

# INTER*city* TRANSIT

## **HUMAN RESOURCES RULES**

**INTERCITY TRANSIT HUMAN RESOURCES RULES  
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## **101 – Scope and Development of Human Resources Rules**

### **1. Definition of a Human Resources Rule**

- 1.1. A Human Resources Rule is defined by all of the following criteria:
  - 1.1.1. It has broad application throughout Intercity Transit;
  - 1.1.2. It helps ensure compliance with applicable laws and regulations, promotes operational efficiencies, enhances the service delivery of Human Resources Department or reduces institutional risks;
  - 1.1.3. It mandates or constrains action;
  - 1.1.4. The subject matter requires Authority Board or General Manager review and approval for rule issuance and major changes.

### **2. Purpose of Human Resources Rules**

- 2.1. It is the purpose of these Rules to establish and maintain a uniform system for managing personnel matters; to comply with applicable employment laws; and to provide for the standards, terms, and conditions of employment with Intercity Transit in a clear and comprehensive fashion to maximize the efficiency and orderliness of operations.
- 2.2. It is further intended, by adoption and periodic amendment of these Rules, they serve as a guide for employees of Intercity Transit in their routine work activities and relationships.
- 2.3. Intercity Transit hereby asserts that it has the right to employ the best qualified persons available, and, that the continuation of employment is based on the need for work to be performed, availability of revenues, effective performance, proper on-the-job conduct, and the ability to perform the job responsibilities. Conversely, employees deserve to be fully informed of their duties and responsibilities; to be provided with adequate administrative and supervisory direction; to be informed of their performance levels; to be fairly compensated; to be considered for promotional opportunities; and to be treated with dignity and respect at all times.
- 2.4. Since it is the interest of Intercity Transit to encourage employee participation in matters that affect their work, employees are encouraged to offer suggestions for improvements to these Rules, employment practices, or working conditions. Suggestions should be made in writing to the Human Resources Director.

### **3. Scope of Human Resources Rules**

- 3.1. These Rules shall apply to all Intercity Transit employees. Employees covered or affected by these rules are responsible for knowledge of, and compliance with, the provisions contained herein. In the event of direct conflict between the provisions in these rules and provision of any law, collective bargaining agreement, or employment contract, collective bargaining agreement, the law, or employment contract shall govern when the employee is covered by such law, agreement or contract. In all other cases, these rules shall apply.
- 3.2. As may be needed for efficient and effective operations, each department of Intercity Transit may develop, implement, and revise specific procedures and departmental rules pertaining to unique operational requirements and their effect upon department employees.
  - 3.2.1. Departmental rules must be consistent with the intent of the language and procedures of these Rules.
  - 3.2.2. If conflicts arise between provisions in these Rules and department procedures, practices or rules, these Rules shall apply.

### **4. Scope of Employer Rights**

- 4.1. To ensure that Intercity Transit reserves to itself, solely and exclusively, those functions necessary for the efficient and effective operation of the organization, Intercity Transit rights may include, but are not limited to, the following:
  - 4.1.1. To manage Intercity Transit generally and to determine the issues of policy and rules.
  - 4.1.2. To determine the existence of facts on which Intercity Transit decisions are based.
  - 4.1.3. To determine the necessity for, and organization of, any service or activity conducted by Intercity Transit, and to expand or diminish services.
  - 4.1.4. To determine the nature, manner, means, technology, and extent of services to be provided.
  - 4.1.5. To determine Intercity Transit's budget, number and classification of employees, and methods of financing.
  - 4.1.6. To determine types of equipment or technology to be used.
  - 4.1.7. To determine and change the facilities, methods, technology, means, organizational structure, and size of composition of the work force, and to allocate and assign the work by which Intercity Transit operations are to be conducted.
  - 4.1.8. To determine and change the number of locations, relocations, and types of operations, processes, and materials to be used in carrying out all Intercity Transit functions, including, but not limited to, the right to contract for or subcontract any work or operation of Intercity Transit.
  - 4.1.9. To maintain order and efficiency in Intercity Transit facilities and operations.
  - 4.1.10. To establish, publish, and modify rules and practices in order to promote and/or maintain order, safety, and health at Intercity Transit.
  - 4.1.11. To take any and all necessary action to carry out the Mission of Intercity Transit.
  - 4.1.12. To determine minimum position qualifications, skills, abilities, and knowledge, selection procedures, job classifications, and employment standards.
  - 4.1.13. To hire, transfer, reclassify, assign and promote individuals based on operational needs.
  - 4.1.14. To determine policies, procedures, and standards for selection, training, and promotion of employees.
  - 4.1.15. To establish reasonable employee performance standards including, but not limited to, quality and quantity standards; and to require compliance therewith.
  - 4.1.16. To direct, assign work to, and schedule employees in accordance with requirements as determined by Intercity Transit, and to establish and change work schedules and assignments.
  - 4.1.17. To establish and modify productivity and performance programs and standards.
  - 4.1.18. To discharge, suspend without pay, reprimand, withhold salary increases based on job performance, or otherwise discipline employees.
  - 4.1.19. To lay off employees from duties because of lack of work or funds, or under conditions where continued work would be ineffective or nonproductive.
- 4.2. Under the direction of the Intercity Transit Authority, responsibility to properly and efficiently carry out the Employer Rights of Intercity Transit rests with the General Manager.

## **5. Development of Rules**

- 5.1. The following is a sequential guide for the development and issuance of new or revised Human Resources Rules. Development and/or revision of a Human Resources Rule is the responsibility of the Human Resources Director.
  - 5.1.1. A Department Director notifies Human Resources of the need for a new or revised rule.
  - 5.1.2. The Director of Human Resources determines that a new or revised rule is warranted and notifies the General Manager he/she is initiating the process for rule development. The Human Resources Director then coordinates the following steps:



- 5.1.2.1. Develops problem definition and rule direction statement
- 5.1.2.2. Identifies key stakeholders in particular rule issue
- 5.1.2.3. Assigns staff for research and drafting as may be appropriate
- 5.1.2.4. The Human Resources Director and/or staff collects and reviews data from departments, other jurisdictions and literature review of best practices.
- 5.1.3. Drafts Rule and provides to the General Manager or designee for initial approval.
- 5.1.4. Reviews Process: Rules will be distributed for review and comment to solicit feedback from identified stakeholders. Drafts of new or revised copies will be circulated to Senior Management for comment and feedback before the final rule is issued.
- 5.1.5. Sends letter to labor organizations with notification of proposed Rule. If there is a timely demand to bargain, the rulemaking process will continue concurrent with any bargaining obligations that may be extant.
- 5.1.6. Sends Final Rule to Authority or General Manager for adoption.
- 5.1.7. Adds Rule to Human Resources Rulebook.
- 5.1.8. Sends Memo to General Manager and Departments informing them of new Rule implementation.
- 5.1.9. Disseminates Rule to employees with confirmation that employees are aware of the new Rule.
- 5.1.10. Conducts Department/Work Unit training or meetings to explain new rule/procedures as needed.

## **6. Adoption of Rules**

- 6.1. Rules may be approved by the General Manager upon delegation by the Intercity Transit Authority.
  - 6.1.1. The Human Resources Director shall provide notice of the proposed action at least seven (7) calendar days prior to the effective date by distributing or mailing the notice to all department directors and each labor organization representing Intercity Transit employees.
- 6.2. Any procedural aspects not fundamentally changing the substantive content of a Human Resources Rule may be changed at the Human Resources Director's discretion as needed without prior approval of the General Manager of Intercity Transit Authority.

## **7. Review and Amendments**

- 7.1. These Rules shall be subject to no less than a bi-annual review by the Human Resources Director.
- 7.2. These Rules may be amended at any time based on the business and operational needs of Intercity Transit. Intercity Transit will endeavor to use normal communication channels to apprise employees of any amendments to these Rules as provided in Section 6.1.1 of this Rule.

## **8. Dissemination of Rules**

- 8.1. The Human Resources Director is responsible for the initial dissemination of rules once adopted.

## **9. Access to Rules**

- 9.1. Employees of the Intercity Transit shall have access to rules and procedures related to their employment.

## **10. Application of Rules**

- 10.1. These Rules shall be interpreted, applied, and enforced by supervisory employees of Intercity Transit. Intercity Transit believes the most rewarding employment relationship results from the open, fair and consistent interaction directly between employees and those that supervise or manage operations. To ensure fairness and consistency in these personnel matters, the General Manager designates the Human Resources Director to be accountable for centralized personnel operations.
- 10.2. Responsibility for interpretation, application, and enforcement rests with the Human Resources Director, who is responsible for resolving matters where questions or issues arise. The Human Resources Director shall be additionally responsible for such personnel matters as:
  - 10.2.1. As authorized, the initiation of amendments and revisions to these policies at times determined by the General Manager,
  - 10.2.2. As authorized, the initiation or revisions to job descriptions, wage and salary schedules, benefit plans and programs, and performance evaluation systems.
  - 10.2.3. Recruitment, selection evaluation, affirmative action, equal employment opportunity, and personnel records;
  - 10.2.4. Enforcement of all applicable state and federal employment laws and their resultant effect upon personnel policies and practices; and
  - 10.2.5. Other duties that may be necessary to carry out the practices and provisions of a personnel system.
- 10.3. These Rules apply to all employees
  - 10.3.1. All employees are responsible for knowledge of and compliance with the provisions contained herein.
  - 10.3.2. Bargaining unit employees and contractual employees shall only be responsible for knowledge of and compliance with the provisions in this manual which are not addressed or are not in conflict with their respective collective bargaining agreement or employment contract.
- 10.4. In the event of any conflict between the provisions of these Rules and the expressed provisions contained in any applicable collective bargaining agreement or employment contract, the collective bargaining agreement or employment contract shall govern in all cases with respect to employees covered by such agreement or contract.

## 11. Savings Clause

- 11.1. If any Human Resources Rule or its application to any person or circumstance is held invalid by operation of law or any court jurisdiction, the remaining Rules or provisions and their application to other persons or circumstances shall not be affected.

## **201 – Recruitment, Selection and Introductory Period**

### **1. Scope of Rule**

- 1.1. The following Rules and procedures shall apply in recruitment, selection, and appointment of applicants to position openings. Recruitment and selection procedures shall be established in accordance with the goals and objectives of Intercity Transit's Equal Employment Opportunity policy and rules.

### **2. Position Announcement**

- 2.1.1. Intercity Transit is committed to hiring the best qualified person for any position opening in accordance with Intercity Transit's Equal Employment Opportunity policy and plans. Position announcements are published by the Human Resources Department and may be used to recruit for a particular vacancy or to compile a list of qualified candidates for anticipated vacancies. Announcements shall normally be circulated according to the eligible recruitment group which could include any one of the following:
- 2.1.2. Open competitive recruitments open to current employees of Intercity Transit and interested members of the public.
- 2.1.3. Internal agency-wide recruitments open only to all current employees of Intercity Transit.
- 2.1.4. Internal specific recruitments open only to certain current incumbents employed by Intercity Transit.
  - 2.1.4.1. These types of recruitments are usually reserved for specific jobs which may occur within a classification "series."
- 2.2. Normally position announcements shall be posted for a minimum of ten (10) calendar days.
  - 2.2.1. An abbreviated posting of less than ten (10) calendar days may be utilized upon the request of the hiring department's director and the approval of the Human Resources Director.
- 2.3. Exceptions to the above procedures may include:
  - 2.3.1. Intercity Transit reserves the right to enter into short-term agreements with current employees (internships) or former employees, outside employment agencies, accredited schools, or other agencies or individuals to fill temporary position vacancies, resulting from temporary workload increases or the need to accomplish specific projects. Subject to the approval of the General Manager, the Human Resources Director will, in conjunction with the hiring department, determine the most appropriate manner to fill such vacancies on a case-by-case basis.
  - 2.3.2. Promotions or transfers may be by a competitive or non-competitive process. Any non-competitive promotion or transfer must be approved by the General Manager.

### **3. Application Procedure**

- 3.1. Eligible applicants who meet the position standards and are interested in being considered for posted jobs shall make application for the position opening in accordance with the procedures outlined in the job announcement and any other supplemental documents provided.
- 3.2. Official application forms may be required of all applicants. All required applications must be signed by the applicant.
  - 3.2.1. An applicant's signature certifies that the information supplied on the application is true to the best of the applicant's knowledge.
- 3.3. An applicant shall be disqualified in the event it is determined that false or misleading information was provided on the employee's application form.

- 3.4. A current employee may be dismissed if it is determined that the employee provided false or misleading information at the time the employee submitted an application for employment, transfer or promotion.
- 3.5. Intercity Transit application forms may require proof of education, specialized training, legal eligibility to work in the United States, experience, driver's license or record certification, or other information appropriate to the job for which the application process applies.

#### **4. Applicant Selection**

- 4.1. The selection techniques used in the examination of prospective new or current employees shall be impartial and of a practical nature. Selection criteria shall be related to the job content and assessed in a way that reasonably measures the applicant's capability to perform those duties of the position under consideration. Factors considered in the applicant selection process may include, but are not limited to, the following:
  - 4.1.1. Timely and accurate completion of required application materials;
  - 4.1.2. Previous work experience
  - 4.1.3. Level of education (based on bona fide job requirements);
  - 4.1.4. Driver license requirements;
  - 4.1.5. Background checks;
  - 4.1.6. Performance or achievement or aptitude tests;
  - 4.1.7. Written tests or exercises;
  - 4.1.8. Medical tests that may be required;
  - 4.1.9. Work samples or, if applicable, work records;
  - 4.1.10. Personal interviews;
  - 4.1.11. Assessment Center behavior or performance results; and
  - 4.1.12. Reference checks (personal and/or professional);

#### **5. Examination Process**

- 5.1. The Human Resources Director, in conjunction with the hiring department, will determine the manner and methods of employment examinations, and will arrange for the use of necessary facilities and equipment related to the conduct of examinations.
- 5.2. No person taking an examination will be treated in any different way to any other person participating in the same examination process to the extent that such difference in treatment would compromise the impartiality of the examination process.
- 5.3. Recruitment efforts for position openings may periodically result in an unusually large number of applicants who meet the prescribed minimum qualifications. When such circumstances arise, the Human Resources Director, in consultation with the hiring department, may limit the number of applicants or candidates to advance through the examination process.
- 5.4. Persons participating in the examination process who are found to cheat, falsify information, or be disruptive to others shall be immediately disqualified from further employment consideration. If such persons are current employees, they will be subject to disciplinary action, up to and including termination of employment.
- 5.5. Under certain circumstances, the Human Resources Director may extend the recruitment period or authorize the use of supplemental examinations. Normally, this would occur when the Human Resources Director, in consultation with the hiring department determines:
  - 5.5.1. there is an insufficient number of qualified candidates available, or;
  - 5.5.2. available candidates do not meet the specific needs of the position.

#### **6. Results and Records**

- 6.1. It is the desire of Intercity Transit to make fair and impartial judgments of prospective employees, to leave a positive impression of Intercity Transit, and to be thorough in its

selection determinations. To facilitate communications between Intercity Transit representatives and interested job applicants, the Human Resources Director or designee is responsible for the timely notification of job opportunity and selection information to interested persons.

- 6.2. Records pertaining to any employment-related examination are considered confidential and proprietary documents of Intercity Transit, and shall only be divulged to a person who possesses the legal right to know in accordance with Intercity Transit POLICY EX-0005 or RCW 42.56 or other state or federal law.

## **7. Appointment to Position**

- 7.1. To be hired, a candidate must be selected by the hiring department director and approved by the General Manager. Upon approval, the hiring department in conjunction with the Human Resources Director will make an official written offer of employment to the candidate, specifying a starting date and salary/ wage.
- 7.2. If the candidate fails to respond to the offer of employment, or fails to appear on the designated starting date, the candidate is presumed to have declined the appointment.

## **8. Employment Eligibility**

- 8.1. All “offer of employment” letters sent by Intercity Transit shall include a notice advising the prospective employee that he/she are required to complete the Federal I-9 form and provide the required documents to verify identity and eligibility for employment. The “offer letter” shall advise the prospective employee of the documents considered acceptable for this requirement. Further, the “offer letter” shall advise the employee the documents must be presented to Intercity Transit Human Resources on the first day of employment
- 8.2. Applicants will not qualify for employment status until they have presented bona fide documents listed as “acceptable documents” on the I-9 form.
  - 8.2.1. A promise to obtain such documents or even a showing that such documents have been applied for by the applicant is not sufficient. If the applicant does not have the required documents, the applicant is not qualified for employment and shall not be hired until the applicant produces the required documents.
  - 8.2.2. Upon the decision of the Director of Human Resources, an applicant may be allowed a brief period of time to produce the documents necessary to complete the I-9 process.
  - 8.2.3. Failure of an applicant to submit a complete set of bona fide documents in a timely manner may, upon the decision of the Human Resources Director, disqualify the applicant and the offer of employment may be declared null and void.
- 8.3. Documents submitted by applicants for purposes of completing the I-9 process shall be carefully examined by HR staff to verify authenticity and compliance with the I-9 requirements.
- 8.4. Copies of *all* of the documents submitted by the applicants shall be made and inserted into the personnel file of the applicant/employee.

## **9. Background Checks**

- 9.1. Intercity Transit may conduct background checks of applicants during the normal recruitment process.
  - 9.1.1. While conducting a background investigation, Intercity Transit may make a preliminary offer to the selected applicant. However, any offer shall be conditional on the results of the background investigation.
- 9.2. Procedure.
  - 9.2.1. There must be a nexus (close linkage) between the assigned duties and the scope of the background investigation.

- 9.2.2. The Human Resources Director must approve the background investigation the first time it is conducted for a particular position, assignment or employee, and thereafter if significant changes are made.
- 9.2.3. The job announcement for any position where a background check is or may be required shall include a notice that a background investigation is required before hire or assignment to the position.
- 9.2.4. If an outside agency conducts the investigation, the investigation must comply with the Fair Credit Reporting Act (FCRA).
- 9.2.5. Depending on the scope of the background investigation, the applicant/employee may be required to sign a release.
- 9.2.6. The content of the background investigation is confidential unless disclosure is required under state or federal law.

