in achieving its stated mission.

Specific program content may change based upon business conditions and situational need. This policy applies to all employees of Bis-Man Transit.

POLICY

A) Employees may pursue education and development opportunities deemed necessary for the execution of day-to-day job-related duties as well as long-term development purposes to promote/grow Bis-Man Transit.

B) Bis-Man Transit may provide and/or facilitate:

1. On-the-job training and/or work-related instruction that prepares/supports the employees in performing their current roles. This includes instruction required by regulation, law and/or organizational policy.
2. Courses, workshops and seminars as well as attendance at conferences and conventions directed at enhancing and/or expanding employee work-related skills.
3. One-on-one, subject-specific mentoring engagements. Engagements are dependent upon mentor/protégé availability and fit with specific employee development needs.

C) It will be the responsibility of the Executive Director to authorize, monitor and ensure programs are satisfactorily completed within reasonable and customary timeframes.

Programs must be scheduled in accordance with Bis-Man Transits' operating needs and budgetary availability.

D) Employees planning to attend an outside conference or convention will be required to obtain the approval of the Board of Directors in advance prior to committing to registration/travel fees.

E) Newly-hired employees will be provided Orientation Training upon hire. Training topics will be designed to rapidly assimilate the employee into Bis-Man Transit organization while maximizing individual performance opportunities. Any specific-to-the job training that is critical will be provided immediately upon starting in the role.

F) Attendance at educational programs will NOT be counted as paid time IF ALL of the following four criteria are met:

1. Attendance is outside of the employee's regular working hours.
2. Attendance is voluntary. (Attendance is not voluntary if it is required by the employer. It is not voluntary if the employee is given to understand or is led to believe that his/her present working conditions or the continuation of his/her employment would be adversely affected by non-attendance.)
3. The educational program is not directly related to the employee's job.
4. The employee does not perform any productive work during such attendance.

G) The employee will be paid at their regular rate of pay per their typical schedule for the time off work for educational program attendance. If the educational program keeps the employee away from home overnight, the time outside of regular working hours will not be considered work time.

H) Travel time to educational programs will be counted as hours worked during normal working hours for non-exempt employees. If drive or travel time is outside of normal work hours and the trip is not an overnight trip, then time spent traveling is compensable for both non-exempt driver and passenger(s).

TIME OFF

VACATION

ENTITLEMENT AND ACCRUAL RATE: From the first day of employment, all full-time employees shall accrue vacation leave with pay, according to the following schedule. Application for vacation leave shall be in accordance with Bis-Man Transit policy.

The following table shows the annual accrual of vacation time for eligible employees:

<i>Years of Service</i>	<i>Vacation Time</i>
First 3 years	8 hours per month
4 th - 7 th Years	10 hours per month
8 th - 12 th Years	12 hours per month
13 th – 18 th Years	14 hours per month
Over 18 years	16 hours per month

All vacation will be prorated based on an individuals' hire date. Vacation time is not considered time worked when calculating overtime.

Part time employees will accumulate vacation leave at a prorated rate based on the average weekly hours worked.

36-40 hours = 100%
28-36 hours = 75%
20-28 hours= 50%
12-20 hours= 25%
Less than 12= 0%

Employees shall accumulate vacation time on a monthly basis which will be rolled over annually on December 31st of each calendar year. No employee may roll over more than 120 hours of vacation. In the stance of an employee who has already been granted scheduled vacation time off, adequate to avoid forfeiting any accruals or a circumstance beyond the employee's control prevents the taking of the scheduled vacation. Vacation leave extension may also be granted by the Board of Directors during extenuating circumstances.

SCHEDULING OF VACATION TIME: Since vacation leave is perceived to be a benefit for both the employee and Bis-Man Transit, employees should be encouraged to use such leave. The Executive Director will support this policy by preparing a schedule of appropriate times for taking

of such leave and indicating, where known, the dates during which the work load precludes employee scheduled absences. Vacation time may be used in four hour increments. All hourly employees must complete a vacation time off request form and have it approved by the Executive Director prior to utilizing vacation time.

PAYMENT UPON TERMINATION: An employee who is terminated/resigns is entitled to full payment for any unused, earned vacation that has accrued and is available for use.

Bis-Man Transit provides the following notices: (1) Only unused leave benefits that have actually accrued and been earned will be paid out upon an employee's separation from the Company; and (2) NO earned or unearned leave benefits will be paid out to any employee who has been employed with the Company for less than one year and quits employment without giving the Company a five-day notice of employment separation

NO ACCRUAL DURING UNPAID LEAVES OF ABSENCE: Vacation time shall not accrue during any approved unpaid leave of absence, except for military leave, FMLA leave, medical leave of absence resulting from illness or compensated injury. Leave will not accrue after 30 consecutive days in an FMLA status.

PERSONAL LEAVE

Personal leave is allotted by Bis-Man Transit and is designed to be a flexible form of paid leave and is to be used through an employee's accumulated, earned Vacation time. It may be used for any reason that an employee sees necessary. Unless the reason for personal leave is an emergency situation, precluding the making of prior arrangements, the leave is to be scheduled with the consent of the Executive Director far enough in advance to keep personal leave time geared both to operation needs of Bis-Man Transit and the convenience of the employee.

Personal time leave is allotted for discretionary purposes to every full-time, Bis-Man Transit employee through the use of the employee's available vacation time. A maximum of (40) hours of accumulated and earned vacation time may be allocated as personal time each calendar year. Employees hired after the beginning of the fiscal year shall be allowed to use the pro-rata amount of personal time for that year, based on date of hire. All uses of personal leave shall be charged in one (1) hour increments and is subject to the Executive Director's approval.

Part time employees will be allowed to utilize personal leave at the prorated rate of what is provided to full time employees.

HOLIDAYS

Bis-Man Transit administration observes ten (10) company paid holidays per year. Paid holidays are as follows: New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve, Christmas Day, and one floating holiday.

FLOATING HOLIDAY: A floating holiday must be approved in writing by the Executive Director. Approvals will be made on a first requested basis but are subject to the needs to Bis-Man Transit for that day.

NON-WORKING HOLIDAY: When a holiday falls on a non-working day, the nearest adjacent workday shall be granted as the holiday.

HOLIDAY REGULATIONS: For the purpose of administration, the following regulations shall be observed:

A) To qualify for holiday pay, an employee shall work the scheduled day prior to and the scheduled day following the holiday. Part-time employees shall work their work assignment the scheduled day prior to and the scheduled day following the holiday to qualify for holiday pay. Any exceptions to this qualification must be approved with the Executive Director prior to an employee's use of vacation. Employees on a current non paid status are not eligible for holiday pay.

B) Part-time regular employees shall be compensated for four (4) hour for holidays according to their normally scheduled workday. The holiday must fall on a day normally scheduled as a workday for part-time employees to be eligible for compensation.

SICK LEAVE

ENTITLEMENT: It is the policy of Bis-Man Transit to provide protection for its fulltime employees against loss of income because of illness. All eligible employees are encouraged to save as much sick leave as possible to meet serious illness situations. It is a self-insurance program provided by Bis-Man Transit for the employee.

SICK LEAVE BENEFIT: All regular full-time, Bis-Man Transit administration employees receive (8) hours sick leave per month. At the end of the calendar year, an employee may carry over any unused sick days from the prior year. Sick leave may be accumulated to the maximum of (240) hours.

Part time employees will accumulate sick leave at the prorated rate of what is provided to full time employees as described under vacation hours.

TAKING UNEARNED SICK LEAVE NOT PERMITTED: No employee will be permitted to take leave not yet earned. Sick leave shall be paid at full pay at the employee's current rate of compensation.

PURPOSE OF SICK LEAVE: Employees may utilize sick leave when they are too ill to report to work, in the event of injury, or for routine medical and dental appointments. Employees may also use up to 50% of accumulated sick leave earned in the prior 12 months, to care for other ill persons within the employee's immediate family. The immediate family shall be defined as an employee's

spouse and dependent children within the home (including foster children). All foreseeable leave for such purposes shall require specific prior approval of the Executive Director. In the event of sick leave usage for any purpose, the Executive Director may require certification of a medical doctor confirming validity of the illness/injury.

NOTIFICATION: An employee must contact the Executive Director at least one hour prior to their scheduled start time to request the use of sick leave. During authorized sick leave, an employee must notify the Executive Director periodically so that he or she may plan on the return. This may be waived in the event of confinement or illness for a specific period of time as indicated in a physician's statement. The standard procedure for use of sick leave benefits is as follows:

A) An employee on sick leave shall inform the Executive Director of the facts and the reason for the absence as soon as possible. Failure to do so on the first (1st) day of illness may be cause for denial of the sick leave pay for the period of absence.

B) Absence for part of a day that is chargeable to sick leave shall be charged proportionately in an amount not less than one (1) hours per day for non-exempt employees.

C) An employee returning to work after an extended illness of longer than three (3) consecutive days may be required to provide a physician's statement substantiating that the employee may return to work.

Failure to apply for a leave of absence for extended illness upon expiration of all such benefits will result in automatic termination.

D) Notice of an employee's desire to return to work after an illness of one week or more must be given to the Executive Director no later than 5:00 p.m., Monday through Friday, on the workday prior to the date for return to work. The employer may request a physician's note to verify propriety of returning to work and noting any restrictions which the employer will consider and accommodate when appropriate.

AUTHORITY TO SEND HOME: The Executive Director may direct an employee who appears ill to leave work. In such instances, this time off shall be charged to available sick leave.

EXCLUDED FROM OVERTIME BASE: Sick pay for hours not worked will be excluded when computing overtime for the workweek in which it was taken.

RATE OF PAY FOR SICK TIME: An employee shall be paid sick leave equivalent to their normally scheduled straight time pay.

RESULTS OF IMPROPER USE OR REPORTING: An employee who uses sick leave for purposes other than those authorized by this policy or who otherwise use sick leave in a manner inconsistent with this policy or Executive Director who falsely certified sick leave allowance for absence from work may be subject to disciplinary action, up to and including immediate dismissal.

EFFECT OF WORKFORCE SAFETY AND INSURANCE PAYMENTS: Employees who are injured on the job and have lost time from the job because of their injury may not receive sick leave payments once Worker's Compensation Insurance payments begin.

LEAVE DONATION

An employee may be eligible to receive donated sick leave from other employees if he or she is suffering from a medical emergency or donated vacation leave if he or she has a relative or household member suffering from a medical emergency, which is defined as a medical condition of the employee or a family member that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from a leave-sharing plan. Donated sick leave may also be used for an employee for the purpose of donating an organ or bone marrow.

Donated vacation leave is also available for a qualifying exigency arising from the fact that the employee's spouse, child, or parent is a covered military service member who is on covered active duty or has been notified of impending call or order to active duty in the Armed Forces.

Amount of Donated Leave

The sick/vacation leave donation cannot exceed four months in a 12-month period.

Employee Eligibility to Receive Leave Donation

1. To be eligible to receive donated leave, the employee: Must use all accrued vacation leave, compensatory time, and sick leave prior to receiving the donated hours; (Note: When the situation is for an employee's relative or household member, sick leave means only family sick leave.) Must have over six months of continuous regular service;
2. Cannot be on probationary or temporary status; and
3. Must submit a written request to receive donated hours to the Executive Director.
4. Accompanying this request must be a written statement from a licensed physician or health care practitioner verifying the severe or extraordinary nature of the condition, certifying the leave is necessary, and stating the length of time needed to be absent from work and when the leave should begin.

Also accompanying this request must be a written statement from the Executive Director indicating his or her response to the employee's request.

The Executive Director must approve a request for donated leave before the request is initiated for the employee.

Employee Donation

Employee donations must be done on a voluntary basis.

By completing the Employee Donation of Leave form, an employee can donate leave in one-hour increments.

The donating employee must retain sick and vacation leave balance of at least 40 hours after the donation. Donated annual leave is not returnable.

Employees can donate up to 40 hours of their accrued sick leave hours. Donated sick leave is not returnable.

Definitions Specific to Donated Sick Leave

"Relative of the employee" is limited to the spouse, child, stepchild, foster child, grandchild, grandparent, stepparent, or parent of the employee.

"Household member" means those individuals who reside in the same home, who have mutual obligations to and do provide financial support for one another, and foster children or legal wards, even if they do not live in the same home.

"Severe" or "extraordinary" means serious, extreme, or life-threatening. These terms do not include conditions associated with normal pregnancy.

"Qualifying exigency" includes short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities that may arise out of active duty or call to active duty status and upon which the employer and employee agree

BALANCE NOT PAID UPON TERMINATION: Upon termination from Bis-Man Transit service, accumulated but unused sick leave benefits will not be paid.

FAMILY AND MEDICAL LEAVE:

FAMILY AND MEDICAL LEAVE ACT (FMLA): If an employee has worked for Bis-Man Transit a minimum of one (1) year, and has worked 1,250 hours or more during the twelve (12) months prior to requesting leave, they are eligible for family and medical leave.

If eligible, an employee will be allowed up to twelve (12) weeks of unpaid leave within a twelve (12) month period for the birth or adoption of a child, to provide either physical or psychological care for a child, spouse or parent with a serious health condition, or to care for the employee's own serious health condition. FMLA leave may also be used for qualifying activities if an employee's spouse, son, daughter or parent is on covered active duty or called to covered active duty status. This twelve (12) month period is measured forward from the date an employee's first FMLA leave begins. However, an employee must conclude leave for the birth or placement

of a child for adoption or foster care within twelve (12) months after the event. Leave may begin prior to birth or placement, as circumstances dictate.

To qualify for medical leave, the health condition or treatment(s) must be such that it requires an employee to be absent from work on a recurring basis or for more than a few days for treatment or recovery.

INTERMITTENT OR REDUCED LEAVE: In the case of an employee's own serious health condition or that of a qualifying family member, the employee may take leave intermittently or on a reduced work schedule, if medically necessary. When the leave is for adoption or birth of a child, an employee may take leave intermittently or on a reduced work schedule only with the joint approval of the employee and Bis-Man Transit.

If an employee requests intermittent or reduced leave status, Bis-Man Transit may temporarily transfer them to another position of equivalent pay and benefits to better accommodate their leave.

USE OF PAID TIME OFF BENEFITS: An employee taking an FMLA leave is required to use all available PTO leave benefits, prior to taking the remainder of the FMLA leave unpaid. Using paid time off benefits does not add to the total length of the FMLA leave. PTO time will no longer accrue after 30 days in an FMLA status.

To the extent an employee does not have available paid time off benefits, their pay will be reduced for all full days of unpaid leave taken or for all partial days of leave taken. If the employee is exempt, reducing their pay for partial days off will not affect their exempt status under the Fair Labor Standards Act.

LEAVE PROVISIONS FOR SPOUSES BOTH WORKING FOR BIS-MAN TRANSIT: If leave is taken for the adoption or birth of a child, the maximum combined leave for both spouses is twelve (12) weeks. If leave is taken to care for an ill child or spouse, each spouse is entitled to twelve (12) total weeks of leave.

JOB RESTORATION: Most employees granted leave will be returned to the same position held prior to the leave, or one that is equivalent in pay, benefits, and other terms and conditions of employment.

Certain highly compensated salaried employees are eligible for leave, but are not guaranteed restoration to their position if they choose to take leave.

EMPLOYEE BENEFITS: An employee's health care benefits will continue during their leave. Both Bis-Man Transit and employee will continue to pay their customary portions of the monthly premium. The Accountant will advise the employee of the payment due dates.

NOTIFICATION: An employee must provide Bis-Man Transit with thirty (30) days' written notice of their need for leave, or, if emergency conditions prevent such notice, the employee must notify Bis-Man Transit as soon as is practical. Such notice must be provided to the Executive Director. The employee may need to report periodically on their status during the leave period.

Within a reasonable time after receiving an employee's notice, Bis-Man Transit will provide detailed information about the requirements and availability of the leave.

CERTIFICATION: Certification of the need for leave to care for an employee's illness or injury or that of a qualifying family member is required. An employee must obtain the following information from a health care provider and make it available to Bis-Man Transit:

- The date the serious health condition began
- The duration of the condition
- A statement that the employee needs to care for the ill person and the estimated length of the leave or a statement that the employee is unable to perform the functions of their job
- If applicable, the medical reasons verifying the need for intermittent leave or a reduced work schedule, such as scheduled dates for treatment(s)

DISPUTE RESOLUTION: If there is a dispute about the medical opinion provided by an employee's physician, Bis-Man Transit may require a second opinion by a physician of its choice, at its expense. If a third opinion is necessary, a third doctor may be selected, also at the Bis-Man Transit's expense. The doctor must be agreed upon by both the employee and Bis-Man Transit.

RELEASE TO RETURN TO WORK: A doctor's release is required to return from a medical leave of one (1) week or longer.

PROBLEM RESOLUTION: It is the policy of Bis-Man Transit not to terminate or discriminate against any employee exercising their rights under the Family Medical Leave Act. If an employee thinks they have been treated unfairly, the employee should contact the Executive Director. If for any reason the problem is not able to be resolved at that level, the employee should contact the Board of Directors. The decision made will be final and binding.

BENEFIT ACCURALS: An employee taking leave under the FMLA will continue benefits during the entire period of such FMLA leave, excluding paid time off (PTO) accruals after 30 consecutive days in an FMLA status.

NOTE: Bis-Man Transit will comply with all state FMLA laws. When both the federal and state law apply, leave will run concurrently and the provisions more beneficial to the employee will apply. Any revisions to FMLA statutes, regulations or guidelines will automatically be included in this policy upon their effective date, regardless if this policy has specifically been revised to include those revisions

TYPES OF LEAVE

MATERNITY, PATERNITY, ADOPTION, OR FOSTER CARE PLACEMENT: Employees are eligible for up to 12 weeks of family leave (during any rolling 12-month period) for maternity, paternity, adoption, or foster care placement for bonding with the child. All maternity, paternity, or adoption leave must be taken on a consecutive basis and at the time of birth or adoption. If both parents are employed by Bis-Man Transit, they are limited to a total of 12 weeks combined for such bonding leave.

Leave for birth mother maternity recovery is typically six weeks for births. Requests for maternity recovery leave in excess of six weeks must be supported by the employee's physician. Documentation from a physician regarding expected recovery required. Employees may use up to six weeks of paid sick leave concurrently with the first six weeks of leave in connection with maternity, paternity, adoption, or foster care placement for baby bonding time. Once paid sick time (up to six weeks) has been exhausted, the employee must use accrued vacation time concurrently with the FMLA leave as described under the "Provisions" section of this policy. If an employee has less than six weeks of accrued sick leave or elects more than six weeks of maternity, paternity or adoption leave, time off must be vacation and/or approved unpaid leave.

If during maternity leave the employee experiences medical complications, additional sick leave past the normal six weeks may be used.

In regards to Foster Care or Legal Guardianship, each request will be reviewed on a case-by-case basis to determine paid or unpaid leave. Intermittent leave approval may be granted based on the circumstances.

Leave may be taken before the actual placement of a child if an absence from work is required for the placement or foster care to proceed.

SERIOUS HEALTH CONDITION – FAMILY MEMBER: Family: Spouse, parent, child, foster child, or step child under the age of 18 or incapable of self-care.

Up to 80 hours of sick leave in a rolling 12-month period may be used, if available.

Documentation from a physician will be required.

Serious Health Condition – Employee

Employees must use accrued sick leave and/or vacation. The remainder of the leave is unpaid. However, leave donation may apply (see Leave Donation guideline).

Documentation from a physician will be required upon return to work.

SNOW DAYS: On days when the Bis-Man Transit Administrative Office is closed due to adverse weather conditions, employees will be paid for their scheduled work hours. If the administrative office is open but the employee is unable to make it in to the office due to adverse weather, the employee may use available accrued vacation time if available.

BEREAVEMENT LEAVE: Bis-Man Transit provides bereavement leave to employees as follows:

Employees will be granted up to three (3) working days in conjunction with the time of death or date of the funeral for the employee's:

- Parent
- Spouse or Domestic Partner
- Child (including step children)
- Sibling (including step siblings)
- Current Spouse or Domestic Partner's Father or Mother or Sibling
- Sibling's current Spouse or Domestic Partner
- Niece/Nephew
- Grandchild/Grandparent including step relationships
- Aunt/Uncle

A working day shall be defined as a day which the employee is regularly scheduled to work. Pay will be calculated based upon the employee's actual scheduled hours missed due to Bereavement Leave and will be paid at the employee's base rate. Bereavement leave is not counted as hours worked for the purposes of computing overtime pay.

Should additional time off be desired, it must be approved by the Executive Director and will be taken from the employee's vacation/personal time accrual.

Employees must notify the Executive Director of the need for a Bereavement Leave as soon as possible.

CIVIC LEAVES OF ABSENCE

JURY AND WITNESS DUTY: Bis-Man Transit encourages all employees to be civic minded. If notice is received to serve on a jury or as a subpoena for a witness, official documentation should be reported to Bis-Man Transit.

When summoned to jury duty, employees have the option of requesting paid time off or jury duty leave for the time away from the job. An employee requesting jury duty leave shall be granted time off with pay for a maximum of three days. If paid time off is requested for jury duty, the employee may keep the fees paid to them as jury duty pay. If no PTO is available, time off without pay will be given after three days.

When asked to appear as a witness or expert witness on behalf of Bis-Man Transit, an employee shall be deemed to be performing duties or services for Bis-Man Transit and shall receive the same compensation as during regularly scheduled work hours. An employee may not retain any witness fee while serving as a witness on behalf of Bis-Man Transit.

An employee who performs witness duties unrelated to their official capacity with Bis-Man Transit must do so in a paid time off or leave without pay status. In these situations, the employee will retain witness fees, mileage and/or subsistence payments received.

Employees must return to work on any day when jury or witness duty dismisses prior to the end of the employee's regularly scheduled workday.

TIME OFF TO VOTE: Employees are encouraged to vote either before or after work to minimize time away from work. Employees will, however, be allowed up to one hour away from work to vote. If time away from work to vote exceeds more than one (1) hour, employees will be required to use PTO or, if unavailable, unpaid leave.

MILITARY DUTY: Excused absence will be granted to all employees required for military training duty with the National Guard or other branches of the military forces. The employee's salary will be maintained for a maximum of two (2) weeks (ten (10) working days) in a calendar year. In addition, Bis-man Transit will follow all rules and regulations under the Uniformed Services Employment and Reemployment Rights Act (USERRA) for activated military personnel.

EXTENDED LEAVES OF ABSENCE:

A) Vacation leave and compensatory time off accumulated may be used for personal obligations requiring leaves of absence for longer duration than the personal leave, subject to the approval of the Executive Director.

B) The employee must request leave without pay from the Executive Director in writing for leave in excess of available or accumulated paid time off before said leave is taken.

C) Leave under this section or extension thereof must be approved by the Executive Director.

D) An employee on an extended leave of absence, without pay, does not accrue vacation leave or sick leave credit for the period of the unpaid leave of absence. Such employees may continue medical, dental and insurance coverage, but only where the employee pays the total cost of such participation while on unpaid leave of absence.

EXCUSED ABSENCES WITHOUT PAY

The following policy regarding excused absences without pay in no way alters or preempts Bis-Man Transit's legal obligations to employees under the federal Family and Medical Leave Act and the Bis-Man Transit's FMLA policy.

An excused absence without pay may be granted to an employee at the discretion of management for less than thirty (30) consecutive calendar days. An excused absence without pay does not break the continuity of an employee's service provided the employee returns to work at the end of the leave.

Generally, excused absences without pay are limited to looking after urgent personal affairs, taking time off for military training or emergency service, or dealing with the extended sickness of the employee or members of the employee's immediate family, whether or not involving an FMLA leave.

Reinstatement following a period of excused absence without pay is not guaranteed (unless guaranteed under FMLA or other law), since operational conditions may change during that period. If Bis-Man Transit's conditions make reinstatement possible, the employee will receive the same consideration as if employment had not been interrupted.

