



## Bis-Man Transit Board Meeting

February 27, 2025, 11:30 AM

<https://us02web.zoom.us/j/83925350557>

Call in: +1 312 626 6799; Meeting ID: 839 2535 0557

### Welcome & Introductions

### Approval of Agenda

### Consent Agenda

1. Previous Month's Minutes
  - a. Attachment A – 2025/1/23 Regular Meeting
  - b. Attachment B – 2025/2/21 Executive Committee Meeting
2. Financial Report
  - a. Attachment C
3. Ride Stats
  - a. Attachment D

### Public Comment

### Old Business

1. Sales Tax Contribution Update

### New Business

1. Employee Handbook Update
  - a. Attachment E

### Executive Director Report

1. Upcoming Elections

### Operations Report

### Other Business

### Adjourn

- The next Board Meeting will be held on March 27, 2025, at 11:30 am. •



**A**

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

## **Bis-Man Transit Board Meeting**

January 23, 2025, 11:30 AM

Via Zoom and In-person at

3750 E Rosser Ave. Bismarck, ND 58501

<b>Attending:</b>	<b>Lacey Long, Vice President</b>	<b>DeNae Kautzmann, Secretary/Treasurer</b>
	<b>Karel Sovak</b>	<b>Steve Heydt</b>
	<b>Andrew Stromme</b>	<b>Royce Schultze</b>
	<b>Glenn Lauinger</b>	
<b>Not Attending:</b>	<b>Helen Baumgartner</b>	<b>Commissioner Rohr</b>
	<b>Commissioner Connelly</b>	<b>Lynn Wolf, President</b>
<b>Staff:</b>	<b>Deidre Hughes</b>	<b>Taylor Kitzan</b>
	<b>Tom Reisenauer</b>	<b>Craig Thomas</b>
	<b>Amanda O'Brien</b>	
<b>Guests:</b>	<b>Susan Dingle</b>	<b>Kim Riepl</b>
	<b>Paulette Jacobsen</b>	

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

**Approval of Agenda:** Steve approved the Agenda. Karel seconded the motion. Motion carried unanimously.

**Consent Agenda:** Glenn moved to approve the Consent Agenda. Steve seconded the motion. Motion carried unanimously.

1. Previous Month's Minutes
  - a. Attachment A – 2024/11/21 Regular Meeting
  - b. Attachment B – 2024/12/12 Executive Committee Meeting
  - c. Attachment C – 2025/01/21 CTIC Meeting
  - d. Attachment D – 2025/01/21 Finance Committee Meeting
2. Financial Report
  - a. Attachment E
3. Ride Stats
  - a. Attachment F

**Public Comment:** N/A

**Old Business**

1. Sales Tax Contribution Update: Deidre discussed that there is no update from Mandan at this time. DeNae reached out to Jim Neubauer from the City of Mandan. City of Bismarck Sales Tax Committee will be meeting on February 25<sup>th</sup>. Deidre is a non-voting member on that committee.

**New Business**

1. FY2024 5307 Update: Deidre explained that \$958,577 is the partial apportionment of the Fiscal Year 2025 5307 funding. We will see the second amount come through within the coming months. There is funding remaining in the Fiscal Years 2023 and 2024 5307 grants. Projects have been approved to exhaust those funds. The 2024 5307 Operating and CCOC funding was exhausted in November. Staff recommends that December 2024 expenses in the amount of \$350,918.66 be absorbed by cash reserves. Finance Committee agrees with the recommendation. Glenn moved to use cash reserves to absorb the December 2024 expenses. Steve seconded the motion. Motion carried unanimously.
2. Paratransit Bus Purchase: Deidre explained that bus 1911 was totaled in an accident and needs to be replaced. There is 5339 funding to be used to purchase a new 14 passenger paratransit bus, as well as insurance proceeds and previous bus sales. The amount of match is \$18,000. Lead time for bus delivery is nine months. Steve moved to approve the bus purchase as outlined. Karel seconded the motion. Motion carried unanimously.
3. 1002 Bus Repairs: Deidre discussed that Bus 1002 needs various repairs to be able to stay in service. This bus is outside of useful life, but Transit is waiting on funding from NDDOT to



cover a replacement bus. Quotes were requested from three different vendors, with Wallwork Truck Center coming back with the only quote. Staff recommends approval of Wallwork Truck Center quote. Steve moved to approve Bus 1002 repairs. Lacey seconded the motion. Motion carried unanimously. Glenn asked Deidre if Bus 1002 would be in service for two more years and if we would sell once we receive the replacement vehicle. Deidre answered yes, and we would recover some costs once the bus is sold.