## **10. Introductory Period**

- 10.1. Newly hired applicants and current employees appointed to, promoted to, or transferred to a position opening, will serve an introductory period.
- 10.2. The introductory period is an intrinsic part and extension of the employee selection process.
- 10.3. No employee shall acquire regular status until successfully completing the introductory period.
  - 10.3.1. The successful completion of the introductory period should not be construed as and does not constitute a contract guaranteeing employment with Intercity Transit for any specific duration.
- 10.4. The introductory period will normally be utilized to train and evaluate the employee's effective adjustment to work tasks, conduct, observance of rules, attendance, and job responsibilities, and to provide for the release of any employee who fails to successfully complete the introductory period.
- 10.5. Full-time and part-time employees will normally serve in an introductory period of no less than six (6) months on duty. Time spent on leave (paid or non-paid) will not qualify as time in the introductory period. Temporary employees will serve an introductory period throughout their employment.
  - 10.5.1. The Human Resources Director, in consultation with the hiring department, may establish a longer introductory period for a position based on such factors as the complexity of job tasks, unique or difficult nature of work operations, the importance of work activities and decisions, the time involved to reasonably accomplish an evaluation of full job adaptation or other reasonable factors as determined by the Human Resources Director.
  - 10.5.2. When it is deemed in the best interest of Intercity Transit to do so, the established introductory period may be extended for a specified time period at the request of the department director, subject to the approval of the General Manager. In such cases, the department director shall submit a statement of the employee's current performance levels in assigned areas of responsibility, the justification for the extension, and the amount of time such extension is needed.
- 10.6. Introductory employees must be evaluated during the introductory period.
  - 10.6.1. Introductory employee evaluations must be completed no less than fourteen (14) calendar days prior to the completion date employee's introductory period.
    - 10.6.1.1. The evaluations must reference any areas of concern in the employee's performance, workplace conduct or potential challenges to the employee's successful completion of the introductory period.

- 10.6.2. If, at the conclusion of the employee's introductory period, the employee's performance, conduct and employment conditions have been satisfactory, a recommendation to the General Manager to advance the employee to regular status will be made by the employee's department director. Such recommendation will be made at least five (5) days prior to expiration of the employee's introductory period. Upon the direction of the General Manager, the recommendation will be accompanied by a written performance evaluation. Upon approval of the General Manager, the employee shall be advised of having been advanced to regular status and be eligible for any benefits provided to their position classification.
- 10.7. Employment of a new employee may be terminated at the will and discretion of Intercity Transit at any time during the introductory period should such termination be regarded as necessary and appropriate by either the employee or Intercity Transit. The General Manager shall approve all such terminations.
  - 10.7.1. In cases of introductory period release from Intercity Transit service, formal advance notice by Intercity Transit is not required.
  - 10.7.2. New employees terminated during their introductory period have no rights to administratively appeal the termination.
- 10.8. A current employee, serving an introductory period owing to promotion, appointment, or transfer, whose performance or other employment conditions are determined to be unsatisfactory during this period may be reinstated to the employee's former position if available or a comparable position, or released from Intercity Transit service, the determination of which shall be made by the General Manager.

## **11. Orientation**

- 11.1. During an employee's introductory period, the hiring department will normally conduct an orientation with the employee on matters relating to: the goals and objectives of Intercity Transit; the organization and functions of Intercity Transit; the employee's role in contributing to the achievement of Intercity Transit objectives; the employee's job content and scope; training, performance and evaluation standards; promotional opportunities; job safety; and any other matter of departmental importance.
- 11.2. Within the employee's first thirty (30) days of the Human Resources Director or designee will provide an orientation consisting of the' completion of employment forms and records; an explanation of Intercity Transit's compensation and benefit programs; a review of Intercity Transit's employment policies; and any other information as determined appropriate to the employee's orientation and integration into Intercity Transit service.

## **12. Benefits During the Introductory Period**

- 12.1. New Employees
  - 12.1.1. During the introductory period, a new employee hired into a position with benefits will be eligible to accrue and use paid sick leave and paid vacation that is provided in lieu of holiday leave as provided in Intercity Transit POLICY HR-3503
  - 12.1.2. Regular vacation leave will accrue during the introductory period; however, a new employee is not allowed to use paid vacation leave until successful completion of his/her introductory period.
    - 12.1.2.1. Requests to take unpaid time off during a new employee's introductory period must be approved by the department director.
  - 12.1.3. New employees shall be eligible for insurance benefits paid for or sponsored by Intercity Transit provided they satisfy the terms and conditions of the various benefit programs as determined by Intercity Transit.
- 12.2. Promoted, Appointed or Transferring Employees

- 12.2.1. During the introductory period, promoted or appointed employees, including transfers, will continue to receive and use any leave and/or insurance benefits they enjoyed prior to assuming their new position.



## 202 – Employment Requirements

### 1. Medical Examinations

- 1.1. Selected applicants must successfully pass a pre-employment medical examination conducted by a physician selected by Intercity Transit. This examination shall include a drug and/or alcohol screen.
  - 1.1.1. Any offer of employment that an applicant receives from Intercity Transit is contingent upon, among other things, satisfactory completion of this examination and a determination by Intercity Transit and its examining physician that the applicant, with or without reasonable accommodation, is capable of performing the essential functions of the position offered.
  - 1.1.2. Failure on the part of an applicant to appear for a scheduled medical examination may result in denial of employment with Intercity Transit.
  - 1.1.3. Required pre-employment medical examinations are paid in full by Intercity Transit.
- 1.2. As a condition of continued employment, employees may be required to undergo medical examinations, to include drug and alcohol screening, at times specified by Intercity Transit. Such examinations shall be related to the employee's ability to perform, with or without reasonable accommodation, the essential functions of the job or for reasonable cause.
  - 1.2.1. An employee is required to provide Intercity Transit with access to his/her medical records associated with the examination, if requested by Intercity Transit.
  - 1.2.2. All Intercity Transit required medical examinations, provided by a physician selected by Intercity Transit, are paid in full by Intercity Transit.
  - 1.2.3. Failure on the part of an employee to appear for a scheduled medical examination may result in disciplinary action, to include termination of employment.

### 2. Driver's License Requirements

- 2.1. Applicants for positions in which the occupant is expected to operate a motor vehicle must be at least eighteen (18) years old, possess a valid Washington State driver's license (to include any required endorsements), and possess an acceptable driving record
  - 2.1.1. Intercity Transit reserves the right to determine what constitutes an "acceptable" driving record for each position classification.
  - 2.1.2. Applicants must be insurable under Intercity Transit insurance carrier policies.
- 2.2. As a condition of continued employment, current employees required to operate a motor vehicle must possess and maintain a valid Washington State driver's license (to include any required endorsements) and maintain an acceptable driving record throughout their employment.
  - 2.2.1. Intercity Transit reserves the right to determine what constitutes an "acceptable" driving record for each position classification.
  - 2.2.2. Employees must be, at all times, insurable under Intercity Transit insurance carrier policies.
- 2.3. The following notification rules also apply to employees operating Intercity Transit vehicles:
  - 2.3.1. In no event may an employee operate any Intercity Transit vehicle if the employee does not possess a valid driver's license and any required endorsements.
  - 2.3.2. An employee is required to report to his/her supervisor if the employee's license is suspended, revoked, or cancelled, or if the employee becomes disqualified from operating a motor vehicle. Notification must be made as soon as practicable.
  - 2.3.3. An employee required to possess and maintain a Commercial Driver's License for the operation of Intercity Transit passenger vehicles is required to notify the Department of Licensing of all out-of-state traffic convictions. Notification must be made in writing within thirty (30) days of the conviction.

- 2.4. Intercity Transit reserves the prerogative to conduct periodic reviews of motor vehicle records of employees required to operate Intercity Transit vehicles.
  - 2.4.1. Such reviews are conducted at no expense to employees.
- 2.5. Any employee in violation of this policy or who does not meet Intercity Transit's driver's license standards will be subject to disciplinary action, up to and including termination of employment.
- 2.6. Exceptions to driver license requirements may be made by the General Manager if deemed to be in the best interests of Intercity Transit and not in violation of applicable law.

## 203 – Nepotism and Fraternization

### 1. Nepotism and Fraternization

- 1.1. A member of an employee's immediate family or the employee's household or a person with whom an Intercity Transit employee has an intimate relationship will be considered for employment by Intercity Transit, provided the applicant possesses all the skills and qualifications for employment.
- 1.2. Irrespective of Section 1.1 herein, to avoid the reality or appearance of improper influence, favor or conflict of interest, and for reasons relating to supervision, safety, confidentiality and security, an immediate family member or employee household member or a person having an intimate relationship with an Intercity Transit employee may NOT be hired where:
  - 1.2.1. One immediate family member or household member would have the authority or practical power to supervise, appoint, remove, or discipline the other.
  - 1.2.2. An Intercity Transit employee having an intimate relationship with another person would have the authority or practical power to supervise, appoint, remove, or discipline the other person with whom the intimate relationship exists.
  - 1.2.3. One immediate family member or household member would be responsible for auditing the work of the other.
  - 1.2.4. An Intercity Transit employee having an intimate relationship with another person would be responsible for auditing the work of the other
  - 1.2.5. Other circumstances exist which place the immediate family members or household members or Intercity Transit employees having an intimate relationship in a situation of actual or reasonably foreseeable conflict between Intercity Transit's interest and their own.

### 2. Definitions:

- 2.1. "Immediate family member" includes: the employee's spouse, mother, father, brother, sister, child, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law. These terms apply equally to natural, step, or adoptive family relationships.
- 2.2. "Employee household member" includes any individual residing in the employee's home.
- 2.3. "Intimate Relationship" includes relationships where persons are "dating" on a repeated basis, are engaged, cohabitate, or consider themselves to be domestic partners.

### 3. Change in Status During Employment:

- 3.1. Employees who marry or become immediate family members or household members or enter into an intimate relationship during Intercity Transit service may continue employment as long as:
  - 3.1.1. One immediate family member or household member or party to an intimate relationship does not and could not have the authority or practical power to supervise, appoint, remove, or discipline the other;
  - 3.1.2. One immediate family member or household member or party to an intimate relationship is not and could not be responsible for auditing the work of the other;
  - 3.1.3. No circumstance exists which would place the immediate family members or household members or party to an intimate relationship in a situation of actual or reasonably foreseeable conflict between Intercity Transit's interest and their own.
- 3.2. The above criteria will also be considered when assigning, transferring, reclassifying, or promoting an employee.
- 3.3. Should one of the above situations occur, Intercity Transit may attempt to find a suitable position within Intercity Transit to which one of the affected employees may transfer. If

arrangements of this nature are not reasonably feasible, only one of the employees will be eligible to remain in the employment of Intercity Transit.

- 3.3.1. In such situation, one of the employees will be requested to resign from Intercity Transit service. The employees involved will normally be allowed to make the decision as to which employee will resign. However, if the decision is not made by the employees within thirty (30) days notice from Intercity Transit, the General Manager will make the determination on the basis of operational necessity, and the employees will be advised accordingly.

#### **4. Grandparent Clause:**

- 4.1. This rule has not previously applied to employees who are parties in an intimate relationship. Therefore, this rule, as it pertains to parties having an intimate relationship, shall not apply to any Intercity Transit employment situation existing immediately upon of adoption of this rule.
- 4.2. Employees in an intimate relationship have an assertive responsibility to confer with the Human Resources Director if a reasonable person could believe that this Rule could have an adverse impact on them. Such employees shall contact the Human Resources Director within thirty (30) calendar days of the adoption of this Rule. The Human Resources Director shall then work with the involved department in exploring arrangements to mitigate the adverse impact of the rule for the involved employees.

## **204 – Separation from Employment**

### **1. Resignation**

- 1.1. An employee desiring to leave Intercity Transit service shall normally submit a written resignation to his/her director or designee at least fourteen (14) calendar days prior to the effective date of the employee's resignation, stating his/her reasons for the resignation.
- 1.2. The employee's resignation shall be forwarded immediately to the Human Resources Director or designee.
- 1.3. Upon receipt of a notice of resignation, the department director in conjunction with the Human Resources Director, shall forward a written notice to the employee indicating Intercity Transit's acknowledgement of the resignation and any terms or conditions that need to be satisfied prior to the employee's last day of employment.

### **2. Retirement**

- 2.1. Retirement provisions are governed by the state sponsored retirement program (Washington State Public Employees' Retirement System) and by the guidelines established by Intercity Transit's sponsored salary reduction and deferred compensation programs to which the employee belongs.
- 2.2. Upon receipt of a notice from an employee of the employee's intent to retire, the department director, in conjunction with the Human Resources Director, shall forward a written notice to the employee indicating Intercity Transit's acknowledgement of the notice of intent to retire and any terms or conditions that need to be satisfied prior to the employee's last day of employment.

### **3. Layoff and Recall**

- 3.1. Whenever it becomes necessary, in the sole opinion of Intercity Transit, to reduce the work force through layoffs, Intercity Transit will endeavor to provide the affected employees with at least fourteen (14) calendar day's notice of such intent. Employees shall be laid off in accordance to the operational needs of Intercity Transit as determined by the General Manager.
- 3.2. The department director, subject to the approval of the General Manager, may lay off an employee because of material change in duties or organization, abolition of position, a change in general business conditions, including the incorporation of new technologies and/or introduction of new business practices, transferring work to non-employee resources, shortage of work, funds or other circumstances as appropriate.
- 3.3. Layoff is considered a separation from Intercity Transit service. Benefits will not accrue during layoff. Unless recalled or otherwise rehired, no actions of a laid off employee are within the scope of employment with Intercity Transit
  - 3.3.1. Employees may be eligible for unemployment benefits owing to a lay-off.
- 3.4. If the employee subject to a layoff possesses a good service and conduct record, the employee's name will be placed on a recall list according to job performance and possession of special skills.
- 3.5. The recall list will be maintained for one year.
- 3.6. It is the responsibility of the employee to keep Intercity Transit informed of his/her current address and telephone number during the recall list period.
- 3.7. If an employee who has been recalled fails to report for work within fourteen (14) calendar days from the date of recall, he/she will be considered to have voluntarily resigned and will be removed from the recall list

3.8. Intercity Transit reserves the right to determine the job class and rate of pay to which an employee will be assigned if recalled to work

**4. Termination**

4.1. Employees may be subject to an involuntary disciplinary termination from employment as provided in Section 511 of the Human Resources Rules.

**5. Exit Interviews**

5.1. Except in circumstances involving a disciplinary termination, Human Resources will schedule an exit interview with each employee who separates from Intercity Transit.

5.2. The exit interview allows employees to communicate the employee's views on their work with Intercity Transit and provides the employee an opportunity to discuss issues concerning benefits and insurance.

5.3. The process for the return of any Intercity Transit property in the employee's possession and final pay arrangements will also be addressed at the time of the exit interview.

## 205 – Employee Files

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### 1. Personnel File

- 1.1. An official personnel file is maintained for each Intercity Transit employee. Personnel files are the property of Intercity Transit and shall be retained in accordance with local, state, and federal law. The file's contents include, but are not limited to, application for employment, resume (if received), legal name, mailing address, telephone number, date of birth, social security number, date of hire, job title, assigned work unit, assigned salary, job classification, payroll/personnel actions, commendations, performance appraisals, discipline documentation and actions, training and safety records, termination information, and exit interviews.
- 1.2. All employees must keep Intercity Transit informed of their current address and telephone numbers. It is the employee's assertive responsibility to report any changes in address, telephone number, marital status, and dependents to the Human Resources Department.
- 1.3. An employee's personnel file is confidential. Only the employee, the employee's supervisors, HR staff, the General Manager, and Intercity Transit legal counsel shall have access to personnel files. However, personnel file materials will be disclosed to the extent compelled by law.

### 2. Department Files

- 2.1. Departments may create and maintain department employee files for the convenience of the department.
- 2.2. Department files are considered confidential, shall be located in a secured area within the department, and only authorized departmental staff shall have access to such files. However, personnel file materials will be disclosed to the extent compelled by law.
- 2.3. An employee may request to review his/her own departmental file by appointment with an authorized departmental staff.
- 2.4. Department files are not considered a part of and may not substitute for the employee's central personnel file.

### 3. Confidential Medical File

- 3.1. Information regarding an employee's medical condition or history shall be collected and maintained on separate forms and in separate medical files and shall be treated as confidential. However, medical file materials will be disclosed to the extent compelled by law. The following personnel shall have access to the confidential medical files:
  - 3.1.1. The employee shall have access to his/her own medical file;
  - 3.1.2. Human Resources staff, supervisors, and managers, on a limited need-to-know basis;
  - 3.1.3. First Aid and Safety personnel, when appropriate;
  - 3.1.4. Government officials investigating compliance with the Americans with Disabilities Act.

### 4. Access

- 4.1. Employees are entitled to review their own official personnel or confidential medical file with the Human Resources Director or designee. Employee records may not be reproduced, removed, or altered without the consent of the Human Resources Director or designee. Requests for review appointments must be scheduled in the Human Resources Department.
- 4.2. If any employee disagrees with the accuracy or content of the information contained in their personnel file, the employee may file a statement explaining their position regarding the disputed information and request the statement be included in their personnel file.

### 5. Public Disclosure

- 1 5.1. To protect the privacy of employees, no information (except for routine employment  
2 verifications as defined below under Employment Verification) from an employee's central  
3 personnel file shall be released to the public, including the media, without a written request for  
4 specific information.  
5 5.2. Information in personnel files will not be disclosed if doing so would violate an employee's  
6 right to privacy as defined by law, unless disclosure is required by law.  
7 5.3. The decision to release or not to release information will be made by the Human Resources  
8 Director or the Director of Executive Services with, as appropriate, the advice of counsel.  
9 5.4. If information is released, the affected employee will be notified accordingly.

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11 **6. Employment Verification**

- 12 6.1. Human Resource staff members are the only persons authorized to provide employment  
13 verifications on current or former Intercity Transit employees. Human Resources will verify  
14 employment of current or former employees upon request from a prospective employer or  
15 financial organization such as a bank, mortgage company or credit bureau.  
16 6.2. Unless the employee has provided written consent to provide additional information, only the  
17 employee's name, dates of employment, job title, classification, pay rate and/or pay range will  
18 be released.  
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20 **7. Records collection and retention**

- 21 7.1. Upon the separation of an employee for any reason, all department files shall be forwarded to  
22 the Human Resources Director for collection and retention as provided herein.  
23 7.2. Personnel records shall be retained in accordance with state law. Actual retention practices  
24 may be modified by lawsuit, statute, complaint, or to further the orderly administration of  
25 Intercity Transit.



## 206 – Employee Development

### 1. Purpose of Training and Employee Development

- 1.1. Employee training and educational or technical development are designed as integral parts of the success and efficiency of Intercity Transit's operation. A strong, dynamic training program provides the groundwork for Intercity Transit's mission "*To provide and promote transportation choices that support an accessible, sustainable, livable, prosperous community.*"
- 1.2. Intercity Transit offers training programs and other skill enhancement opportunities that:
  - 1.2.1. develop employees' knowledge, skills and abilities.
  - 1.2.2. enables employees to obtain or maintain required licenses and certifications.
- 1.3. Employee development opportunities may include, but are not limited to:
  - 1.3.1. on-the-job training
  - 1.3.2. internships
  - 1.3.3. in-house workshops
  - 1.3.4. computer-based training
  - 1.3.5. educational programs offered by colleges and universities
  - 1.3.6. workshops and seminars sponsored by other organizations or agencies, and
  - 1.3.7. other available learning courses.