An employee may not engage in any other employment during this period of absence without the written permission of the Executive Director

Employees taking excused absences without pay are required to use all available paid time off prior to taking an unpaid leave.

COMPENSATION

ANNUAL SALARY ADJUSTMENTS: Upon approval of the Board, employees may be eligible for a salary adjustment as authorized by the Executive Director.

Bis-Man Transit believes that performance measurements and achievement provide the best methodology for determining pay progression. This allows an employee's rate of pay to be determined by the employee's own performance and value to the organization.

It provides Bis-Man Transit with an incentive tool to achieve organizational goals and encourages all employees to reach their maximum potential. Such increases recognize individuals whose performance is superior, as well as those who need to improve.

MERIT INCREASES

ELIGIBILITY: Employees are generally eligible for merit increase consideration on January 1st. Each employee eligible for a merit increase shall be evaluated in accordance with this compensation plan and the requirements of the evaluation instrument and instructions so that said evaluation is completed and discussed with the employee prior to the actual Merit Anniversary Date of January 1st.

In the case of part-time employees, the actual Merit Anniversary Date shall not be considered to have occurred unless the employee has at least nine hundred (900) hours of actual work

hours (including benefit time) since the last merit increase or four hundred and fifty (450) hours when the first merit increase is six (6) months from the date of hire. The merit increase shall be effective on the January 1st.

EVALUATION PERIOD: All newly hired employees shall serve a six (6) month evaluation period which may be extended by the Executive Director if additional time is necessary in order to properly evaluate the employee's prospect of success in the position.

All merit increases require that a performance evaluation form be submitted to the Executive Director along with the merit increase request, i.e. a completed Payroll Change Form. Whether or not the employee receives a merit increase, the evaluation form shall be sent to the Accountant no later than December 20th.

OVERTIME PAYMENTS

The Federal Fair Labor Standards Act (FLSA), as well as State law, requires that all employees who are not exempt from overtime payment be compensated at the rate of one and one-half (1-1/2) times their regular hourly rate for all hours actually worked beyond forty (40) hours in a work week.

CONTINUOUS/NON-CONTINUOUS: In conformance with the FLSA, the following policy for providing overtime payment as wages is utilized for those employees who are eligible for overtime:

A) Employees in non-continuous operations are those employees in position classifications with schedules which do not generally require overtime work and which do not require a replacement when they are absent. These employees shall receive one and one-half (1-1/2) times their regular hourly rate for all hours worked over forty (40) in a workweek.

REQUIREMENTS FOR OVERTIME: All overtime must be authorized by the Executive Director in advance of being worked. The Executive Director will make every effort to assign foreseeable overtime as equitably and evenly as possible. Typically any time spent performing job duties, travel between job sites during work hours, attendance at required training programs/meetings or responding to a work-related subpoena is productive time and counts toward overtime calculations. Paid time off, sick, funeral or jury duties are non-productive and are excluded from overtime calculations.

HOURS OF WORK

The operating days and hours of Bis-Man Transit are Monday through Friday, 8:00 a.m. to 5:00 p.m.

The flextime policy at Bis-Man Transit allows employees to work extra time throughout the work week to allow for early departure. The time of arrival and departure may not differ from the

standard operating hours by more than two hours, except for the half day early departure. For example, a typical flextime arrangement is Monday through Thursday arriving at 7:30 a.m. and departing at 5:30 p.m. and on Friday arriving at 8:00 and departing at 12:00 pm. This arrangement example allows for a one-hour lunch break Monday through Thursday. In the event of a paid holiday within the week, the flextime policy will not be applicable.

The Executive Director approves flextime on a case-by-case basis. A flextime arrangement may be suspended or cancelled at any time. Exempt employees must depart from any flextime schedule when needed to perform their job duties. Nonexempt employees may be asked to work overtime, regardless of a flextime schedule.

REST AND MEAL PERIODS AS HOURS OF WORK: Lunch periods are normally one-half to one (1) hour in duration. Such time is to be considered the employee's time and they should not perform work tasks during their meal period.

A) Employees must be allowed at least a ½ hour uninterrupted meal period if working more than five (5) hours.

B) The Executive Director has the authority to grant rest periods to their employees. Such periods of rest, in general, should not exceed fifteen (15) minutes and the employee may not leave the work facility during such periods of rest and can be called back to work at any time. Typically the rest periods are one in the early part of the shift and one in the latter part of the shift. Either/both can be cancelled at any time based on business needs. The rest period(s) may not be combined with the meal period under any circumstances.

GENERAL PAYROLL INFORMATION - PAYROLL PERIODS: Pay periods shall be bi-weekly completed by weekly on Friday with 26 total pay periods yearly. Paychecks will be issued within seven (7) calendar days of the close of the reporting period.

MERIT BASED BONUS: The Executive Director may qualify for a merit-based bonus yearly at the discretion of the Board of Directors. This will take place in the last quarter of each year, following the employee evaluation, completed by the Board of Directors.

HOLIDAY BONUS: All employees may qualify for a monetary holiday bonus in the last quarter of each year. This is dependent on budget and Board of Director approval.

VOLUNTARY PAYROLL DEDUCTIONS: Other payroll deductions may be offered by the Board to employees if there are sufficient numbers of employees that wish the same type of deduction (i.e. United Way). Such requests shall be reviewed by the Accountant and the Executive Director; their recommendation will be presented to the Board for approval.

ON THE JOB

DISCIPLINE PROCEDURE

DEFINITIONS:

Coaching—Primary method to improve work performance and develop employees for potential advancement within the organization. Goal is to clarify needs, expectations and roles and offer additional assistance to employees so they can be successful in the work environment. It may also include a review of the employee's job description.

Oral Reprimand/Warning—Formal discussion in which the employee is verbally advised regarding some act(s) of improper conduct, performance deficiencies or violation of a regulation, rule, etc. The documentation is noted in the Executive Director's file on that employee as well as the employee's personnel file.

Written Warning—Formal written statement completed by the Executive Director containing a complete description of an offense or performance deficiency. Where appropriate, the report should also contain written objectives for performance improvement including a timetable for attaining these objectives.

Disciplinary Suspension—For (potentially) serious infractions of policies, procedures, values, mission and/or vision of BIS-MAN TRANSIT, an unpaid suspension may be invoked by BIS-MAN TRANSIT Executive Director to gain the employee's acknowledgement of needed behavioral/performance changes required immediately and consistently. An employee may be placed on an interim paid or unpaid suspension while the investigation is carried out, which shall not be considered disciplinary action.

Discharge—Taken after previous discipline and expected improvement has not resulted and/or an employee commits an offense that impacts their continued employment cannot be tolerated regardless of previous work history. Discharge results in complete separation from further employment.

Demotion—at any point in the disciplinary process, a demotion may be imposed on the employee if their work history, attitude, skills, and/or actions warrant it and if appropriate coaching has been offered/provided to the employee. A demotion could include a temporary or permanent reduction in hours, level of duties assigned, pay, and/or category of employment.

Bis-Man Transit generally follows a progressive discipline policy. The Executive Director has the discretion to select the appropriate level of correction for unacceptable employee behavior based on the issues being considered for discipline. Progressive discipline may include coaching and seeking outside assistance. In instances where verbal discipline is not effective or

appropriate, an employee may receive written notification of reprimand, suspension, demotion, and/or ultimately dismissal. Depending on the conduct, discipline may be imposed at any level.

Typical steps in Progressive Discipline may include one or more of the following:

- A) Coaching including seeking outside assistance,
- B) Oral reprimand or warning,
- C) Written reprimand or warning,
- D) Disciplinary suspension—with or without pay,
- E) Final Action- Demotion or discharge.

A formal Employee Performance Improvement Plan may be suggested/or mandated depending on the issues/behaviors surrounding the (potential) disciplinary action. The Executive Director will work with the employee implement a Performance Improvement Plan.

Documentation concerning written disciplinary actions shall be placed in the employee's personnel files. Employees shall also be required to acknowledge receipt of any written reprimand or warnings by signing the Disciplinary Action Form.

Signing the Disciplinary Action Form is not, however, considered an acceptance of or agreement to the action taken, only receipt of said discipline.

Employees shall be given the option of respond to any disciplinary action in writing. This document will be placed in the employee's file along with the written disciplinary action taken.

GENERAL RULES OF CONDUCT

It is the purpose of this policy to provide a framework for the proper conduct of Bis-Man Transit employees while on the job. It is further intended that discipline, where justified, be meted out in an equitable manner. Finally, it is intended that within very broad and general guidelines, the Executive Director is responsible for the implementation of this policy within their specific jurisdictional work areas.

A) The Executive Director should be certain that new employees are aware of existing work rules. This should be done during the employee's initial orientation and should be repeated at the end of the evaluation period. In addition, the Executive Director will discuss company rules with new employees and periodically with all employees as the need arises.

B) To ensure orderly operations and provide the best possible work environment, Bis-Man Transit expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization. All active employees are covered under this policy. It is not

possible to list all 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. The list is not intended to be exhaustive.

- Theft, loss, misappropriation, destruction/damage or inappropriate removal or possession of Bis-Man Transit funds, equipment or property
- Violation of the attendance policy or unauthorized absences; including repeated tardiness and leaving duty prior to fulfilling shift obligations
- Fighting or threatening violence while on duty or in the workplace
- Sexual or other unlawful or unwelcome harassment
- Failure to request leave in an authorized manner or abusing an approved leave
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Unauthorized use of telephones, mail system, internet or other employer-owned equipment
- Unauthorized disclosure of confidential information
- Failure to complete work duties as assigned including proper bus operation, dispatch and service procedures and protocols; including unauthorized exchange of work assignments
- Insubordination, including refusal or failure to follow the Executive Director or Board of Directors work orders
- Discourtesy or disrespect to a member of the public, a coworker or a Bis-Man Transit Executive Director
- Falsifying or altering any Bis-Man Transit record or report
- Violation of the dress code policy
- Willful misrepresentation or concealment of any fact requested during the hiring or investigatory process
- Violation of Bis-Man Transit Smoking Policy
- Violation of any Safety procedure or policy, including Drug Free Workplace and Substance Abuse Policy
- Disruptive behavior which causes negativity in the workplace, interruption in operations, or affects workplace morale
- Gambling while on duty or on Bis-Man Transit property
- Conduct tending to bring disrepute on Bis-Man Transit, its Board, or personnel
- Improper use of equipment; including but not limited to, computers, cell phones and the internet
- Solicitation of passengers of the public for any purpose while on duty, in uniform or any other situation where it may be construed that the employee is representing Bis-Man Transit
- Upon conviction of a felony impairing employment; or suspension or revocation of your driver's license or receiving traffic violation while operating a Bis-Man Transit owned vehicle
- Holding other employment or engaging in activities that interfere with or adversely affect the performance of your job duties

- Sleeping while on duty
- Violation of any Bis-Man Transit policy or procedure not listed

C) While this listing is not comprehensive, it is sufficient to demonstrate the types of behavior that may indicate an improper attitude toward the job.

PERSONAL APPEARANCE

Dress Code: Business Attire

Staff is expected to present a professional, business-like appearance.

Casual attire/jeans may be worn on Friday of each week.

WORKPLACE VIOLENCE POLICY

Bis-Man Transit values its employees and the Board affirms its commitment to providing workplaces and facilities that minimize the potential for violence. It is the intent of this policy to ensure that everyone associated with Bis-Man Transit, including employees and the public, never feels threatened by any forms of violence. Bis-Man Transit has a zero tolerance policy for violence, whether by or toward employees.

“Violence” shall include physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking or engaging in those activities. It shall also include acts, threats, intentions of harm, destruction, towards self, others or property, and may be psychological as well as physical, and the perception thereof.

Bis-Man Transit strictly prohibits weapons of any type in its facility or on any Bis-Man Transit property and at any Bis-Man Transit sponsored event. This includes visible and concealed weapons, even those for which the owner has obtained the necessary permits. While this list is not all-inclusive, “weapons” include firearms, knives, any explosive materials and any other object that could be used to harass, intimidate or injure another individual.

A) Disciplinary Action:

The investigation regarding alleged/actual workplace violence will begin immediately following Bis-Man Transit’s leadership knowledge. If it is determined that an employee is engaging in any form of violence in the workplace or threatening violence in the workplace, the employee shall be terminated immediately. No talk of or joking about violence will be tolerated. In cases of acts or threats of violence by employees, Bis-Man Transit endorses immediate and definitive use of the disciplinary process outlined in this document, resulting in termination of said employees. Criminal prosecution will be pursued as appropriate, as well.

B) Responsibility:

1. The Executive Director has overall responsibility for maintaining this policy, administering workplace violence prevention measures, and coordinating post-incident activities. The

Executive Director will also identify resources that may be used in developing training plans and workplace violence measures.

2. The Executive Director shall make safety one of his or her highest concerns. Employees should tell the Executive Director or the President of the Board of Directors about the real/perceived workplace violence immediately.
3. Employees shall report all acts and/or threats of violence (real or perceived) to the Executive Director or President of the Board of Directors. Employees should learn to recognize and respond to behaviors by potential perpetrators that may indicate a risk of violence.

When made aware of a real or perceived threat of violence, management shall conduct a thorough investigation, provide support for employees, and take specific actions to help prevent all acts of violence. Management is also responsible for documenting and reporting such incidences to Human Resources.

Drug and Alcohol Testing

Drug Testing

- BIS-MAN TRANSIT will require testing for prohibited drugs in accordance with 49 CFR Part 655.21, which includes; Marijuana, Cocaine, Opiates, Amphetamines, and Phencyclidine. All urine specimens shall be split-sample and shall be taken promptly with as little delay as possible. The “primary” sample shall be at least 30ml of urine; the “split” sample shall be at least 15ml of urine. Immediately after the specimen is collected, and in the presence of the employee, the specimen shall be divided into two separate containers, labeled, and sealed. The employee is obligated to identify each specimen and initial the specimen containers. The container containing the “primary” sample shall be sent to a Department of Health and Human Services (DHSS) certified testing laboratory on that day or the next normal business day by courier or the fastest practical method available. The “split” sample shall be preserved.
- The employee shall be given an opportunity to have the “split” sample tested at a DHHS certified laboratory of their own choosing and at their own expense within 72 hours of being informed of a positive result by the Executive Director. An employee shall be reimbursed for the cost of the “split” sample test if the “split” sample test results in a negative finding.

Additionally, if the “split” sample test results in a negative finding, the employee will be reimbursed for compensation lost as a result of the “primary” sample positive test.

- The failure of an employee to provide specimens of sufficient quantity, even after a 3 hour second opportunity following drinking up to 40 ounces of water, distributed reasonably through a period, will cause the employee to be referred for a medical evaluation to

develop pertinent information as to whether the employee's inability to provide a specimen is genuine or constitutes a refusal to test.

This medical evaluation shall be sent to the Executive Director. While this process is being accomplished the employee shall not be allowed to perform a safety-sensitive function and the employee will be placed on leave without pay. If the Executive Director concludes that there is a medically valid reason for the employee's inability to produce a specimen, the employee will be reimbursed for lost pay.

If the Executive Director concludes that there is not a medically valid reason for the employee's inability to produce a specimen, the employee's failure will be considered a refusal to test.

- An employee who has a verified positive drug test shall immediately be removed from performing a safety-sensitive function and will be subject to immediate termination of employment. The employee will then be referred to a Substance Abuse Professional (SAP) for evaluation.

Refusal to Take a DOT Drug Test

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

- Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer.
- Fail to remain at the testing site until the testing is complete; Provided that an employee who leaves the testing site before the process commences for a pre-employment test is not deemed to have refused to test.
- Fail to provide a urine specimen for any drug test required by Part 40.191 or DOT agency regulations; Provided that an employee who does not provide a urine specimen because they have left the testing site before the testing process commences for a pre-employment test is not deemed to have refused.
- Fail to permit the observation or monitoring of your provision of a specimen, if so required.
- Fail to provide a sufficient amount of urine when directed, and it has been determined through a medical evaluation, that there was no adequate medical explanation for the failure.
- Fail or decline to take an additional drug test that the employer or collector has directed you to take.

- Fail to undergo a medical examination or evaluation as directed by the Executive Director as part of the verification process. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.
- Fail to cooperate with any part of the testing process. For example: refuse to empty pockets when directed by the collector, behaving in a confrontational way that disrupts the collection process, fail to wash hands after being instructed to do so by the collector.
- Fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around in order to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process. (Direct Observation Tests Only)
- Possess or wear a prosthetic device that could be used to interfere with the collection process.
- Admit to the collector or the Executive Director that you adulterated or substituted the specimen.

Alcohol Testing

- BIS-MAN TRANSIT will require alcohol testing in accordance with Federal Transit Administration (FTA) requirements set forth in Part 40. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A "screen" test shall be conducted first. Any result less than .02% alcohol concentration is considered a negative test. If the alcohol concentration is .02% or greater, a second "confirmation" test must be conducted. This test shall be by means of an Evidential Breath Testing (EBT) device that prints out the results, date, time, a sequential test number, and the name and serial number of the EBT. The alcohol test must be conducted by a Breath Alcohol Technician (BAT) who is trained to operate the EBT and is proficient in all breath alcohol testing procedures.
- Employees shall only be tested for alcohol while performing a safety-sensitive function, just before performing a safety-sensitive function, or just after performing a safety-sensitive function. Any test with a result of .02% or greater but less than .04% shall cause the employee to immediately be placed on leave without pay for at least 25 hours. Employees with a test result of .02% or greater shall be subject to disciplinary action up to and including termination of employment. Employees with a test result of .04% or greater shall immediately be removed from their safety-sensitive function and will be referred to a SAP for evaluation.
- Failure of the employee to provide an adequate amount of breath during a breath alcohol test will cause the employee to be immediately referred for a medical evaluation to

develop pertinent information concerning whether the employee's inability to provide the adequate amount of breath is genuine or constitutes a refusal to test.

The physician shall submit a written medical evaluation to the Executive Director. While this process is being accomplished the employee will be placed on leave without pay. If the Executive Director concludes that there is a medically valid reason for the employee's inability to produce a specimen, the employee will be reimbursed for lost pay. If the Executive Director concludes that there is not a medically valid reason for the employee's failure to produce a specimen the employee's failure will be considered a refusal to test.

Refusal to Take a DOT Alcohol Test

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

- Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer.
- Fail to remain at the testing site until the testing process is complete; Provided that an employee who leaves the testing site before the process commences for a pre-employment test is not deemed to have refused to test.
- Fail to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations; Provided that an employee who does not provide an adequate amount of breath or saliva because they have left the testing site before the testing process commences for a pre-employment test is not deemed to have refused a test.
- Fail to provide a sufficient breath specimen and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
- Fail to undergo a medical examination or evaluation as directed by the employer as part of the insufficient breath procedures outlined at 40.265(c).
- Fail to sign the certification at step 2 of the ATF (see 40.241(g) and 10.251(d)).
- Fail to cooperate with any part of the testing process.

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

As a BAT or STT, or as the physician evaluating a "shy lung" situation, when an employee refuses to test as provided in this section, you must terminate the portion of the testing process in which you are involved, document the refusal on the ATF or in a separate document which you cause

to be attached to the form. You must immediately notify the DER by a means that ensures the refusal notification is immediately received. You must make this notification directly to the DER.

Compliance

For the purposes of implementing this policy and complying with FTA regulations, all safety-sensitive employees will be required to take and successfully pass urine drug testing and breath alcohol testing under the following circumstances. Refusal to submit to such screenings shall be considered a positive test. A positive test will result in disciplinary action up to and including termination of employment. The random drug testing will be continuous and reasonably spread throughout the year on all days and hours during which safety-sensitive functions are being performed.

- Pre-Employment Testing – Applicants for safety-sensitive positions will be required to take a drug test, administered in accordance with these policy requirements and resulting in a verified negative before they can be hired for a safety-sensitive position. Employees who wish to transfer from other positions to a safety-sensitive position will be required to take a drug test, administered in accordance with these policy requirements and resulting in a verified negative before they can be transferred to a safety-sensitive position.
- Reasonable Suspicion Testing – Employees employed in safety-sensitive positions will be subject to drug and alcohol testing the Executive Director, who has been trained in the detection of prohibited drug and alcohol abuse, has reasonable suspicion to believe that the covered employee has used prohibited drugs and/or alcohol. Reasonable suspicion will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.
- Post-Accident Testing – Safety-sensitive employees will be required to submit to prohibited drug and alcohol testing subsequent to an accident involving BIS-MAN TRANSIT owned or leased vehicles in the following instances:
 - Fatal Accidents – As soon as practicable following an accident which involves the loss of human life, each surviving safety-sensitive employee that was operating a BIS-MAN TRANSIT vehicle involved in the accident will be tested.
 - Non-Fatal Accidents and Property Damage Accidents – As soon as practicable following an accident not involving the loss of human life, each operator of a BIS-MAN TRANSIT vehicle involved in the accident will be tested:
 - If an individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident
 - In any occurrence in which the BIS-MAN TRANSIT vehicle involved or one or more vehicles involved incurs disabling damage as a result of the occurrence and such vehicles are transported away from the scene by a tow truck or other vehicle

- In any occurrence in which the mass transit vehicle involved is a rail car, trolley car, trolley bus, or vessel and the mass transit vehicle is removed from operation.
 - Following an accident which requires employee post-accident testing, employees to be tested must have an alcohol test administered within two (2) hours following the accident. If an alcohol test is not conducted within two (2) hours the employer shall prepare and maintain on file a record stating the reasons for which the alcohol test was not promptly administered. If an alcohol test is not administered within eight (8) hours following the accident, the employer shall cease attempt to administer an alcohol test and maintain the record. Records will be submitted to the FTA up request of the Administrator. Prohibited drug testing will occur within thirty-two (32) hours of the time of the accident.
Any employee subject to post-accident testing must refrain from alcohol use for eight (8) hours following the accident or until the employee has completed a post-accident test, whichever comes first.
 - An employee subject to post-accident testing may not leave the scene of an accident without receiving express permission from the Executive Director. In the event that the employee receives Executive Director permission to leave the scene, the employee subject to post-accident testing must remain readily available for post-accident testing and keep the Executive Director advised of their location. An employee who is subject to post-accident testing who leaves the scene of an accident without the express permission of the Executive Director or who fails to keep the Executive Director advised of their location prior to submitting to post-accident testing will be deemed to have refused to submit to testing. Nothing in this paragraph should be construed to prohibit the covered employee subject to post-accident testing from leaving the scene of an accident for the period of time necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.
 - You must not collect, by catheterization or other means, urine from an unconscious employee to conduct a drug test under this part. Nor may you catheterize a conscious employee. However, you must inform an employee who normally voids through self-catheterization that the employee is required to provide a specimen in that manner. If, as an employee, you normally void through self-catheterization and decline to do so, this constitutes a refusal to test.
- Random Testing – On various occasions throughout the year covered employees may be randomly tested for prohibited drug and/or alcohol use any time while on duty. Random testing will be performed at all hours of the day and all days when safety-sensitive functions are performed. The number of covered employees selected for testing each calendar year will be, at a minimum, an amount equal to the number of employees required to be tested pursuant to FTA regulations. The selection of safety-sensitive employees for random alcohol testing will be made up using a scientifically valid method that ensures each covered employee that they will have an equal chance of being selected each time random selections are made.

- Safety-sensitive employees selected for a random test must proceed immediately to the test facility following notification of the random test.
- Return to Duty Testing – A safety-sensitive employee that has not performed a safety-sensitive function for ninety (90) consecutive days or more, and has been removed from the random pool during this period, must take a Pre-Employment drug test with a verified negative result prior to returning to duty. If a covered employee's employment has not been terminated by the employer as a result of a refusal to test or as a result of a verified positive prohibited drug and/or alcohol test, before returning to duty a covered employee shall be required:
 - To take a return to duty prohibited drug and/or alcohol test with a verified negative result.
 - To be evaluated by a SAP to determine whether the covered employee has properly followed the recommendations for corrective action of the prohibited drug and/or alcohol abuse problem including successful completion of a SAP recommended rehabilitation program.
 - To receive a determination from the MRO that the employee may return to work.
 - To submit to periodic, unannounced follow up prohibited drug and/or alcohol tests for a period of up to sixty (60) months after the employee returns to duty.