4. CD Renewal Recommendation: Staff recommends CD renewal on February 3<sup>rd</sup> be reinvested into a 6-month CD at 4.30% APY with an additional \$500,000.000 added from cash reserves. Finance Committee agrees with the recommendation. Glenn asked Steve for his opinion on options for this CD. Steve answered that long term and short-term rates are going to get closer in the coming months, as short-term rates are higher currently. Andrew moved to approve the recommendation. Glenn seconded the motion. Motion carried unanimously.

### Executive Director Report

1. 2024 Review: Deidre highlighted the following:

- 20-year CAT Anniversary – Two Free Ride weekends were successful
- Fourth consecutive clean audit
- Triennial Review with only one finding (eight findings at last Triennial)
- Insurance savings (Brightline from Starion)
- Community Outreach
- Homeless Coalition CAT Pass Program
- 5310 Compliance Review
- City of Lincoln renewed contract for paratransit service
- Advertising revenue ended at \$123,953.00
- Interest revenue ended at \$280,930.92
- Mandan & Bismarck Measure 1 passing in election (Thank you to everyone who collected signatures!)
- Free Ride Days for Election Days
- Four new paratransit vehicles and two new paratransit vans
- Only one full service day CAT suspension
- No more trip denials on paratransit
- Stuff the Bus collected over 700 items for Ministry on the Margins
- CAT ridership was 121,538 (20.89% increase from 2023)
- Paratransit ridership was 90,207 (2.8% increase from 2023)
- Black Route was top performing route, second was Orange Route
- 14 at-fault accidents (improved from 19 in 2023)
- 35 complaints (improved from 45 in 2023)



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DeNae congratulated both Operations and Administration on a successful year. Glenn asked how the advertising sales are going with the increased rates. Deidre answered that we have not had any decline in repeat bus bench advertisers and we have not seen bus advertisements come due yet.

1. Upcoming Projects: Deidre discussed that National Transit Database reporting is due at the end of February 2025. This is where all 2024 information is submitted to FTA to see if Transit is eligible for more funding. Audit is scheduled for March 2025. Other projects include replacing boiler, exterior signage, and roof repairs.

**Operations Report:** Craig explained that Operations has started this year with some positive recruiting efforts. Operations has added five new paratransit operators and one due to start training next week. Three have completed training and are out on the road and two are still in the cadet phase learning hands on from experienced operators. Once all training is complete, this will increase the number to 27 paratransit operators. This will allow Operations to handle all trip requests efficiently. There has also been one more CDL operator hired for Fixed Route, due to start February 3rd. This will increase the fixed route driver staff to 13. This addition will allow Operations to create more driver-friendly runs and eliminate some overtime.

Operations has named their 2024 Scott Culver Employee of the Year recipient as Brian Himmerick. Brian has been an exemplary employee. In 2024, Brian completed 6,147 trips with an on-time performance of 95%, and doing so with no speeding events or preventable accidents. He is one of our Driver Trainers and is always willing to help when there is staffing issues. Operations is proud to have Brian on their team!

**Other Business: N/A**

Steve moved to adjourn the meeting. Karel seconded the motion. Motion carried unanimously.

**Meeting adjourned at 12:14 P.M.**



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**B**

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## Bis-Man Transit Executive Committee Meeting Minutes

February 21, 2025, 9:00 A.M.  
Via Zoom

**Attending:** Lynn Wolf, President      Lacey Long, Vice President

DeNae Kautzmann, Secretary/Treasurer

**Not Attending:** Karel Sovak

**Staff:** Deidre Hughes      Taylor Kitzan

Meeting called to order at 9:01 A.M.

Deidre informed the Executive Committee that our second CD matures on February 24th. The current invested amount is \$2,195,002.43, with a 5.11% rate. After working with Starion Bank, they are willing to offer us 4.25% for 6 months or 4.15% for 12 months. Given our current cash flow, Deidre recommends that we lock in for 12 months.

DeNae moved to reinvest the CD for 12 months. Lacey seconded. Motion carried.

Lynn asked about the other CD being merged with this one. Deidre indicated that the earlier one that matured was reinvested with an additional \$500,000.

Meeting adjourned at 9:05 A.M.