### 2. Goal of Employee Development and Training

- 2.1. See POLICY-EX-0010

### 3. List of Training and Development Policies

- 3.1. *POLICY-EX-0009*: Developing Annual Training Plan
- 3.2. *POLICY-EX-0010*: Administering Training Program
- 3.3. *POLICY-EX-0011*: Attending Training
- 3.4. *POLICY-EX-0012*: Developing Training Curriculum
- 3.5. *POLICY-EX-0013*: Paying for Training Expenses
- 3.6. *POLICY-EX-0014*: Keeping Records
- 3.7. *POLICY-EX-0015*: Tracking Training

### 4. Employee Training and Development Activities Must be as Directed or Approved

- 4.1. All employee training and development activities shall be as directed by Intercity Transit or as directed or approved by the employee's director or director's designee.
- 4.2. Employees have an assertive responsibility to request prior approval for non-directed training and development activities.

### 5. Employee involvement in internship opportunities must be in accordance with a written internship curriculum plan as approved by the employee's department director *and* the director of the department in which the internship opportunity is being offered.

- 5.1. At a minimum, the internship curriculum plan shall include the following:
  - 5.1.1. learning or experience goal of the internship opportunity
  - 5.1.2. start and end date of the internship opportunity
  - 5.1.3. list of typical activities in which the intern employee will be engaged
  - 5.1.4. proposed daily schedule of the intern employee
  - 5.1.5. a communications plan between the involved departments to assure supervisory continuity and the employee's safety.
- 5.2. A copy of the written internship curriculum plan shall:

5.2.1. be filed with the Training Coordinator

## **6. Compensation for Required for Approved Training**

6.1. Employees will be compensated for time spent in required or approved training and for any travel time related thereto as provided in POLICY FA 2502

## **7. Tuition Reimbursement Program**

7.1. As an employer Intercity Transit is generally benefited if its employees have the opportunity to pursue desired education. To encourage employees to pursue educational opportunities, such as degree programs offered at community colleges and universities, Intercity Transit shall maintain a Tuition Reimbursement Program.

7.2. Employees are eligible to receive reimbursement for expenses relating to course work tuition and required books in accordance with the following:

7.2.1. Funds for educational training are available in the annual operating budget.

7.2.2. Requests for tuition reimbursement must be made in writing, in advance, to the employee's supervisor or department director.

7.2.3. All course work requires advance approval from the employee's supervisor or department director.

7.2.4. Prior to payment of approved tuition and book reimbursement, the employee must provide proof of a passing grade (reflects a "C" or better), together with a copy of receipts for the course and books.

7.2.5. Tuition must not be reimbursed from any other source (e.g. grants, scholarships, awards) for eligibility for Intercity Transit reimbursement payment.

7.2.6. All books and other materials must be returned to Intercity Transit upon completion of the course. The Human Resources Director, in consultation with the Training Coordinator shall determine if the materials are of value to Intercity Transit or if they shall remain the property of the employee.

7.3. In certain circumstances, the employee's department director, in consultation with the Human Resources Director, may authorize payment for tuition and books in advance of the employee taking or completing the class. In such event, advancements will be paid through Intercity Transit's accounts payable system.

7.3.1. If the employee's course work is prepaid by Intercity Transit, the employee must submit proof of passing the course as defined above, or the prepaid amount will be deducted from the employee's wages.

7.3.2. Failure on the employee's part to provide the required proof in a timely manner to his/her supervisor may also be grounds for disciplinary action, and may result in the employee being denied future educational training reimbursement.

7.4. Courses offered during the employee's normal work hours may be approved, per the above policy, if time off can be arranged without affecting the public services or disrupting departmental operations. Employees are required to make up any lost time or charge appropriate accrued leave balances per approval from their supervisor.

## **207 – Transitional Work Assignments**

### **1. Transitional Work Assignments**

- 1.1. Employees, who experience an on-the-job injury or illness which results in their temporary inability to return to the full range of duties of their regular position classification, will accept transitional work assignments if offered by the Employer.
- 1.2. Employees who experience an off-the-job injury or illness which results in their inability to return to the full range of duties of their regular position classification may be eligible for transitional work assignments if offered by the Employer and if consistent with the provisions of Title 51 RCW and implementing rules dealing with workers' compensation.
- 1.3. Transitional work assignments will consist of work which is within the restrictions outlined by the employee's health care provider. Such assignments may include, but are not necessarily limited to:
  - 1.3.1. part-time or full-time, with a temporary waiver of certain regular duties (reasonable accommodation), in an employee's regular position classification; or
  - 1.3.2. part-time or full-time in another capacity.
- 1.4. Employees assigned to transitional work assignments will receive their regular hourly rate of pay for their regular job classification for the number of hours worked in the transitional work assignment.
- 1.5. Assignment to transitional work depends upon the availability of such work and of work suitable to the employee's medical restrictions. A transitional work assignment may be terminated at any time by the Employer.
- 1.6. For employees with non-job-related injuries/illnesses, assignment to transitional work may be ended in order to provide transitional work assignment to an employee injured on-the-job.
- 1.7. Employees refusing to work transitional work assignments will not be eligible for worker's compensation benefits or paid leave benefits. Transitional work assignment for employees with workers' compensation claims or receiving workers' compensation benefits will be made consistently with the provisions of Title 51 RCW and implementing rules. To the extent consistent with Title 51 RCW and implementing rules, employees refusing to work transitional work assignments will not be eligible for workers' compensation benefits or paid leave benefits.

## **208 – Internal Committees**

### **1. Internal Standing Committees**

- 1.1. Internal Standing Committees may be constituted as required by law, regulation, labor contract or as determined and approved by the General Manager.
  - 1.1.1. Unless otherwise required by law, regulation or labor contract, the General Manager may eliminate an Internal Standing Committee at any time.
- 1.2. Each Internal Standing Committee shall have a Committee Sponsor.
  - 1.2.1. The Committee Sponsor shall be appointed by the General Manager.
- 1.3. Each Internal Standing Committee shall adopt a set of By-Laws which, at a minimum, shall include the following:
  - 1.3.1. the purpose of the committees
  - 1.3.2. the determination of membership on the committee; and
  - 1.3.3. the governance of the committee.
- 1.4. A Committee's By-Laws shall be approved by the Standing Committee and the General Manager.

### **2. Employee Involvement on Internal Committees**

- 2.1. Employee involvement on Internal Standing Committees shall be in accordance with:
  - 2.1.1. applicable law or regulation;
  - 2.1.2. the Committee's By-Laws, and;
  - 2.1.3. the approval of the employee's department director
- 2.2. Unless otherwise required by law, regulation, applicable labor contract or the Committee's By-Laws, an employee's continuing involvement on an Internal Standing Committee shall be approved by the employee's department director.
  - 2.2.1. Unless otherwise provided by law, regulation, applicable labor contract or the Committee's By-Laws, approval for an employee's involvement on an Internal Standing Committee may be revoked at any time.
- 2.3. All time spent by an FLSA "non-exempt" employee for Committee approved activities shall be considered paid time at the employee's current hourly wage.
- 2.4. The Committee Sponsor shall be responsible for oversight of Committee activities, especially those activities involving employees on paid time.
  - 2.4.1. The Committee Sponsor and the employee's department shall coordinate report procedures and management of employees engaged in paid-time activities of the Committee.

### **3. Ad Hoc Committees**

- 3.1. Ad Hoc Committees may be constituted from time to time as approved by the General Manager or designee.
- 3.2. An employee's involvement on an Ad Hoc Committee shall be approved by the employee's department director.
- 3.3. All time spent by an FLSA "non-exempt" employee for involvement on an Ad Hoc Committee shall be considered paid time at the employee's current hourly wage.
- 3.4. The Committee and the employee's department shall coordinate report procedures for employees engaged in paid-time activities of the Committee.

## **301 – Equal Employment Opportunity – Discrimination Prohibited**

### **1. Commitment to Equal Employment Opportunity**

- 1.1. Intercity Transit is an equal employment opportunity employer. Intercity Transit will recruit, hire, train, and promote into all job levels without regard to race, color, religion, gender, marital status, familial status, national origin, age, mental or physical disability, the use of a trained dog guide or service animal, sexual orientation, gender identity, genetic information, or veteran status. Intercity Transit will not disadvantage employees or discriminate in compensation or other conditions of employment in violation of this Rule and it will administer all other personnel matters in accordance with this Rule.
  - 1.1.1. Physical capacity requirements relating to minimum standards for employment may be a reasonable selection factor. However, such standards must be reasonably necessary for the specific work to be performed and uniformly applied to all applicants for the particular job category, regardless of age or sex.
  - 1.1.2. Age, gender or physical requirements may be considered if they constitute a bona fide occupational qualification (BFOQ) necessary for performance of the essential duties of the job. However, no BFOQ shall be implemented without the prior expressed approval by the Executive Director of the Washington State Human Rights Commission.
- 1.2. Unlawful discrimination is prohibited in the workplace or in any work-related setting outside the workplace. Every employee shares the responsibility for bringing to the Intercity Transit's attention conduct that interferes with providing a work environment free of illegal discrimination.
- 1.3. Officials and all employees of Intercity Transit, management and supervisory staff in particular, shall ensure that the intent and the stated requirements of this rule are implemented in all employee relations and personnel practices. It is the responsibility of every employee to ensure the work environment is free of any practice of discrimination or harassment.
- 1.4. The Human Resource Director and General Manager are responsible for implementation of the equal opportunity program.

### **2. Scope of Rule Regarding Equal Employment Opportunity**

- 2.1. Equal employment opportunity as to age applies to persons who are age 18 or older. State law forbids employment discrimination on the basis of age. It is unlawful to fail or refuse to hire or to discharge an individual or otherwise discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges of employment, because of the individual's age.
- 2.2. Equal employment opportunity for persons with disabling conditions includes making a reasonable accommodation to known disabilities of a qualified disabled applicant or employee who would be able to perform the essential duties of the job if such reasonable accommodation is made.
  - 2.2.1. A written record shall be made of any accommodations made in accordance with the American Disabilities Act and retained by the Human Resources Department.

### **3. Complaint Procedure**

- 3.1. Intercity Transit provides a complaint procedure through which employees and applicants for employment may seek remedy if they believe this rule has been violated. Intercity Transit will take appropriate action to prevent discrimination, including retaliation and harassment, and to ensure that the rights of employees who file complaints are respected.

## 302 – Employees and Applicants with Disabilities

### 1. Employees and Applicants with Disabilities

- 1.1. It is the policy of Intercity Transit to provide reasonable accommodations to persons, employees or applicants for employment, who qualify as individuals with disabilities under the Americans with Disability Act (ADA), 1990 and the Washington State Law Against Discrimination (Chapter 49.60 RCW).
  - 1.1.1. A disability is defined under the ADA is a physical or mental impairment that substantially limits one or more major life activities, or a record of such a physical or mental impairment, or being regarded or perceived as having such impairment.
  - 1.1.2. A disability is defined under Chapter 49.60 of the RCW as the presence of a sensory, mental or physical impairment that:
    - 1.1.2.1. is medically cognizable or diagnosable; or
    - 1.1.2.2. exists as a record of history; or
    - 1.1.2.3. is perceived to exist whether or not it exists in fact
      - 1.1.2.3.1. a disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work a particular job or whether or not it limits any other activity within the scope of the applicable state law.
  - 1.1.3. A qualified individual with a disability is a person with:
    - 1.1.3.1. a sensory, mental, or physical condition that is medically diagnosable *and*,
    - 1.1.3.2. who satisfies the job requirements for educational background, employment experience, skills, licenses or any other qualification standards that are job related *and*,
    - 1.1.3.3. who is able to perform all functions that are essential to the job, with or without reasonable accommodation *and*,
    - 1.1.3.4. who is able to meet the production and performance standards of the position.

### 2. Reasonable Accommodation.

- 2.1. Qualified individuals with disabilities have the right to request and receive reasonable accommodations in those aspects of employment that are considered necessary to perform the essential functions of the job.
  - 2.1.1. Intercity Transit will initiate an interactive process if there is a request for an accommodation from an employee or applicant.
  - 2.1.2. The Human Resources Director or his/her designee has the responsibility to receive requests for accommodation, participate in the interactive process with the employee or applicant and the affected manager, and recommend an appropriate accommodation.
  - 2.1.3. Supervisors and Managers shall document and forward to the Human Resources Director or his/her designee any initial information received from an employee about a potential qualifying disability as well as any request for an accommodation.

### 3. Notice and Responsibilities

- 3.1. It is the responsibility of the employee or applicant to provide timely notice and documentation on the nature of their disability, work-related restrictions, and if known, the accommodations needed.
  - 3.1.1. Those who fail to provide such information may forfeit their eligibility for reasonable accommodation.
- 3.2. Intercity Transit has no obligation to create vacant positions, to offer reassignment to promotional positions or to waive job qualifications or essential functions in the

accommodation process or to make any other non-reasonable accommodations.

**4. Scope of Rule**

4.1.1. This policy does not constitute an express or implied contract, and is simply a statement of Intercity Transit's commitment to providing reasonable accommodation as appropriate to qualified persons with disabilities.

## **401 – Classification Plan**

### **1. Plan Structure**

- 1.1. To develop and maintain a clear structure of job responsibility and to keep meaningful the relatedness of an employee's job to pay, performance and other employment conditions, Intercity Transit adopted a classification plan for all regular positions. The plan groups positions together in classifications according to such considerations as similar work, similar qualifications, or similar pay. The classification plan includes the development of job descriptions and the allocation of employees to available positions in the best interests of Intercity Transit. Salary and wage assignments are determined in conjunction with the development of the compensation plan, and at other times as determined appropriate by the General Manager.
- 1.2. Job descriptions and the allocation of employees to positions may be revised or altered from time to time at the discretion of Intercity Transit as a means of operational efficiency and the changing nature of conducting business. Position allocations will be made within the parameters established in Intercity Transit's annual operating budget, or as otherwise approved by the Intercity Transit Authority.
- 1.3. The Human Resources Director is responsible for preparing and maintaining Intercity Transit's classification plan with the aid and assistance of supervisors and employees. The plan shall normally be subject to review once every two (2) years by the Human Resources Director. Any recommendations to amend or revise the plan will be made to the General Manager, subject to the approval of the Intercity Transit Authority.

### **2. Job Descriptions**

- 2.1. Job descriptions on all positions are maintained by the Human Resources Director. Intercity Transit's classification plan shall not be construed to restrict or confine job responsibility assignments to employees where job related activities are implemented.
- 2.2. Job descriptions cover only the general character and attributes common to positions being described. Job descriptions are not intended to be exhaustive or restrictive.
  - 2.2.1. An employee may not refuse assigned work because it is not explicitly included in the employee's job description.

### **3. New Positions**

- 3.1. New positions are those in which there is an identified, justified and approved list of job tasks and qualification standards sufficiently different from existing position descriptions, or the position is in addition to positions of the existing work force.
- 3.2. Requests for new positions must be submitted to the General Manager and will be subject to the approval of the Intercity Transit Authority. Upon approval, a job description will be prepared and a pay rate established for the position prior to filling the position.

### **4. Position Reclassification**

- 4.1. Positions whose duties and responsibilities changed significantly from an assigned job description or positions that have been structurally affected by organizational changes may be subject to reclassification.
- 4.2. Position reclassification shall be subject to the following procedure:
  - 4.2.1. Reclassification requests shall be submitted to the Human Resources Director and shall be substantiated in writing with specific detail as to the duties and responsibilities being performed continuously that are different in scope from those contained in the employee's current job description.



- 4.2.2. Only a department director may make a request for a reclassification review. However, employees may request a review of their position responsibilities by contacting their department director. Such cases must be supported by the department director prior to reclassification review by the Human Resources Director.
  - 4.2.2.1. In all cases of reclassification review requests, it should be noted that the presence of job performance attributes greater than those required is not, in itself, sufficient justification for reclassification.
- 4.2.3. Upon receipt of a reclassification request, the Human Resources Director shall consult with the department director and review the request. The review may include, but is not limited to, the following:
  - 4.2.3.1. Addition or deletion of duties and responsibilities;
  - 4.2.3.2. Growth of a position by gradual addition or significant expansion of duties and responsibilities;
    - 4.2.3.2.1. A higher performing incumbent is not determinative on whether the position has had an expansion of duties and/or responsibilities.
  - 4.2.3.3. Changes in the desirable qualifications for the position; or
  - 4.2.3.4. Consolidation, reorganization, or reassignment of the position which significantly changes the position.
- 4.3. Upon a determination by the Human Resources Director that the classification review more likely than not supports a reclassification, the Human Resources Director shall make a recommendation to the General Manager to proceed with an evaluation of the position by the Intercity Transit Job Evaluation Committee and the General Manager in consultation with the senior managers. Upon concurrence of the General Manager, the Human Resources Director and the Job Evaluation Committee, the members of the Committee shall evaluate the position for appropriate job classification. A report of the Committee's recommendations shall be submitted to the General Manager.
- 4.4. Position reclassifications require the approval of the General Manager. Should a reclassification evaluation involve the creation of a new job description, the General Manager may approve the reclassification pending final development of the new job description and pay rate.

## **5. Fair Labor Standards Act Status**

- 5.1. Each classification is also evaluated and assigned an exempt or non-exempt status per Fair Labor Standards Act by the Human Resources Director.

## **6. Effect of Reclassification**

- 6.1. If the incumbent employee meets the requirements of the reclassified position, the employee will be reclassified to the position and the employee's wages will be determined in accordance with the placement schedule as defined below. If the employee does not meet the position requirements, the department director and the Human Resources Director, subject to the approval of the General Manager, will determine the proper placement of the employee, and the method and means of filling the position.
  - 6.1.1. There is no guarantee of continued work for an incumbent employee who does not meet the qualifications for the reclassified position.
- 6.2. An employee's pay increase date will not be affected by a reclassification, provided the employee has not reached (or does not exceed) the maximum step in his/her new pay grade.
- 6.3. Placement in the pay grade for reclassified incumbents shall be as follows:
  - 6.3.1. When the incumbent's position is reclassified to a higher pay grade, incumbent employee will receive a pay increase as provided in Section 7 herein.