Drug Test Results

The prohibited drug test results of employees will be reviewed by the BIS-MAN TRANSIT testing provider's MRO to determine whether there is any indication of a violation of the BIS-MAN TRANSIT prohibited drug policy. If an employee test results in a positive result, the MRO will give the person tested an opportunity to discuss the results and provide documentation of legally prescribed medication, which might account for the positive test result. The MRO will release test results to BIS-MAN TRANSIT, which will maintain them in a secure location with controlled access separate from the employee's personnel records.

In the event that an employee's prohibited drug test is positive, the MRO will refer the employee to a SAP. Based on information gleaned by the SAP, the SAP may make additional referrals and recommendations to the employee.

If the MRO informs the employer that a negative test result was diluted, the employer will take the following action:

- Schedule the employee for a retest and ensure that the employee is given the minimum possible advance notice that they must go to the collection site.
- Treat the result of the directed test as the test result of record.
- If the directed test result is negative-dilute, the employee will not be required to take an additional test because the result was dilute.
- If the employee declines to take the directed test, the employee has refused the test for the purpose of this part and DOT agency regulations.

Alcohol Test Results

Alcohol test results shall be provided on forms established by Subpart C40.59 Appendix A. Copy 1 (white) will be retained by the BAT, copy 2 (green) shall be provided to the employee, and copy 3 (blue) shall be transmitted to BIS-MAN TRANSIT. In the event that an employee's alcohol test is positive, a SAP will discuss the matter with the employee and, based on information gleaned by the SAP, the SAP may make additional referrals and recommendations to the employee.

General

- Test results from all drug and alcohol tests shall be retained by BIS-MAN TRANSIT in a secured location with controlled access as specified in 49 CFR Part 655.73.
- Test results will not be released to any party without the employee's written consent, except as otherwise required by law.

Education Program

The Executive Director will list and conspicuously post in a location accessible to all employees, a current listing of the names and locations of the following policy facilitators:

- Designated Prohibited Drug and Alcohol Specimen Collection Service
- Designated Prohibited Drug Testing Facility
- Designated Substance Abuse Professional Services
- Designated Breath Alcohol Technician Testing Services

The Executive Director will determine whether reasonable suspicion exists to require a driver to undergo testing under 49 CFR Part 655.14 receive at least sixty (60) minutes of education on alcohol misuse recognition. In the event that an employee is sent for alcohol testing because of a reasonable cause judgment made by the Executive Director, the Executive Director will accompany the employee to the testing facility.

Executive Director are required to use and apply all aspects of this policy in an unbiased and impartial manner. If the Executive Director 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 of employment.

The Executive Director will ensure that all employees receive at least sixty (60) minutes of education on prohibited drug use.

Laws and Regulations

- All records will be retained as listed in 49 CFR Part 655.71.
- BIS-MAN TRANSIT will comply with all Federal, State, and Local laws and regulations concerning prohibited drug and alcohol testing as well as violations of prohibited drug and alcohol use in the work place.

- Any safety-sensitive employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of prohibited drugs or alcohol as well as test results. Access shall be contingent upon payment for records requested.
- BIS-MAN TRANSIT shall release information regarding a covered employee's record to any identified person pursuant to a specific written authorization from the employee.

Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both management and employees have important roles to play.

- In addition to those responsibilities listed above, management shall also:
 - Observe employee performance.
 - Investigate reports of dangerous practices.
- In addition to being concerned about working in a safe environment, employees are instructed to:
 - Support fellow workers in seeking help for prohibited drug and/or alcohol problems.
 - Report dangerous behavior to the Executive Director or any other management employee.

USE OF BIS-MAN TRANSIT PROPERTY AND FACILITIES

Use of Bis-Man Transit Equipment, Supplies or Tools:

A) Equipment, supplies or tools shall not be used for private or unauthorized purposes.

B) Employees shall be responsible for the care and conservation of Bis-Man Transit equipment, supplies or tools and shall promptly report accidents, breakdowns or malfunctions of any unit in order that necessary repairs may be made.

C) Pursuant to the City of Bismarck fire code and the NAFPA Code and because of the fire hazard to the public, employees, and Bis-Man Transit property, employees are prohibited from burning any open flame including candles in any Bis-Man Transit building or facility.

Other Property: Employees are required to return all Bis-Man Transit property or equipment in their possession upon separation from employment, promotion and/or transfer, leave of absence or suspension.

Use of Bis-Man Transit Telephone: Employees shall limit the use of all personal calls during work that interfere with their job or create a safety issue. In addition, payment for any charges accrued to Bis-Man Transit telephones will be the employee's responsibility.

Use of Transit-Owned Vehicles: Employees allowed use of Transit-owned vehicles are to do so for Bis-Man Transit business only. Any employees who are assigned Bis-Man Transit vehicles for long-term/take-home use must report all mileage accrued on the vehicle for personal use.

ACCEPTABLE USE POLICY FOR ELECTRONIC MAIL

The purpose of this policy shall be to set forth and encourage the proper use of the electronic communications facilities provided to the employees of Bis-Man Transit. This policy applies to all technology in use in the workplace or similar technology as may be introduced, including computers, radios, phones, smart phones, personal data devices, faxes, voicemails, and removable storage devices.

Definitions:

1. Bis-Man Transit Information Network -- The network of computers and other electronic devices provided for the electronic transaction of Bis-Man Transit business.
2. Electronic Mail -- A facility for the transmission of messages within or outside Bis-Man Transit that relies on the electronic transmission or receipt of digital information.
3. Encryption Software -- Proprietary Software that changes information from its native state to an unrecognizable coded state which can only be returned to its native state with special software.
4. Global Communications Facility -- Any facility that allows the interactive transmission of data to or from locations outside Bis-Man Transit. This definition includes the INTERNET and other technology resources that allow network access or remote communications.

Use:

1. The Board desires that use of Bis-Man Transit facilities shall be primarily for the transaction of Bis-Man Transit business. Use of these facilities for personal purposes, unless specifically authorized by the Executive Director for training purposes, shall be prohibited. Users have no expectation of privacy in connection with the use of Bis-Man Transit technology resources, including the creation, entry, receipt, storage, accessing, viewing or transmission of data.
2. All data created, entered, received, stored, accessed, viewed or transmitted via Bis-Man Transit technology resources are Bis-Man Transit property. Business-related data may neither be used for any purpose unrelated to Bis-Man Transit business nor sold, transmitted, conveyed or communicated in any way to anyone outside of Bis-Man Transit without express authorization.
3. Use of these facilities for purposes that are illegal under existing Federal or State law, shall be expressly prohibited. Use of these facilities in a manner inconsistent with Bis-Man Transit policies, including its policy against harassment, is also prohibited.

4. The Executive Director, may, from time to time, establish guidelines, consistent with this policy, to ensure the effective and efficient use of these facilities. These guidelines may include, but are not limited to, limitations on time available and the global facilities that can be accessed.
5. Bis-Man Transit employees who now have access to these facilities shall indicate their acceptance and agreement to comply with this policy in writing or their access may be terminated or suspended. Employees wishing to have access shall be required to indicate their agreement prior to being given access.
6. Use of encryption software must be specifically approved by the Executive Director prior to using such software for the storage, receipt or transmission of data.

Monitoring:

1. The Executive Director may monitor the use of the facilities and report the amount of time utilized on a monthly basis.
2. At the direction of the Executive, Bis-Man Transit may electronically monitor use of these facilities by viewing material created, entered, received, stored, accessed, viewed or transmitted Bis-Man Transit Information Network or on any computer or device in use in Bis-Man Transit facilities; or by directly viewing activity on the screen as it occurs.

Enforcement:

1. If an employee violates the policy, the Executive may suspend and/or terminate the employee's access to the electronic mail and global communications facility available on Bis-Man Transit Information Network.
2. Violation of this policy may result in disciplinary action pursuant to the adopted Personnel Policy Manual.

ACCEPTABLE USE POLICY FOR CELLULAR PHONES

An employee who uses a Bis-Man Transit owned or leased vehicle is prohibited from using a cell phone or other personal electronic device, hands on or hands off, while driving whether the business conducted is personal or company-related. This prohibition includes receiving or placing calls, text messaging, surfing the Internet, receiving or responding to email, checking for phone messages, or listening to other media while driving a Bis-Man Transit owned or leased vehicle.

Employees may not use or wear wired headphones, wireless headphones, blue tooth earpieces or headsets, wireless headsets, or use any other wireless speaker system that is Bis-Man to a cell

phone or other personal electronic device while they are driving or operating a Bis-Man Transit owned or leased vehicles.

Employees that are issued a company-supplied device, such as the Galaxy Tablets, are required to come to a complete stop in order to unlock the device or remain at a stop location so that it may be used safely prior to departing.

Employees operating a *revenue* vehicle (bus) and wishing to use their cell phone or other similar personal electronic device may only do so after they have:

- Stopped in a safe location, such as at a Transfer Center,
- Placed the vehicle in park (if so equipped) or in neutral with the parking brake applied and,
- Exited the vehicle.

Employees operating a *non-revenue* vehicle (car, truck) and wishing to use their cell phone or other similar personal electronic device may only do so after they have:

- Stopped in a safe location, parked in a designated parking space, and placed the vehicle in park or;
- Stopped in a safe location with the vehicle in park, turned on the four-way flashers, and exited the vehicle.

In the event of an emergency situation on board a Bis-Man Transit owned or leased vehicle an employee may use their personal cell phone to contact the authorities only after they have attempted emergency radio contact with the dispatch office. The vehicle must still be stopped in the safest location available at the time of the emergency and the transmission must be in park (if so equipped) or in neutral with the parking brake applied.

Employees who violate this policy will be subject to the following disciplinary action:

- First Offense-Suspension without pay for a period of three (3) day.
- Second Offense-Termination of Employment.

SMOKING

The use of tobacco products by Bis-Man Transit employees, contractors, visitors, and customers while on board or in any vehicle owned/operated by Bis-Man Transit is prohibited.

The use of any tobacco products by Bis-Man Transit employees, contractors, visitors and customers while in any facility or within 20 feet of any entrance to any facility, owned/operated by Bis-Man Transit is prohibited.

Tobacco products may only be used in *designated areas* on Bis-Man Transit property.

In accordance with N.D.C.C. § 23-12-10: *In order to protect the public health and welfare and to recognize the need for individuals to breathe smoke-free air, smoking is prohibited in all enclosed*

areas of: a) Public places; and b) Places of employment. Smoking is prohibited within twenty feet [6.10 meters] of entrances, exits, operable windows, air intakes, and ventilation systems of enclosed areas in which smoking is prohibited.

In addition to abiding by the policy stated above, Bis-Man Transit strongly encourages its employees, contractors, visitors, vendors and customers to refrain from the use of tobacco products and to remain tobacco free.

All Bis-Man Transit employees are encouraged to communicate the Tobacco-Free Areas and Vehicles Policy with courtesy and diplomacy to other employees, customers, visitors and vendors to those vehicles and facilities that are owned and/or operated by Bis-Man Transit.

HARRASSMENT

Bis-Man Transit is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, Bis-Man Transit expects that all relationships among persons in the office will be business-like and free of bias, prejudice and harassment.

It is the policy of Bis-Man Transit to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran. Bis-Man Transit prohibits any such discrimination or harassment.

Bis-Man Transit encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of Bis-Man Transit to promptly and thoroughly investigate such reports.

Bis-Man Transit prohibits retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports.

Definitions of Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual

deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship, genetic information or any other characteristic protected by law or that of his/her relatives, friends or associates, and that

- a) has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- b) has the purpose or effect of unreasonably interfering with an individual's work performance;
- or c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites or other means.

Individuals and Conduct Covered

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to Bis-Man Transit (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Complaint Process

Individuals who believe they have been the victims of conduct prohibited by this policy statement or who believe they have witnessed such conduct should discuss their concerns with the Executive Director or any member of management.

When possible, Bis-Man Transit encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. Bis-Man Transit recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Bis-Man Transit encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore,

although no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately.

False and malicious complaints of harassment, discrimination or retaliation may be the subject of appropriate disciplinary action.

HIRING OF RELATIVES RESTRICTED

It is the policy of Bis-Man Transit to hire the best qualified employees available for all jobs; however, in the interest of avoiding favoritism, the appearance of favoritism, or other conflicts in the workplace, immediate family members (to include employee's spouse, parents, children, grandchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, and stepchildren) will not be eligible for employment within BIS-MAN TRANSIT.

EXPENSE REIMBURSEMENT

This policy is designed to assist employees in reporting expenses incurred while conducting Bis-Man Transit business activities.

Bis-Man Transit expects employees to act responsibly and professionally when incurring and submitting costs. The organization will reimburse employees for reasonable expenses on pre-approved business. This includes, for example, travel fares, accommodations, meals, tips, internet service, and purchases made on behalf of the organization.

Non travel related expenses must follow procurement policy guidelines.

Bis-Man Transit does not pay for local travel to and from the office. If employees use their vehicles for business travel, mileage, and appropriate parking fees will be reimbursed as per Internal Revenue Service Guidelines. Bis-Man Transit will not be responsible for fuel, maintenance, traffic or parking violations.

General guidelines

- Original receipts are required for reimbursement. These expenses include:
 - Boarding passes for airplane/train travel
 - Credit card receipts
 - Detailed merchant receipts
- Out-Of-Town Meals & Incidentals

Meal reimbursement rates depend upon the time of day the employee is in travel status. Meals are NOT reimbursed based on actual costs, so verification of receipts are not required for the reimbursements of meals on a per diem basis.

Meals and Incidentals will be reimbursed based on the Federal GSA guidance for the location and date of travel. www.gsa.gov/perdiem

If reimbursed with state funding, travel within the state of North Dakota will be reimbursed at the state-determined rate.

M&IE Total - the full daily amount received for a single calendar day of travel when that day is neither the first nor last day of travel.

Breakfast, lunch, dinner, incidentals - Separate amounts for meals and incidentals. M&IE Total = Breakfast + Lunch + Dinner + Incidentals. Sometimes meal amounts must be deducted from trip voucher. For example, lunch may be included as part of conference registration fees.

First & last day of travel - amount received on the first and last day of travel equals 75% of total M&IE.

- Receipts must be accompanied by a summary which outlines:
 - The nature of the expense
 - The name and titles of the individuals involved
 - The purpose for the expense
- Expense summaries must be submitted with receipts and approved by the Executive Director.
- All expenses and summaries must be submitted within 30 days to the Accountant for payment.

Travel guidelines

- Employees are encouraged to fly coach class with the lowest available airfare for non-stop travel.

- All employees are expected to utilize the most cost efficient ground transportation option available. Including bus, rail or taxi. If a car rental is required prior Executive Director authorization is necessary. Employees are requested to rent mid-sized or compact vehicles. Employees will be reimbursed for the fuel costs associated with renting a vehicle.
- Any employee who chooses to use their own vehicle for travel purposes must have proof of up to date insurance on file and agrees to follow all policies as described herein related to use of company vehicles.
- Employees will be reimbursed for reasonable hotel accommodations. Discounted room rates should be requested at the time of room booking.
- The following list includes examples of non-reimbursable expenses:
 - Personal travel insurance
 - First Class Tickets or upgrades
 - Personal reading materials
 - Childcare
 - Toiletries, cosmetics, or grooming products
 - Expenses occurred by spouses, children, or relatives
 - In-room movies or video games
 - Alcoholic beverages
 - Sporting activities, shows, etc.

Any questions related to the content of this policy or its interpretation should be directed to the Accountant.

PROFESSIONAL DEVELOPMENT

TRAINING, CONFERENCES AND SEMINARS: Registration fees or similar expenses for approved training courses, conferences, seminars and conventions are reimbursable if approved in advance by the Executive Director.

MEETINGS, LECTURES AND TRAINING PROGRAMS: Generally, attendance at meetings, lectures and training programs are presumed to be hours of work. Exceptions to this presumption may apply under the following conditions:

A) Involuntary and Voluntary attendance - Where attendance is required at such events, they are to be considered work hours. Where attendance is not required, meetings, lectures and training programs may not be considered hours worked.

B) Related Training - Only training directly related to the employee's job is to be considered as hours worked. Programs conducted for the personal edification and/or entertainment of employees may not be considered as time worked.

C) Independent Training - Training in which the employee participates on their own, even though it may be job related, is not to be considered as hours worked.

LICENSURE AND CERTIFICATION

Certain positions require an employee to hold current licenses and/or certifications. It is the responsibility of the employee to maintain these required basic documents for their job. Employees are responsible to provide documentation validating current licensure, or certification at each renewal. Employees who allow required licensure or certification to lapse or have such suspended or revoked, or who have actions taken against their license are responsible to report this immediately to the Executive Director. Individuals allowing required licensure or certification to lapse or who have had such revoked will be removed from their position.

Termination of employment may occur at management discretion in instances where the revocation or lapse of required licensure and/or certification has occurred.

DUES OF PROFESSIONAL OR TECHNICAL ORGANIZATIONS

Dues paid by employees for approved memberships in professional or technical organizations are reimbursable. Dues paid by all other employees are limited to two such approved memberships per employee per calendar year unless approved in advance by the Executive Director. Amounts claimed for reimbursement should be itemized on the expense report and substantiated by receipts.

SEPARATION

TERMINATION AND SEPARATION

Resignation - Voluntary: An employee may resign from Bis-Man Transit employment by presenting a resignation, in writing, to the Executive Director.

To resign in good standing, an employee must give at least fourteen (14) calendar days' notice. The Executive Director may choose to set the date for actual termination prior to the end of fourteen (14) calendar days. In order to establish a uniform policy regarding resignation, the following procedure will be used:

A) When an employee notifies the Executive Director of the intent to resign, an exit interview should be conducted with the Executive Director.

B) The Executive Director should make sure that all Bis-Man Transit property and equipment in the possession of the employee, including keys, tools, uniforms, insurance cards, etc., are returned prior to the employee's departure.

C) An employee leaving in good standing is eligible for re-employment at a later date provided that the last performance evaluation was satisfactory or better and notice was appropriately fulfilled.

Unless a release form is signed by employee allowing additional information to be given out, only their dates of hire and termination and last position held may be released to reference calls.

Resignation – Involuntary: An employee shall be regarded as having resigned a position if able to notify the Executive Director of the reason for an absence, but fails to do so for three (3) consecutive working days. Involuntary Resignation shall also apply to employees who have notified the Executive Director within the necessary time period, but have exhausted all available leave time. Compensation owed to the employee during the pay period including the resignation will be paid on the appropriate payday.

Dismissal: During an initial evaluation period, an employee may be dismissed at any time at the discretion of the Executive Director. This policy does not apply to an employee serving an evaluation period following a transfer or promotion.

An employee who has been dismissed shall not be deemed to have severed employment in good standing. The employee shall be furnished with a statement, in writing, from the Executive Director

A) The order of the terminations shall be established by the Executive Director on the basis of the needs of Bis-Man Transit, and are subject to the provisions of any applicable collective bargaining agreements.

B) Factors such as relative merit and seniority of the persons may be considered for termination.

C) Employees who have not completed the evaluation period shall be terminated before other persons in the class are terminated. Also, consideration shall be given to full-time employees before part-time and temporary employees.

D) The affected employees shall be notified as quickly as possible, and in no event less than seven (7) days before the action takes place.

E) Employees terminated under this section have the same rights and privileges to re-employment as employees on a granted leave of absence without pay.

F) Employees affected by action under this section are eligible for all compensation due in the same manner as an employee resigning under favorable conditions.

G) A copy of the circumstances shall be retained in the employee's personnel file.

REHIRE OF FORMER EMPLOYEES

Former employees of Bis-Man Transit may be considered for reemployment with Bis-Man Transit under the following conditions:

- A) The employee gave satisfactory advance notice upon resignation and fulfilled that notice appropriately. Notice is defined as two weeks for non-exempt staff and four weeks for exempt staff.
- B) The employee's last evaluation was satisfactory.

MISCELLANEOUS

Donations or contributions are not reimbursable expense items.

CREDIT CARDS

- A) A Bis-Man Transit employee may request to use Bis-Man Transit credit card to make travel arrangements such as confirming a hotel room and commercial carrier transportation.
- B) All requests for authority to use Bis-Man Transit credit card must be made to the Executive Director.
- C) Charges shall not be made to Bis-Man Transit credit cards, which are not covered by a sufficient appropriation in the approved and adopted Bis-Man Transit budget.

RESTRICTION OF POLITICAL ACTIVITIES

No Bis-Man Transit employee shall engage in political activities during working hours or using Bis-Man Transit property. No Bis-Man Transit employee will be intimidated into supporting or contributing to partisan political activities.

Any violation of this rule is cause for suspension or dismissal. Outside of working hours, there shall be no restriction on political activities, except employees under Federal grants covered by the Hatch Act.

GIFT BAN

No employee shall solicit or accept any gift from any prohibited source or in violation of any federal or State statute, rule, regulation or any policy or resolution. This ban applies to and includes spouses of, and immediate family living with, the employee.

Definition of "Disallowed Gifts":

- A) Cash and cash equivalents including gift cards and certificates.
- B) Non-sympathy gifts.
- C) Company-purchased birthday, shower, holiday or any other personal gifts.
- D) BIS-MAN TRANSIT property.
- E) Alcohol and/or tobacco products.
- F) Illegal items.

Employee Acknowledgement Form

I have received a copy of the Bis-Man Transit Employee Handbook. I understand that I am to become familiar with its contents as it outlines my responsibilities, benefits and Bis-Man Transit guidelines. This Handbook supersedes and replaces all prior statements and practices whether presented verbally or in writing. The Employee Handbook describes important information about Bis-Man Transit, and I understand that I should consult the Executive Director regarding any questions not answered in the handbook.

Since the information, policies and benefits described herein are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies.

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.

Employees Name (printed):

Employees Signature:

Date:

Meeting Our Customer's Travel Needs

This guide provides brief information about Bis-Man Transit (door-to-door paratransit service) and Capital Area Transit (fixed route service). It was intended to give service providers resources they need when they refer people to use public transportation services in the Bismarck, Mandan, and Lincoln area. If you have questions about our paratransit or fixed-route bus service after reviewing this guide, please call our Bis-Man Transit office at 701.258.6817.

Bis-Man Transit Paratransit Service

For eligible riders who have a disability that prevents them from making some or all of their trips on the fixed-route system, Bis-Man Transit offers a shared ride, door-to-door service called paratransit. This service is sometimes called "ADA Paratransit Service" because it is provided to meet the requirements of the Americans with Disabilities Act of 1990 (ADA) and ensures all individuals have the opportunity to use public transportation services.

Paratransit schedules and provides service to ADA paratransit eligible persons at any requested time on a particular day in response to a request for service made at least one day in advance. Hours of operation for paratransit are Monday to Saturday from 5:30 AM to 12:00 AM; Sunday from 7:30 AM to 2:30 PM.

Capital Area Transit Fixed Route Service

Capital Area Transit (CAT) is committed to providing transportation services that can be used for all of our customers. Fixed-route buses operate on set routes throughout the Bismarck and Mandan communities. All fixed-route buses have lifts or are low-floor with a kneeling feature to better serve riders who use mobility-aids or have difficulty getting up and down the vehicle steps. Our fixed-route vehicles are 100% accessible.

For everyone's benefit and to comply with federal requirements, drivers announce route timing points and transfer points to help riders recognize their bus stop or point of transfer. A limited number of seats are usually available near the entrance of the bus for persons who have mobility concerns. Reserved spaces with tie-down straps and drivers assistance are available for riders who use mobility-aids.