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# January 2025

## MONTHLY REPORT

	Month	YTD	PY Month	PY YTD	% INC/DEC OVR PYM	% INC/DEC OVR PYTD	
<b>RIDERSHIP</b>							
FIXED ROUTE	11,938	11,938	8,537	8,537	39.84%	39.84%	
PARATRANSIT	8,107	8,107	7,333	7,333	10.56%	10.56%	
Total	20,045	20,045	15,870	15,870	26.31%	26.31%	
FR AVG. DAILY BOARDINGS	459.15						
DR AVG. DAILY BOARDINGS	261.52						
<b>REVENUE HOURS</b>							
	Month	YTD	Month	YTD	PY YTD	PY YTD	% INC/DEC OVR PYTD
FIXED ROUTE	1,848.00	1,848.00	6.46	6.46	4.66	1,833.6	0.79%
PARATRANSIT	2,995.53	2,995.53	2.71	2.71	2.79	2,631.9	13.82%
Total	4,843.53	4,843.53	4.14	4.14	3.6	4,465.4	
<b>REVENUE MILES</b>							
	Month	YTD	Month	YTD	PY YTD		% INC/DEC OVR PYTD
FIXED ROUTE	29,219	29,219	0.41	0.41	29,260		-0.14%
PARATRANSIT	41,959	41,959	0.19	0.19	36,752		14.17%
Total	71,178.12	71,178.12	0.60	0.60	66,012		7.83%
<b>ON TIME PERFORMANCE</b>							
	Month	YTD	PY Month	PY YTD	% INC/DEC OVR PYM	% INC/DEC OVR PYTD	
FIXED ROUTE	84.74%	84.74%	84.02%	84.02%	0.86%	0.86%	
PARATRANSIT	92.02%	92.02%	91.67%	91.67%	0.38%	0.38%	
<b>RIDERSHIP PER ROUTE</b>							
	Month	YTD		PY Month		% INC/DEC 0.76700874	
BLACK	2340	2340		2248		4.1%	
BLUE	1764	1764		1479		19.3%	
GREEN	2003	2003		1909		4.9%	
RED	1127	1127		1109		1.6%	
ORANGE	3131	3131		2435		28.6%	
PURPLE	1573	1573		1380		14.0%	
<b>RIDERSHIP BY DESTINATION</b>							
	Month	YTD		PY Month			
(Included in 'Ridership Per Route' Numbers) U-Mary	341	341		288		18.4%	
UTTC	50	50		36		38.9%	
Bismarck Library	589	589		535		10.1%	
Mandan Walmart	132	132		117		12.8%	
Mandan Family Fare	549	549		416		32.0%	
<b>ACCIDENTS</b>							
	Month	Month at Fault	YTD	YTD at Fault			
FIXED ROUTE	0	0	0	0			
PARATRANSIT	4	3	4	3			
SERVICE VEHICLE	0	0	0	0			
SENT TO INSURANCE	1		1				
<b>COMPLAINTS</b>							
	Month	YTD					
FIXED ROUTE	2	2					
PARATRANSIT	1	1					
Office Staff	0	0					
<b>COMPLIMENTS</b>							
	Month	YTD					
FIXED ROUTE	0	0					
PARATRANSIT	1	1					
Office Staff	0	0					





E

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

February 27, 2025

**TO:** Bis-Man Transit Board of Directors

**FROM:** Deidre Hughes, Executive Director

**SUBJECT:** Employee Handbook Revision Recommendation

**BACKGROUND:** Due to changes in employee benefits, the employee handbooks has been updated to align with what the company offers.

**DISCUSSION:** The Board of Directors voted at the November Board meeting to offer employees the option to opt-in annually to a flex spending account and/or dependent care assistance program account. The employee fully funds both types of accounts.

The following language has been added to the employee handbook on page 9:

**“ADDITIONAL BENEFITS**

Bis-Man Transit allows employees to opt in annually for a flex spending account and dependent care assistance program account. Employees may participate in either option. Bis-Man Transit does not provide funding for these account options.”

**RECOMMENDATION:** Staff recommends approval of the Employee Handbook revisions as presented.



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**BIS-MAN TRANSIT  
EMPLOYEE HANDBOOK  
(02/27/2025)**

**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.

## **ADDITIONAL BENEFITS**

Bis-Man Transit allows employees to opt in annually for a flex spending account and dependent care assistance program account. Employees may participate in either option. Bis-Man Transit does not provide funding for these account options.

## **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 <sup>th</sup> - 7 <sup>th</sup> Years	10 hours per month
8 <sup>th</sup> - 12 <sup>th</sup> Years	12 hours per month
13 <sup>th</sup> – 18 <sup>th</sup> 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 31<sup>st</sup> 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 an 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 DHSS 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 is the “split” sample test results if 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 Manuel.

#### **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](http://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):**

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**Employees Signature:**

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**Date:**

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