- 6.3.1.1. In some cases, the General Manager may approve a higher pay advance for the employee based on such factors as the employee's qualifications and experience for the position.
- 6.3.2. If an incumbent employees' existing pay falls within the limits of the new pay range, the employee will be eligible to receive future pay increases until the top of the new pay scale is reached.
- 6.3.3. If an incumbent employee's current pay is above the limit of the new pay grade, the incumbent employee's salary will be ineligible for any salary adjustments of any kind until such time as periodic adjustments to the pay range that may occur cause the pay range to exceed the pay rate of the employee.
- 6.3.4. If a reclassification places an employee in the same pay grade, there is no change to the employee's pay.

## **7. Promotion, Appointment, Transfer, Reclassification or Demotion**

- 7.1. Placement of a non-represented employee into a new pay grade due to promotion, appointment, transfer, or demotion, will be in accordance with the procedure contained in Section 6 herein; subject to the following:
  - 7.1.1. If the employee has been placed into a higher pay grade owing to a promotion, appointment, assignment to work-at-a-higher-class or transfer, the promoted or reassigned employee shall be placed at a step in the promotional pay grade that represents a minimum of a five percent (5%) increase from the employee's pre-promotional (or status quo) rate subject to the limitation contained in Section 401.7..
  - 7.1.2. If the employee has been placed in a lower pay grade owing to a demotion and the employee's current salary is above the maximum new pay grade, the incumbent employee will be placed at the maximum step of the new pay grade.
  - 7.1.3. In a promotion, appointment, transfer, or demotion case, an incumbent employee is not authorized to exceed the new pay grade maximum step.
- 7.2. Placement of an employee into a new pay grade resulting from the employee moving from a represented position to a non-represented position shall be subject to the conditions contained in Section 402.5

## 402 – Pay Plan

### 1. Plan Purpose

- 1.1. It is the policy of Intercity Transit to compensate employees in a competitive and equitable manner in order to promote the recruitment and retention of well qualified and capable employees. To meet this objective, Intercity Transit has established the pay plan, provisions, and standards for employee compensation as follows:

### 2. Scope of Plan

- 2.1. This pay plan shall be applicable to employees of Intercity Transit who are not in a collective bargaining unit.
- 2.2. For those employees who are members of a collective bargaining unit, salary and/or wages as well as the rules governing employee pay shall be as contained in the expressed terms of the operative labor *Agreement*.

### 3. Salary and Wage Tables

- 3.1. The Human Resources Director shall prepare appropriate salary and/or wage tables for all classes of positions.
  - 3.1.1. The compensation provided to the General Manager shall be determined by the Intercity Transit Authority.
- 3.2. For each separate job class, the salary or wage table will consist of a base salary and range, or an hourly wage rate and range.
  - 3.2.1. Generally, job classes assigned to ranges will have a minimum, midpoint, and maximum rate of pay.
- 3.3. In determining compensation rates, consideration shall be given to, but not necessarily be limited to, such factors as:
  - 3.3.1. The average rate of pay for comparable work in similar employments, including conditions of work;
  - 3.3.2. Appropriate cost-of-living or market adjustments;
  - 3.3.3. Internal consistency of relationships between pay and collective worth of each class of work;
  - 3.3.4. The equitability of pay between classes of work having the same or substantially similar duties, responsibilities, requirements, and conditions of work;
  - 3.3.5. The organization's economic condition; and
  - 3.3.6. The available supply of persons meeting the organization's particular needs and requirements.

### 4. Rates of Pay

- 4.1. Employees are paid within the limits-of the pay ranges to which their positions are assigned and as provided as follows:
  - 4.1.1. Pay rates for employees considered "full-time" are based on forty (40) hours of work per week, or two-thousand eighty (2,080) hours of work per year. Employees are assigned pay grades in accordance with Intercity Transit's pay plan.
  - 4.1.2. Pay rates for part-time employees are proportionate to the full-time pay scale for the same classification. Base compensation pay rates for part-time employees working in classifications different from that of full-time employees will be established by the Human Resources Director in consultation with the hiring department, subject to the approval of the General Manager. Temporary employees, whether full-time or part-time, will have their base compensation pay rate established by the Human Resources Director in consultation with the hiring department, subject to the approval of the General Manager.

- 4.1.3. Employees on temporary assignment to another department and/or serving an internship will continue to receive their regular rate of pay during the assignment or internship.

## **5. Starting Pay**

- 5.1. Entry level employees will normally be hired at a starting pay rate equal to the minimum rate assigned to the position.
- 5.2. An employee may be hired at, or appointed to, a pay rate higher than the minimum, but generally not greater than the midpoint of the classification's pay scale when experience, training or proven capability warrant, or when prevailing market conditions require a starting pay rate greater than the minimum.
  - 5.2.1. Starting pay rates above the minimum must be approved by the General Manager.

## **6. Adjustments Owing to Inequitable Conditions**

- 6.1. The General Manager may authorize pay rate adjustments when inequitable conditions are found as a result of the administration of Intercity Transit's pay plan. Such adjustments shall be approved by the Intercity Transit Authority.

## **7. General Wage Adjustments**

- 7.1. Employees are eligible to receive general wage adjustments as approved in, and within the parameters established in, the annual operating budget or other mechanism adopted by the Intercity Transit Authority.

## **8. Step Increases**

In addition to Intercity Transit's periodic general wage adjustments referenced above, Intercity Transit employees, excluding the General Manager, are eligible for step increases as shown in "Structure Model 4" of the 2004 Intercity Transit Salary Survey Report.

- 8.1. An eligible employee shall normally receive a two-step increase in July of each year provided however, the increase may not exceed the pay classification.\*
  - 8.1.1. Employees in the introductory period shall be considered eligible to receive a step increase on July 1 regardless of when hired. However, such a step increase shall not be considered determinative of an employee's successful progress through the probationary period.
- 8.2. Temporary employees and the General Manager are not eligible for step increases.

## **9. Working In A Higher Classification**

- 9.1. Additional compensation may be granted to an employee for performing higher-level job responsibilities than the employee's normal classification. Factors considered when determining the eligibility and the amount of additional compensation is normally based on a number of considerations, including, but not necessarily limited to the following:
  - 9.1.1. The employee's ability and qualifications to perform the higher-level job responsibilities;
  - 9.1.2. Whether the employee would be required to perform routine work or a significant range of the higher-level job responsibilities;
  - 9.1.3. Whether the higher-level job responsibilities are in direct line and job scope of the lower position; and
  - 9.1.4. The length of time necessary (a minimum of thirty [30] calendar days is required) for an employee to perform at the higher job level.

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\* This refers to two steps as shown on the "Structure Model 4" as referenced above. However, in no event would an employee receive a pay rate that exceeds the maximum of the pay range.

- 9.2. Authorization for an assignment of work in a higher position must be given in writing by the department director and approved in advance by the General Manager, or in the case of the General Manager position, approved in advance the Authority Chair.
- 9.3. Conditions governing compensation for work in a higher classification include the following:
  - 9.3.1. Compensation in excess of an employee's base rate will be authorized if the employee is qualified to perform in the higher position, and required to perform at least a substantial range of more essential tasks of the higher position. Eligible employees shall receive additional compensation for the actual number of hours worked in the higher position.
  - 9.3.2. If an employee is temporarily assigned to perform in a higher classification, but such assigned duties are generally within the scope of the employee's regular classification, additional compensation is not warranted.
  - 9.3.3. The compensation of an employee in a position that is reclassified owing to higher work assignment will be determined in accordance with the placement schedule defined in HRR 401.6 (Effect of Reclassification).

## 403 – Hours of Work

### 1. Workweek

- 1.1. The standard workweek is a seven (7) consecutive calendar day period beginning at 12:01 a.m. on the first day and ending at 12:00 midnight on the seventh consecutive calendar day thereafter.

### 2. Work Schedule

- 2.1. A normal work schedule for a full-time employee consists of forty (40) hours each workweek.
- 2.2. Work schedules for individual employees may be adopted and modified by department directors. Hours may be rearranged, adjusted or staggered as needed to cover office hours, emergency situations, special project assignments, meeting requirements, and other operational concerns.
  - 2.2.1. No employee in a position determined to be "non-exempt" (and thereby eligible for overtime compensation) under the Fair Labor Standards Act may be regularly scheduled to work more than forty (40) hours in any workweek unless overtime compensation is included in calculating final pay for the hours of work above forty (40).
  - 2.2.2. An exempt employee's work schedule is generally determined by the employee's responsibilities based on his/her workload or project necessity, subject to concurrence by the employee's department director.

### 3. Rest and Meal Periods

- 3.1. Rest and meal periods shall be provided in accordance with applicable law and scheduled by the employee's supervisor.
- 3.2. Meal periods are not provided on paid-time unless an on-duty meal period is provided or required as part of the employee's regular work schedule.

### 4. Overtime

- 4.1. In accordance with the Fair Labor Standards Act (FLSA), overtime pay is provided for "non-exempt" employees.
- 4.2. It is the responsibility of the Human Resources Director, subject to the approval of the General Manager, to designate each classification as FLSA "exempt" (not entitled to overtime) or FLSA "non-exempt" (entitled to overtime) in accordance with established FLSA criteria for "exempt" or "non-exempt" status.
  - 4.2.1.1. Employees in positions defined as FLSA "exempt" are not entitled to receive overtime pay.
  - 4.2.1.2. Employees in positions defined as FLSA "non-exempt" are entitled to overtime pay for hours worked in excess of forty (40) hours in the workweek.
    - 4.2.1.2.1. Eligible employees shall receive overtime compensation at the rate of one and one-half times their regular rate of pay for hours worked in excess of forty (40) hours in the workweek.
- 4.3. "Hours Worked"
  - 4.3.1. The use of any paid leave relating to vacation, paid holiday, paid military leave, and/or jury duty, will be counted as hours worked for overtime computation.
  - 4.3.2. The use of any paid leave relating to sick leave will NOT be counted as hours worked for overtime computation.
  - 4.3.3. All overtime hours worked by "non-exempt" employees must be approved in advance by the employee's supervisor.

- 4.3.3.1. Overtime hours worked without supervisory approval may be regarded as a violation of Intercity Transit policy and subject to disciplinary measures.
- 4.3.3.2. “Non-exempt” employees who work overtime will record such hours on their time sheet or time record rounded to the nearest quarter of the hour.
- 4.3.3.3. Supervisors are required to verify overtime prior to submitting payroll information to payroll.

## **5. Conferences, Meetings and Travel**

- 5.1. Travel related to and attendance at Intercity Transit approved seminars, workshops, conferences, business-related meetings, and training programs may be considered hours worked for non-exempt employees. Compensation for travel and attendance at such activities shall be as provided by the Fair Labor Standards Act.

## **6. Callback/Call-In**

- 6.1.1. All employees may be called back/called-in to work in situations as may be deemed appropriate.
- 6.1.2. A decision to call an employee back to work may be made by the supervisor or department director.

## 404 – Payroll Practices

### 1. Payroll Periods and Paydays

- 1.1. Intercity Transit's payroll periods shall be determined by the General Manager and shall be posted at the beginning of each calendar year.
  - 1.1.1. Intercity Transit reserves the right to change payroll periods when it is deemed in Intercity Transit's best interest to do so.
- 1.2. Paydays will be determined by the General Manager and will be posted at the beginning of each calendar year.
  - 1.2.1. Intercity Transit reserves the right to change paydays when it is deemed in Intercity Transit's best interest to do so.

### 2. Payroll Records

- 2.1. All employees are required to complete and sign payroll time sheets or records as provided.
  - 2.1.1. Supervisors are responsible to check the accuracy of, and sign, payroll records prior to submitting them to payroll staff for processing.
- 2.2. Payroll record corrections found after the records have been submitted for processing will be adjusted.
  - 2.2.1. If the hours not accounted for times the wage rate per hour is greater than \$100.00, a supplemental payroll check will be issued immediately.
    - 2.2.1.1. In the event a check is issued, the employee will receive 68% of the actual error.
  - 2.2.2. If the hours not accounted for times the wage rate per hour is \$100.00 or less, the adjustment will be deferred until the next regular payroll check is issued.
- 2.3. Falsification of payroll records is grounds for severe discipline, up to and including discharge.

### 3. Payment

- 3.1. Employees will be paid by check or through direct deposit to the employee's bank account.
  - 3.1.1. Payroll checks will normally be made available to employees at the employee's customary work location, or mailed to the employee's last known mailing address upon written request of the employee.
- 3.2. If, at any time, an employee wishes to authorize any other person to receive their paycheck, the employee must submit such a written authorization to the Human Resources Director or designee.
- 3.3. Employees hired after August 9, 2006, must receive their wages through direct deposit.
- 3.4. Irrespective of Section 3.3 above, final paychecks will only be issued using an Intercity Transit check.

### 4. Deductions

- 4.1.1. Deductions from each employee's gross pay period earnings are of two types: mandatory and voluntary.
- 4.1.2. Mandatory deductions are those required by law, court order, or other legally compelling influence on payroll. These may include, but are not limited to, state or federal tax withholding, social security related taxes, state retirement contributions, or wage attachments (e.g. wage levies and garnishments).
  - 4.1.2.1. Mandatory deductions will be made automatically by Intercity Transit.
  - 4.1.2.2. It is the responsibility of the employee to provide accurate and timely information for the calculation of mandatory deductions.
  - 4.1.2.3. Wage attachments or levies are made to employee paychecks, regardless of cause, and are regarded as mandatory deductions.



- 4.1.3. Voluntary deductions are those requested by employees. These may include items such as contributions for optional insurance coverage, retirement plans, credit union or savings accounts, or charitable donations.
  - 4.1.3.1. Voluntary deductions must be authorized in writing by the employee.

## 405 – Benefits

### 1. Scope of Rule

- 1.1. Intercity Transit strives to provide valuable and cost effective benefits for employees as part of the employee's total compensation package.
- 1.2. The benefit package provided to non-represented employees is determined by the Intercity Transit Authority, based on recommendations made by the General Manager.
- 1.3. Benefits available to represented employees are determined by the expressed terms of the operative labor *Agreements*.
- 1.4. It is recognized that the total cost to provide the benefit programs described herein is a significant supplement to each employee's pay. Therefore, these benefits are properly considered as additional compensation, paid in various benefit forms by Intercity Transit, on behalf of each eligible employee.

### 2. Benefit Design

- 2.1. Intercity Transit reserves the right to design provisions and to add, eliminate, or in other ways modify any benefits described herein where and when as deemed appropriate by the General Manager and/or the Intercity Transit Authority.
- 2.2. Normally employees will be provided advance notice of any such modifications.

### 3. Employee Involvement in Cost-Sharing

- 3.1. Certain benefits are provided to full-time employees (equivalent to forty [40] hours work per week).
- 3.2. Where employees are classified to work a scheduled work week of less than full-time, some benefits provided by Intercity Transit may be provided on a prorated basis in reflection of the employee's full-time equivalent status. For example, a part-time employee normally scheduled to work twenty (20) hours per week would be considered to be in a 0.5 full-time equivalent status.
- 3.3. In instances where the full cost of a benefit plans exceeds Intercity Transit's contribution towards the full cost of the benefit, employees may be required to share in the cost by also contributing towards the full cost of the benefit. Employee contributions as referenced herein will normally be paid through payroll deduction.

### 4. Social Security and Medicare

- 4.1. Inasmuch Intercity Transit is not part of the Social Security System; Intercity Transit will match employee contributions to the herein provided deferred compensation programs (see Section 11 herein) at 6.2% of the employee's income from Intercity Transit for those employees who also contribute 6.2% or more of their income from Intercity Transit. The amount is higher for employees employed prior to April 1, 1986.
- 4.2. Intercity Transit shall contribute as required by law towards the cost of Medicare for all employees hired after March 31, 1986.
  - 4.2.1. Employees hired on or before March 31, 1986 who leave the employment of Intercity Transit and, thereafter, become re-employed by Intercity Transit shall be included in Medicare coverage as provided herein.

### 5. Worker's Compensation

- 5.1. Employees and Intercity Transit are covered under, and required to contribute to, the state's worker's compensation insurance program.

5.2. Worker's compensation provides certain medical benefits and/or time loss compensation to employees who incur an on-the-job injury or job-related illness.

## **6. Unemployment Insurance**

- 6.1. Employees may be eligible for unemployment benefits upon separation from Intercity Transit.
- 6.2. Unemployment benefits are provided by the Washington Employment Security Department in accordance with operative statutes, administrative rules and as may otherwise be determined by the Washington Employment Security Department.

## **7. State Retirement System**

- 7.1. Employees in eligible positions are covered under the State administered retirement program (Washington State Department of Retirement Systems).
- 7.2. Eligibility varies among the retirement plans established, and entitlements are subject to individual circumstances.
- 7.3. Both the employee's and Intercity Transit's contribution rates are established by law and the Washington State Department of Retirement Systems.

## **8. Employee Assistance Program**

- 8.1. An Employee Assistance Program (EAP) shall be made available to all regular employees
  - 8.1.1. The defined EAP shall be provided at no cost to employees:
- 8.2. EAP services shall be provided by a professional third party vendor.
- 8.3. Employees may voluntarily access EAP services.
  - 8.3.1. Voluntary EAP services shall be confidential.
- 8.4. By way of illustration and not by limitation, EAP services shall provide employees with counseling services on matters such as:
  - 8.4.1. challenges at work
  - 8.4.2. adaptation to change
  - 8.4.3. family or parenting issues
  - 8.4.4. substance abuse
  - 8.4.5. family relationships
  - 8.4.6. family care issues
  - 8.4.7. grief
  - 8.4.8. work/family/living balance
- 8.5. EAP services can be mandated
  - 8.5.1. In limited circumstances, employees can be mandated to access EAP services. By way of illustration and not by limitation, circumstances leading to an employee being mandated to access EAP services could include:
    - 8.5.1.1. excessive absenteeism or tardiness, including a pattern of absenteeism or tardiness
    - 8.5.1.2. expressions of anger or other threatening conduct
    - 8.5.1.3. chronic inattentiveness to task
    - 8.5.1.4. other circumstances having an adverse impact on the employee's ability to perform his or her regular duties.
  - 8.5.2. Time spent by an employee in a mandated EAP activity shall be paid time.
  - 8.5.3. An employee shall be mandated to access EAP services, including assessment, treatment and any post-treatment services by the employee's department director with the concurrence of the Human Resources Director.
  - 8.5.4. Intercity Transit reserves the prerogative to obtain reports on the employee's initial assessment, attendance and completion of a mandated EAP referral.