Persons with disabilities and seniors age 65 or older may show their Bis-Man Transit membership card or other approved verification of age or disability to receive free fares on the CAT. If someone has a verifiable disability and would like a Bis-Man Transit paratransit ID card to receive free fare, he or she needs to fill out and submit the Bis-Man Transit application which can be obtained by calling 701.258.6817 or found online at www.bismantransit.com. We encourage our customers with disabilities and seniors to take advantage of the flexibility, independence, and no cost option that our fixed route services provide.

Students in grades K-12 and college, Medicare card holders, and Veterans can receive the reduced fare rate. Proper identification such as a form of school identification is required for students, and presentation of a Medicare card or military ID is required.

For route and schedule information, travel training information, or any questions you may have about using the CAT bus fixed route bus services, call 701.258.6817 or visit our website at www.bismantransit.com.

TABLE OF CONTENTS

Section One: Guide Introduction	5
Section 1.1 – Purpose of this Guide	5
Section 1.2 – References to Federal Regulations	5
Section 1.3 – Statement of Non-Discrimination	5
Section 1.4 – Accessible Formats	5
Section 1.5 – Paratransit Application Process	5
Section Two: Transportation Services	7
Section 2.1 – Service Description	7
Section 2.2 – Service Hours	7
Section 2.3 – Service Area	7
Section 2.4 – Paratransit Trip Purpose	7
Section 2.5 – Rider Fares	8
Section 2.6 – Refund Policy	9
Section 2.7 – Rider Courtesy and Conduct	10
Section 2.8 – Paratransit Driver Responsibilities.....	12
Section 2.9 – CAT Driver Responsibilities	14
Section Three: Paratransit Eligibility	15
Section 3.1 – Paratransit Eligibility Criteria and ADA Paratransit Eligibility	15
Section 3.2 – Eligibility for Discount Fare on Fixed-Route CAT Buses	16
Section 3.3 – Visitors	16
Section 3.4 – Temporary Disabilities	16
Section 3.5 – Conditional Disabilities	16
Section 3.6 – Eligibility Process for Persons with Disabilities.....	16
Section 3.7 – Application Form	17
Section 3.8 – Appeal Procedure	17
Section Four: Paratransit Trip Reservations Procedures.....	19
Section 4.1 – Reservations	19
Section 4.2 – Advance Notice Requirement.....	19
Section 4.3 – Reservation Procedures.....	19
Section 4.4 – Reservation Cancellation	20
Section 4.5 – Subscription Service.....	20
Section 4.6 – Same Day Request for Early Pickups.....	20
Section Five: Paratransit Pickup and Travel Procedures	21

Section 5.1 – Pickup Procedures	21
Section 5.2 – Companions	21
Section 5.3 – Escorts.....	21
Section 5.4 – Origin to Destination Service	21
Section 5.5 – Use of Ramp/Lift and Securement Inside Paratransit Buses	22
Section 5.6 – Capacity Constraints	23
Section 5.7 – Service Animals and Life Support Equipment	23
Section 5.8 – Prohibited Activities.....	24
Section 5.9 – Animals	24
Section 5.10 – Children.....	24
Section Six: Paratransit Trip Cancellations and Denials	25
Section 6.1 – Cancellation Procedures	25
Section 6.2 – Penalties Imposed for “No-Shows”	25
Section 6.3 – Refusal of Service.....	27
Section 6.4 – Condition of Service.....	27
Section Seven: Other Information	28
Section 7.1 – Travel Training	28
Section 7.2 – Accessible Phone Communications	28
Section 7.3 – Public Information	28
Section 7.4 – Privacy Regarding Medical Information.....	28
Section 7.5 – Complaints and Compliments.....	28
Section 7.6 – Driver Training	29
Section 7.7 – Vehicles.....	29
Section 7.8 – Reporting Abuse	29
Section Eight: Civil Rights Policies	30
Section 8.1 – Title VI Plan/Complaint Process.....	30
Section 8.2 – ADA Complaint Process	61
Section 8.3 – Reasonable Modification Plan/Complaint Process.....	64
<i>Section 6.3 Addendum – Refusal of Service.....</i>	69
<i>Section 2.6 Form</i>	70

SECTION 1: GUIDE INTRODUCTION

Section 1.1 - Purpose of this Guide

This document outlines the operational guidelines for the Bismarck-Mandan and Lincoln area paratransit and fixed-route services. The paratransit service is provided for individuals with disabilities and senior citizens age 70 or older whose transportation needs cannot be met by the CAT Bus fixed-route service. For those individuals able to use or access the city bus, Capital Area Transit provides fully accessible fixed-route bus service throughout the cities of Bismarck and Mandan.

Section 1.2 - References to Federal Regulations

The Bis-Man Transit paratransit and fixed-route services are funded in part through federal, state, and local governments. Operational guidelines comply with federal, state, and local regulations and conform to the applicable provisions of the Americans with Disabilities Act of 1990 (ADA) and Regulation 49 CFR Parts 37.

References will be made throughout this document to specific regulations to assist in updating guidelines as regulations are modified.

Section 1.3 - Statement of Non-Discrimination

[ADA Regulation 49 CFR 39]

The Bis-Man Transit Board does not discriminate against any individual on the basis of race, color, creed, religion, national origin, gender, marital status, status with regard to public assistance, disability, age or familiar status in the provision of public transportation services.

Section 1.4 - Accessible Formats

The information contained in this guide, information concerning the eligibility determination process, application materials, and determinations concerning eligibility are available in accessible formats upon request by contacting the Bis-Man Transit office at 701.258.6817. Information will be provided in a format a person can use according to their disability.

Section 1.5 - Paratransit Application Process

Paratransit service is available to all Bismarck, Mandan, University of Mary, and Lincoln residents eligible for the service. Trips must be located within the predetermined service area. (ADA eligible out-of-town riders see Section 3.3).

To become certified to schedule and ride paratransit, the applicant must obtain and fill out an application by printing it from www.bismantransit.com, receiving a printed application from the Bis-Man Transit office by calling 701.258.6817, or stopping at the Bis-Man Transit office at 3750 E Rosser Ave in Bismarck. Electronic applications are accepted via e-mail at info@bismantransit.com.

The application is to be completed in its entirety by the applicant. The appropriate human service professional listed by the applicant will then be contacted to verify the applicant's disability, if applicable.

- Applicants wishing to be certified on ADA basis must complete the entire application.

- Individuals over 70 wishing to be qualified based on age must complete the general information portion of the application and provide one of the following:
 - Copy of a government issued photo ID
- All applications must be signed by the applicant.

The completed application form and additional documentation of the applicant's age or disability must be mailed or faxed to:

Bis-Man Transit
3750 E Rosser Ave
Bismarck, ND 58501
Fax Number: 701.258.6752

Electronic applications may be e-mailed to:

info@bismantransit.com

Applicants can also bring the application and supplemental documentation to the Bis-Man Transit office at 3750 E Rosser Ave in Bismarck and office staff will make a copy of the supplemental document for the applicant to include with the application form.

Bis-Man Transit staff will evaluate the information on the application. If an application is approved, the new rider will be notified by mail and will be issued a rider verification card. The rider verification card contains the following information:

- Assigned Bis-Man Transit rider ID number
- Name of the eligible rider
- Address of the eligible rider
- Expiration date of paratransit eligibility. For Unconditional Eligibility, this is 3 years from the certification date

Each applicant's eligibility will be determined according to guidelines in Section 3: Paratransit Eligibility.

Riders are encouraged to carry their Bis-Man Transit ID card at all times.

In the case of a temporary disabling condition, a temporary ID card will be provided with the date of the card expiration.

If an application is not approved, the applicant will be notified and he or she will have an opportunity to provide additional information for reconsideration by Bis-Man Transit.

SECTION 2: TRANSPORTATION SERVICES

Section 2.1 - Service Description

[ADA Regulation 49 CFR 37.167(e)]

All Capital Area Transit fixed-route buses are accessible through provision of lifts or ramps (low floor buses).

Bis-Man Transit Paratransit is required to provide door-to-door transportation service on a reservation basis for individuals with disabilities who are ADA paratransit eligible and unable to utilize CAT fixed-route bus service independently (refer to section 3.1). Paratransit utilizes buses with lifts for accessibility. Riders are not able to request a certain vehicle. Considerations for a vehicle request will be considered only if a physician submits a written, detailed description why a rider needs special provisions. This does not guarantee that the rider request will be granted.

Section 2.2 - Service Hours

[ADA Regulation. 49 CFR 37.131 (e)]

The CAT bus fixed-route system's route times are listed on the route maps and on the websites, www.thecatbus.com and www.bismantransit.com.

The CAT bus doesn't run on Sundays or the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day.

Paratransit door-to-door service is available and operates Monday to Saturday from 5:30 AM to 12:00 AM; Sunday from 7:30 AM to 2:30 PM. Rides need to be scheduled at least the day prior by calling the scheduling dispatch assistants at 701.258.6817 (select option 1) between the hours of 8:00 am and 5:00 pm Monday to Saturday; 8:00 AM and 2:30 PM on Sunday. Trips may also be scheduled by leaving a voice message with dispatch from 2:30 PM to 5:00 PM on Sundays.

Section 2.3 - Service Area

[ADA Regulation 49 CFR 37.131 (a)]

The CAT bus fixed-route service operates along set routes throughout the Bismarck and Mandan communities.

Paratransit door-to-door service serves riders within the cities of Bismarck, Mandan, and Lincoln and also serves University of Mary.

Section 2.4 - Paratransit Trip Purpose

[ADA Regulation 49 CFR 37.131 (d)]

No restrictions or priorities are imposed based on trip purpose for rides given by Bis-Man Transit paratransit. Paratransit is not an ambulance service and does not provide emergency medical transportation. Drivers are prohibited from providing delivery services.

Section 2.5 - Rider Fares

ADA Regulation 49 CFR 37.131 (c)]

CAT Bus

The rates for The CAT Bus fixed route service are as follows (January 2017):

- \$1.50 one-way
- \$.75 one students in grades K-12 and college, Medicare card holders and Veterans (verification required to receive discounted rate)
- Free for children age 4 and under when riding with an adult
- Free transfers
- \$6.00 for 1-day pass for adults
- \$3.00 for 1-day pass for students in grades K-12 and college, Medicare card holders and Veterans (verification required to receive discounted rate)
- \$36.00 for 30-day pass for adults
- \$24.00 for 30-day pass for students in grades K-12 and college, Medicare card holders and Veterans (verification required to receive discounted rate)
- Seniors 65 and older, as well as certified paratransit riders may ride the CAT for free at any time (verification required to receive discounted rate)

Each one-way fare listed above is for a one-way complete trip. Once a rider disembarks from the vehicle or arrives at a destination, a trip is completed. Transfers are free at the following locations: Bismarck State College, Mapleton Avenue, Front Avenue, and Dan's Supermarket Mandan.

When transferring, riders must board the next bus going toward their final destination.

CAT Bus fareboxes accept cash and coins. The fareboxes do not return change and drivers do not carry change. If riders do not pay with exact change, they will be issued a ticket with the remaining balance.

The ticket must be used on the CAT Bus within one year of its issue date. Riders must pay the fare or feed their 30-day pass into the farebox immediately when they enter the bus. Drivers are not permitted to access a rider's personal wallet, purse, or backpack.

30-Day passes and 1-Day passes can be purchased from CAT Bus drivers. All passes can also be purchased at the Bis-Man Transit office at 3750 E Rosser Ave in Bismarck. If a rider purchases a pass from a CAT Bus driver, he or she must tell the driver what pass is needed BEFORE money is fed into the farebox. If an agency is purchasing a large quantity of these tickets, it is advised that the agency call ahead and the office staff will get them ready for pickup.

Paratransit

The fare for each one-way trip on paratransit is \$3.00 (January 2017). Exact fare is required in the form of cash or change. Drivers do not have change and they are not permitted to access a rider's personal wallet, purse, or backpack. Punch cards in \$12 increments are available for purchase at the following locations:

- Bis-Man Transit office (Cash, Credit/Debit Card, or Check)
- Dan's Supermarket Customer Service Counters (North, South, East, West, and Mandan)
- Cash Wise Foods (North and South) Customer Service Counter
- Ticket can also be purchased by phone with a credit/debit card by calling the Administrative Office at 701.258.6817. Tickets may be mailed or picked up in the office.
- Diminishing balances may be refilled via Cash, Credit/Debit Card, or Check.

The following conditions apply to punch card sales:

- Punch cards cannot be redeemed for cash under any circumstances
- Lost or stolen cards will not be replaced
- Punch cards are valid for use on paratransit only

Paratransit personal care assistants with a responsibility to help the rider may ride free of charge (Section 5.3 - Paratransit Escorts). Bis-Man Transit members age 8 and under cannot ride alone and must have an escort (Section 5.10 - Children). Children under the age of 7 ride free when accompanied by an eligible adult rider. Eligible riders are allowed one companion with additional companions on a space available basis. Companions are charged the same rate as the Bis-Man Transit member, which is \$3.00 each way.

Fares cannot be or billed at a later date without the approval of the Bis-Man Transit Executive Director. All fares are subject to change for both paratransit and the fixed-route bus systems.

Section 2.6 – Refund Policy

CAT Bus

All CAT Bus passes are non-refundable. Bis-Man Transit does not replace or offer refunds for lost, stolen, or unused passes. If a bus pass is damaged and not functioning properly, the administrative staff will evaluate each request to determine if a replacement pass will be issued.

No refund or replacement ticket will be issued for lost, destroyed, or stolen passes. Bis-Man Transit will not refund due to errors in timetables, inconvenience or damage resulting from missed stops, delayed, canceled, or missed buses, failure to make connections, or equipment shortages. All customers must have a pass in their possession at the time of travel.

Paratransit/Demand Response

Bis-Man Transit will issue paratransit/demand response punch tickets and diminishing balance refunds in the event of the death or relocation of the rider. A copy of the death certificate must be provided in the event of death. For riders relocating, an updated address must be provided.

Punch Tickets can only be refunded if the punch card is unused and undamaged.

If the rider is deceased, diminishing balance funds may be requested up to 60 days from the time of death with a copy of the certified death certificate. If this is not requested within 60 Days, Bis-Man Transit will absorb the remaining balance.

All refunds will be issued by check. No cash refunds will be provided under any circumstance. Refund requests may be submitted in person at the Transit Facility or via mail. Direct all mailed requests to:

Bis-Man Transit Board
3750 East Rosser Ave
Bismarck, ND 58501

The refund request form can be found on page 56.

Note: All tickets submitted for refund or exchange are subject to review by Bis-Man Transit management. Any ticket deemed to be counterfeit or stolen will be confiscated and the requestor denied any of the above options. Refund requests may take up to two weeks.

Section 2.7 - Rider Courtesy and Conduct

Bis-Man Transit and Capital Area Transit have lists of rules and courtesy to ensure the safety of all riders and drivers. Riders, their escorts, or companions traveling with riders, who engage in physical abuse or cause physical injury to another rider or driver, or who engage in other illegal activities, may be subject to immediate suspension from riding paratransit and/or CAT buses. They also may be subject to possible criminal prosecution, which may include fines.

Riders who engage in an activity that disrupts the safe or effective operation of paratransit or CAT Bus services, may be subject to a suspension of service. If a rider is disruptive, Bis-Man Transit reserves the right to require that an escort travel with the rider as an option instead of service suspension.

Paratransit

- Riders shall maintain appropriate, reasonable personal hygiene.
- Shirts and shoes must be worn.
- No eating, drinking, or smoking in vehicles.
- Smoking is not allowed within 20 feet of Bis-Man Transit doors and windows.
- Make reservations a minimum of one day in advance.
- Be ready at pickup location and be on time.
- Call if the vehicle has not arrived by the end of the "30-minute window"
- Call to cancel unneeded rides at least 30 minutes prior to the scheduled pickup time to avoid a "no show."
- Pay the correct fare in the exact amount or with a pre-purchased punch card.
- Wear seat belts.
- Avoid distracting the driver or annoying other riders with inappropriate behavior.
- Head, arms, and other body parts must be kept inside the vehicle
- No abusive, threatening, or obscene language or actions.
- No physical abuse of another rider or the driver.
- Baby strollers and walkers must be folded and stowed to not block the aisle or cause injury to persons on the vehicle.
- Parents must control children.
- Expect "shared-ride" service. Others may be picked up after you or dropped off before you reach your destination.
- No littering in the vehicle.
- Objects must not be thrown from a vehicle window.

- No riding with open containers of alcohol or illegal drugs.
- No riding while under the influence of alcohol or illegal drugs if the rider's behavior disrupts the driver or other riders.
- No deliberate fare evasion.
- No petting guide dogs or other service animals without the permission of the owner.
- No playing of radios, mp3 players or other multimedia devices (without headphones) and no other noisy equipment while on board.
- No operating or tampering with any vehicle equipment.
- Dangerous weapons are prohibited on Bis-Man Transit vehicles.
- Federal regulations prohibit the transportation of flammable or explosive materials on paratransit vehicles.
- Packages are limited to what the rider can carry in one trip and contain within their seating area on the Bis-Man Transit vehicle.

CAT Bus

- Riders shall maintain appropriate, reasonable personal hygiene.
- Shirts and shoes must be worn.
- Pay the correct fare in the exact amount or with a 1- or 30-day pass.
- Keep arms, legs, and personal items out of the aisles.
- Do not stand in the stairwells.
- No eating, drinking, and no open containers on the bus.
- No smoking on the bus or within 20 feet of bus doors and windows.
- No multimedia devices without headphones.
- No rollerblades or in-line skates may be worn on the bus.
- Animals must be contained to a cage on CAT buses (except service animals)
- Please limit yourself to 2 packages.
- Strollers and walkers must be folded and stored out of the aisles.
- Parents must control children.
- No littering in the vehicles or shelters.
- No riding with open containers of alcohol or, with illegal drugs.
- No riding while under the influence of alcohol or illegal drugs if the rider's behavior disrupts the driver or other riders.
- No operating or tampering with any vehicle equipment.
- Dangerous weapons are prohibited on CAT buses.
- You may ask your driver questions pertaining to the routes while on the bus, however, please refrain from carrying on a conversation with the driver while the bus is in motion.
- Avoid distracting the driver or annoying other riders with inappropriate behavior.
- Threatening behavior or vulgar language may result in suspension or rider being asked to leave the bus.
- Drivers have the right to refuse service.

Suspension of Service Due to Prohibited Behaviors

Any illegal, violent or disruptive behavior as described in the above section shall result in an immediate seven (7)-day suspension from service. After the suspension has begun, the manager of the transit provider shall review the particulars of the incident. Upon the conclusion of this review, the suspension can be either sustained or lifted immediately. All offenses will be documented by the transit provider.

- | | |
|---------------------------------------|----------------------------------|
| 1. First Offense | (7)- Day suspension from service |
| 2. Second Offense in 12-month period | (3)-Week suspension from service |
| 3. Third Offense in a 12-month period | (8)-Week suspension from service |

Appeals

Appeals to any suspension shall be made in writing (either by mail or e-mail) sent to the Executive Director at the Bis-Man Transit Facility (3750 E Rosser Ave, Bismarck, ND 58501 or info@bismantransit.com). The appeal shall include the words: "Appeal of Transit Suspension." Any appeal must be filed within 30 days of the date of suspension to be considered. Bis-Man Transit shall process any appeal received within 30 days of receipt, and may contact the appellant and others in conducting the review. If the appellant does not provide the requested additional information to Bis-Man Transit, the transit provider can administratively close the appeal. The appellant may choose to no longer pursue the appeal at any time during this process. When Bis-Man Transit has concluded its review, it will issue a letter either modifying, affirming or erasing the suspension.

Section 2.8 - Paratransit Driver Responsibilities

Bis-Man Transit has a list of rules to ensure the safety of drivers and riders and to provide a positive riding experience. Drivers will adhere to the same standards of common courtesy and personal hygiene as those required of the riders.

- Treat riders with courtesy.
- Be uniformed appropriately.
- Stay within sight of their vehicle at all times.
- Maintain the assigned service schedule for the convenience of all riders.
- With permission, assist riders when entering or leaving the vehicle.
- Provide rider assistance when instructed by dispatcher.
- On request, the driver will assist riders between the vehicle and up to the entrance of a house, apartment building, or other building.
- Drivers are allowed to carry no more than what they can carry in one trip per paratransit eligible rider (maximum total weight of 25 pounds).
- Assure seat belts and all mobility devices are properly secured.
- Follow the guidelines for pick up and drop offs.
- Maintain radio contact with dispatch.
- Collect fares for riders' trips as appropriate.
- Follow all safety protocols put in places by Bis-Man Transit.

On request, the driver will assist passengers between the vehicle and entrance of a house, apartment building or other building. Such assistance must be requested in advance by notifying the scheduler when you make your reservation. If the passenger has indicated on their application that they require driver assistance regularly, this shall be indicated on the driver's schedule for all future trips.

Driver assistance ends when the driver has assisted the passenger in getting through the main door of the building. This includes assistance through a short entryway into the climate-controlled portion of the building. If the passenger needs additional assistance beyond the main door, they must have someone meet them at the door or have a personal care attendant ride along. The driver will not assist customers in mobility-aids into buildings that are not accessible (other than opening doors), nor will drivers push mobility-aids through areas that have not been cleared of snow.

If requested, the driver will assist with either two grocery-size bags or one small collapsible cart. The driver will not bring packages past the first door. Space for packages is limited. The rider must be able to carry their packages in one trip and the packages must be safely secured while on the vehicle. Guests and personal care attendants are expected to assist the passenger.

Bis-Man Transit reserves the right to refuse service or load at a location deemed as unsafe for the passenger, driver or the vehicle/equipment, including areas not cleared of snow. The driver will attempt to find an alternate loading point which is deemed to be safe by the driver and acceptable by the passenger. The driver must be able to keep the vehicle in sight at all times, and cannot assist passengers to an entrance that hinders this.

Service will be impacted during a snow event. The drivers will only travel on roads that are reasonably clear of snow. If a passenger is leaving their residence during a snow event and plans to return to that residence that day, it is the responsibility of the passenger to arrange for snow removal on their property so there is a clear path for the driver to assist the passenger to the door. The driver is not to shovel a path to the door for the passenger.

If a major snow event is probable, service may be cancelled by Bis-Man Transit. Passengers are to listen to local media to find out if service has been canceled. If it appears during the afternoon that service may be canceled the next day, staff may contact riders to determine an appropriate course of action.

Ramps to the passenger's door must be safe for both the passenger and the driver. The passenger is responsible for arranging for the ramp to be free of snow and ice.

Passengers unable to independently conduct themselves inside an origin/destination building lobby must have someone meet them at the door or have a personal care attendant (PCA) ride along. If the destination building is locked, a PCA is not along, and no one is available to meet the customer, the driver, after first receiving approval from the Dispatcher, may return the customer to the place of origin at the next available trip. If this is not an option, the rider will be returned to the bus and remain on board until the driver receives instructions from the Dispatcher. The driver will continue completing scheduled trips so as not to delay another passenger's service. Once Dispatch makes contact with the rider's guardian/PCA, the driver will be instructed to return to the drop-off point as their trip schedule permits.

Bis-Man Transit will track policy violations, specifically those that result in delays for other riders and overall system productivity. Violations prior to the policy approval will not be assessed.

On the day the rider violates the policy, the following progressive action will be taken:

- First violation (1st ride) — A warning letter will be issued advising the rider/guardian of the policy violation and informing them of the next steps that may be taken.
- Second violation (2nd ride) — Customer will receive a seven (7) day suspension.
- Third violation (3rd ride) — Customer will receive a fourteen (14) day suspension.
- Fourth violation (4th ride) — Customer will receive a twenty-one (21) day suspension.
- Subsequent violations will result in an additional seven (7) day suspension. (5th+ ride)

Violations will be tracked on a **sixty (60) day** rolling calendar period.

Appealing a Warning or Suspension

Customers are given the opportunity to appeal a suspension of service with Bis-Man Transit. If any customer using the Bis-Man Transit system has a concern or disagreement, they are asked to submit their issue in writing. All written appeals will be investigated and a response will be issued within five (5) working days.