- 8.5.5. Employees mandated to access EAP services shall be directed to authorize Intercity Transit receive information regarding:
  - 8.5.5.1. the initial assessment;
  - 8.5.5.2. program or curriculum outline of any mandated services
  - 8.5.5.3. attendance reports at mandated services
- 8.5.6. Even when EAP services are mandated, Intercity Transit shall not have access to counseling notes, detailed descriptions of treatment or other details of a highly confidential or personal nature.
- 8.5.7. Employees who fail or decline to attend mandated EAP services may be subject to discipline up to and including discharge.

## **9. Eligible Dependents and Domestic Partners**

- 9.1. Eligible dependents for the purposes of this Rule shall be those as recognized by the US Internal Revenue Service.
- 9.2. Domestic partners for the purposes of this Rule shall be those as recognized by the Washington State Health Care Authority.
  - 9.2.1. To be recognized by the Washington State Health Care Authority, employees must submit a the Human Resources Department Washington State Health Care Authority Form HCA 50-704 with Sections 2 and 3 completed.

## **10. Health Care Insurance**

- 10.1. Intercity Transit makes available a health-care plan for eligible employees and their eligible dependents
- 10.2. Eligibility of employees is as determined by WAC 182-12-115.
  - 10.2.1.1. Employees classified who are regularly scheduled to work under twenty (20) hours per week are not eligible for health-care plan benefits.
- 10.3. Intercity Transit shall contribute an amount towards the cost of the premium for health care insurance as approved in the annual operating budget or other mechanism adopted by the Intercity Transit Authority.
  - 10.3.1. The premium cost balance, if any, is considered a mandatory payroll deduction for all participating employees.
- 10.4. For eligible employees, coverage begins on the first day of employment.
- 10.5. Types of coverage, dependent eligibility definitions, and benefit payment schedules are subject to change and described in Intercity Transit's health-care plan booklets available to eligible employees through Human Resources.
- 10.6. Health care coverage is available to an employee on an unpaid leave of absence provided the employee continues to pay for the coverage on a self-pay basis.
- 10.7. Upon separation from Intercity Transit employment or other qualifying event, an eligible employee and/or the employee's eligible dependents may elect to continue health benefits at their own expense to the extent provided for under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).
- 10.8. An employee may elect to continue coverage under COBRA as follows:
  - 10.8.1. Upon separation (unless terminated for gross misconduct); or
- 10.9. An eligible dependent or domestic partner may elect to continue coverage under COBRA if:
  - 10.9.1. The employee's working hours are reduced, causing loss of coverage;
  - 10.9.2. Dependent status is lost because of age, change in marital status or termination of the spouse's or parent's employment;
  - 10.9.3. The spouse or parent who is an employee dies;
  - 10.9.4. The spouse or parent who is an employee becomes eligible for Medicare; or

- 10.9.5. The dependent is divorced or legally separated from an employee.
- 10.10. Employees must notify Human Resources when adding or removing dependents from health insurance coverage. Human Resources may require appropriate documentation for such requests, such as copies of birth certificates, adoption papers, marriage licenses or divorce decrees, to process changes.
  - 10.10.1. Failure by an employee to notify Intercity Transit of a change in the status of eligible dependents within thirty (30) days of the event(s) may subject the employee to discipline up to and including discharge.

## **11. Benefits Eligibility Appeal Process**

- 11.1. An eligibility or enrollment decision made by Intercity Transit may be appealed by submitting a written request for review to Finance Director. Intercity Transit must receive the request for review within thirty days of the date of the initial denial notice. The contents of the request for review must contain all of the following:
  - 11.1.1. The name and mailing address of the appealing party;
  - 11.1.2. The name and mailing address of the appealing party's representative, if any;
  - 11.1.3. Documentation, or reference to documentation, of decisions previously rendered through the appeal process, if any;
  - 11.1.4. A statement identifying the specific portion of the decision being appealed and clarifying what is believed to be unlawful or in error;
  - 11.1.5. A statement of facts in support of the appealing party's position;
  - 11.1.6. Any information or documentation that the appealing party would like considered and substantiates why the decision should be reversed. Information or documentation submitted at a later date, unless specifically requested by the Finance Director, may not be considered in the appeal decision;
  - 11.1.7. The type of relief sought;
  - 11.1.8. A statement that the appealing party has read the notice of appeal and believes the contents to be true;
  - 11.1.9. The appellant may chose to use the form provided by PEBB to submit this information. The form is available on line at: <http://www.pebb.hca.wa.gov/documents/forms/2011/50-122.pdf>.
- 11.2. Upon receiving the request for review, Intercity Transit shall make a complete review of the initial denial by one or more staff who did not take part in the initial denial. As part of the review, the Finance Director may hold a formal meeting or hearing, but is not required to do so.
- 11.3. The Finance Director shall render a written decision within thirty days of receiving the request for review. The written decision shall be sent to the appellant.
- 11.4. A copy of Finance Director's written decision shall be sent to the General Manager or designee and to the PEBB appeals manager. The Finance Director's written decision shall become Intercity Transit's final decision effective fifteen days after the date it is rendered.
- 11.5. Intercity Transit may reverse eligibility or enrollment decisions based only on circumstances that arose due to delays or errors caused by Intercity Transit.
- 11.6. Any employee or employee's dependent who disagrees with Intercity Transit's decision in response to a request for review, as described herein, may appeal that decision by submitting a notice of appeal to the PEBB appeals committee. The PEBB appeals manager must receive the notice of appeal within thirty days of the date of the employing state agency's written decision on the request for review.
  - 11.6.1. The contents of the notice of appeal are to be provided in accordance with WAC [182-16-040](#).

## **12. Deferred Compensation Programs**

- 12.1. Employees may participate in Intercity Transit sponsored salary reduction plan (e.g. 401k Plan and Trust).and/or deferred compensation plan (e.g. ICMA 457 Plan) at their option. Eligibility determination and required contribution amounts vary among the plans established, and entitlements are subject to individual circumstance.
- 12.2. Inasmuch Intercity Transit is not part of the Social Security System (see Section 4 herein) Intercity Transit will match employee contributions for employees hired after March 31, 1986 to the herein deferred compensation programs as provided in HRR 405.4.1 herein.
- 12.3. Intercity Transit will match employee contributions for employees hired on or before March 31, 1986 and who have remained continuously employed to the herein provided deferred compensation programs up to 7.65% of the employee's income from Intercity Transit.
  - 12.3.1. Employees hired on before March 31, 1986 who leave the employment of Intercity Transit and, thereafter, become re-employed by Intercity Transit shall be eligible for a match of employee contributions of up to 6.2% of the employee's income from Intercity transit.

## **13. Transportation Passes**

- 13.1. Intercity Transit provides transportation pass to each employee and the employee's spouse or domestic partner and dependents as defined in HRR 405.9 herein.
- 13.2. An employee retiring from Intercity Transit service as defined under the state sponsored retirement program (see Section 7 herein) and the employee's spouse or domestic partner shall be entitled to receive transportation passes for their use during the employee's retirement years.
  - 13.2.1. An employee who has served a minimum of 25 years at Intercity Transit and is unable to continue employment at Intercity Transit owing to an illness or injury, will be considered "retired" for the purpose of being eligible for a retiree bus pass.
  - 13.2.2. A "retired employee" may obtain the pass on or after their separation of employment with Intercity Transit.
- 13.3. Temporary hire employees, including those hired from an outside agency are eligible for a transportation pass. A temporary employee's spouse, domestic partner and dependents are not eligible. Upon the end of the temporary employee's assignment, the pass will be returned to Intercity Transit.

## **14. Parking**

- 14.1. Intercity Transit provides and maintains limited parking facilities for the use of employees. As space is limited, employees are encouraged to use transit buses, vans, carpools, vanpools, bicycles, walking to work or other alternative transportation whenever possible.
- 14.2. Employees electing to drive their personal vehicles to work are to park only in designated areas.
- 14.3. Intercity Transit assumes no responsibility for damage to vehicles or theft of articles from vehicles while on Intercity Transit property.
- 14.4. Employees shall observe the 10 m.p.h. speed limit on Intercity Transit property at all times.
- 14.5. Intercity Transit reserves the right to impose or charge parking fees for the use of Intercity Transit provided parking facilities.

## **501 – Employee Responsibilities, Performance and Conduct\**

### **1. Employee Information**

- 1.1. Each employee has an assertive duty to advise his/her department director and the Human Resources Director of the employee's contact information, including, but not necessarily limited to:
  - 1.1.1. current residential address
  - 1.1.2. current personal telephone number
  - 1.1.3. any change in legal name
  - 1.1.4. any change in the employee's social security number
- 1.2. Each employee has an assertive duty to update the information referenced in Section 1.1 herein in a timely manner.

### **2. Professional Performance and Conduct**

- 2.1. Every employee will constantly strive to attain the highest professional standard of performance and conduct. Employees shall perform their duties in a professional manner and govern themselves by reasonable rules of good conduct and behavior, and shall not commit any act tending to bring discredit upon Intercity Transit.
- 2.2. Employees shall, on all occasions in the performance of their duties or when they can be identified as an Intercity Transit employee, be respectful, courteous and considerate toward all other employees and the public.

### **3. Appearance**

- 3.1. The success of Intercity Transit is determined in part by establishing and maintaining a proper business atmosphere, which is determined by the image employees project as well as business conduct. Employees shall dress in a manner consistent with the nature of work performed.
  - 3.1.1. If there are questions as to what constitutes proper attire, employees should consult with their supervisor.
- 3.2. Employees who are inappropriately dressed, in the opinion of their supervisor, will be sent home and required to return to work in acceptable attire. Under such circumstances, employees will not be paid for the time away from work.
- 3.3. Uniforms supplied by Intercity Transit will be kept in neat, clean, and properly maintained condition. Such uniform apparel may not be used as personal attire outside the work location. Uniforms whose condition no longer meets Intercity Transit standards of appearance should be turned in for replacement.
  - 3.3.1. Upon separation or termination from Intercity Transit service, employees will be required to return all Intercity Transit supplied uniform apparel in a clean and neat condition.

### **4. Contact with the Media**

- 4.1. Only the General Manager, representatives designated by the General Manager, and department directors are authorized to speak in an official capacity on behalf of Intercity Transit on policy matters. Whenever possible, employees should refrain from discussing matters involving Intercity Transit policy or litigation matters with the news media.
- 4.2. All questions concerning incidents or potential, pending or actual litigation should be referred to a department director or the General Manager.

## **5. Testimony in Formal Hearings**

- 5.1. An employee who is asked to or required to testify in person or by deposition in any trial or hearing to which Intercity Transit is a party should notify his/her department director or the Human Resources Director of his/her involvement in the matter. However, if an employee is a party to such trial or hearing, notification of Intercity Transit is governed by the Civil Rules or other applicable rules of procedure.

## **6. Outside Employment/Solicitation**

- 6.1. Employees shall not work for another employer, including themselves, while on duty.
- 6.2. Except as approved by the involved supervisor, no employee shall conduct a person to person solicitation of funds or contributions from other employees or customers while at Intercity Transit facilities or on Intercity Transit vehicles.
- 6.3. Employees may engage in off-duty employment, provided that:
  - 6.3.1. The employment does not conflict with Intercity Transit's Procurement Policy.
  - 6.3.2. The employment does not conflict with the employee's work schedule, duties, or responsibilities.
  - 6.3.3. The employment does not involve conducting off-duty employment related business during hours of employment with Intercity Transit.
  - 6.3.4. The employee does not use Intercity Transit property or vehicles when engaging in off-duty employment.
- 6.4. Self-employment is considered off-duty employment and falls under the same conditions as other off-duty employment, with the addition of the restriction that the self-employment does not involve ownership of a private business that is incompatible with an employee's Intercity Transit position.
  - 6.4.1. An employee who sustains an injury or illness in connection with off-duty employment is not entitled to receive worker's compensation benefits provided by Intercity Transit.
  - 6.4.2. In cases where an off-duty employment related injury or illness results in an employee's temporary disability, the employee shall be required to use any available sick leave and vacation leave hours during the period of disability. Upon exhaustion of paid leave hours, the employee may request a leave of absence without pay as may be provided in accordance with the Human Resources Rules.

## **7. Off-Duty Activities**

- 7.1. Certain types of off-duty activities by employees represent the potential of a material business concern to Intercity Transit. Employees who engage in, or are associated with illegal, harmful or destructive conduct, the nature of which adversely affects Intercity Transit, or their own ability or credibility to carry out their employment responsibilities, may be subject to disciplinary action up to and including termination.

## **8. Economic Exchanges Between Employees**

- 8.1. Intercity Transit does not condone, nor assume any liability for, the practice of lending or borrowing money, or anything of monetary or personal value, between employees. Employees who voluntarily participate in such activity, or create these obligations, do so at their own risk.

## **9. Visits**

- 9.1. Visitors may be disruptive to the safe and efficient operations of Intercity Transit. Further, Intercity Transit has an insurance liability for persons visiting Intercity Transit business locations.



- 9.2. Friends or relatives of an employee shall not normally visit the employee during the employee's working hours. Additionally, employees should refrain from "visiting" with co-workers on personal, non-business related matters during the employee's or co-worker's regular working hours.
- 9.3. Employees are expected to exercise good judgment in their handling of unforeseen visits and using company time for personal business reasons.
- 9.4. Upon the prior approval by an employee's supervisor, exceptions may be made for unique or urgent circumstances.

## 502 – Performance Evaluations

### 1. Employee Performance May be Monitored

- 1.1. The Human Resources Director is responsible to coordinate and oversee the employees' performance evaluation system.
- 1.2. It is the responsibility of supervisors and management personnel to review the work of subordinate employees; to make efforts to assist employees in correcting deficiencies; and to evaluate employees objectively for their performance during the evaluation period.
- 1.3. Employee performance evaluation is one means by which inadequate performance may be identified.
  - 1.3.1. While the performance evaluation process and performance evaluation reports could be operative in supporting separate disciplinary action, the process and reports do not, of themselves, constitute discipline.

### 2. Review of Performance Evaluation With the Employee

- 2.1. Before any performance evaluation material is inserted into the employee's personnel file, the material will be discussed with the applicable employee.
- 2.2. The employee will be given a copy of any performance evaluation report or similar material that is completed.
- 2.3. Employees may insert comments regarding any evaluation report into their personnel file.
- 2.4. The employee is required to sign the performance report to acknowledge the employee's awareness of its content and opportunity to discuss the evaluation with the rating supervisor.
  - 2.4.1. The employee's signature does not necessarily mean that the employee fully agrees with the contents of the report, and the employee may so state on the form before signing.

### 3. Effect of Less Than Satisfactory Performance Evaluation

- 3.1. An employee receiving a less than satisfactory performance evaluation may have his/her employment conditions modified in the following manner.
  - 3.1.1. Ineligibility for promotional consideration until the deficiency is corrected.
  - 3.1.2. Transfer to a comparable position or demotion of an indefinite duration.
  - 3.1.3. Subject to disciplinary action, up to and including termination of employment.
- 3.2. Specific action that may occur as a result of a less than satisfactory performance evaluation will depend on, but not be limited to:
  - 3.2.1. the weight or significance of the evaluation category compared to the importance of other aspects of job performance.
  - 3.2.2. the length of time pertinent job factors have been observed by the rating supervisor.
  - 3.2.3. Other factors as may be appropriate.

## 503 – Ethics

### 1. Purpose and Scope

- 1.1. No employee of Intercity Transit shall use his/her position for personal gain. Further, employees shall avoid conflicts of interest, potential conflicts of interest or appearance of conflicts of interest that may interfere with proper management of Intercity Transit. Employees of Intercity Transit shall not use their position to generate opportunities for private advancement or gain or for avoidance of private detriment or loss.
- 1.2. This Rule is applicable to all employees of Intercity Transit. In addition, employees are subject to any applicable policies, state laws dealing with conflicts of interest and other elements of ethical conduct, including Article 9 of the Intercity Transit Procurement Policy. Employees who are also municipal officers are, in addition, subject to the requirements of Chapter 42.20 and 42.23 RCW and any other law governing municipal officers. This Rule shall not be inconsistent with the applicable policies or with state laws such as described in RCW 42.23. However, the standards set out in this Rule may create a higher standard of conduct than created by state law.
- 1.3. This Rule shall further act as a guide for employees of Intercity Transit to properly administer the function of Intercity Transit in a manner that best illustrates independent, impartial and responsible management of Intercity Transit. This Ethics Rule is intended to provide a guide for Intercity Transit employees in avoiding situations of conduct which may give rise to an appearance of impropriety even though there is no factual or implied impropriety. This Rule shall provide protection for Intercity Transit, its employees and the citizens being served against public decisions which may be affected by undue influence, conflicts of interest, or any other violation of this Rule.

### 2. Definitions

- 2.1. The term "employee," as used in this Rule, means a person or persons employed on a full-time or part-time basis; however, an employee does not include a person or persons contracting with Intercity Transit to perform consulting or special technical services.
- 2.2. The term "financial interest" as used in this Rule means:
  - 2.2.1. ownership of any interest or involvement in any relationship from which, or as a result of which, a person within the past year has received, or is presently or in the future entitled to receive, more than \$1,000 per year, or its equivalent, except that remote interests are not included where the person holds less than one percent of the shares of a corporation or cooperative which is a contracting party, or the person has holdings in mutual funds or similar investment pooling funds in which the person has no management powers; however, municipal officers are subject to the more restrictive scope of remote interest in RCW 42.23.040.
  - 2.2.2. ownership of 1% of any property or business; or
  - 2.2.3. holding a position in a business such as an officer, director, trustee, partner, employee, or the like, or holding any position of management.
- 2.3. The term "immediate family", as used in this Rule, includes a spouse, children, parents, brothers, sisters, one to whom one is engaged to be married, and a domestic partner.
  - 2.3.1. Domestic partners are two people, 18 years of age or older who share the same regular and permanent residence and neither of whom is married or related by blood in a manner that would bar their marriage in the State of Washington. It is intended that domestic partners be people who have a relationship of mutual support, caring, and commitment, and are each other's sole domestic partner.
- 2.4. Blind Trust as used in this Rule means an independently managed trust in which the employee-beneficiary has no management rights and in which the employee-beneficiary is

not given notice of alterations in, or other dispositions of, the property subject to the trust.

**3. Conflicts of Interest – Ethics in Public Contracting**

3.1. Employees of Intercity Transit shall be subject to the protocols and requirements established in the Intercity Transit Procurement Policy and Procedures (as amended) and state law. The Intercity Transit Procurement Policy contains requirements dealing with conflicts of interest and other matters of ethical conduct in procurement and contracting.

**4. Duty to Report**

4.2. All employees are directed to disclose fraud, abuse, and corruption by any other employee or official of Intercity Transit. Employees who are unsure whether to report an action shall bring the issue to the attention of their supervisor or to the General Manager. Any employee reporting alleged improper action as identified in RCW 42.41.020 is subject to the protections of Chapter 42.41 RCW and Intercity Transit Human Resources Rule 603. Any employee who has, or obtains any benefit from, any Intercity Transit contract with a business in which the employee has a financial interest shall report such benefit to the General Manager; provided, however, this Section shall not apply to a contract with a business where the employee's interest in the business has been placed in a disclosed blind trust.

4.2.1. "Benefit" as used in this provision is defined in the same manner as in Section 9-101 of the Intercity Transit Procurement Policy and is present when an employee has a financial interest in a business awarded contract by Intercity Transit and the contract exceeds \$25,000.

4.3. Any employee who knows or should have known of such benefit, and fails to report such benefit to the General Manager, is in breach of this Rule.

## **504 - Use of Equipment, Vehicles and Information/Communication Resources**

### **1. Use of Equipment or Vehicles**

- 1.1. Employees are expected to use Intercity Transit equipment for the primary purpose of performing their job duties. Intercity Transit equipment includes, but is not limited to: vehicles, phones, fax machines, computers, cameras, copiers, keys, shop tools, pagers, equipment, facilities and miscellaneous office supplies.
- 1.2. Employees who are issued keys and/or combinations have the responsibility to insure the integrity of the Organization's key and lock system. This system includes, but is not limited to: buildings, vehicles, safes, vaults, keys, access cards, and combinations.
  - 1.2.1. In order to maintain the safety and security of all Intercity Transit vehicles, buildings and equipment, any lost keys or access cards must be reported immediately to the Department Director.
- 1.3. Upon separation, employees are to return all company equipment and materials no later than their last working day.
- 1.4. Intercity Transit vehicles are not to be used for private purposes or other business purposes not related to the business affairs of Intercity Transit.
- 1.5. Subject to any exceptions established by law, no Intercity Transit facilities at any time, or employee time during working hours, may be used, directly or indirectly, for the purpose of assisting a campaign for election to any office or for the promotion of or opposition to any ballot proposition.

### **2. Employee Use of Information Technologies or Communication**

- 2.1. Employees' use must not compromise the integrity of the Intercity Transit's computer systems, data, networks and communications systems. Employees' use of information systems or communication devices must comply with all service and contractual agreements with commercial Internet service providers, intellectual property rights, copyright, software license agreements and agreement with communications equipment vendors.
- 2.2. Employees will acknowledge receipt of this Rule and confirm they have read the Rule.
- 2.3. All computer applications, programs, and information created or stored by employees on agency owned information systems are Intercity Transit property.
- 2.4. Intercity Transit expressly reserves the right to monitor and review all internet and email traffic conveyed through its system or via an Intercity Transit computer. **Employees shall have no expectation of personal privacy in the use of Intercity Transit's information systems or communication devices.**
  - 2.4.1. All email messages sent or received through the Intercity Transit system or via an Intercity Transit computer and the record of all websites accessed through the Intercity Transit system or via an Intercity Transit computer are subject to public disclosure.
- 2.5. Intercity Transit's information systems are intended for professional business use in performing the duties of an employee's job. Limited personal use may be permitted according to the following guidelines;
  - 2.5.1. It is incidental, occasional and of short duration;
  - 2.5.2. It is done on the employee's personal time. Personal time means during breaks, lunch and/or before and after work as defined by collective bargaining agreements, and the Human Resource rules.
  - 2.5.3. It does not interfere with any employee's job activities. This includes activities which might pose a conflict of interest or appearance of impropriety with an individual's employment with the Intercity Transit;
  - 2.5.4. It does not bring discredit to Intercity Transit;
- 2.6. It does not violate any law.

- 2.7. Employees shall not use Internet Relay Chat (IRC) channels or other Internet forums, such as newsgroups or net servers, and/or “chat rooms” except for work related business only.
- 2.8. Employees shall not express personal or political opinions via Intercity Transit equipment or Intercity Transit Internet access lines/email systems, except when any such opinions are related to a business purpose.
- 2.9. Employees shall not use Intercity Transit wireless communications cards on non-Intercity Transit computers without the prior approval of their department director.
  - 2.9.1. Any communications or data transmitted through an Intercity Transit wireless card is subject to public disclosure as provided in Section 504.2.4.1.

### **3. Acquisition of Information/Communications Resources**

- 3.1. All information systems or communication devices to be used by Intercity Transit shall be acquired as directed by the General Manager or the delegated department director. By way of illustration and not by limitation this includes:
  - 3.1.1. computers
  - 3.1.2. computer peripherals
  - 3.1.3. cameras
  - 3.1.4. audio devices
  - 3.1.5. telephones
- 3.2. Employees are not permitted to connect any information systems or communications devices to any information or communications network operated by Intercity Transit.

### **4. Prohibited Use of Information/Communications Resources**

- 4.1. The following list of prohibited uses for information technologies is not intended to be all-inclusive.
  - 4.1.1. To cause a breach of security or any action to attempt to circumvent or reduce the security of Intercity Transit’s computer, network and communications resources or of any confidential information entrusted to the custody of Intercity Transit.
  - 4.1.2. Misuse of service or any action that renders the user’s computer, network or communications equipment unusable, or that interferes with another employee’s use of such resources.
  - 4.1.3. Illegal use or use of Intercity Transit’s information or communications resources in the commission of an illegal act.
  - 4.1.4. Altering information or communications resources to hide one’s identity or to impersonate another individual. All e-mails, news posts or any other form of electronic communication must contain the sender’s real name and/or e-mail address.
  - 4.1.5. Employees may not use Intercity Transit’s information resources to avoid the expense of personally purchasing comparable hardware, software, and/or internet access.
  - 4.1.6. Employees may not solicit email communications for purposes unrelated to the conduct of Intercity Transit business.
  - 4.1.7. Employees may not use the Intercity Transit system or any Intercity Transit computer to access websites, “chat rooms”, or domains containing inappropriate content, including, but not necessarily limited to:
    - 4.1.7.1. discriminatory content
    - 4.1.7.2. hate messaging or content
    - 4.1.7.3. containing offensive material such as sexually suggestive text or images, pornography or violence.
    - 4.1.7.4. Gambling
    - 4.1.7.5. on-line gaming
    - 4.1.7.6. partisan political content

- 4.1.8. Employees may not remove Intercity Transit owned information and communications equipment from Intercity Transit premises or vehicles, modify Intercity owned vehicles or equipment, or alter Intercity Transit owned software without appropriate authorization.
- 4.1.9. Employees may not download or install any software or click yes on upgrade boxes. All requests for software or upgrades must be approved by Intercity Transit's IS division. Unlicensed or copied software is prohibited on any Intercity Transit computer.
  - 4.1.9.1. This does not apply to documents, PDF and other document files.
- 4.1.10. Employees may not connect peripheral devices to Intercity Transit computers or other information and communications equipment without prior approval from the employee's department director. "Peripheral devices" includes, but is not necessarily limited to:
  - 4.1.10.1. audio or video recorders or players
  - 4.1.10.2. "internet phones"
  - 4.1.10.3. game devices
  - 4.1.10.4. Employees may not copy computer software licensed to Intercity Transit.

**5. Violations of any part of this Rule shall be cause for discipline.**

## 505 – Attendance

### 1. Regular Attendance and Timeliness Required

- 1.1. Except as may be protected by applicable law, employees shall maintain a pattern of regular and reliable attendance.
- 1.2. Employees shall report to duty in accordance with the rules regarding hours of work, holidays and leaves of absence.
- 1.3. Except as may be protected by applicable law, employees shall report ready for work in a timely manner and shall normally remain on duty until the end of their shift or completion of their scheduled work day.

### 2. Notification to Supervisor Required

- 2.1. No employee shall be late in reporting to or be absent from work for any reason other than those specified in these rules and regulations without making prior arrangements with his/her supervisor. Unless such arrangements are made, an employee who, for any reason, fails to report to work or fails to report to work in a timely manner, shall immediately notify his/her supervisor of the reason for the absence or tardiness.
  - 2.1.1. The employee has an assertive duty to contact the employee's supervisor.  
Communicating with other representatives of Intercity Transit does not relieve the employee of his/her obligation to contact his/her immediate supervisor.
- 2.2. If an absence continues beyond the first day, the employee shall notify the employee's supervisor on a daily basis unless other arrangements have been made with the supervisor. If absence continues over three (3) consecutive days, a medical certificate may be required by Intercity Transit.
- 2.3. An unauthorized absence from duty shall be considered an absence without leave approval.
  - 2.3.1. An absence without leave approval shall normally be without pay and may be cause for discipline.

### 3. Abandonment of Position

- 3.1. After three consecutive scheduled work days of unauthorized absence and/or the employee's failure to contact the employee's supervisor as provided herein, the employee shall be considered to have abandoned the employee's position.
- 3.2. Abandonment of position shall be considered a constructive resignation from employment from Intercity Transit and the employment relationship shall be considered null and void.



## **506 – Political Activity**

### **1. Political Activity**

- 1.1. The provisions of RCW 41.06.250 as amended are incorporated herein and are made applicable to Intercity Transit employees.
- 1.2. Intercity Transit employees may participate in political or partisan activities of their choosing provided that:
  - 1.2.1. Intercity Transit resources and property are not utilized;
  - 1.2.2. The activity does not adversely affect the responsibilities of the employees in their positions:
- 1.3. Employees may not campaign on company time, in an Intercity Transit vehicle, in any part of an Intercity Transit uniform, or while representing Intercity Transit in any way.
- 1.4. Employees may not allow others to use Intercity Transit facilities or funds for political activities.
- 1.5. Any Intercity Transit employee who meets with or may be observed by the public or otherwise represents Intercity Transit to the public, while performing his/her regular duties may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit on Intercity Transit property, in an Intercity Transit vehicle or on Intercity Transit time for a contribution for a partisan political cause.
- 1.6. Subject to any exceptions established by law, no Intercity Transit facilities at any time, or employee time during working hours, may be used, directly or indirectly, for the purpose of assisting a campaign for election to any office or for the promotion of or opposition to any ballot proposition.

## **507 – Conviction of Certain Crimes – Affect on Continued Employment**

### **1. Conviction of Certain Crimes, Court and Administrative Orders – Affect on Continued Employment**

- 1.1. Convictions of certain crimes may have a direct effect on an employee's ability to perform his/her regularly assigned duties.
- 1.2. The degree to which the conviction of a crime has on an employee's ability to perform his/her regular duties would include, but is not necessarily limited to:
  - 1.2.1. the nexus between the type of crime and the employee's regular duties;
  - 1.2.2. the impact any post-conviction judicial or administrative orders, limitations placed on the employee or sentence may have on the employee's ability to perform his/her regular duties.
- 1.3. A determination on the employee's ability to continue to perform his/her regular duties shall be made by the Human Resources Director in consultation with the employee's department director.
- 1.4. Employees who are no longer able to perform their regular duties as provided herein shall be subject to dismissal.

### **2. Duty to Report**

- 2.1. All employees have a duty to report to Intercity Transit in the event they have been convicted of any misdemeanor including fraud, abuse, abuse of a minor, unlawful sexual misconduct, battery and any conviction of a felony.
  - 2.1.1. The employee shall report as required herein within fourteen (14) calendar days of the conviction.
- 2.2. An employee may report as required herein to his/her supervisor, department director or the Human Resources Director.
- 2.3. Any employee who fails to report as required herein shall be subject to discipline, up to and including discharge.

## **509 – Harassment Prohibited**

### **1. Workplace Harassment Prohibited**

- 1.1. Intercity Transit is committed to a work environment that is free of illegal bias, prejudice and harassment and where all individuals are treated with respect and dignity. Every individual has the right to work in a professional atmosphere that promotes employment opportunities and prohibits discriminatory practices.
- 1.2. By this Rule, Intercity Transit prohibits workplace harassment and discrimination on the basis of race, color, religion, gender, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, genetic information or veteran status.
- 1.3. Harassment and discrimination is prohibited in the workplace or in any work-related setting outside the workplace. Every employee shares the assertive responsibility for bringing to Intercity Transit's attention conduct that interferes with providing a work environment free of illegal discrimination and harassment.
  - 1.3.1. An employee may submit a report of concern as required herein as provided in Section 7.2 herein.
- 1.4. Intercity Transit is an equal employment opportunity employer. Intercity Transit will continue to recruit, hire, train, and promote into all job levels without regard race, color, religion, gender, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, or veteran status.
- 1.5. . Intercity Transit will continue to administer all other personnel matters in accordance with this rule.
  - 1.5.1. Physical capacity requirements relating to minimum standards for employment may be a reasonable selection factor. However, such standards must be reasonably necessary for the specific work to be performed and uniformly applied to all applicants for the particular job category, regardless of age or sex.
  - 1.5.2. Age, gender or physical requirements may be considered if they constitute a bona fide occupational qualification necessary for performance of the essential duties of the job.
  - 1.5.3. See also HRR 301 and HRR 302.
- 1.6. Officials and all employees of Intercity Transit, management and supervisory staff in particular, shall ensure that the intent and the stated requirements of this rule are implemented in all employee relations and personnel practices. It is the responsibility of every employee to ensure that the work environment is free of any practice of discrimination or harassment.
- 1.7. The Human Resources Director and General Manager are responsible for implementation of the affirmative action program.

### **2. Scope of Rule Prohibiting Harassment**

- 2.1. This Rule covers all employees and applicants for employment with Intercity Transit, as well as transit customers and contractors providing services to Intercity Transit such as outside vendors or consultants. Notification of this rule will be posted in areas normally accessible to transit customers. Contractors providing a service to Intercity Transit will be notified of this Rule.
- 2.2. Workplace harassment manifests itself in two primary ways:
  - 2.2.1. In forms of harassment that violate state and federal laws; and
  - 2.2.2. In forms of harassment that may not violate law, but which violate this Rule because they are not conducive to creating a work environment for employees that is consistent with the intent of this Rule.

2.3. This Rule covers both types of harassing behavior. Employees are expected to talk with their supervisor, managers, department directors, other supervisors, managers or directors and or Human Resources about harassment they experience regardless of its origin. Supervisors, managers or directors receiving such complaints are expected to take appropriate corrective action to stop the harassment.

### **3. Definitions**

**3.1. Harassment:** verbal, physical or other conduct that is derogatory or shows hostility towards an individual because of his or her race, color, religion, gender, marital status, familial status, national origin, age, mental or physical disability, the use of a trained dog guide or service animal, sexual orientation, gender identity, genetic information or veteran status.

**3.2. ,and**

3.2.1. has the purpose or effect of creating an intimidating, hostile, abusive, or offensive work environment; or

3.2.2. has the purpose or effect of unreasonably interfering with an individual's work performance; or

3.2.3. otherwise adversely affects an individual's employment and employment-related opportunities.

**3.3. Sexual Harassment:** unwanted sexual advances, requests for sexual favors, and other sexually oriented verbal or physical conduct constitutes sexual harassment under this rule where:

3.3.1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

3.3.2. submission to or rejection of such conduct is used as a basis for employment decisions affecting such individual; or

3.3.3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.

### **4. Examples of Prohibited Conduct**

**4.1. Verbal or Physical Conduct**

4.1.1. Use of insults innuendos or slurs because of an individual's race, color, religion, gender, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, or veteran status.

4.1.2. Jokes, pranks or other banter, including negative stereotyping, which relates to or is derogatory or shows hostility based on an individual's race, color, religion, gender, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, or veteran status.

4.1.3. Unwelcome physical touching or contact, such as pinching, kissing, grabbing, patting or hugging.

**4.2. Written or Graphic Material**

4.2.1. Material that is disparaging or displays hostility on the basis of a race, color, religion, gender, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, or veteran status and is placed on walls or elsewhere in the employer's premises or circulated in the workplace.

4.2.2. Material that reasonably deemed to be sexually provocative or stimulating and is placed on walls or elsewhere in the employer's premises or circulated in the workplace.

4.2.3. The provisions of above in Subsections 4.2.1 and 4.2.2 include but are not limited to sending inappropriate jokes or other written or graphic materials via email, the internet or by fax, or downloading this material from the internet.

## **5. Retaliation Prohibited**

- 5.1. Intercity Transit will not tolerate retaliation against any individual who reports discrimination or harassment, testifies, assists, or participates in any manner in an investigation, proceeding or hearing, regardless of the outcome of the complaint. Examples of retaliation towards an individual include demotion, suspension, failing to hire or consider hiring, failing to treat impartially when making employment related decisions, assigning the individual the least desirable jobs. It may also include more subtle forms such as shunning by co-workers.

## **6. Responsibilities of Directors, Managers and Supervisors**

- 6.1. Directors, managers and supervisors are expected to enforce this rule and maintain a productive, non-hostile work environment. Directors, managers and supervisors must take immediate action to stop and prevent discrimination or harassment, where they know or have reason to know that it is occurring. Tacit approval of discrimination and/or harassment by, for example, laughing and treating a situation as a joke, failing to take action or advising an employee not to complain is prohibited.
- 6.2. Directors, managers and supervisors are responsible for ensuring that notes, comments, posters and other materials on walls, bulletin boards or elsewhere in the workplace, that are derogatory or show hostility toward an individual or group because of race, color, religion, gender, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, or veteran status are removed.
- 6.3. Directors, managers and supervisors are expected to educate employees about the impropriety of these items as well as the inappropriateness of jokes, slurs, or other negative verbal comments that violate this rule. Directors, managers and supervisors are also responsible for educating employees that the use of equipment owned by Intercity Transit, including vehicles and electronic devices such as computers, telephones, photocopiers, or faxes for any of these purposes is also prohibited.
- 6.4. If a director, manager or supervisor receives a complaint from an employee, an applicant, a member of the public or a contractor about discrimination, harassment or retaliation on an Intercity Transit facility or in an Intercity Transit vehicle, they should immediately contact the Human Resources Director or designee.
- 6.5. Directors, managers and supervisors are expected to contact Human Resources even if the person making the complaint requested that it be kept confidential. Directors, managers and supervisors should inform an individual making a complaint that strict confidentiality may not be feasible.
- 6.6. Any supervisor or manager who is aware of harassment or discrimination and condones it by action or inaction will be subject to disciplinary action.