If the customer is not satisfied with the response received from the Administrative office, they have the right to appeal the decision to the Bis-Man Transit Board of Directors at their next scheduled meeting. After the Board of Directors has reviewed the situation, they will provide a written response within ten (10) working days. If the customer is not satisfied, they have the right to submit a complaint to the Federal Transit Administration at 1200 New Jersey Avenue, SE, Washington, DC 20590 United States.

Section 2.9 - CAT Driver Responsibilities

Bis-Man Transit has a list of rules to ensure the safety of drivers and riders and to provide a positive riding experience. Drivers will adhere to the same standards of common courtesy and personal hygiene as those required of the riders.

- Treat riders with courtesy.
- Be uniformed appropriately.
- Stay within sight of their vehicle at all times.
- Maintain the assigned service schedule for the convenience of all riders.
- Assist riders with trip planning questions, while maintain safe operation.
- Follow all safety protocols put in places by Bis-Man Transit.

Drivers are NOT permitted to:

- Enter a rider's residence or other buildings
- Access a rider's personal wallet, purse, or backpack
- Perform any personal care assistance for riders
- Lift or carry riders or mobility-aids up or down steps
- Call riders to pick them up earlier or later than scheduled (all drivers must only use the dispatcher to communicate with riders)

SECTION 3: PARATRANSIT ELIGIBILITY

Section 3.1 - Paratransit Eligibility Criteria and ADA Paratransit Eligibility

Bis-Man Transit paratransit service is intended to provide transportation services to individuals with disabilities and seniors age 70 or older who are unable to independently use the fixed-route CAT Bus system. To be eligible to use paratransit, riders must be considered eligible based on the application process.

Paratransit eligibility is based on a functional, rather than medical model. Persons are not qualified or disqualified on the basis of a specific diagnosis or disability. An individual will be certified as paratransit eligible if there is any part of the CAT fixed-route system in the designated service area which cannot be used or navigated by that individual because of a disability.

The three categories of ADA paratransit eligibility established by the federal government are listed below:

Category 1 - Persons unable to board, ride, or disembark fully accessible fixed-route services

Any individual with a disability who is unable, as the result of a physical or mental impairment, including a visual impairment) and without the assistance of another individual (except the operator of a mobility-aid lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and unable by individuals with disabilities. [37.123 (e)(1)]

An example of eligibility under this category includes persons with mental disabilities or vision impairments who cannot "navigate the system" or otherwise cannot physically use fixed-route services. This would include people with physical disabilities who cannot stand on a bus, get on or off the lift, or proceed from the mobility-aid securement area without assistance except as provided by the driver or other employee of the service.

Category 2-Persons unable to board, ride, and disembark even if the vehicle is accessible (equipped with a ramp or lift)

Any individual with a disability who needs the assistance of a mobility-aid lift or other boarding assistance device and is able, with such assistance, to board, ride, and disembark from any vehicle that is readily accessible to and unable by individuals with disabilities if the individual wants to travel on a route of the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route. [37.123 (e)(2)]

Eligibility under this category depends on the accessibility of vehicles and routes. A person is eligible for paratransit service if the fixed route on which they want to travel is not yet accessible.

- An individual is eligible for paratransit if a vehicle's lift or boarding device could not be deployed at the stop which they want to use
- An individual is eligible if they use a mobility-aid but cannot be served by the fixed- route system because the lift on the vehicle they need fails to work
- All Capital Area Transit vehicles are 100% accessible

Category 3 - Persons unable to travel to the boarding location or from the disembarking location.

Any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system.

[37.123(e)(3)]

Environmental conditions and architectural barriers not under control of the public entity, do not, when considered alone, confer eligibility. If, however, travel to or from a boarding location is prevented when these factors are combined with the person's specific impairment-related condition, paratransit service must be provided. Examples of architectural and environmental factors that, in combination with certain disabilities, could prevent travel include: lack of curb cuts, the distance from the stop to the trip origin or destination, snow or ice, temperature extremes, major intersections, or temporary construction projects.

Section 3.2 - Eligibility for Discount Fare on Fixed-Route CAT Buses

The paratransit ID card issued by Bis-Man Transit entitles an individual to ride the fixed-route CAT Bus System (Capital Area Transit) for free. The rider must show the Bis-Man Transit membership card to the driver when boarding the bus. (Refer to section 3.5 - Eligibility Process to apply for paratransit certification)

Section 3.3 - Visitors

[ADA Regulation 49 CFR 37.127]

Individuals certified as eligible by another public entity that claim to be "ADA Eligible," are presumed to be eligible and will be similarly provided service. Any limitation/condition placed upon a certification by another public entity will be honored for paratransit services. Verification of this eligibility may be required.

Section 3.4 - Temporary Disabilities

An individual with a temporary disability that meets paratransit eligibility criteria will be issued a temporary Bis-Man Transit paratransit ID card upon completion of the Bis-Man Paratransit Application. An example of a temporary disability is a broken leg.

Section 3.5 - Conditional Disabilities

An individual with a conditional disability that meets paratransit eligibility criteria will be issued a "Conditional" Bis-Man Transit paratransit ID card upon completion of the Bis-Man Paratransit Application. An example of conditional disability is difficulty with mobility in temperatures below freezing.

Section 3.6 - Eligibility Process for Persons with Disabilities

[ADA Regulation 49 CFR 37.125]

Applicants must submit a completed, written application to Bis-Man Transit at 3750 E Rosser Ave, Bismarck, ND 58501. Applications may be faxed to 701.258.6752 or e-mailed to info@bismantransit.com.

For the purpose of determining eligibility for paratransit services, the individual applying for services must fill out the paratransit application in its entirety.

Bis-Man Transit is responsible for reviewing applications and determining eligibility. A written response stating the determination of eligibility will be mailed to the applicant within 21 calendar days of receipt of a completed application and appropriate provider verification. Determination of ineligibility will include reasons for the finding.

Approved riders will be issued a Bis-Man Transit membership card stating they are eligible for paratransit. This membership card shall include the following:

- Assigned Bis-Man Transit rider ID number
- Name of the eligible rider
- Address of the eligible rider
- Expiration date of rider eligibility. For Unconditional Eligibility, this is 3 years from the certification date.

Rider's must complete the recertification application every three years to ensure Bis-Man Transit has current contact information.

Section 3.7 - Application Form

The following contents of the Bis-Man Transit Application for Transit Services will be utilized by Bis-Man Transit in determining and notifying individuals of eligibility for paratransit service:

- General Information (contact, date of birth, emergency contact information)
- "About Your Disability"
- "Getting to and From the Bus Stop"
- "Tell us about what you can do & what affects your abilities"
- "Using the fixed route bus"

Applicants age 70 or older must submit a copy of a state issued identification card. Applicants with a disability must provide contact information for Health Care Professional who will be able to verify the application. Bis-Man Transit staff will contact the provider directly.

Section 3.8 Appeal Procedure

A determination of eligibility will be made by Bis-Man Transit within 21 days of the completed application process. NOTE: Applications are not considered complete until the professional verification has been received and if required an interview is completed. Bis-Man Transit will notify you in writing with the decision of your eligibility status. If it is determined that you are able to use the fixed route service and are found not eligible for paratransit service, Bis-Man Transit will provide explanation for the determination. If you are determined "Not Eligible", or are dissatisfied with your eligibility type, you may appeal the decision. A written request to appeal the decision must be received within 60 days of the written eligibility notification letter.

Submit a letter stating your wish to appeal the decision that was made. You may include information as to why you feel you were incorrectly denied (or limited) for ADA Paratransit service and attach copies of

any other information you feel supports your appeal, though this is not required. A hearing date will be set for within thirty (30) days of receipt of the appeal request.

The decision of the appeals committee will be given within thirty (30) days of the hearing date, and will be provided in writing (and/or other accessible formats as requested). The decision made by the appeal panel will be the final determination. You may then only re-submit an application if your condition changes. ADA Paratransit service will not be provided for new applicants during the appeal process, unless the appeal process cannot be concluded within thirty (30) days.

Appeals must be in writing and forwarded to:

Executive Director
c/o Bis-Man Transit
3750 East Rosser Avenue
Bismarck, ND 58501

SECTION 4: PARATRANSIT TRIP RESERVATIONS PROCEDURES

[ADA 49 CFR 37.131 (b)]

Section 4.1 - Reservations

The following telephone number must be called to reserve a ride:

701.223.9901

Call volumes tend to be higher on weekends, so riders are encouraged to schedule their rides Monday-Friday.

Individuals who utilize a text telephone or TDD should call the Relay Service at 7-1-1 to get assistance in reserving a ride.

Section 4.2 - Advance Notice Requirement

Reservations may be made no more than fourteen (14) calendar days prior to when the individual wishes to ride. Rides need to be scheduled at least the day prior by calling the scheduling dispatch assistants at 701.223.9001 (select option 1) between the hours of 8:00 AM and 5:00 PM Monday to Saturday; 8:00 AM and 2:30 PM on Sunday. Trips may also be scheduled by leaving a voice message with dispatch from 2:30 PM to 5:00 PM on Sundays.

Medical appointments and some work arrangements allow for "will call" returns. In the case of a "will call," the rider is allowed to call the scheduling line when their appointment is done and the dispatcher will send a vehicle as soon as possible. If a rider has a return trip scheduled for his or her medical appointment or work and he or she will be delayed past the scheduled ride time due to unforeseen circumstances, the rider needs to call the scheduling line immediately and we will attempt to reschedule the trip and accommodate the rider on a space available basis.

Section 4.3 - Reservation Procedures

Paratransit trips will be coordinated to transport as many riders as possible.

When calling the scheduling line, have the following information ready:

- Name
- Date ride is needed
- Pickup location
- Destination
- Time that the rider needs to arrive at the destination
- If a companion or escort will be accompanying the rider
- If a rider assistance is needed by the driver (what type of assistance)
- Time of return trip

The scheduler that takes the call will give an estimated time that the bus will pick the rider up for the trip and for the return trip.

Section 4.4 - Reservation Cancellation

A rider up to 30 minutes prior to the scheduled pickup time may cancel reservations without being penalized with a no-show. (Refer to Section 6.2 - Penalties Imposed for "No Shows").

Section 4.5 - Subscription Service

[ADA Regulation 49 37.133]

If a rider wishes to ride at the same time and to the same destination on a regular basis, he or she may make a subscription reservation. Subscription service may not absorb more than fifty (50) percent of the number of trips available at any given time of the day, unless there is a non-subscription capacity.

Subscription reservations are restricted during all weekday peak demand operating hours to the following trip purposes: work (including volunteer), school, medical/counseling services, meals and social service programs. The dispatcher may reschedule or rearrange subscription reservations as needed for efficient use of vehicles and the rider will be notified of the change.

Section 4.6 - Same Day Request for Early Pickups

Requests to change your return pickup time because you are ready early will be accepted, but there is no guarantee that the time will be changed. The only exception to this will be return trips from appointments that are set up as "will calls." In this case, every effort will be made to adjust the rider's return trip pickup time and assign another vehicle to pick him or her up at a later time.

SECTION 5: PARATRANSIT PICKUP AND TRAVEL PROCEDURES

Section 5.1 - Pickup Procedures

The rider will be provided with a scheduled pickup time. All riders should be ready 15 minutes prior to their scheduled pickup time and allow 15 minutes to pass beyond their pickup time before calling the scheduling line at 701.258.6817 to inquire about their ride. The driver will wait five (5) minutes beyond the scheduled pickup time for the rider to appear. If the rider does not appear within the five minutes, he or she will be considered a no-show.

If the vehicle arrives earlier than 15 minutes prior to the scheduled pickup time, dispatch will attempt to contact the rider. If the rider is not yet ready, the driver will wait until scheduled pickup time before beginning to count the five minutes allowed for the rider to appear.

If the paratransit vehicle arrives more than 15 minutes later than the scheduled time under normal weather, road and operating conditions, and the rider chooses not to take the ride this will be considered a "missed trip" rather than a "no show". If the rider decides to still take the trip; the rider may not be obligated for pay the fare if he or she calls the Bis-Man Transit office at 701.258.6817 and discusses the situation with the Transit Director.

The entrance to the building where the rider is picked up will be the same entrance the rider will be brought back to unless the scheduler is notified otherwise at the time the rider is booking the ride.

Section 5.2 - Companions

[ADA Regulation 49 CFR 37.123 (f)]

Eligible riders may take one (1) companion with them. The beginning and ending destination of this companion must be the same as the Bis-Man Transit rider. Companions must pay for their ride (refer to Section 2.5 -Rider Fares). Additional companions may be accommodated on a space available basis. Escorts are not counted as companions.

Section 5.3 - Escorts

[AD A Regulation 49 CFR 37.123 (f) and 37.131 (c) (3)]

The escort (also known as a personal care attendant) is defined as someone designated or employed specifically to help the eligible rider meet his or her personal needs. An escort is allowed to ride free. If a rider requires an escort, he or she must indicate this on the application for eligibility form or notify the main office by calling 701.258.6817 if the need arises after the person becomes a rider. Escorts must have the same origin and destination as the eligible individual. Escorts must remain with the rider during the complete trip.

Section 5.4 - Origin to Destination Service

[ADA Regulation 49 CFR 37.129]

On request, the driver will assist riders between the vehicle and the entrance of a house, apartment building, or other building. Such assistance must be requested in advance by notifying the dispatcher

when the rider makes the reservation. If the rider has indicated on his or her application that he or she requires driver assistance regularly, the schedulers shall indicate this on the rides for all future trips.

Driver assistance ends when the driver has assisted the rider in getting to the main door of the building. If the rider needs additional assistance beyond the main door, he or she needs to have someone meet him or her at the door or have an escort and/or companion ride along. The driver will not assist individuals in mobility-aids into buildings that are not accessible (other than opening doors), nor will drivers push mobility-aids through areas that have not been cleared of snow. Assistance will be provided up/down curbs.

If the destination building is locked and an escort is not with or no one is available to meet the rider, the driver may get approval from the dispatcher to return the rider to the place of origin. For the safety of the rider, consistent occurrences of disruptions to the service may result in requiring an escort to accompany the rider.

Because the vehicle will be shared, riders should limit their parcels to one armload. Packages must be kept on the rider's lap or under his or her seat. For the safety of all riders, people may not transport explosives, acids, flammable liquids, weapons, or other hazardous materials.

Drivers are allowed to assist with carrying one load of packages per trip (maximum total weight of 25 pounds). For grocery trips, the number of packages is still limited to one trip. Small personal grocery carts may be brought on the paratransit vehicle; however, they must be placed behind a seat out of the aisle. A limit on the number of packages is established due to the available space and time required to carry the items. Packages may be placed on the floor as long as they don't interfere with mobility-aid securements.

During the winter months, it is the riders' responsibility to ensure that all sidewalks and pathways are clear of snow at their residence. If a rider cannot be accommodated because of impossible boarding conditions, then the trip is considered cancelled.

Section 5.5 - Use of Ramp/Lift and Securement Inside Paratransit Buses

[ADA Regulation 49 CFR 37.165]

For those riding in mobility-aids, the driver will secure the mobility-aid using the vehicle's securement system. Mobility-aids must be secured during transport. Refusal by the rider to allow securement devices to be used will result in denial of service.

[ADA Regulation 49 CFR 37.165]

It is recommended, for safety reasons, that electrically powered mobility-aids must have the main power switch placed in the "off" position at all time while the vehicle is in motion.

With respect to mobility-aid/occupant combinations that are larger or heavier than those to which the design standards for vehicles and equipment of 49 CFR part 38 refer, Bis-Man Transit will carry the mobility-aid and occupant if the lift and vehicle can accommodate the mobility-aid and occupant. Bis-Man Transit may decline to carry a mobility-aid/occupant if the combined weight exceeds that of the lift specifications or if carriage of the mobility-aid is demonstrated to be inconsistent with legitimate safety requirements.

Bis-Man Transit may recommend to a user of a mobility-aid that the rider transfer to a vehicle seat.

Where necessary or upon request, Bis-Man Transit personnel shall assist individuals with disabilities with the use of securement systems, ramps and lifts. If it is necessary for the personnel to leave their seats to provide this assistance, they shall do so.

Bis-Man Transit shall permit individuals with disabilities who do not use mobility-aids, including standees, to use a vehicle's lift or ramp to enter the vehicle.

The definition of "mobility-aid" specifically includes mobility scooters, and contains no requirements for brakes, footrests, push handles or other equipment.

Drivers and riders shall use seat belts at all times. Drivers shall instruct each rider to use the belt. Before pulling away from a stop, drivers shall make sure that riders are seated with seat belts properly secured. Children under the age of seven (7) who weigh less than 80 pounds and are less than 4'9" (57 inches) tall shall use an approved child restraint system at all times. The child restraint system is to be provided by the customer. Failure to use the seat belt and/or child restraint system shall result in denial of transportation services to the rider for that trip.

Exceptions to the mandatory seat belt requirements will be made for medical reasons upon receipt of a written statement from a physician, stating that the individual cannot be safely transported using seat belts because of a medical condition, body size, or physical disability.

Section 5.6 - Capacity Constraints

Bis-Man Transit will monitor service levels to determine the need to increase or reduce service to meet the transportation needs of riders. Therefore, records are kept and reviewed monthly of untimely pickups, missed trips, and excessively long trips (see definitions below) in order to consider the need for additional vehicles to meet capacity. There must be a consistent pattern and problems must be considered substantial in order to identify capacity constraints. If a significant capacity constraint is identified, additional vehicles may be placed into service to meet the demand.

Missed trip - Trips that are not completed because the vehicle arrived more than 15 minutes later than the scheduled time will be considered a "missed trip."

Excessively long trips - Travel time between pickup and drop off of more than one hour will be considered an "excessively long trip."

Bis-Man Transit is not responsible for operational problems caused by circumstances beyond our control such as unanticipated weather or traffic problems (trains, accidents, etc). Such problems will not be considered in establishing whether or not patterns that limit the availability of service exist.

The Bis-Man Transit driver cannot change a route (pickup or destination points) or make detours upon a rider request without first informing the dispatcher and receiving authorization.

Section 5.7 - Service Animals and Life Support Equipment

[ADA Regulation 49 CFR 37.167]

ADA paratransit eligible riders may travel with service animals trained to assist them. Service animals include guide dogs used by persons with vision or hearing impairments and dogs and other animals that

provide aid to persons with mobility problems. Riders should tell the scheduler when reserving trips that a service animal will be traveling with. Eligible riders may travel with portable life support equipment such as respirators and portable oxygen.

Service Animals: The ADA defines a service animal as any guide dog, signal dog, or other animal individually trained to aid an individual with a disability. If the animal meets this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government.

Emotional support animals are not considered service animals under ADA. Transit operators may ask the rider what kind of assistance or service the animal performs but cannot ask for proof of service certificate.

The Department of Justice states: You may exclude any animal, including a service animal, from your facility when that animal's behavior poses a direct threat to the health or safety of others. For example, any service animal that displays vicious behavior toward other riders or the driver may be excluded.

People may not make assumptions, however, about how a particular animal is likely to behave based on past experience with other animals. Each situation must be considered individually.

Section 5.8 - Prohibited Activities

Smoking, drinking, or eating is not permitted in Bis-Man Transit vehicles. Smoking is not permitted within 20 feet of Bis-Man Transit vehicle doors and windows.

Section 5.9 - Animals

Pets may be brought on Bis-Man Transit vehicles if they are contained within a pet carrier during the whole trip duration.

Section 5.10 - Children

ADA eligible children age eight (8) and under are required to be accompanied by an adult, who will serve as the child's escort. If special equipment is needed to transport an infant or toddler, the family member or guardian accompanying the rider must provide the equipment (such as a car seat). The adult escort will not pay a fare.

SECTION 6: PARATRANSIT TRIP CANCELLATIONS AND DENIALS

Section 6.1 - Cancellations Procedures

Rides must be cancelled at least 30 minutes prior to the scheduled pickup time, otherwise the ride will be considered a "no show". Bis-Man Transit requests that cancellations be called in as soon as possible as a courtesy to others needing a ride.

The dispatcher's clock is the correct time for determining lateness of cancellations. Clocks at the Bis-Man Transit office are regulated by atomic clocks on satellite time. Refer to a cell phone or atomic clock for the same time as ours.

Section 6.2 - Penalties Imposed for "No-Shows"

[Federal Regulation 49 CFR 37.125 (h)]

In order to be considered "a no show", each of the following conditions has occurred:

- The customer has a scheduled paratransit trip.
- The ADA vehicle arrives at the scheduled pick-up point within the scheduled thirty (30) minute pick-up window.
- The driver waits at least five (5) full minutes beyond the start of the scheduled pick-up window, and the customer fails to board the vehicle.

Late cancellations will be counted as a no-show for the purposes of this policy.

A late cancellation occurs when the customer (or customer's representative) fails to call dispatch thirty (30) minutes or more prior to the scheduled pick-up time to cancel their ride.

If the customer has more than one ride scheduled, having a no-show does not automatically cancel the rest of the rides for the day. It is still the customer's responsibility to call and cancel the remaining rides for the day. If the rides are not cancelled and the customer does not ride, the result would be additional no-shows.

A demonstrated pattern of late cancellations or no-shows is a serious disruption of service. Once a customer reaches three (3) no-shows or late cancellations in a single calendar month, and these incidents total ten percent (10%) or more of your scheduled trips within that calendar month, the Bis-Man Transit No Show Policy will take effect. No customer shall be suspended from service for having two or fewer no-shows or late cancellations in a month. After a violation is issued, the count for the next violation starts at zero (0). Each violation stays on the customer's record for twelve (12) months from the day it was issued. After twelve (12) months from the day a violation is issued, that violation will be cleared from the customer's record.

On the day the rider violates the no-show/late cancellation policy, the following progressive action will be taken:

- First violation — A warning letter will be issued advising the rider that they have violated Bis-man Transit's no-show/late cancellation policy.
- Second violation — Customer will receive a seven (7) day suspension.
- Third violation — Customer will receive a fourteen (14) day suspension.

- Fourth violation — Customer will receive a twenty-one (21) day suspension.
- Subsequent violations will result in an additional seven (7) day suspension.

Appealing a Warning or Suspension

Customers are given the opportunity to appeal a suspension of service with Bis-Man Transit. If any customer using the Bis-Man Transit system has a concern, disagreement, or appeal, they are asked to submit their issue in writing within 60 days of the notice. Customers may waive their right to appeal and complete the suspension to avoid further delays.

The Appeals Panel will investigate all written appeals and issue a decision within five (5) working days. The Panel includes the Bis-Man Transit Executive Director, or designee, and two other staff members who were not involved in the initial No-Show suspension determination. The Panel will review information provided by the customer (or the customer's representative) as well as ride reports and decide whether to uphold the suspension or excuse it.

If the individual is not satisfied with the decision received from the Appeals Panel, they have the right to appeal the decision to the Bis-Man Transit Board of Directors. Said appeal will be heard at the Bis-Man Transit Board of Directors' next regularly scheduled meeting. After the Board of Directors' has reviewed the basis of the appeal, a written decision will be provided within ten working days of the Board meeting.

Bis-Man Transit Paratransit service shall be provided to the customer until the decision on the appeal is made.

If the individual is not satisfied with the response received from the Administrative office, they have the right to appeal the decision to the Bis-Man Transit Board of Directors at their next scheduled meeting. After the Board of Directors has reviewed the situation, they will provide a written response within ten (10) working days.

No-shows are EXCUSED when the trip is missed for the following reasons:

- The customer has a family emergency
- Mobility aid failure
- Appointment canceled/delayed for reasons not the customer's fault
- Adverse weather: Snowstorm, extreme heat, or extreme cold
- Staffing error: The transit coordinator did not make all the cancellations the client requested; or a customer just found out the ride was scheduled for the wrong day, time, or location; or the customer was not informed that their pick-up time was changed, and was not ready.