## **7. Internal Complaint Process**

- 7.1. Any individual who feels he/she has been the victim of prohibited discrimination or harassment has an assertive duty to notify the responsible person(s) of the inappropriateness of their conduct or to report the inappropriate conduct to a person identified in Subsection 7.2 below.
- 7.2. Who to Contact
  - 7.2.1. A current employee of Intercity Transit may also discuss such concerns with his/her immediate supervisor. This will provide the supervisor with an opportunity to review the concerns of the individual. If the employee does not feel comfortable discussing the concerns with his/her immediate supervisor, the employee should contact:
    - 7.2.1.1. their supervisor's manager; or their department director; or
    - 7.2.1.2. Human Resources

- 7.3. A non-Intercity Transit employee such as an applicant, a member of the public or a contractor may contact the specific department where the alleged discrimination or harassment occurred or file a complaint with Human Resources.
- 7.4. Review of a Complaint
  - 7.4.1. All complaints must be thoroughly and promptly investigated.
  - 7.4.2. The Human Resources Director shall be responsible for conducting the investigation and submitting a report and recommended action to the General Manager.
  - 7.4.3. The individual making the complaint and the accused shall be notified of the results of the investigation and whether action will be taken.
  - 7.4.4. In the event the person making the complaint is not satisfied with the report or results of the investigation, the person making the complaint may request the issue be addressed by the General Manager.
  - 7.4.5. The General Manager shall review the report and action to be taken and shall issue a determination in response to the person making the complaint. The General Manager may affirm the report and action or may make amendments to the report or the action to be taken.
  - 7.4.6. The General Manager's review and determination is the final administrative review of the matter.

## **510 – Workplace Violence Prohibited**

### **1. Workplace Violence is Prohibited**

1.1. Intercity Transit will not tolerate workplace violence in any form. Intercity Transit promotes a work environment in which employees can perform their jobs with a reasonable expectation of safety and security. Any behavior that undermines the safety and security of the work environment is prohibited.

### **2. Scope of Rule**

2.1. This Rule applies to all Intercity Transit employees, customers, contractors, vendors, and visitors to Intercity Transit headquarters, shops, facilities or offices.

2.2. Acts of workplace violence may also be addressed through criminal proceedings.

### **3. Definitions**

3.1. Workplace violence includes any physical or verbal behavior that endangers or harms another employee, customer, contractor or vendor, or that a reasonable person would perceive to constitute a threat of harm.

3.1.1. Acts of violence may occur between fellow employees; between customers, contractors, or vendors and employees; or between employees and non-employees with whom they have a personal relationship.

3.2. The Intercity Transit workplace consists of all locations in which Intercity Transit business is conducted and surrounding areas, including but not limited to buildings, vehicles, transit centers, parking lots, adjacent sidewalks, driveways, and other facilities.

3.3. A “dangerous weapon” would include biological contaminants, dangerous chemicals, explosives, blackjacks, sand-clubs, metal knuckles, chako sticks, throwing stars, switchblade knives, any knife having a blade more than three and one-half (3 1/2”) in length or any fixed-blade knife.

3.3.1. A fixed blade knife is any knife with a blade which is permanently open and does not fold, retract or slide into the handle of the knife, any dagger, sword, bayonet, bolo knife, hatchet, axe, straight-edged razor, or razor blade not in a package, dispenser or shaving appliance.

3.3.2. Objects not designed as weapons, but used to inflict or threaten bodily harm will also be considered dangerous weapons.

3.4. “Domestic violence” includes abusive behavior that is physical, sexual, psychological, or economic.

### **4. Examples of Prohibited Conduct**

4.1. Acts of workplace violence may take a variety of forms, including but not limited to:

4.1.1. Deliberate actions or behavior resulting in a physical assault against a person or property, such as hitting, pushing, holding/restraining, spitting on, or blocking the movement of another person.

4.1.2. Verbal or written threats communicated directly or indirectly that a reasonable person would perceive to intimidate, frighten or otherwise cause fear of physical or emotional harm.

4.1.2.1. Using agency mail, email, or telephones to communicate threats is expressly prohibited.

4.1.3. Inappropriate verbal or physical behavior that causes a reasonable person to feel unsafe, such as angry outbursts, throwing things, or expressions of hostility.

### **5. Employee Possession of Firearms and Weapons Prohibited**

- 5.1. Intercity Transit prohibits the possession or use of firearms and other dangerous weapons by its employees while performing job duties or in the Intercity Transit workplace.
- 5.2. Where there is sufficient cause or reason to believe that a threat to workplace security or public safety exists, or where a violation of any Intercity Transit policy has occurred, Intercity Transit reserves the right to conduct a search of employee work spaces and vehicles.

## **6. Threats of Domestic Violence at Work**

- 6.1. Any employee who is a victim of domestic violence shall report behavior that threatens the employee at work.
- 6.2. Reports may be made to the employee's supervisor, a manager or Human Resources. Intercity Transit will work with the employee to enhance his or her safety and security at work, at the same time endeavoring to maintain privacy.

## **7. Investigation of Reports of Workplace Violence.**

- 7.1. Investigations will be made promptly, impartially and discreetly. When appropriate, disciplinary action will be imposed, up to and including discharge. Violators may also be subject to criminal prosecution, if applicable. The Human Resources Director has the responsibility for investigating such reports.

## **8. Employee Responsibilities:**

- 8.1. Any Intercity Transit employee who reasonably believes the words or actions of another employee, customer, contractor, vendor, or visitor constitutes a violation of this Rule has the responsibility to report such behavior immediately to one or more of the following: a supervisor, manager or Human Resources.
- 8.2. Supervisors, managers, Human Resources, and any other Intercity Transit staff who receive reports of workplace violence or observe such behavior directly have the responsibility to take prompt action to see that an investigation is initiated.
- 8.3. In the event of an immediate threat or danger, employees should not confront the threatening party. In such case, employees should immediately retreat and call 9-1-1 if appropriate. Use of force by an employee is acceptable when in accordance with RCW 9A.16.020. The incident should be reported to a supervisor, manager or Human Resources as soon as possible.
- 8.4. Retaliation against employees who report acts of workplace violence is prohibited.
  - 8.4.1. Instances of retaliation will be investigated and appropriate disciplinary action taken against the actor, up to and including discharge and possible criminal and civil prosecution.



## 511 – Discipline

### 1. Rule Statement

- 1.1. Intercity Transit hereby provides notice to all employees that discipline may be imposed for substandard performance, unacceptable or prohibited conduct or as otherwise appropriate.
  - 1.1.1. This rule and associated procedures are necessary for the orderly, safe and efficient operation of transit services and endeavors to provide equitable treatment of all employees.
- 1.2. Employees are responsible for using reasonable judgment at all times or seeking supervisory advice in doubtful situations.
- 1.3. Intercity Transit resolves conduct and performance problems in the most informal and constructive manner possible, including the use of:
  - 1.3.1. counseling
  - 1.3.2. coaching
  - 1.3.3. additional training
  - 1.3.4. augmented supervision
  - 1.3.5. verbal cautions or notifications
  - 1.3.6. other non-disciplinary interventions
- 1.4. Intercity Transit may also determine certain circumstances warrant disciplinary action, up to and including termination.
- 1.5. The Human Resources Director will be responsible for the proper handling of such matters, including the assurance that employee rights are protected, and appropriate action is taken when circumstances warrant.

### 2. Examples of Circumstances Leading to Discipline

- 2.1. Examples of unacceptable conduct precipitating disciplinary action include, but are not necessarily limited to:
  - 2.1.1. Attendance/Timeliness
    - 2.1.1.1. Improper or unauthorized use or abuse of paid sick leave.
    - 2.1.1.2. Excessive absenteeism, regardless of reason.
    - 2.1.1.3. Being absent without proper authorization.
    - 2.1.1.4. Late arrival or early departure from work.
  - 2.1.2. Conduct
    - 2.1.2.1. Willful or negligent violation of Intercity Transit policies, procedures, Rules, unit operating rules, or related directives.
    - 2.1.2.2. Failure to carry out a direct order from a supervisor.
      - 2.1.2.2.1. A limited exception may apply in circumstances where it is shown the employee's safety was in serious jeopardy due to the supervisor's directive.
    - 2.1.2.3. Deliberately or knowingly engaging in conflict of interest activity.
    - 2.1.2.4. Making malicious or false, statements that may damage the integrity or reputation of Intercity Transit or its employees; to include willful misrepresentation of Intercity Transit.
    - 2.1.2.5. Falsification, removal, or destruction of information related to employment, payroll or work-related records or reports.
    - 2.1.2.6. Discourteous treatment toward the public, including, but not limited to the use of profane or disrespectful language, harassment conduct, or coercing, threatening, or intimidating acts.
    - 2.1.2.7. Discourteous treatment toward co-workers, supervisory personnel or customers, including, but not limited to, the use of profane or disrespectful language, harassment conduct, or coercing, threatening or intimidating acts.

- 2.1.2.8. Conduct that interferes with the management of Intercity Transit operations.
  - 2.1.2.9. Violation or neglect of safety rules, or contributing to hazardous conditions; negligence that results in injury to an employee, self, or visitor; or failure to promptly report a work-related injury or accident.
  - 2.1.2.10. Unauthorized removal of or use of any Intercity Transit property or property of its customers or agents.
  - 2.1.2.11. Physical altercations on Intercity Transit property with co-workers or customers, unless such altercations are absolutely necessary for self-defense purposes.
  - 2.1.2.12. Conducting illegal gambling activities on Intercity Transit property.
  - 2.1.2.13. Conduct that represents sexual harassment.
  - 2.1.2.14. Conduct that is discriminatory toward another race, color, religion, gender, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, or veteran status.
  - 2.1.2.15. Possession, display, or use of firearms, explosives or other dangerous weapons while on duty, on Intercity Transit property or in Intercity Transit vehicles.
  - 2.1.2.16. Improper use of Intercity Transit electronic and/or communications resources.
  - 2.1.2.17. Unauthorized signing of another employee's "time card" or recording the time of another employee. Both employees may be subject to disciplinary action.
  - 2.1.2.18. Use of Intercity Transit vehicles without prior approval or unlawful operation.
  - 2.1.2.19. Encouraging or engaging in any unlawful work stoppages, slowdowns, walkouts, cessation of work or any other activity designed to restrict or delay the delivery of or receipt of services by Intercity Transit.
  - 2.1.2.20. Any violation of these Rules or any operative department rules, procedures, notices, directives, orders or other similar announcements.
  - 2.1.3. Conviction of a crime, including convictions based on a plea of nolo contendere (no contest), based on the degree to which the conviction of a crime affects an employee's ability to perform his/her regular duties. This determination would include, but is not necessarily limited to:
    - 2.1.3.1. the nexus between the type of crime and the employee's regular duties.
    - 2.1.3.2. the impact any post-conviction judicial or administrative orders, limitations placed on the employee or sentence may have on the employee's ability to perform his/her regular duties
- 2.2. Performance
- 2.2.1. Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned tasks or training, or failure to discharge duties in a prompt, courteous, and reasonable manner.
  - 2.2.2. Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable period.
  - 2.2.3. Refusal to accept reasonable and proper assignments, from an authorized supervisor.
  - 2.2.4. Possessing or being under the influence of alcohol, illegal drugs or controlled substances in reporting to work, while on duty, or while on Intercity Transit property.
  - 2.2.5. Driving Intercity Transit vehicles under the influence of alcohol, drugs or controlled substances; driving with a suspended license; or driving without a valid license.
  - 2.2.6. Failure to report suspension of driver's license where job duties require driving.
  - 2.2.7. Careless, negligent, or improper use of Intercity Transit property, equipment or funds, including unauthorized removal, or use for private purpose, or use involving damage or unreasonable risk of damage to property.
  - 2.2.8. Unauthorized release of confidential information or official records.
  - 2.2.9. Sleeping while on duty.

2.2.10. Abuse of break times, lunch periods, or paid or unpaid leaves.

### **3. Considerations in Implementing Discipline**

3.1. Supervisory and management personnel shall be guided in their consideration of disciplinary matters by the following illustrative, but not inclusive, conditions:

- 3.1.1. The degree of severity of offense.
- 3.1.2. Previous warnings provided to the employee.
- 3.1.3. The number, nature, and circumstances of past offenses or prior discipline.
- 3.1.4. The employee's length of service.
- 3.1.5. The employees' overall job performance record.
- 3.1.6. Provocation, if any, contributing to the offense.
- 3.1.7. Parity in the application of discipline.
- 3.1.8. Equity and relationship of penalty to offense.

### **4. Notice of Discipline**

4.1. Notices of discipline shall be provided to employees either verbally or in writing.

4.1.1. Verbal notice of discipline may be appropriate for matters that are not of a serious nature, but more serious discipline, including and not necessarily limited to, reprimands, suspensions, demotions and terminations shall be communicated in writing to the employee.

4.2. Notices of written discipline shall, as a minimum, contain the following information:

- 4.2.1. A statement of the disciplinary action being imposed and its effective date.
- 4.2.2. A statement of the reasons for imposing the discipline and the nature of the violation.
- 4.2.3. Summary material or evidence referenced by the manager or supervisor who is imposing the discipline.
- 4.2.4. The date of the disciplinary action.
- 4.2.5. The signature of the supervisor administering the disciplinary action.
- 4.2.6. The signature of the employee showing the employee has been afforded the opportunity to review the discipline.
  - 4.2.6.1. The employee's signature does not necessarily mean the employee fully agrees with the contents of the disciplinary action, and the employee may so state on the form before signing the disciplinary action form or record.
- 4.2.7. Employees subject to written discipline shall be provided a true copy of the disciplinary document.
- 4.2.8. Service of disciplinary notices and true copies thereof will be deemed to have been made upon personal presentation, or by depositing the notice in the U.S. mail in accordance with normal business practices, addressed to the employee's last known address on file.

### **5. Types of Discipline**

5.1. Employment with Intercity Transit is not for a fixed term or definite period, and may be terminated at any time either by Intercity Transit or by the employee. Nevertheless, Intercity Transit promotes a disciplinary procedure managers and supervisors shall normally follow when exercising their right to discipline an employee up to and including termination.

5.2. Discipline will normally be progressive and bear a reasonable relationship to the violation.

The following types of discipline that may occur are listed in general order of increasing formality and seriousness. The steps listed are meant to be a general guideline only. Any of the steps mentioned may be applied based on the circumstance and severity of the incident.

5.2.1. An employee may be given notice, coaching or counseling through an informal discussion with the employee pointing out an unsatisfactory element of job performance.

- 5.2.1.1. This type of discipline is applied for infractions or violations of a relatively minor degree.
- 5.2.1.2. A brief record of the verbal discussion is made by the supervisor and forwarded to Human Resources for placement in the employee's personnel file.
- 5.2.2. An employee may be given a written reprimand such as a formal statement by the supervisor to an employee pointing out an unsatisfactory element of job performance or unacceptable conduct.
  - 5.2.2.1. This type of discipline is applied when the employee continues to violate policies or procedures, repeats a violation, or when the violation is deemed to be more serious in nature than that of a minor violation.
  - 5.2.2.2. A formal record of the written reprimand is made, to include the date and content of the reprimand, and forwarded to Human Resources for placement in the employee's personnel file.
- 5.2.3. An employee may be suspended without pay by providing the employee a formal statement by the supervisor to an employee pointing out a serious unsatisfactory element of job performance or unacceptable conduct.
  - 5.2.3.1. This type of discipline is normally applied as a result of serious infractions, or continued violations of policies or procedures, or for violations after a Written Reprimand has been imposed.
  - 5.2.3.2. Employees designated as exempt from the Fair Labor Standards Act (FLSA) are not subject to disciplinary suspension of less than one week except in the case of major safety violations, which warrant serious discipline.
  - 5.2.3.3. An employee may be suspended from work without pay for up to ten (10) working days by authority of the department director and concurrence with the Human Resources Director.
    - 5.2.3.3.1. Suspensions of a longer duration require the approval of the General Manager.
  - 5.2.3.4. All suspensions shall be immediately reported to the General Manager.
  - 5.2.3.5. In no event will the use of paid time be allowed during a period of suspension without pay.
    - 5.2.3.5.1. Should a paid observed holiday occur during a period of suspension without pay, the suspension period will be extended by the number of holidays occurring during the suspension period.
  - 5.2.3.6. A formal record of the suspension is made, to include the date and the circumstances leading to the suspension, and forwarded to the Human Resource Director for placement in the employee's personnel file.
  - 5.2.3.7. Unless otherwise directed, an employee subject to a disciplinary suspension shall also have his/her employment related access to Intercity Transit facilities barred.
    - 5.2.3.7.1. This does not, of course, prevent the suspended employee's access to Intercity Transit facilities as a transit customer during the period of suspension.
- 5.2.4. An employee may be demoted from his/her employment from Intercity Transit.
  - 5.2.4.1. This type of disciplinary action is normally applied as a result of severe infractions, or continued violations of policies or procedures, or for violations after a Suspension without Pay has been imposed.
    - 5.2.4.1.1. Normally a disciplinary demotion is reserved for those instances where an employee performed successfully in a lower classification and where opportunities are extant to which to the employee can be demoted.

- 5.2.4.1.2. Recommendations to demote an employee shall be made by the department director with the concurrence of the Human Resources Director, and subject to the approval of the General Manager
- 5.2.5. An employee may be discharged from his/her employment from Intercity Transit.
  - 5.2.5.1. This type of disciplinary action is normally applied as a result of severe infractions, or continued violations of policies or procedures, or for violations after a Suspension without Pay has been imposed.
  - 5.2.5.2. Recommendations to discharge an employee shall be made by the department director with the concurrence of the Human Resources Director, and subject to the approval of the General Manager.

## **6. Pre-Disciplinary Meeting**

- 6.1. The Human Resources Director will provide for and arrange a pre-disciplinary meeting prior to Intercity Transit implementing any final decision involving a suspension, demotion or termination of an employee.
  - 6.1.1. The employee will be provided, in writing, proper notice of the infraction the proposed disciplinary action and the time and location of the pre-disciplinary meeting.
    - 6.1.1.1. The notice shall contain an explanation of the reasons for the proposed action and the types of evidence on which the reasons are based. The notice shall inform the employee that the employee may respond orally and/or in writing, may present rebuttal evidence or information, may have access to evidence or material on which the reasons for the proposed action are based pursuant to the Public Records Act, and may have the assistance of counsel. The notice shall also inform the employee that he or she has a right to a name-clearing hearing as part of the Pre-Disciplinary Meeting pursuant to HRR 604.7.
      - 6.1.1.1.1. This does not bar Intercity Transit from presenting at subsequent meeting(s) more detailed and/or complete information, or additional information learned in course of considering and imposing discipline, or the presentation of witnesses and/or documents not available or not used at any prior pre-disciplinary meeting.
      - 6.1.1.1.2. The employee may also have access to material pursuant to the Public Records Act.
  - 6.1.2. The employee will be given an opportunity to respond verbally or in writing as to the proposed disciplinary action and provide mitigating circumstances the employee wishes Intercity Transit to consider before imposing any discipline.
  - 6.1.3. The employee may have legal counsel or a representative of their choice at a pre-disciplinary meeting.
    - 6.1.3.1. If the employee is a member of a collective bargaining unit, the legal counsel or representative referenced above shall be authorized by the involved collective bargaining agent.
  - 6.1.4. Failure of the part of an employee to attend a pre-disciplinary meeting may be taken into consideration by Intercity Transit when implementing a final action in the discipline.