No-shows or cancels are NOT EXCUSED when the trip is missed for the following reasons:

- Customer didn't want to travel today
- Customer changed their mind about using appointment
- Customer didn't know or forgot that they had a ride scheduled or was supposed to call to cancel
- Customer got another ride
- Customer told someone else they were not planning to travel (driver, facility, etc.)
- Someone else scheduled the ride for them
- Customer does not want to ride with a specific driver or passenger, or on a specific vehicle

Section 6.3 - Refusal of Service

[Federal Regulation 49 CFR 37.5 (h)]

Service may be refused to anyone who is seriously disruptive or commits an illegal or violent act in violation of an established regulation or law. An example would be a rider that refuses to use a seat belt during travel.

Seriously disruptive behavior does not include conduct related to a rider's disability that may be disruptive or annoying to other riders. An example of this is a person with Tourette's syndrome who may periodically utter involuntary profane statements.

Bis-Man Transit reserves the right to deny entrance into a vehicle if the rider appears disorderly or leads the driver to conclude that the rider will exhibit disruptive behavior that would pose a safety threat not only to the driver, but also the other riders, including, but not limited to, intoxication and use of illegal drugs.

The use of offensive language when addressing the scheduler, driver or other riders is not allowed. Refusal to discontinue usage upon request may result in trip denial.

Denials of service shall be recorded. A copy of the record can be provided to the rider or the rider's legal guardian upon request.

Section 6.4 - Condition of Service

Bis-Man Transit reserves the right to require an escort when transporting a rider that has a documented medical or behavioral condition that could pose an unsafe situation for the rider, driver, or other riders. Bis-Man Transit may suspend eligibility or permanently revoke riding privileges if our records indicate that the rider has threatened or abused a driver or other rider.

SECTION 7: OTHER INFORMATION

Section 7.1 - Travel Training

Information about travel training for riders for Bis-Man Transit and the fixed-route Capital Area Transit buses may be obtained by calling the Bis-Man Transit office at 701.258.6817.

Section 7.2 - Accessible Phone Communications

[ADA Regulation 49 CFR 37.167 (f)]

Individuals who may utilize a TDD phone should call 7-1-1 to reserve a ride.

Section 7.3 - Public Information

[ADA49 CFR 37.167 (f)]

For information on how to obtain large print copies or a cassette tape of these guidelines, please call the Bis-Man Transit office at 701.258.6817 or TDD phone line at 7-1-1. Copies may be obtained from the Bis-Man Transit, 3750 E Rosser Ave, Bismarck, ND 58501. Copies are also available on the website at www.bismantransit.com

Section 7.4 - Privacy Regarding Medical Information

The medical information that may be gathered as part of the eligibility determination process will not be shared with any other party. Bis-Man Transit, however, may share information regarding the functional ability of an individual to utilize transit services with another transit system if this is required to determine eligibility in that system.

Section 7.5 - Complaints and Compliments

Bis-Man Transit would like to hear your suggestions, compliments, or complaints. Comments should be forwarded to the Transit Director by calling 701.258.6817 or TDD phone line 7-1-1 or in writing to:

Bis-Man Transit
3750 E Rosser Ave
Bismarck, ND 58501

Bis-Man Transit Board Official Complaint Process

Bis-Man Transit is responsible to provide a safe, dependable, affordable transportation service. We encourage any rider or concerned citizen to notify the administrative office if he or she is not provided such a service. We also encourage any citizen that observes a driver in a vehicle not driving in a safe manner to contact the administrative office with the time and place where the vehicle was observed.

Bis-Man Transit will not discriminate against any individual regardless of race, color or national origin as identified under Title VI of the Civil Rights Act of 1964. To make an official complaint a person must submit the complaint in writing to the administrative office. (If the individual filing the complaint is unable to write out the complaint, Transit staff will assist the individual with writing the complaint). All written complaints will be investigated and a report issued to the individual with the complaint within 5

working days. If the individual is not satisfied with the response received from the administrative office, he or she has the right to appeal the decision to the Bis-Man Transit Board of Directors meeting.

After the Board of Directors has reviewed the situation, they will provide a written response within 10 working days. In regards to an appeal of a Title VI complaint decision, the appeal will be made to the City of Bismarck, following the city's appeal process.

Section 7.6 - Driver Training

Drivers are trained to provide service to seniors and people with disabilities. In addition, all drivers received training in defensive driving and sensitivity, CPR and First Aid.

Section 7.7 - Vehicles

Bis-Man Transit requires vehicles to receive regular service and maintenance according to specified standards. If you feel that some aspect of the vehicle may not have been properly maintained, please call the Bis-Man Transit office at 701.258.6817 or TDD line at 7-1-1.

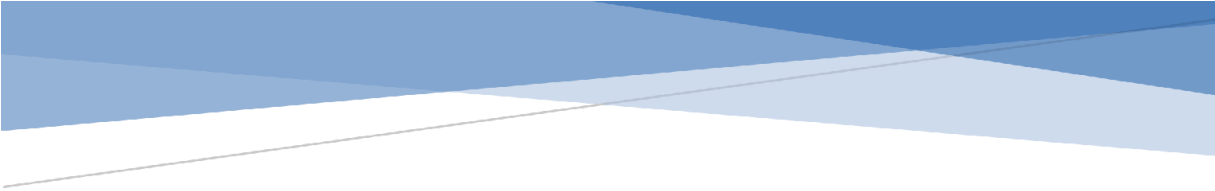
Section 7.8 - Reporting Abuse

[Vulnerable Adult Act]

Drivers are to report any suspicion or knowledge that a vulnerable adult rider being transported has been abused, neglected, or exploited as soon as possible. Riders will be informed that the driver is making an "Adult Protection Report" with details of the observation or knowledge.

SECTION 8: CIVIL RIGHTS POLICIES

Section 8.1 – Title VI Plan/Complaint Process



TITLE VI PROGRAM

Bis-Man Transit

February 22, 2024

BIS-MAN TRANSIT
TITLE VI AND NON-DISCRIMINATION/ADA POLICY STATEMENT

The Bis-Man Transit Board, hereinafter referred to as the "Bis-Man Transit" is committed to compliance with Title VI of the Civil Rights Act of 1964, the Federal-Aid Highway Act of 1973, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973/ADA of 1990, and all related regulations and statutes. Taken together, these requirements define an encompassing Title VI/ADA Program. Title VI and the additional Nondiscrimination requirements are applicable to programs receiving federal financial assistance due to the Civil Rights Restoration Act of 1987.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin. Specifically, 42 USC 2000d state that "No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." In addition to Title VI, there are other Nondiscrimination statutes which include: Section 162(a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/ADA of 1990(disability).

There are two Presidential Executive Orders that place further emphasis upon the Title VI protections. Executive Order 12898 ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse environmental or human health effects on minority and low-income populations. Executive Order 13166 directs recipients of Federal financial assistance that to ensure compliance with Title VI, they must take reasonable steps to ensure that limited English proficiency persons have meaningful access to their programs.

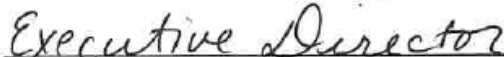
Bis-Man Transit is committed to and supports taking all steps to ensure that no person or groups(s) of persons shall, on the grounds of race, color, national origin, sex, age, disability, limited English proficiency, or income status*, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the Recipient, regardless of whether those programs and activities are federally funded or not.

Bis-Man Transit also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, Bis-Man Transit will provide meaningful access to services for persons with Limited English Proficiency for language assistance free of charge to the person upon request.

In the event the Bis-Man Transit distributes federal-aid funds to a subrecipient, the Bis-Man Transit will include Title VI language in all written agreements and will monitor for compliance.

Bis-Man Transit's Title VI/ADA Program Coordinator, Deidre Hughes, Executive Director, 701.258.6817, 3750 East Rosser Avenue, Bismarck, ND 58501, dhughes@bismantransit.com is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.


Signature


Title


Date

Public Notification of Title VI Protection

The Title VI Notice to the Public (Appendix B) informs Bis-Man Transit riders of their rights in regards to transit and its services, specifically protection against discriminatory acts on the basis of race, color or national origin. Notices are posted at Transit offices, as well as on all fixed route and paratransit vehicles. The notice indicates procedures for the public to 1) request additional information on the recipient's Title VI obligations and 2) file a complaint with Bis-Man Transit. In addition to this notice, Bis- Man Transit's fixed route bus maps include a "statement of non-discrimination" followed by a "suggestions, compliments or complaints" section (Appendix B). Any complainant should inform Bis- Man Transit of any complaint regarding Title VI (race, color or national origin) protection through Bis- Man Transit's Complaint Process as directed through the Notice to the Public.

Notice to the Public

Bis-Man Transit Title VI Policy

Bis-Man Transit is responsible for providing a safe, dependable, and affordable transportation service. We encourage any rider or concerned citizen to notify the administrative office if this standard of service is unmet. Any citizen who observes a Transit vehicle operator driving in an unsafe manner may contact the administrative office to report the time and date of the incident. As ensured by the Bis-Man Transit Title VI Policy, Bis-Man Transit will not discriminate against an individual based on race, color, or national origin.* Any person who believes they have experienced discrimination under Title VI protections may file a complaint with Bis-Man Transit. Contact the Bis-Man Transit Administrative Office at 701-258-6817 or go online at www.bismantransit.com for additional information on our Title VI policies or fill out a complaint.

*Title VI of the Civil Rights Act of 1964 governs race, color, and national origin. Related Nondiscrimination authority, 29 U.S.C. 790, governs disability.

Date 02/26 Signed 
Lynn Wolf Feb 26, 2024 21:12 CST

Name Lynn Wolf

Title President BisMan Transit Board

Inclusive Public Participation Plan

Bis-Man Transit follows the Bismarck-Mandan Metropolitan Planning Organization's Public Participation Plan (see Appendix D) for any public hearings, public meetings or reviews. The latest Transit Development Plan (TOP) was approved in November 2023. The MPO and Bis-Man Transit utilized various activities to increase the public's participation and interest in the TOP including:

1. A very "user friendly and reactive web page" was used to answer questions and comments from the public during the process.
2. Bis-Man Transit provided virtual links of recorded public meetings.
3. We have a variety of methods for the public to use to discuss transit issues. These methods include phone, e-mail, fax, social media sites (Facebook and Twitter), and in-person visits to the MPO or Bis-Man Transit office.
4. Public outreach through "meet and greets" at various educational and employment centers throughout the area.

In regard to engaging minority, disabled, and low-income community members, Bis-Man Transit has public meetings in accessible meeting locations during evening hours and provides a variety of methods to communicate concerns, questions, or comments.

Since the last Bis-Man Transit Title VI Program submission, Bis-Man Transit has developed and maintained social media accounts on Facebook and Twitter for the fixed route Capital Area Transit (CAT) service. Sites are updated at least weekly, and often multiple times **a week**, with pertinent updates and to encourage public comment and participation. Television, newspaper and radio marketing has also increased to inform the public about transit services and events.

The Bismarck-Mandan MPO, with Bis-Man Transit as an important member, employs numerous methods to reach "all people" with plans and studies. Accommodations are also made available to facilitate public attendance and participation at all meetings.

Limited English Proficiency Plan

For Bis-Man Transit February 2024

Deidre Hughes Executive Director
3750 E. Rosser Avenue, Bismarck, ND 58501 701-258-6817

INTRODUCTION

This *Limited English Proficiency Plan* has been prepared to address the Bis-Man Transit responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of 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 agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including all Bis- Man Transit departments receiving federal grant funds.

Plan Summary

Bis-Man Transit has developed this ***Limited English Proficiency Plan*** to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined 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, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, the Bis-Man Transit used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by the Bis-Man Transit.
2. The frequency with which LEP persons come in contact with Bis-Man Transit services.
3. The nature and importance of services provided by Bis-Man Transit to the LEP population.
4. The interpretation services available to Bis-Man Transit and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

1. **The number or proportion of LEP persons in the service area who may be served or are likely to require Bis-Man Transit services.**

The Bismarck-Mandan MPO staff reviewed the 2018-2022 American Community Survey 5-Year Estimates* for North Dakota and determined that **5,014** individuals in **Bismarck, Lincoln, and Mandan, ND** (5.24%** of the population aged 5 years and older) speak a language other than English. Of those, **1,604** individuals have limited English proficiency; that is, they speak English less than "very well" or "not at all." This is only **1.68%** of the overall population aged 5 years and older in the service area. In **Bismarck, Lincoln, and Mandan, ND,**** of those persons with limited English proficiency, **.58%** speaks **Spanish**, **.20%** speaks **French, Haitian, or Cajun**, **.19%** speaks **Arabic**, **.16%** speaks **Russian, Polish, or Other Slavic Languages**, **.14%** speaks **Other Asian and Pacific Island Languages**, **.13%** speaks **German or Other West Germanic Languages**, **.12%** speaks **Other and Unspecified Languages**, **.07%** speaks **Tagalog (including Filipino)**, **.05%** speaks **Chinese (including Mandarin and Cantonese)**, **.03%** speaks **Other Indo-European Languages**, and **.004%** speaks **Vietnamese**.

Following is a table identifying the number of individuals with the ability to speak English less than "very well" and the associated language spoken at home:

Ability to Speak English Less than "Very Well" and Associated Language Spoken at Home - Bismarck, Lincoln, and Mandan, ND**

Language Spoken at Home	Percent of Total Population	Total Number of Individuals
Spanish	0.58%	553
French, Haitian, or Cajun	0.20%	196
Arabic	0.19%	183
Russian, Polish, or Other Slavic Languages	0.16%	150
Other Asian and Pacific Island Languages	0.14%	132
German or Other West Germanic Languages	0.13%	127
Other and Unspecified Languages	0.12%	113
Tagalog (including Filipino)	0.07%	69
Chinese (including Mandarin and Cantonese)	0.05%	50
Other Inda-European Languages	0.03%	27
Vietnamese	0.004%	4

Based on Table C16001 of the 2018-2022 US Census Bureau American Community Survey

*The US Census Bureau has changed collection methodology from the "Long Form" to the American Community Survey. One of the significant differences between the methodologies is that the "Long Form" was a point in time survey collected once every ten years compared to the American Community Survey which is a period survey covering a five-year time frame. Given the relatively small number of individuals who speak languages other than English at home and speak English less than "very well" there may be significantly high Margins of Error associated with some or all of the subject languages.

2. The frequency with which LEP persons come in contact with Bis-Man Transit services.

The Bis-Man Transit staff reviewed the frequency with which the Bis-Man Transit board and advisory committee members and Bis-Man Transit staff have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, the Bis-Man Transit has had zero requests for interpreters and two requests for translated program documents. The Bis-Man Transit board and advisory committee members and Bis-Man Transit staff have had very little contact with LEP persons related to Bis-Man Transit services.

3. The nature and importance of services provided by Bis-Man Transit to the LEP population.

There is no large geographic concentration of any type of LEP individuals in the service area for the Bis-Man Transit. The overwhelming majority of the population, 94.76%, speaks only English. As a result, there are few social, service, professional and leadership organizations within the

Bis-Man Transit service area that focus on outreach to LEP individuals. The Bis-Man Transit Board members and Bis-Man Transit staff are most likely to encounter LEP individuals through the transportation of clients.

4. The resource available to Bis-Man Transit and overall costs to provide LEP assistance.

Bis-Man Transit reviewed its available resources that could be used for providing LEP assistance and which of its documents would be most valuable to be translated if the need should arise.

Bis-Man Transit, through the City of Bismarck, utilizes a telephone-based interpreter service to provide immediate interpreter services at no cost to LEP individuals. Bis-Man Transit provides

notice to the public of the availability to request accommodations for language assistance. All requests for translation are considered based on the possible impacts and known LEP population.

LANGUAGE ASSISTANCE

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to Bis-Man Transit services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

How the Bis-Man Transit staff may identify an LEP person who needs language assistance:

- Post notice of LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- All Bis-Man Transit staff will be provided with Propio translation cards to assist in identifying the language interpretation needed if the occasion arises.
- All Bis-Man Transit staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.
- When the Bis-Man Transit sponsors an informational meeting or event, an advanced public notice of the event should be published, including special needs related to offering a translator (LEP) or interpreter (sign language for hearing-impaired individuals). Additionally, a staff person

may greet participants as they arrive. By informally engaging participants in conversation, it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events.

Language Assistance Measures

Although the Bismarck-Mandan MSA has a very low percentage in of LEP individuals, that is, persons who speak English "not well" or "not at all," Bis-Man Transit will strive to offer the following measures:

1. The Bis-Man Transit staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
 - Language interpretation will be accessed for non-English languages through a telephone interpretation service.

STAFF TRAINING

The following training will be provided to all staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of the Propio translation service cards.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

All contractors or subcontractors performing work for Bis-Man Transit will be required to follow the Title VI/LEP guidelines.

TRANSLATION OF DOCUMENTS

Bis-Man Transit weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, at this time it is an unnecessary burden to have any documents translated.

Due to the very small local LEP population, Bis-Man Transit does not have a formal outreach procedure in place, as of 2024. Translation resources have been identified and are limited in this region. However, when and if the need arises for LEP outreach, Bis-Man Transit will consider the following options:

- When staff prepares a document or schedules a meeting for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.
- Bis-Man Transit will assess requests for translations of documents based on the possible impacts and known LEP population using the Four Factor Analysis.
- Bis-Man Transit will make every effort to provide services in a timely manner.
- Bis-Man Transit will pay for interpreter services and translation of vital documents as necessary.

Bis-Man Transit has identified vital documents as those documents that are critical for obtaining or utilizing services. These may include:

- Paratransit/Demand Response Applications
- Complaint Procedures and Forms
- Notices advising LEP persons of the availability of free language assistance
- Letters or Notices that require a response
- Rider guides

A "safe harbor" provision regarding the translation of documents is provided by the Department of Justice. The DOJ suggests providing written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. The safe harbor provision applies to the translation of written documents only.

MONITORING

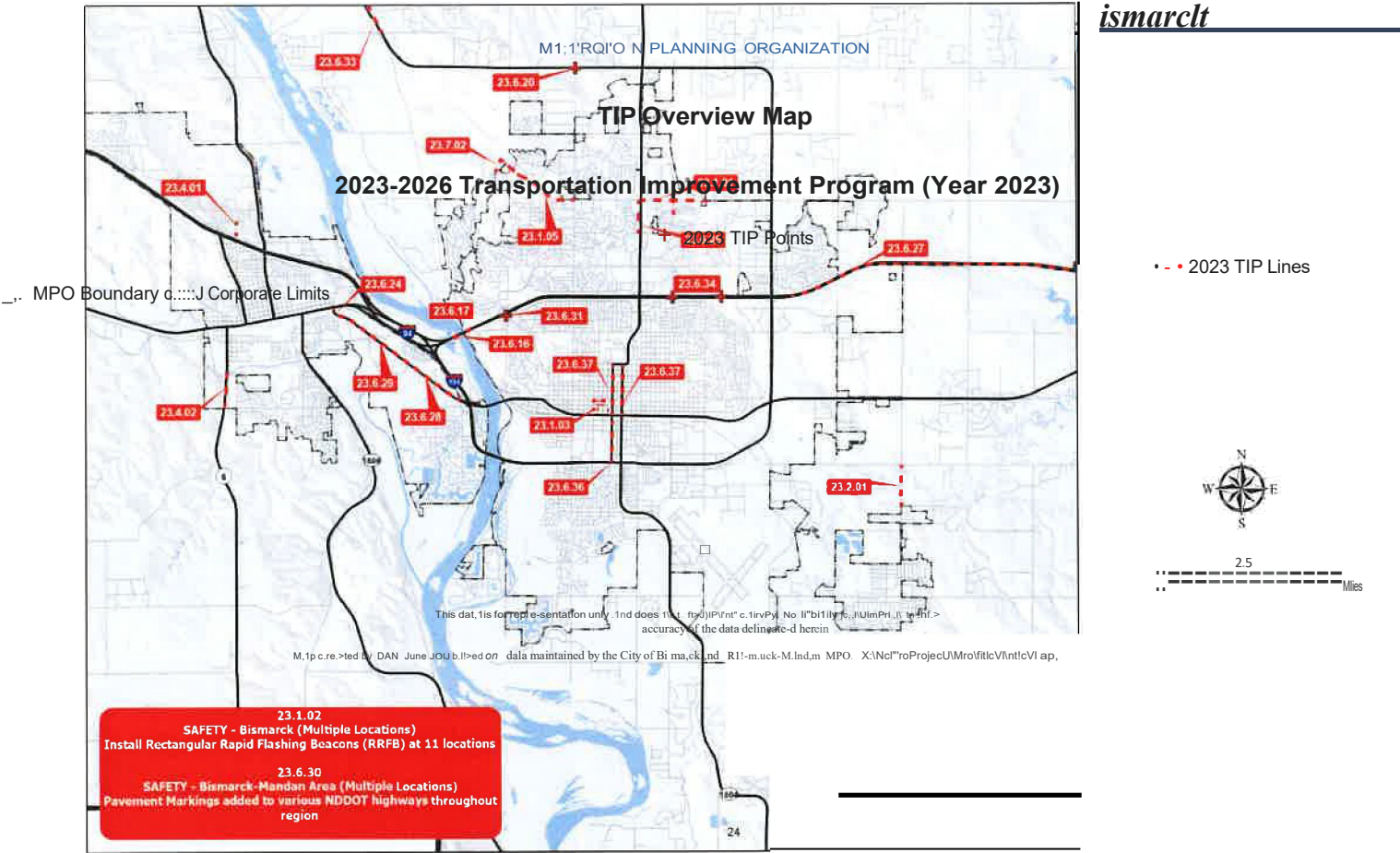
Monitoring and Updating the LEP Plan - Bis-Man Transit will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the 2030 U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the Bis-Man Transit service area. Updates will include the following:

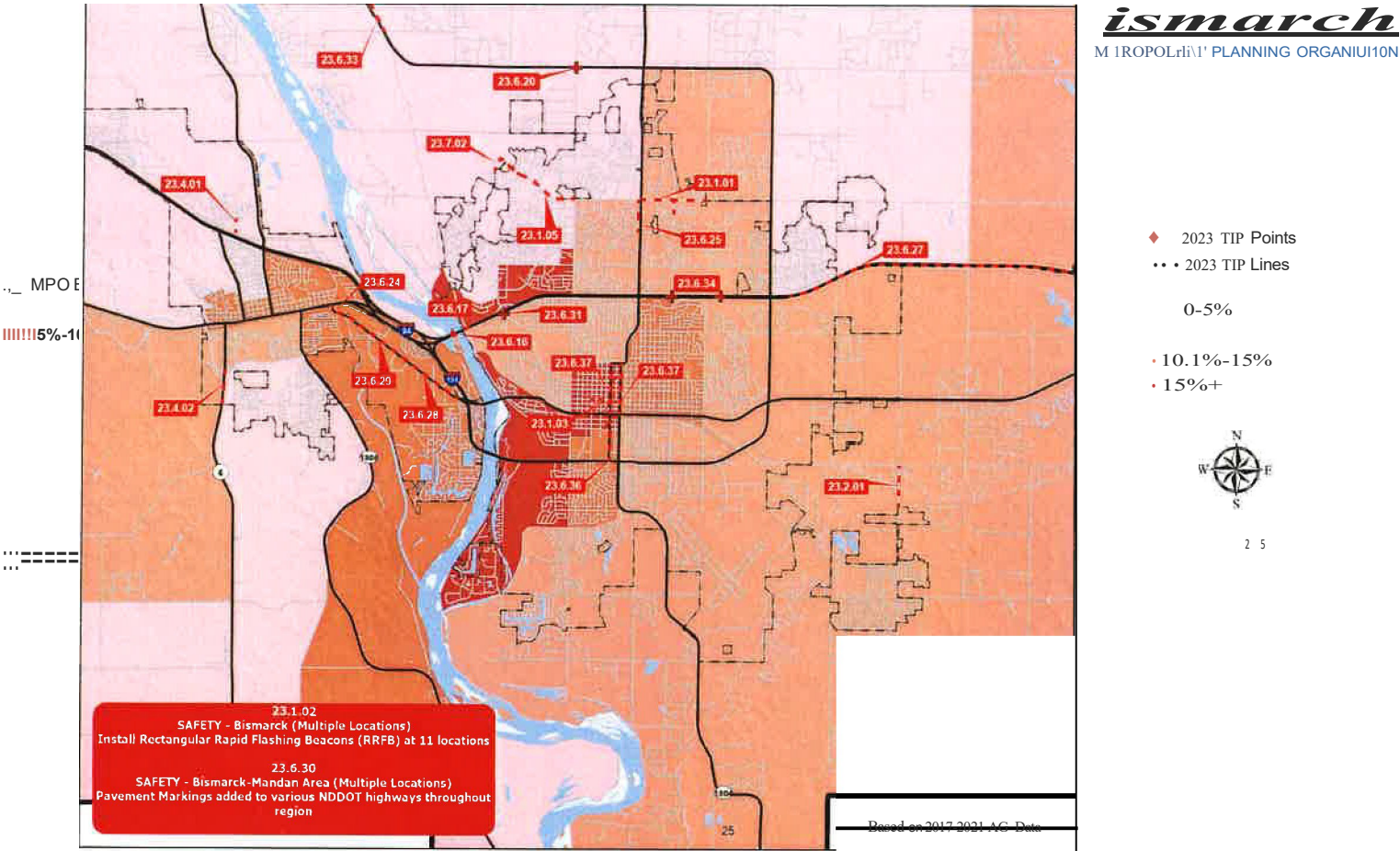
- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether the Bis-Man Transit financial resources are sufficient to fund language assistance resources needed.
- Determine whether Bis-Man Transit fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.
- Maintain a Title VI complaint log, including LEP to determine issues and basis of complaints.

DISSEMINATION OF THE BIS-MAN TRANSIT LEP PLAN

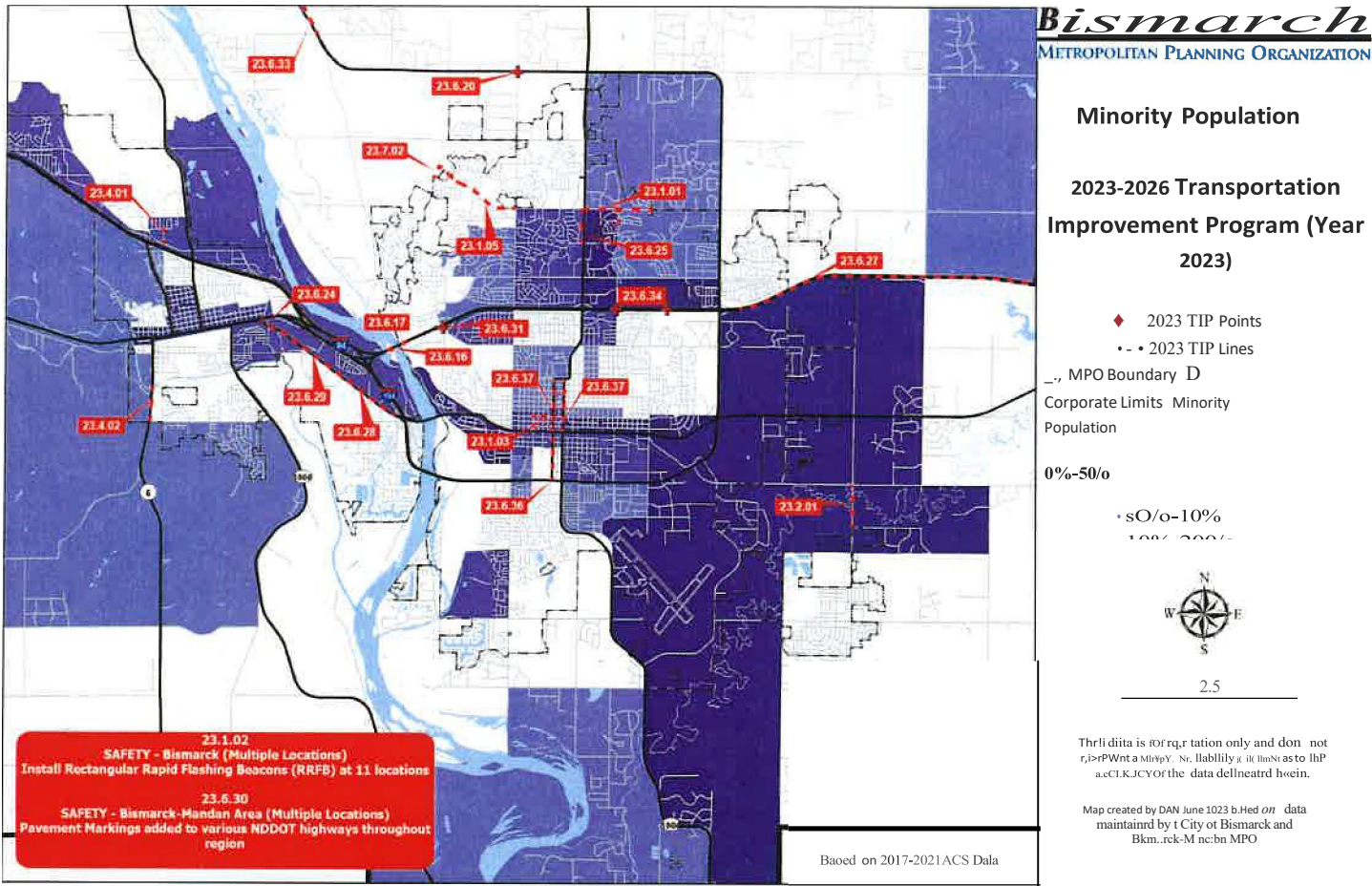
- Post signs at conspicuous and accessible locations notifying LEP persons of the LEP Plan and how to access language services.
- State on public notices that a Request for Reasonable Accommodations form is available to LEP individuals to request documents in various languages.
- Post on the Bis-Man Transit website the Title VI/LEP Plan and how to access language services.

Socio Economic Information

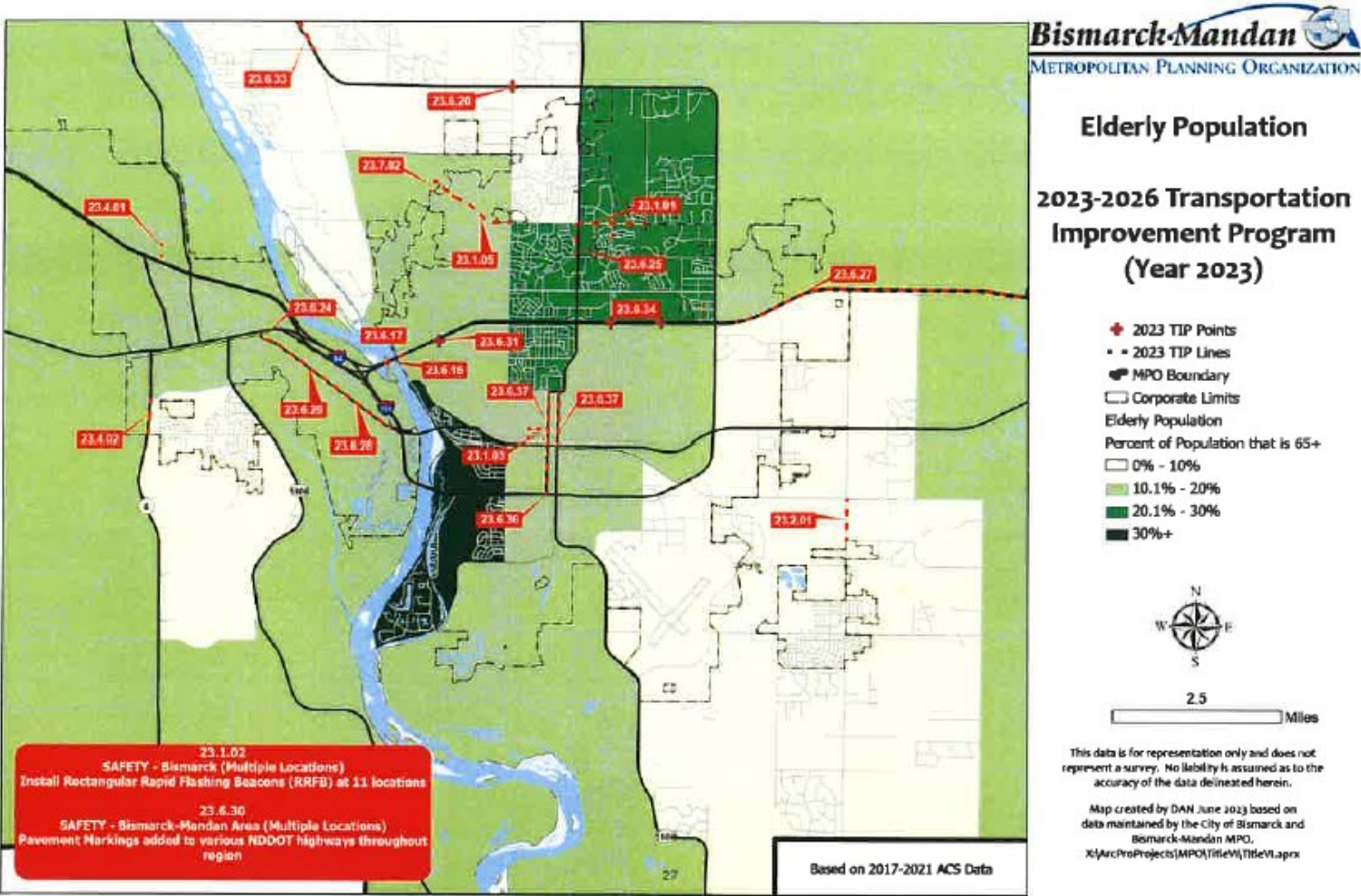




Racial Composition Map



Elderly Composition Map



Percent Poverty Map



Ability to Speak English Less than "Very Well"-Other Language Spoken at Home Map





Transit Related Title VI Investigations, Complaints and Lawsuits

There have not been any lawsuits, complaints or investigations relating to Bis-Man Transit since the last Title VI report in March 2021.

Membership of Non-Elected Committees and Councils

The Bis-Man Transit Board elects their own members. Therefore, Bis-Man Transit has decided to document the membership of persons who represent minority classes. Although Transit's Board of Directors is not ethnically diverse, other minority and protected classes-including disabled persons and women-are highly represented. Overall this assembly reflects the local population, whose composition is not dominated by ethnic minorities.

Minority Populations Represented on Bis-Man Transit Board of Directors

Class		Number of Individuals	Percentage of Board (11 Members)	Percentage of Bismarck MSA*
RACE				
	Caucasian	9	100%	93.3%
	Other Races	0	0.0%	4.9%
	2 or More Races	0	0.0%	1.8%
SEX				
	Male	6	66.7%	50.6%
	Female	3	33.3%	49.4%
DISABILITY				
	Disabled	2	22%	--
	Non-Disabled	7	78%	--

*Percentages based on 2014-2020 U.S. Census Bureau American Community Survey, covering the Bismarck Metropolitan Statistical Area.
- Estimate not available in 2014-2020 US. Census Bureau American Community Survey.

Monitoring of Subrecipients Title VI Compliance

All contractors or subcontractors performing work for Bis-Man Transit will be required to follow Title VI / LEP guidelines. Such assurance is made at the time the contract is established.

Title VI Equity Analysis of Newly Constructed Facilities

There have been no newly constructed facilities since the last Title VI plan was completed in 2021.

Bis-Man Transit System-Wide Service Standards and Policies

Scope of Service Standards and Policies:

Title 49 CFR states that "[n]o person or group of persons shall be discriminated against with regard to the to routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and locations of routes may not be determined on the basis of race, color, or national origin." Service Standards and Policies are designed as qualitative controls, set by Bis-Man Transit to assess their operational practices and ensure that service design does not discriminate against Title IV protected classes.

Service Standards:

- **Vehicle Load Standard**

Fixed route buses should not exceed capacity during peak times, which will include a maximum number of 38 passengers on 30' buses and 50 passengers on 35' buses. To ensure safe and proper load standards, Bis-Man Transit will deploy only large buses on its heaviest routes during peak periods.

- **Vehicle Headway Standard**

Bis-Man Transit deploys only one bus per fixed route at all times and days of operation. Further, there are no plans to develop routes with multiple vehicles. Therefore, headway standards do not apply to the Capital Area Transit (CAT) services.

- **On Time Performance Standard**

Between 90 and 95 % of CAT buses will complete their routes no more than 5 minutes early or late in comparison to the published schedules.

- **Service Availability Standard**

Fixed route buses will continue to employ a flag system that allows passengers to begin or terminate a ride at the nearest safe corner to their current desired location. Transit services will be distributed in a way to encompass the majority of the Bismarck-Mandan community.

Bis-Man Transit Service Policies:

- **Transit Amenities Policies**

Transit will provide benches at all shelters along bus routes. Shelters will be constructed based upon the number and frequency of passengers and in accordance with city ordinances.

Passengers will have the right to request benches at timing and transfer points. Transit will provide benches provided there is no objection from surrounding businesses to said fixtures.

- **Vehicle Assignment Policies**

All 30' CAT buses are comparable, if not the same, in seating and comfort standards. These buses will be deployed on random rotational basis to all routes throughout the Bis-Man community. The larger 35' buses will be utilized during peak travel times on routes with the highest average ridership, as these vehicles have the capacity to carry the largest influx of riders.



External Complaints Of Discrimination

PART I: COMPLAINANT INFORMATION (Print all items legibly.)		
Name		Telephone
Street Address/P.O. Box		Email Address
City	State	Zip Code
PART II: CAUSE OF DISCRIMINATION OR COMPLAINT BASED ON [Check all appropriate box(s).]		
Title VI of the Civil Rights Act of 1964		
<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin
Other Nondiscrimination Statutes/Executive Orders		
<input type="checkbox"/> Sex	<input type="checkbox"/> Disability	<input type="checkbox"/> Limited English Proficiency
<input type="checkbox"/> Age	<input type="checkbox"/> Income Status	
General		
<input type="checkbox"/> Driver Conduct/Attitude	<input type="checkbox"/> Late/Tardy	<input type="checkbox"/> Early
<input type="checkbox"/> Did Not Show	<input type="checkbox"/> Air Conditioning/Heating	<input type="checkbox"/> Telephone/Dispatch
<input type="checkbox"/> Vehicle Maintenance	<input type="checkbox"/> Careless Driving/Comfort	<input type="checkbox"/> Disturbance on Bus
<input type="checkbox"/> Other		
PART III: THE PARTICULARS ARE: [Include names, dates, places, and incidents involved in the complaint.] [If additional space is needed, attach extra sheet(s).]		
PART IV: REMEDY SOUGHT [State the specific remedy sought to resolve the issue(s).]		
Part V: VERIFICATION		
Complainant's Signature		Date

Instructions

GENERAL

- 1. Instructions provided within this form are not meant to be all inclusive. Any person or group(s) of persons filing external complaints of discrimination are responsible for all procedural requirements contained in the External Complaints of Discrimination process.
- 2. Under Title VI of the Civil Rights Act of 1964 or the related statutes and regulations, no person or groups(s) of persons shall, on the grounds of race, color, national origin; or sex, age, disability, limited English proficiency, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by **Bis-Man Transit**. Any person or groups(s) of persons who feel they have been discriminated against may file a complaint.
- 3. Complainants **must** include all required information and **must** meet all timeframes as defined in the **Bis-Man Transit** Complaint Procedure.
- 4. Legible copies of all available pertinent documentation should be attached to this form.
- 5. All inquiries should be directed to **Deidre Hughes, Bis-Man Transit, 3750 East Rosser Avenue, Bismarck, ND 58501, 701.258.6817.**

PART I

Complete all information in this section.

PART II

Check all boxes that apply indicating the basis for the complaint. The discrimination **must** be based on at least one of the listed categories under Title VI or Other Nondiscrimination Statutes/Executive Orders. If the complaint pertains to service and the type is not listed, select "Other" and describe.

PART III

State the specific complaint in a manner that clearly identifies the issues upon which the complaint is based.

PART IV

State the minimum remedy acceptable for resolution of this complaint.

PART V

Sign and date this section to verify the information contained in Parts I through IV.

External Complaints of Discrimination

A. Introduction

Bis-Man Transit's External Complaints of Discrimination process is consistent with the Federal Transit Administration's (FTA) Title VI complaint procedures filed under Title VI of the Civil Rights Act of 1964 (and related nondiscrimination statutes), Title II of the Americans with Disabilities Act of 1990, and/or Section 504 of the Rehabilitation Act of 1973. The related nondiscrimination

statutes, regulations, Executive Orders (E.O.), directives, and other references are available upon request.

8. Agencies Authorized to Receive Complaints

Complaints may be submitted to one of the following: Sub Recipient of NDDOT, NDDOT, FTA, the United States Department of Transportation (USDOT), or the United States Department of Justice (USDOJ). See Appendix A.

C. Persons Eligible to File

Any person or any specific class of persons, by themselves or by a representative, that believe they have been subjected to discrimination or retaliation prohibited by Title VI of the Civil Rights Act of 1964 (Race, Color, or National Origin), Section 504 of the Rehabilitation Act of 1973 (Section 504), or Title II of the Americans with Disabilities Act of 1990 (ADA), or related statutes (age, sex, or income status), may file a complaint.

D. Filing a Complaint

1. A complaint is a written or electronic statement concerning an allegation of discrimination that contains a request for the receiving office to take action. Complaints should be complete and sign Bis-Man Transit's External Complaints of Discrimination form and file by mail, fax, in person, or e-mail. A complaint should contain at least the following information:
 - a. A written explanation of what has happened;
 - b. A way to contact the complainant;
 - c. The basis of the complaint, i.e., race, color, national origin; or sex, age, disability, income status, or limited English proficiency;
 - d. The identification of the respondent, i.e., agency/organization alleged to have discriminated;
 - e. Sufficient information to understand the facts that led the complainant to believe that discrimination occurred; and
 - f. The date(s) of the alleged discriminatory act(s).
2. While the above indicates a complaint should be in writing and signed, Bis-Man Transit will accept complaints in alternate formats from persons with disabilities, upon request.
 - a. Upon request to Bis-Man Transit, the complaint may be filed on a compact disk (PDF, work document, or audio recording are all acceptable formats) or in Braille.
3. The complainant may contact Bis-Man Transit for assistance in filing a complaint. Bis-Man Transit will consider every request for reasonable accommodation to provide:
 - a. Accommodation for people with disabilities;
 - b. Language interpretation for people with limited English proficiency (LEP);
 - c. Translation of written materials necessary to access Bis-Man Transit programs and information.

To request accommodations, complainants may contact: Bis-Man Transit, 3750 East Rosser Avenue, Bismarck, ND 58501, 701.258.6817, info@bismantransit.com

TTY users may use Relay North Dakota at 711 or (800)366-6888.

E. Timeframes for Filing a Complaint

1. Complaints must be filed within 180 calendar days of the last date of the alleged discrimination, unless the time for filing is extended. The filing date of the complaint is the earlier of:
 - a. The postmark of the complaint, or
 - b. The date the complaint is received by any agency that has jurisdiction for the complaint. See Appendix A.

F. Complaints Received by Bis-Man Transit Under FTA Jurisdiction

1. Complaints filed under Title VI, related statutes, and Section 504/ADA in which Bis-Man Transit is named as respondent will be forwarded by Bis-Man Transit to NDDOT Civil Rights Division.
2. Title VI, related statutes, and Section 504/ADA complaints filed directly with Bis-Man Transit against its sub recipients or contractors will be processed by Bis-Man Transit in accordance with the FTA approved complaint procedures under FTA C 4710.1, FTA C 4702.1B, 49 CFR 27.13(b).
3. Bis-Man Transit may investigate complaints against its sub recipients or contractors as follows:
 - a. The complaint will be reviewed within 10 business days to determine whether it contains all of the necessary information required for acceptance.
 - b. If the complaint is complete and no additional information is needed, the complainant will be sent a letter of acceptance along with the Complainant Consent Release form and the Notice About Investigatory Uses of Personal Information fact sheet.
 - c. If the complaint is incomplete, the complainant will be contacted in writing or by telephone to obtain the additional information. The complainant will be given 10 business days to respond to the request for additional information.
 - d. If the investigator is not contacted by the complainant or does not receive the additional information within 15 business days, or if the complainant no longer wishes to pursue their case, the Bis-Man Transit can issue a letter and administratively close the case.

G. Complainant is Represented by an Attorney

Complainants represented by an attorney should provide a letter of representation.

H. Timeframes for Investigations by Bis-Man Transit

1. For Title VI or related statutes complaints, Bis-Man Transit is required to follow the FTA C 4702.1B to comply with reporting requirements of 49 CFR 21.9(b). The investigation information is recorded on the Transit Title VI - List of Investigations, Lawsuits, and Complaints (SFN 60805) and submitted to NDDOT every year. Although, FTA regulations do not specify a timeframe for the investigation of Title VI complaints, the Bis-Man Transit attempts to complete investigations within 90 calendar days of receipt of the complaint from NDDOT.
2. For Section 504/ADA complaints, Bis-Man Transit is required to follow the FTA C 4710.1 to comply with reporting requirements of 49 CFR 27.121(b). Bis-Man Transit shall forward a copy of the complaint, together with a copy of the report of investigation within 90 calendar days of receipt of the complaint to NDDOT and FTA.

I. Letters of Finding (LOFs)

1. The FTA has delegated authority for issuing LOFs for Title I, related statutes, and Section 504/ADA complaints processed by FTA.
2. Bis-Man Transit has delegated authority for issuing LOFs for Title VI, related statutes, and Section 504/ADA complaints processed by Bis-Man Transit against FTA funded sub recipients or contractors.

J. Appeals

1. LOFs issued by the FTA are administratively final.
2. Closure letters or LOFs issued by Bis-Man Transit under FTA jurisdiction on Title VI, related statutes, and Section 504/ADA are administratively final. Individuals or a specific class of individuals, personally or through a representative, may submit a complaint to the North Dakota Department of Transportation (NDDOT) or Federal Transit Administration (FTA) within 180 days from the date of the alleged discrimination.

APPENDIX A
Agencies Authorized to Receive and Process Complaints of Discrimination

North Dakota Department of Transportation
Civil Rights Division
608 E. Boulevard Avenue Bismarck, **ND** 58507-0700

Phone: (701) 328-2576
Fax: (701) 328-0343
TTY: 711 or (800) 366-6888

Federal Transit Administration (FTA)
Office of Civil Rights Attention: Complaint Team
East Building, 5th Floor - TCR
1200 New Jersey Avenue, S.E. Washington, DC 20590

Phone (888) 446-4511

United States Department of Transportation
(USDOT) Departmental Office of Civil Rights 1200
New Jersey Avenue, S.E. Washington, DC 20590

Phone: (202) 366-4649
Fax: (201) 202) 366-5575
TTY/Assistive Device: (202) 366-9696

USDOJ - Race, Color, National Origin Complaints

Federal Coordination & Compliance Section - NWB Civil
Rights Division
U.S. Department of Justice (USDOJ) 950
Pennsylvania Avenue, N.W. Washington,
DC 20530

Phone: (888) 848-5306 (English & Spanish)
(202) 307-2222 (voice)
(202) 307-2678 (TDD)

USDOJ - ADA Complaints
US Department of Justice (USDOJ) 950
Pennsylvania Avenue, N.W. Civil
Rights Division
Disability Rights Section 1425 **NYAV**
Washington, DC 20530

Fax: (202) 307-1197

ADA Information Line: (800) 514-0301 (voice) or (800)
514-0383 (TTY)
Main Section Telephone Number:
(202) 307-0663 (voice and TTY)

Section 8.2 – ADA Complaint Process

ADA COMPLAINT POLICY & PROCEDURE

The following procedures apply to Bis-Man Transit.