## **7. Notice of Suspension, Demotion or Discharge**

- 7.1. All final disciplinary action that involves a suspension of more than ten (10) days, demotion or discharge must be approved by the General Manager.
- 7.2. Written notice of the discipline shall be given to the employee in any matter involving a disciplinary suspension, demotion or discharge. Such notice will include the alleged infraction and a general statement of the reasons for the action, and become a part of the employee's

personnel file.

## **8. Administrative Leave**

- 8.1. Under certain circumstances, it may be necessary to restrict an employee immediately from performing duties at the work site or bar the employee access to Intercity Transit facilities during a workplace investigation or pending the outcome of the disciplinary process. An employee may be placed on administrative leave in such circumstances.
- 8.2. Because there could be a need for immediate action, the decision to place an employee on administrative leave shall be the responsibility of the supervisor. Unless otherwise determined by the Human Resources Director or the General Manager, the employee shall be placed on paid administrative during the administrative leave period.
  - 8.2.1. While on paid administrative leave the employee may be directed to be immediately accessible in person or by telecommunication during the employee's normal work hours.
  - 8.2.2. Unless otherwise directed, an employee subject to administrative leave shall also have his/her employment related access to Intercity Transit facilities barred.
    - 8.2.2.1. This does not, of course, bar the employee's access to Intercity Transit facilities as a transit customer during the period of the administrative leave.
  - 8.2.3. The placement of an employee on administrative leave shall be immediately reported to the department director, the Human Resources Director and the General Manager.

## **601 – Workplace Safety**

### **1. Safety and Enforcement of Safety Rules**

- 1.1. It is the intent of Intercity Transit to provide for the continuous development, implementation, and maintenance of an ongoing program that promotes a healthy and safe work environment for all employees. Intercity Transit's efforts to promote and maintain a safe work environment include regular meetings of a safety committee, accident prevention and investigation, training, work place inspections, recordkeeping and incident reporting.
- 1.2. Intercity Transit's safety rules and practices will be strictly enforced. Employees will be subject to disciplinary action, up to and including termination of employment, if determined to be in violation of established safety rules or willfully negligent in the safe performance of their jobs.

### **2. Assignment of Responsibilities**

- 2.1. It will be the responsibility of the Human Resources Director to manage Intercity Transit's safety program, including record keeping and processing of injury reports, safety records, and safety training.
- 2.2. All employees will be held responsible at all times to observe and practice the highest possible standards of health and safety in carrying out assigned duties.
- 2.3. Managers and supervisors will:
  - 2.3.1. Be responsible for enforcement of safety rules among employees under their supervision.
  - 2.3.2. Be responsible for familiarizing employees with the hazards of the job to which they are assigned, and will instruct their personnel in the safe methods of performing the job.
  - 2.3.3. Periodically review the work practices of employees whom they supervise to ascertain that employees continue to work in a safe manner, and in accordance with the safe practices covering specific work.
  - 2.3.4. Periodically inspect work areas, vehicles and equipment for proper housekeeping, for fire or other hazards, and for unsafe conditions.
  - 2.3.5. Report all injuries promptly to the Human Resources Director or the designee.

### **3. General Safety Rules**

- 3.1. The following general safety rules apply to all Intercity Transit employees. Each department may implement separate safety rules applicable to the specific nature of work in their area, but they should not conflict with these general rules.
  - 3.1.1. No employee will knowingly be assigned to work under unsafe conditions or with unsafe tools or equipment. In the event that such a condition develops, it will be immediately reported to the supervisor, who will make the determination as to whether the condition or equipment is safe or unsafe.
    - 3.1.1.1. Employees are expected to abide by the supervisor's determination of the situation. If the employee refuses to abide by the supervisor's determination, he/she may be subject to disciplinary action.
  - 3.1.2. Employees shall pay strict attention to their work and avoid unsafe conduct.
    - 3.1.2.1. As an example and not by limitation, practical joking and horseplay will not be tolerated.
  - 3.1.3. Warning signs and signals posted to point out dangerous conditions are to be obeyed by employees.
  - 3.1.4. Employees shall not take shortcuts in, or over, dangerous places.
  - 3.1.5. Extreme caution shall be exercised by employees operating any type of power tool.
  - 3.1.6. Because of hazards inherent in running, employees shall refrain from running unless absolutely necessary to the performance of duty.

- 3.1.7. Employees shall use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, and hard hats, if required or appropriate to the work performed.
- 3.1.8. Employees shall avoid wearing loose clothing and jewelry while working on or near equipment and machines.
- 3.1.9. All accidents, regardless of severity, personal or vehicular, shall be reported immediately to the supervisor.
- 3.1.10. Employees in a business-use vehicle equipped with seat belts shall, in compliance with law, wear the seat belt when the vehicle is in operation.
- 3.1.11. All employees operating vehicles will observe all local traffic laws.
- 3.1.12. In all work situations, safeguards as required by state and federal safety orders will be provided.
- 3.1.13. Employees shall not use personal cell phones when operating an Intercity Transit vehicle.

#### **4. Hazardous Contents Protocols**

- 4.1. Container Labeling: The General Manager shall designate, in writing, a person responsible to verify containers received for use are properly labeled as follows:
  - 4.1.1. Contents clearly labeled:
    - 4.1.1.1. Appropriate hazard warning(s) noted.
    - 4.1.1.2. Name and address of manufacturer.
  - 4.1.2. The designee will ensure all secondary containers are labeled with an extra copy of the manufacturer's label or with a generic label which identifies the above information.
  - 4.1.3. The labeling system will be reviewed annually and updated as needed by the department designee.
- 4.2. Material Safety Data Sheets (MSDS) Workplace Surveys:
  - 4.2.1. Information on hazardous chemicals in the workplace shall be made available to all employees through Material Safety Data Sheets (MSDS) provided by the manufacturer or supplier or workplace surveys, if available.
  - 4.2.2. The MSDS are available for review.
    - 4.2.2.1. Any employee who desires to review an MSDS or workplace surveys should contact his or her supervisor.
- 4.3. New employees shall be trained about the particular chemicals used by employees within that department.
  - 4.3.1. Employees will verify they received the training and written materials (if applicable), and that the employee understands this rule.
  - 4.3.2. These records will be kept on file.
- 4.4. Retaliation against an employee for exercising any right in this subsection is prohibited as provided in RCW 49.70.110.

#### **5. Reporting On-The-Job Injuries**

- 5.1. Employees injured on the job, or whose injuries are directly related to the performance of job duties, are required to report all injuries to their supervisor immediately, regardless of how minor the injury may be.
  - 5.1.1. If medical care is needed immediately, supervisors shall assist employees in getting the necessary medical attention promptly, after which the full details of the injury are to be reported to the Human Resources Director, or designee, on prescribed accident/injury report forms.
- 5.2. Failure to properly report an accident/ injury may be cause for disciplinary action.



## **602 – Communicable Diseases**

### **1. Bloodborne Pathogens**

- 1.1. Intercity Transit is committed to maintaining a healthy and safe work environment for employees. Occupational Safety and Health Administration (OSHA) regulates facilities where employees could be exposed to bloodborne pathogens by promoting safe work practices to minimize the incidence of disease caused by these pathogens. Relative to this goal, OSHA enacted the Bloodborne Pathogen Standard (29CFR1910.1030). The purpose of the standard is to reduce occupational exposure to human bloodborne pathogens that employees may come in contact with in the workplace and to establish a framework for training and medical response.
- 1.2. Bloodborne pathogens include, but are not limited to
  - 1.2.1. Hepatitis B virus (HBV).
  - 1.2.2. Hepatitis C virus (HCV).
  - 1.2.3. Human Immunodeficiency Virus (HIV).

### **2. Responsibilities of Employees with a Bloodborne Pathogen Infection**

- 2.1. Intercity Transit recognizes that HBV, HCV or HIV may pose substantive issues for employees in the workplace. Accordingly, the following guidelines are operative:
  - 2.1.1. Persons with a bloodborne pathogen infection are urged to share information concerning their ability to perform assigned work with management for the purpose of reasonable accommodation and/or referral to the Employee Assistance Program.
  - 2.1.2. Self-disclosure of bloodborne pathogen infection is voluntary. Harassment and/or disparate treatment are prohibited.

### **3. Confidentiality**

- 3.1. Confidentiality of all employee medical records shall be maintained in accordance with all applicable federal and state laws.

### **4. Discrimination Prohibited**

- 4.1. Intercity Transit managers or supervisors are prohibited from discrimination because a person is or is believed to be HBV, HCV or HIV infected. Exclusion, refusal to hire or promote or the discharge of a person infected with HBV, HCV or HIV or believed to be infected, from any position on the basis of that infection or belief is prohibited.
  - 4.1.1. The individual must be able to perform the essential duties of the job and;
  - 4.1.2. It must be determined that the individual does not pose a safety risk to other employees or the public.
- 4.2. A competent medical authority designated by Intercity Transit may be called upon to evaluate the severity of such a risk. Persons who believe they have been discriminated against on the basis of a bloodborne pathogen infection are protected under Intercity Transit's rules of nondiscrimination and may contact their supervisor or Human Resources for assistance.
- 4.3. Employees are not permitted to refuse to work with a fellow employee or member of the public who has, or is suspected of having, a bloodborne pathogen infection. An employee who is concerned about the risk of exposure from others should review their concerns with a supervisor or Human Resources.

## 603 – “Whistleblower” Protection

### 1. Purpose and Scope

- 1.1. The purpose of this Rule is to protect employees of Intercity Transit from retaliation because the employee provided information that an improper governmental action occurred.

### 2. Definitions

- 2.1. "Improper governmental action" means any action in performance of an official duty by an officer or employee on Intercity Transit, either within or outside the scope of employment, that is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.
  - 2.1.1. By way of illustration and not by limitation, "improper governmental action" does not include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the local government collective bargaining and civil service laws, alleged labor agreement violations and reprimands or other action set out in RCW 42.41.020.
- 2.2. "Retaliatory action" means a) Any adverse change in a local government employee's employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or (b) hostile actions by another employee towards a local government employee that were encouraged by a supervisor or senior manager or official..

### 3. Initial Notice Requirements

- 3.1. Any employee seeking relief under this procedure must provide the General Manager or the Chair of the Intercity Transit Authority written notice of a charge that the employee was subject to a retaliatory action because the employee provided information that an improper governmental action occurred. Such written notice shall specify:
  - 3.1.1. The alleged retaliatory action taken; and
  - 3.1.2. The relief requested.
- 3.2. The written notice of the alleged retaliatory action and requested relief shall be delivered to the General Manager or the Chair of the Authority within thirty (30) calendar days after the occurrence of the alleged retaliatory action.
  - 3.2.1. The written notice may be delivered in a sealed envelope.
  - 3.2.2. Unless there is an emergency that requires immediate attention to prevent damage to persons or property, the employee will submit written notice before providing information of improper governmental activity to any other person.

### 4. Review of Provided Notice

- 4.1. Allegations of retaliatory action made by employees shall be addressed as provided under RCW 42.41.040 through 42.41.900.

## 604 – Grievance Procedure

### 1. Scope of Rule

- 1.1. Except as provided herein, this grievance procedure shall apply to all employees of Intercity Transit.
- 1.2. Employees who are members of a collective bargaining unit are excluded from this grievance procedure and shall follow the grievance procedure established in their respective collective bargaining *Agreement*.

### 2. Purpose of Rule

- 2.1. The purpose of this Rule and the procedure herein is to provide employees an organized procedure for addressing perceived problems and provide a means by which they can pursue the resolution of disputes with Intercity Transit.
- 2.2. Subject to exclusions referenced below, this Rule and the procedure provided herein are specifically limited to matters of an employee's working conditions (e.g. an alleged violation of operative policy, rules or safety concerns, wage issues, performance ratings, disciplinary action taken, conduct involving harassment or discrimination).
- 2.3. Employees are strongly encouraged to discuss any problems or complaints with their immediate supervisor or department director prior to initiating these formal review procedures. However, if an employee feels that all informal avenues have been exhausted and their problem or complaint has not been resolved, the employee may follow the more formal dispute resolution steps as provided herein.
- 2.4. The procedure provided herein is not intended to be a means by which employees can address disputes with each other.

### 3. Grievance Procedure Protocols

- 3.1. Employees shall normally present their own issues or disputes to their immediate supervisor.
- 3.2. Irrespective of the procedure provided below, disputes involving alleged discrimination on the basis of an individual's race, color, religion, gender, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, or veteran status may be submitted directly to the Human Resources Director.

### 4. Grievance Resolution Procedure

- 4.1. Prior to initiating these formal procedures, an employee shall informally discuss the situation or dispute with the employee's supervisor.
- 4.2. **STEP 1:** An employee having a grievance, as defined in Section 2.2 above, shall make every effort to resolve the matter through formal discussion with their immediate supervisor within fourteen (14) calendar days of the occurrence or cause of such matter.
  - 4.2.1. To be operative, a written grievance must contain:
    - 4.2.1.1. A written explanation of the circumstances associated with the grievance.
    - 4.2.1.2. A citation of the rules or policy alleged to have been violated.
    - 4.2.1.3. The employee's rationale for why the referenced rule or policy has been violated.
    - 4.2.1.4. The desired remedy.
    - 4.2.1.5. The employee's rationale as to why the desired remedy is an appropriate resolution to the dispute.
    - 4.2.1.6. The date on which the grievance is submitted.
    - 4.2.1.7. The signature of the employee.
  - 4.2.2. A copy of the grievance shall be forwarded immediately by the employee to the involved department director and the Human Resources Director.

- 4.2.3. The supervisor shall take the matter under consideration and attempt to respond in writing to the grievance within fourteen (14) calendar days from the date on which the grievance was submitted.
  - 4.2.3.1. A copy of the written response shall be forwarded to the department director and the Human Resources Director.
- 4.3. **STEP 2:** If the supervisor fails to respond to the employee's grievance, or if the grievance response is not to the employee's satisfaction, the aggrieved employee may file a Step 2 review request. The Step 2 review request must include the information as required in Section 4.2.1 herein, recorded on the prescribed grievance form and be submitted to the employee's department director and the Human Resources Director within fourteen (14) calendar days following the supervisor's Step 1 response.
  - 4.3.1. The Human Resources Director or a designee within the Human Resources Department shall arrange a meeting with the employee to allow the employee to present a personal and complete description of the situation.
    - 4.3.1.1. The employee may review relevant Intercity Transit records in advance of the meeting, pursuant to the state Public Records Act.
    - 4.3.1.2. At the meeting the employee has the right to present verbal and documentary evidence from himself and others and to present reasons and argument as to why the employee's requested relief should be granted.
  - 4.3.2. Thereafter, the Human Resources Director or a designee within the Human Resources Department will take the matter under consideration, including any appropriate investigation or evaluation of the facts related to the situation. The Human Resources Director or a designee within the Human Resources Department will render a written decision, response, or explanation within fourteen (14) calendar days following receipt of the Step 2 meeting as referenced in Section 4.3.1 above, unless additional time is needed to gather adequate information.
    - 4.3.2.1. If additional time to respond is required by the Human Resources Director or a designee within the Human Resources Department, the employee shall be notified as to the anticipated date of the response.
  - 4.3.3. A copy of the written decision by the Human Resources Director or designee within the Human Resources Department shall be forwarded to the involved department director.
- 4.4. **STEP 3:** If an employee is not satisfied with the Human Resources Director's or designee's response, the employee may file a Step 3 review request. A Step 3 review request must include the information as required in Section 4.2.1 herein, to the General Manager within seven (7) calendar days following the Step 2 response by the Human Resources Director or designee.
  - 4.4.1. The employee shall also forward a copy of the Step 3 appeal to the Human Resources Director.
  - 4.4.2. The General Manager shall review the grievance and provide the employee with a written response within fourteen (14) calendar days following receipt of the Step 3 appeal. If additional time to respond is required by the General Manager, the employee shall be notified as to the anticipated date of the response.
  - 4.4.3. A copy of the General Manager's written response shall be forwarded to the Human Resources Director and the involved department director.
  - 4.4.4. The General Manager's response shall be final and binding to all parties involved.

## **5. Name Clearing Hearing**

- 5.1. An employee has the right to a name-clearing hearing if he or she reasonably believes that Intercity Transit has placed stigmatizing material in the employee's file or has otherwise made such material public.

- 5.1.1. The “name clearing hearing” may be requested through the grievance procedure, through the pre-disciplinary meeting in HRR 511, or independently.
- 5.1.2. Stigmatizing material means information which is deemed stigmatizing under the case law on due process liberty interests. Such material generally includes allegations of improper conduct that impairs an employee's reputation for honesty or morality, or that imputes immoral, illegal or dishonest behavior.
- 5.1.3. Allegations of mere inadequate job performance are not deemed stigmatizing
- 5.2. An employee seeking a name clearing hearing, as provided herein, shall request same within fourteen (14) calendar days of the occurrence or cause precipitating the employee's request or from the time the employee could have reasonably discovered the occurrence or cause precipitating such a request.
- 5.3. The Human Resources Director or designee shall normally conduct the name clearing hearing.
- 5.4. At the hearing, the employee may present evidence and information, verbally or in writing, showing that any stigmatizing factual assertions or other material placed in Intercity Transit files or otherwise made public by Intercity Transit are false, irrelevant or should be removed for any other reason. The Human Resources Director or designee shall consider all evidence and information presented by the employee and may retain, remove or modify the material claimed to be stigmatizing

## **6. Time Limits**

- 6.1. If the herein stated procedures are not initiated within the prescribed time limits, the grievance or request for a name clearing hearing will be considered null and void and any further appeal on the part of an employee to pursue the matter will be barred.
- 6.2. Any grievance not taken to the next step in the Grievance Resolution Procedure shall be considered settled on the basis of the last reply made and received in accordance with the above provisions.
- 6.3. If Intercity Transit fails to meet or answer any grievance within the time limits prescribed for such action, such grievance may be appealed by the employee to the next step.

## **7. Discrimination and Harassment Prohibited**

- 7.1. No employee shall be disciplined or discriminated against in any way because of the employee's proper use of these procedures.
  - 7.1.1. Employees who deliberately misuse the grievance procedures or who file fraudulent grievances shall be subject to disciplinary action, up to and including termination of employment.