Right to File a Complaint Under Americans with Disabilities Act of 1990 (ADA)

Any person who has a complaint about the accessibility of our transit system or believes discrimination has occurred on the basis of disability by Bis-Man Transit may file a written complaint detailing the accessibility issue or incident. All alleged discrimination complaints must be received within 180 days of the incident in question. Beyond that time period, complaints will be classified as comments.

Please provide all facts and circumstances surrounding the issue or accessibility complaint so the issue may be fully investigated.

How to File a Complaint

Any person who believes himself/herself or any specific class of individuals to be harmed by failure to comply with ADA regulations may, personally or through a representative, file a written complaint with the Executive Director.

It is best to file the complaint as soon as possible after the alleged discrimination, and keep a copy of it. Include as many details as possible (who, what, when, where, and so on).

Bis-Man Transit has the following options for filing the complaint:

Email: Send an email to the Executive Director, info@bismantransit.com.

Call: Phone the Executive Director at 701.258.6817.

Mail: Print the ADA Comment Form, complete and mail to: Bis-Man Transit, Attention Executive Director, 3750 East Rosser Ave, Bismarck, ND 58501.

In Person: An ADA Comment Form can be located at 3750 East Rosser Ave, Bismarck, ND 58501.

Alternatively, you may download a copy of the form at www.bismantransit.com.

Complainant does not have to file with Bis-Man Transit first in order to file with the Federal Transit Administration.

For written complaints, please include the following:

- Your name, address and contact information (telephone number, email address)

For accessibility complaints: time, date, and location of the occurrence and reason you believe the agency, location, or service is not accessible to persons with disabilities

For complaints related to alleged discrimination based on disability: time, date, location, and a description of the incident, names and/or descriptions of individuals involved, and why you believe the act was discriminatory.

In both situations, please include the vehicle number and/or route if applicable. Please also provide any other documentation that is relevant to the complaint.

For complaints alleging discrimination based on disability, an investigation will be initiated within 10 days of receiving the complaint. Bis-Man Transit will make every effort to respond to ADA complaints within 30 working days of receipt.

If complainants disagree with the determination, they can appeal the decision in writing within thirty (30) days from the date of the determination. The appeal letter should state the reason(s) the complainant believes the decision was in error. The appeal letter should be mailed to Board of Directors, 3750 East Rosser Ave, Bismarck, ND 58501.

File an ADA complaint in Washington D.C.

You can file a complaint with the Federal Transit Administration (FTA) Office of Civil Rights in Washington D.C., by:

Going to the FTA ADA website to file a complaint with the FTA.

Sending a complaint letter to:

FTA Office of Civil Rights Attention: Complaint
Team East Building, 5th Floor- TCR 1200 New
Jersey Avenue, SE Washington, DC 20590

Complaint Assistance

If you are unable to complete a written complaint, please contact Bis-Man Transit at 701.258.6817 during regular business hours for assistance.



Feedback and ADA Complaint Form

SECTION I: TYPE OF COMMENT (Choose One)*				
<input type="checkbox"/> Compliment	<input type="checkbox"/> Suggestion	<input type="checkbox"/> Complaint	<input type="checkbox"/> Other	ADA Related? Y / N
SECTION II: CONTACT INFORMATION				
Salutation [Mr./Mrs./Ms., etc]:				
Name:				
Rider ID (if applicable): Street				
Address:				
Phone:		Email:		
Accessible Format Requirements:	Large Print____	TDD/Relay____	Audio Recording____	Other____
SECTION III: COMMENT DETAILS				
Transit Service (Choose One) [as applicable] Fixed Route/Paratransit*				
Date of Occurrence:		Time of Occurrence:		
Name/ID of Employee(s) of Others Involved:				
Vehicle ID/Route Name or Number:				
Direction of Travel:				
Location of Incident				
Mobility Aid Used (if any):				
If above information is unknown, please provide other descriptive information to help identify the employee:				
Description of Incident or Message:				
SECTION IV: FOLLOW UP				
May we contact you if we need more details or information?		Yes	No	
What is the best way to reach you? (Choose one)*		Phone	Email	Mail
Section V: DESIRED RESPONSE (Choose One)*				
• Email Response				
• Telephone Response				
• Response by U.S. Postal Mail				

Section 8.3 – Reasonable Modification Plan/Complaint Process**Reasonable Modification****REASONABLE MODIFICATION POLICY**

In accordance with ADA regulations, it is the policy of Bis-Man Transit to provide individuals with disabilities with a reasonable modification to its policies, practices, and procedures so that they can access Bis-Man Transit's programs, facilities and services.

What is a reasonable modification?

A reasonable modification is a change or exception to a policy, practice, or procedure which allows people with disabilities to have equal access to programs, services and activities.

Reasonable modifications must always be related to the individual's disability. What is the

process for requests?

Whenever possible, requests for reasonable modifications shall be made and determined in advance. An advance request for reasonable modification can be sent to:

Bis-Man Transit 3750 East Rosser Ave Bismarck, ND 58501

Telephone: 701.258.6817 Email: info@bismantransit.com The request shall

include:

- Your contact information;
- A description of what you need in order to use a Bis-Man Transit service; and
What changes or modifications you believe would be necessary to provide you full access to Bis-Man Transit's services.

Bis-Man Transit will use its best efforts to make a response as soon as practical. In some instances, additional information will be necessary to process the request. Please ensure your contact information is included with your request.

What is the process for making on the spot requests?

Bis-Man Transit understands it may not be possible for a reasonable modification request to be made and determined in advance. In these instances, please request a reasonable modification with a Bis-Man Transit operator at the time of issue. A response to an *on the spot request* will be made at the time of the request. Responses to *on the spot requests* can include: granting the request, denying the request, or referring the passenger to Bis-Man Transit management for further processing. Operators will generally seek assistance from Bis-Man Transit management during these instances via the two-way radio.

For what reasons may Bis-Man Transit deny a reasonable modification request?

Bis-Man Transit may deny a reasonable modification request, whether made in advance or on the spot, for the following reasons:

1. Granting the request would fundamentally alter the nature of Bis-Man Transit's services, programs or activities;
2. Granting the request would create a direct threat to the health or safety of others;
3. The individual with a disability is able to fully use the entity's services, programs, or activities for their intended purpose without the need of a modification; and/or
4. Granting the request would cause Bis-Man Transit undue financial or administrative burden.

If a request is denied, Bis-Man Transit will act to the maximum extent possible to ensure the individual receives Bis-Man Transit's services or benefits.

What are examples of reasonable modifications Bis-Man Transit generally will grant?

Bis-Man Transit will generally grant the following reasonable modification requests for individuals with disabilities:

- A request from a passenger whom has diabetes (or another medical condition) to eat or drink aboard a vehicle in order to avoid adverse health consequences so long as the drink is in a spill proof container and the food is a small snack that cannot cause any spills;
- A request for transit personnel to handle fare media when the passenger with a disability cannot pay the fare by the generally established means; for instance, when the passenger cannot reach or insert a fare into the fare box themselves;

A request from a mobility-aid user to board a vehicle separately from his or her device (if the individual is capable of doing so) when the occupied weight of the device exceeds the design load of the vehicle lift.

This list of examples is neither exhaustive nor exclusive. Passengers with disabilities are encouraged to contact Bis-Man Transit with specific reasonable modification requests.

It is Bis-Man Transit's goal to operate a safe, efficient, and effective transportation system that provides mobility and accessibility to persons with disabilities.

The request should be as specific as possible and include information on why the requested modification is needed in order to allow the individual to use Bis-Man Transit services. Bis-Man Transit will make every effort to communicate determinations on requests for modifications in advance of when the service will be needed verbally or in writing.

There are several ways to request a modification/accommodation form pursuant to the Americans with Disabilities Act.

Access the form online: Complete and submit the Reasonable Modification Request Form

Mail: Complete the Reasonable Modification Request Form, print it and mail to: Bis-Man Transit, Attention Deidre Hughes, 3750 East Rosser Ave, Bismarck, ND 58501

Fax: Complete the Reasonable Modification Request Form, print it and fax to 701.258.6752.

Pick up a form: Bis-Man Transit, 3750 East Rosser Ave, Bismarck, ND 58501

Email: Email Deidre Hughes; Executive Director at info@bismantransit.com.

To obtain information about procedures and/or how to file a complaint, contact Deidre Hughes; Executive Director, by one of the methods listed below:

Email: info@bismantransit.com

Phone: 701.258.6817

Fax: 701.258.6752

Reasonable Modifications requests will be processed in the following manner:

All requests will be logged into a Reasonable Modification/Accommodation spreadsheet noting the requester's name, date, contact information, specific modification request, outcome, and requester date of notification.

Individuals requesting modifications will be asked to supply sufficient detail within the request so that agency staff may effectively evaluate the request. Individuals are not required to use the term "reasonable modification" when requesting modifications or accommodations.

All requests for modifications (reasonable or otherwise) will be reviewed and evaluated by the Bis-Man Transit administrative staff.

All reasonable modification requests will be acknowledged within three (3) business days of receipt. The resolution and response to the requestor will be made timely, within fifteen (15) business days and the response must explain the reasons for the resolution. The response must be documented in the Reasonable Modification/Accommodation log.

Any requests requiring more than fifteen (15) business days to resolve must be reviewed at the Board of Directors level and documented as to why the resolution requires additional time to be completed.

Bis-Man Transit is committed to providing you with safe and reliable transportation services and we want your feedback. Please use this form for suggestions, compliments, and complaints.

You may also call us at 701.258.6817, visit the Bis-Man Transit facility at 3750 East Rosser Avenue, Bismarck, ND 58501, or contact us by email or U.S. postal mail at the addresses below. Please make sure to provide us with your contact information in order to receive a response.

Bis-Man Transit, 3750 East Rosser Avenue, Bismarck, ND 58501, 701.258.6817, info@bismantransit.com.



Bis-ManTransit delivers valued public transportation, linking people, jobs and communities.

REASONABLE MODIFICATIONS REQUEST FORM

Please complete this form to request a reasonable modification of Bis-Man Transit bus services. Submit the completed form to Bis-Man Transit via FAX at 701.258.6752, via mail at 3750 East Rosser Ave, Bismarck, ND 58501 or via email at info@bismantransit.com.

Date: _____ Name: _____

Phone Number: _____ Email: _____

Address: _____

Description of Request: _____

Location & Routes Used: _____

Are you able to ride without this modification?: _____

Comments or assistance with a reasonable modification request can be sent to info@bismantransit.com or call 701.258.6817.

3750 E Rosser Avenue,
Bismarck, ND 58501

701.258.6817

info@bismantransit.com

www.bismantransit.com

Civil Rights Program

Final Audit Report
2024-02-27

Created:	2024-02-26
By:	Deidre Hughes (dhughes@bisantransit.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAALq2iWfVoFqfFr-HYlK3ghLZnOyGY6A8M

"Civil Rights Program" History

f.i Document created by Deidre Hughes
(dhughes@bisantransit.com)

2024-02-26 - 6:51:39 PM GMT- IP address: 24.111.89.69

12. Document emailed to lmartinwolf@gmail.com for signature

2024-02-26 - 6:53:59 PM GMT

f.i Email viewed by lmartinwolf@gmail.com

2024-02-27 - 2:31:07 AM GMT- IP address: 104.28.97.32

Signer lmartinwolf@gmail.com entered name at signing
as 'Lynn Wolf

2024-02-27- 3:12:38 AM GMT- IP address: 208.107.137.8

0'e Document e-signed by 'Lynn Wolf (lmartinwolf@gmail.com)

Signature Date: 2024-02-27 - 3:12:40 AM GMT - Time Source: server- IP address: 208.107.137.8

0 Agreement completed.

2024-02-27 - 3:12:40 AM GMT

fJ Adobe Acrobat Sign

Addendum to Section 6.3 - Refusal of Service

Service may be refused to an individual who throws up or has an accident in which bodily fluids are involved. If a rider comes in the vehicle and gets sick or has an accident that causes the driver to take the vehicle into the garage before service can be continued, Bis-Man Transit has the right to charge a reasonable amount for cleaning the vehicle.

Section 2.6 Form**REFUND FORM**

All sections must be completed to be considered for refund. Refunds will not be processed on the same day. All approved refunds will be by check.

1. PERSONAL INFORMATION

Customer Name: _____ Phone: _____

Home Address: _____ City: _____ State: _____ Zip: _____

E-mail address: _____

Customer Signature: _____ Today's Date: ____/____/____

I hereby certify that I am the original purchaser or personal representative of the below-described ticket(s)

2. REASON FOR REFUND

☐ Relocation

☐ Death

3. TICKET INFORMATION

Ticket Type: ☐ Paratransit Punch Tickets

☐ Diminishing Balance

Number of Punch Tickets @ \$12.00: _____

Account Balance: _____

Total Refund Request Amount: _____

DO NOT WRITE BELOW THIS LINE – OFFICE USE ONLY

Original Form Taken By: _____ Date Taken: ____/____/____

Amount of Refund: _____ ☐ Claim Approved ☐ Claim Disapproved

Authorized By: _____ Date: ____/____/____

PLEASE READ THE FOLLOWING INSTRUCTIONS TO ENSURE A PROMPT INVESTIGATION AND RESOLUTION OF YOUR REFUND.

If you are returning unused punch tickets for a refund due to death:

- Please complete all sections.
- Punch tickets must be undamaged and unused to be considered for refund.
- Punch tickets will not be refunded unless a copy of the certified death certificate is provided.

If you are requesting a refund for a diminishing balance account:

- Please complete all sections, including the reasoning for the refund.
- Diminishing balance refunds due to death will not be refunded unless a copy of the certified death certificate is provided.

Claims may be submitted in person at the Transit Facility or via mail. If you prefer to submit your claim by mail, please send to:

**Bis-Man Transit Board
3750 East Rosser Ave
Bismarck, ND 58501**

We will contact you regarding your claim within two weeks. If you have any questions, please call the Administrative Office during regular business hours at 701.258.6817.



H

Bis-Man Transit delivers valued public transportation, linking people, jobs and communities.

July 25, 2024

TO: Bis-Man Transit Board of Directors
FROM: Deidre Hughes, Executive Director
SUBJECT: City of Lincoln Contract Recommendation

BACKGROUND: The City of Lincoln has contracted Bis-Man Transit to provide paratransit service through the end of 2024.

FINANCIAL IMPACT: Mayor Berglund of Lincoln met with Transit staff to discuss the upcoming contract renewal. Based on the ridership data, it was requested that the contracted amount be reduced from \$15,000 to \$10,000 annually.

City of Lincoln Ridership Data

Reporting Period	Pick up	Estimated Cost Per Trip to Lincoln
FY24 Jan-June	147	\$ 51.02
FY23	273	\$ 54.95

RECOMMENDATION: Staff recommends approval of the proposed contract with the City of Lincoln.



3750 E Rosser Avenue,
Bismarck, ND 58501



info@bismantransit.com



701.258.6817



www.bismantransit.com



Service Agreement between the Bis-Man Transit Board and the City of Lincoln

Whereas: The Bis-Man Transit Board agrees to provide transportation services to the City of Lincoln residents who qualify for paratransit services as described in Bis-Man Transit's published literature, beginning January 1, 2025, and ending December 31, 2025, with the option to extend for two additional one-year terms. This agreement will automatically renew with the existing terms unless notice not to extend the agreement is sent in writing or by email to the other party by October 31. This service will be provided during the normal operating hours of Bis-Man Transit.

Whereas: The City of Lincoln agrees to pay The Bis-Man Transit Board the sum of \$10,000 for paratransit/demand response transportation services during each term of this agreement. These funds are to be paid in two installments of \$5,000; the first installment will be due each year by January 31, and the second installment of \$5,000 will be due by July 31 of each year. In the event that average monthly boardings in Lincoln exceed 125 trips during a period of six consecutive months or if either gas or diesel fuel exceeds \$3.50 per gallon for six consecutive months, Bis-Man Transit may seek a proportionate amount of additional funds from the City of Lincoln. If additional funding is not provided under these circumstances, Bis-Man Transit may immediately terminate this agreement.

Whereas: The City of Lincoln and Bis-Man Transit agree to negotiate a funding sustainability plan by October 1, 2027 describing how the City of Lincoln will fund transportation services in 2028 and beyond.

Whereas: In the event that Bis-Man Transit services cease to operate due to the loss of Federal and/or State funding, the amount due from the City of Lincoln will be prorated accordingly.

Contract Amendment: This Contract may be amended in writing by way of contract amendment signed by the Parties' authorized signatories. Parties expressly exclude the possibility of oral amendment or amendment by fax or email.

Name_____

Signature_____

Date_____

Bis-Man Transit Board

Name_____

Signature_____

Date_____

City of Lincoln





July 25, 2024

TO: Bis-Man Transit Board of Directors

FROM: Deidre Hughes, Executive Director

SUBJECT: Decommission and Dispose of Van 1911

BACKGROUND: Van 1911 was involved in an accident on June 17, 2024. This accident was the fault of the other driver. It was determined that the level of damage incurred resulted in a total loss. To move forward with the insurance claim, the vehicle must be decommissioned.

Fleet Info	VIN #	Mileage	Acquisition Date
#1911 2019 Ford Transit	1FBVU4XM1KKA53537	73,160	2/25/2019

FINANCIAL IMPACT: Funds received from the insurance claim are subject to payback to the Federal Transit Administration as there is still useful life remaining on the vehicle. The North Dakota Department of Transportation staff is working with the FTA to determine what dollar amount must be returned. Leftover funds will likely be available for Bis-Man Transit to purchase a replacement bus. The proposed total settlement amount is \$65,075.

The distribution of the local and federal shares starts with the sales proceeds of the item sold for fair market value. Of that amount, the recipient retains \$5,000. Of the remaining amount of the sales proceeds, the recipient retains the amount calculated by its percentage of participation in the cost of the original purchase.

RECOMMENDATION: Staff recommends that the request to decommission and dispose of van 1911, which has been deemed a total loss, be approved.



3750 E Rosser Avenue,
Bismarck, ND 58501



info@bismantransit.com



701.258.6817



www.bismantransit.com

Market-Driven Valuation™

Administrative Data

Lisa Nicholas
Alliance of Non-Profits
Risk Retention Group Branch
PO Box 8507
Santa Cruz CA 95061

Claimant
Insured Bis-Man Transit
Claim 601637
Loss Date 06/16/2024
Loss Type Collision
Policy
Other

VINSOURCE Analysis

VIN 1FBVU4XM1KKA53537
History No activity was reported

Specialty Valuation Data

	CLIENT VEHICLE	COMPARABLE 1	ADJUSTMENTS
VEHICLE DESCRIPTION			
YEAR	2019	2024	-35,000.00
MAKE	FORD	FORD	
MODEL	TRANSIT 350HD	TRANSIT 350HD	
BODY STYLE	TRANSIT	STD	
TRIM	STD	STD	
BODY TYPE	SHUTTLE BUS	SHUTTLE BUS	
ODOMETER	73,160	NEW	NO ADJUSTMENT
ACTUAL	Yes	NEW	
ENGINE			
ENGINE MAKE	FORD	FORD	
ENGINE SIZE	3.7L GAS	3.7L GAS	
ENGINE HP	STD	STD	
TRANSMISSION			
TRANSMISSION TYPE	AUTOMATIC	AUTOMATIC	
TRANSMISSION MFG	STD	STD	
NUMBER OF GEARS	6 SPD	6 SPD	
SPECIFICATIONS			
GVW	10,360 LBS	10,360 LBS	
WHEEL BASE	148"	148"	
SUSPENSION TYPE	SPRING	SPRING	
NUMBER OF REAR AXLES	1	1	
NUMBER OF DRIVE AXLES	2	2	

	CLIENT VEHICLE	COMPARABLE 1	ADJUSTMENTS
REAR AXLE RATING	6,720 LBS	6,720 LBS	
FRONT AXLE RATING	4,130 LBS	4,130 LBS	
CAB EQUIPMENT			
POWER STEERING	YES	YES	
POWER WINDOWS	YES	YES	
POWER LOCKS	YES	YES	
CRUISE CONTROL	YES	YES	
TILT/TELESCOPING WHEEL	YES	YES	
AIR CONDITIONING	YES	YES	
RADIO TYPE	AM/FM STEREO	AM/FM Stereo	
CB RADIO	YES		75.00
BODY EQUIPMENT			
BODY YEAR	2019	2019	
BODY MANUFACTURER	DRIVERGE	DRIVERGE	
BODY MATERIAL	STD	STD	
REAR DOOR TYPE	WHEELCHAIR	WHEELCHAIR	
PASSENGER CAPACITY	7	7	
WHEELCHAIR LIFT	YES	YES	
# OF WHEELCHAIRS	1	1	
NUMBER OF FUEL TANKS	1	1	
TOTAL FUEL CAPACITY	STD	STD	
CONDITION			
INTERIOR CONDITION	AVERAGE	NEW	
EXTERIOR CONDITION	AVERAGE	NEW	
MECHANICAL CONDITION	AVERAGE	NEW	
ENGINE			
ENGINE MILES			
ENGINE REBUILD COST			
TRANSMISSION			
TRANSMISSION MILES			
TRANSMISSION REBUILD COST			
OTHER MECH. RECEIPTS			
TIRE CONDITION			
FRONT AXLE TIRES	AVERAGE	NEW	
REAR AXLE TIRES	AVERAGE	NEW	
OTHER			
ADVERTISED/ASKING PRICE		100,000	
CASH PRICE			100,000.00
Adjusted Market Value			\$100,000.00
Vehicle Description			\$ -35,000.00
Equipment Adjustments			\$75.00
Total Condition Adjusted Market Value			\$65,075.00
General Sales Tax Amount			\$.00

Title Fee	<input type="text"/>
Transfer Fee	<input type="text"/>
Deductible	-
Net Adjusted Value	<input type="text"/>
Salvage/Other	-

Valuation Notes

RESEARCH AREA

It was necessary to expand region wide in order to obtain a comparable vehicle as no local comparable vehicles were able to be verified.

CLIENT VEHICLE COMMENTS

No additional comments were reported.

COMPARABLE

ADDITIONAL INFORMATION:

Phone #: (952)270-9328

Source: Dealer

Name: North Central Bus Sales

Verified: 07/08/24

Contact: Brian Johnson

City: Twin Cities, MN

COMMENTS: This comparable, new unit would need to be ordered.

The conversion to a shuttle bus door with rear wheelchair lift was completed by Driverge Vehicle Innovations.

Brian Johnson indicated a pre-loss used retail value of the loss vehicle would be \$60-65,000.

GENERAL NOTES

The market value of your vehicle was determined by comparing it to other vehicles of similar make, model, equipment, mileage/hours, and condition that have been offered for sale or sold. The sources for this comparison include dealers selling new and used vehicles, newspapers, traders, and specialty journals. A verified comparable has been used to determine the ACV of the loss unit. We adjusted for the overall equipment differences. An additional adjustment of -35% was made for depreciation as a new 2024 comparable was used for the ACV. This report is based on the information provided at the time; should any new relevant information become available, further review may be required of this report.

- o There is no tax for the given zip code of 58503.

About Your Valuation

This report contains proprietary information of Audatex and its partners and shall not be disclosed to any third party (other than the insurer or insured, or their legal representative; or claimant or claimants insurer for purposes of subrogation) without Audatex's prior written consent. If you are the insured or claimant and have questions regarding the description of your vehicle, please contact the insurance company that is handling your claim. Information within VINsource/NICB is provided solely to identify potential duplicative claims activity. User agrees to use such information solely for lawful purposes.

Tax rates contained herein are based on general sales tax data provided by Vertex Inc. Excise, use, registration, licensing and other taxes and fees that may be applicable are not included. Audatex makes no representations or warranties concerning the applicability or accuracy of such tax data.

Report Generated by Audatex, a Solera Company



© 2024 Audatex North America, LLC. SOLERA & Design, Audatex, and Autosource are trademarks owned by Solera Global Technology Ltd., and Audatex North America, LLC. All other trademarks are the property of their respective owners. All rights reserved.